

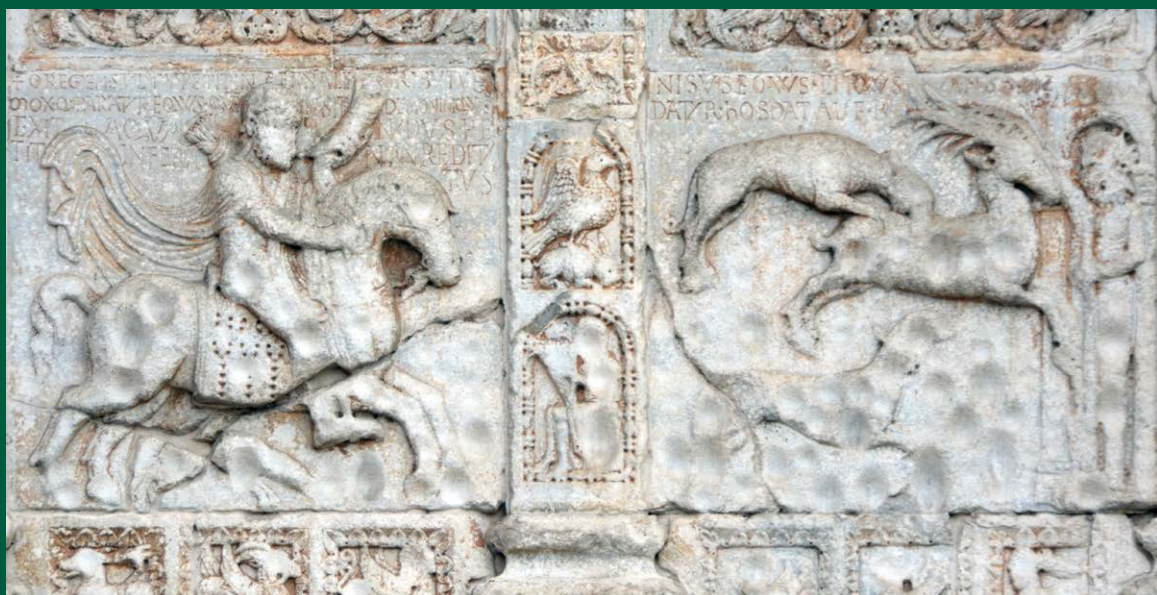


BETWEEN OSTROGOTHIC AND CAROLINGIAN ITALY

Survivals, revivals, ruptures

edited by

Fabrizio Oppedisano



Reti Medievali E-Book

ISSN 2704-6362 (PRINT) | ISSN 2704-6079 (ONLINE)

43



Reti Medievali

Editors-in-chief

Maria Elena Cortese, University of Genoa, Italy
Roberto Delle Donne, University of Naples Federico II, Italy
Thomas Frank, University of Pavia, Italy
Paola Guglielmotti, University of Genoa, Italy
Vito Loré, Roma Tre University, Italy
Iñaki Martín Viso, University of Salamanca, Spain
Riccardo Rao, University of Bergamo, Italy
Paolo Rosso, University of Turin, Italy
Gian Maria Varanini, University of Verona, Italy
Andrea Zorzi, University of Florence, Italy

Scientific Board

Enrico Artifoni, University of Turin, Italy
María Asenjo González, Complutense University of Madrid, Spain
William J. Connell, Seton Hall University, United States
Pietro Corrao, University of Palermo, Italy
Élisabeth Crouzet-Pavan, Sorbonne Paris IV University, France
Christopher Dartmann, University of Hamburg, Germany
Stefano Gasparri, University of Venice Ca' Foscari, Italy
Patrick Geary, Institute for Advanced Study in Princeton, United States
Jean-Philippe Genet, Panthéon-Sorbonne Paris 1 University, France
Knut Görich, University of Munich Ludwig Maximilian, Germany
Julius Kirshner, University of Chicago, United States
Maria Cristina La Rocca, University of Padua, Italy
Michel Lauwers, Côte d'Azur University, France
Isabella Lazzarini, University of Molise, Italy
Annliese Nef, Panthéon-Sorbonne Paris 1 University, France
Beatrice Pasciuta, University of Palermo, Italy
Annick Peters Custot, University of Nantes, France
Giuseppe Petralia, University of Pisa, Italy
Walter Pohl, Technische Universität Wien, Austria
Flocel Sabaté, University of Lleida, Spain
Roser Salicrú i Lluç, Consejo Superior de Investigaciones Científicas Barcelona, Spain
Francesco Vincenzo Stella, University of Siena, Italy
Giuliano Volpe, University of Bari Aldo Moro, Italy
Chris Wickham, All Souls College, Oxford, United Kingdom

Peer-review

All published e-books are double-blind peer reviewed at least by two referees. Their list is regularly updated at URL: <http://www.serena.unina.it/index.php/rm/referee>. Their reviews are archived.

RULING IN HARD TIMES

*Patterns of power and practices of government
in the making of Carolingian Italy*

2

Between Ostrogothic and Carolingian Italy
Survivals, revivals, ruptures

edited by Fabrizio Oppedisano

Firenze University Press
2022

Between Ostrogothic and Carolingian Italy : survivals, revivals, ruptures / edited by Fabrizio Oppedisano. – Firenze : Firenze University Press, 2022.
(Reti Medievali E-Book ; 43)

<https://books.fupress.com/isbn/9788855186643>

ISSN 2704-6362 (print)
ISSN 2704-6079 (online)
ISBN 978-88-5518-663-6 (Print)
ISBN 978-88-5518-664-3 (PDF)
ISBN 978-88-5518-665-0 (ePUB)
ISBN 978-88-5518-666-7 (XML)
DOI 10.36253/978-88-5518-664-3

The volume has been published thanks to the contributions of the Department of Humanities and Philosophy of the University of Trento and the Ministry of University and Research, Project of Relevant National Interest, call for proposals 2017 - project code 2017ETHP5S, *Ruling in hard times. Patterns of power and practices of government in the making of Carolingian Italy*. The project leader is Giuseppe Albertoni (University of Trento); the editor of the volume, Fabrizio Oppedisano, is the project leader at the Scuola Normale Superiore, Pisa.

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

Peer Review Policy

Peer-review is the cornerstone of the scientific evaluation of a book. All FUP's publications undergo a peer-review process by external experts under the responsibility of the Editorial Board and the Scientific Boards of each series (DOI 10.36253/fup_best_practice.3).

Referee List

In order to strengthen the network of researchers supporting FUP's evaluation process, and to recognise the valuable contribution of referees, a Referee List is published and constantly updated on FUP's website (DOI 10.36253/fup_referee_list).

Firenze University Press Editorial Board

M. Garzaniti (Editor-in-Chief), M.E. Alberti, F. Vittorio Arrigoni, E. Castellani, F. Ciampi, D. D'Andrea, A. Dolfi, R. Ferrise, A. Lambertini, R. Lanfredini, D. Lippi, G. Mari, A. Mariani, P.M. Mariano, S. Marinai, R. Minuti, P. Nanni, A. Orlandi, I. Palchetti, A. Perulli, G. Pratesi, S. Scaramuzzi, I. Stolzi.

FUP Best Practice in Scholarly Publishing (DOI 10.36253/fup_best_practice).

 The online digital edition is published in Open Access on www.fupress.com.

Content license: except where otherwise noted, the present work is released under Creative Commons Attribution 4.0 International license (CC BY 4.0: <http://creativecommons.org/licenses/by/4.0/legalcode>). This license allows you to share any part of the work by any means and format, modify it for any purpose, including commercial, as long as appropriate credit is given to the author, any changes made to the work are indicated and a URL link is provided to the license.

Metadata license: all the metadata are released under the Public Domain Dedication license (CC0 1.0 Universal: <https://creativecommons.org/publicdomain/zero/1.0/legalcode>).

© 2022 Author(s)

Published by Firenze University Press
Firenze University Press
Università degli Studi di Firenze
via Cittadella, 7, 50144 Firenze, Italy
www.fupress.com

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

1. *Networks of bishops, networks of texts. Manuscripts, legal cultures, tools of government in Carolingian Italy at the time of Lothar I*, edited by Gianmarco De Angelis, Francesco Veronese, 2022
2. *Between Ostrogothic and Carolingian Italy. Survivals, revivals, ruptures*, edited by Fabrizio Oppedisano, 2022
3. *Carolingian frontiers. Italy and beyond*, edited by Maddalena Betti, Francesco Borri, Stefano Gasparri, forthcoming
4. *Aristocratic networks. Elites and social dynamics in the age of Lothar I*, edited by Giuseppe Albertoni, Manuel Fauliri, Leonardo Sernagiotto, forthcoming
5. *Patterns of power and practices of government in the making of Carolingian Italy*, edited by Giuseppe Albertoni, Gianmarco De Angelis, Stefano Gasparri, Fabrizio Oppedisano, forthcoming

Index

Abbreviations	X
Preface, by Fabrizio Oppedisano	XI
<i>Ostrogoths vs. Franks: Imagining the Past in the Middle Ages</i> , by Fabrizio Oppedisano	1
1. Goths and Franks in the Chronicle of Giovanni	3
2. Myths of origins	8
3. Goths and Franks in the Carolingian age	9
4. Conclusions: Cassiodorus, the <i>Variae</i> and the evanescent memory of Roman-Ostrogothic society	11
<i>Roman Law in the regnum Italiae under the Emperor Lothar I (817-855): Epitomes, Manuscripts, and Carolingian Legislation</i> , by Stefan Esders	19
1. Introduction	21
2. Roman law as an ecclesiastical legal resource: the <i>Epitome Iuliani</i> in Northern Italy	23
3. Roman law as a personal law: the Frankish <i>Epitome Aegidii</i> in the regnum Italiae	28
4. Conclusions	35

FUP Best Practice in Scholarly Publishing (DOI 10.36253/fup_best_practice)

Fabrizio Oppedisano (edited by), *Between Ostrogothic and Carolingian Italy. Survivals, revivals, ruptures*, © 2022 Author(s), CC BY 4.0, published by Firenze University Press, ISBN 978-88-5518-664-3 (PDF), DOI 10.36253/978-88-5518-664-3

<i>The Creation of Two Ethnographic Identities: the Cases of the Ostrogoths and the Langobards</i> , by Robert Kasperski	41
1. Introduction	43
2. The ethnographic identity of the Ostrogoths	45
3. The ethnographic identity of the Langobards	49
4. Conclusions	55
 <i>The Imperial Image of Theoderic: the Case of the Regisole of Pavia</i> , by Carlo Ferrari	59
1. Introduction	61
2. Ravenna, Aachen, Pavia	64
3. The Regisole: how it looked and who it represented	66
4. The arrival of the Regisole in Pavia in the 8 th century	70
5. Aistulf in Ravenna	74
6. Concluding remarks: the imperial image of Theoderic and the Regisole	75
 <i>«Stilo... memoriaeque mandavi»: Two and a Half Conspiracies. Auctors, Actors, Confessions, Records, and Models</i> , by Danuta Shanzer	81
1. Introduction	83
2. Boethius at the Ostrogothic court	84
3. A detour to Ammianus (half a conspiracy?)	86
4. Back to Boethius	89
5. A Carolingian conspiracy	89
6. Midpoint: so far, so good?	90
7. Theodulf: collateral damage?	91
8. Conspiracies in general: into orbit?	98
9. Paying later vs. paying now: and how?	102
Appendix. The Cassiodoran Vita	103
 <i>Cassiodorus' Variae in the 9th Century</i> , by Marco Cristini	109
1. Introduction	111
2. Cassiodorus at Aachen: the <i>Variae</i> as models for Charlemagne's letters to Constantinople	111
3. Cassiodorus and Paschasius Radbertus	119
4. Cassiodorus and the <i>Constitutum Constantini</i>	120
5. Conclusions	122
 <i>The Revival of Cassiodorus' Variae in the High Middle Ages (10th-11th Century)</i> , by Dario Internullo	127
1. Introduction	129
2. Reusing Cassiodorus' <i>Variae</i> at the turn of the first Millennium (997-1027)	130
3. The local contexts: Tivoli and Rome, notaries and judges	137
4. Reasons for reuse. A first "legal Renaissance"?	141

<i>Epigraphic Stratigraphy: is There Any Trace of the Ostrogoths in Early Medieval "Layers" (6th-9th Century)?</i> , by Flavia Frauzel	149
1. Introduction	151
2. Post-war and doubtful Ostrogothic/Lombard inscriptions	152
3. The epigraph of Wideramn and similar plaques from Lombardy and Piedmont	155
4. Survival and changes in epigraphic and palaeographic features between the 7 th -8 th centuries	159
5. The Carolingian Graphic Reform and its effects on epigraphy	161
6. Conclusions	164
 <i>The Centres of Public Power Between the Cities and the Countryside in the Light of the Recent Archaeology (Italian Peninsula, Late 5th-9th Century)</i> , by Federico Cantini	189
1. Introduction	191
2. Late Antiquity	191
3. The Gothic era (late 5 th to mid-6 th century)	193
4. The period of the Lombard Kingdom (mid-6 th to mid-8 th centuries)	194
5. The Carolingian era (mid-8 th -9 th century)	198
6. Central-Northern Tuscia: Lucca, Pisa, Volterra and San Genesio	200
7. Conclusions	204
 <i>Conclusions</i> , by Stefano Gasparri	223
 Index of Persons	233
 Index of Place Names and Ethnonyms	237
 Index of Sources	241

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 historiae 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

FUP Best Practice in Scholarly Publishing (DOI 10.36253/fup_best_practice)

Fabrizio Oppedisano (edited by), *Between Ostrogothic and Carolingian Italy. Survivals, revivals, ruptures*, © 2022 Author(s), CC BY 4.0, published by Firenze University Press, ISBN 978-88-5518-664-3 (PDF), DOI 10.36253/978-88-5518-664-3

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

Referee List (DOI 10.36253/fup_referee_list)

FUP Best Practice in Scholarly Publishing (DOI 10.36253/fup_best_practice)

Dario Internullo, *The Revival of Cassiodorus' Variae in the High Middle Ages (10th-11th Century)*, © Author(s), CC BY 4.0, DOI 10.36253/978-88-5518-664-3.10, in Fabrizio Oppedisano (edited by), *Between Ostrogothic and Carolingian Italy. Survivals, revivals, ruptures*, pp. 127-147, 2022, published by Firenze University Press, ISBN 978-88-5518-664-3 (PDF), DOI 10.36253/978-88-5518-664-3

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 Europe¹. 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-

¹ Reuses: Grévin, *Rhétorique du pouvoir*; Grévin – Barret, «*Regalis excellentia*». Manuscript tradition: Fauvinet-Ranson, *La réception 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	<i>Variae</i>
1	997	RF 420	Donation	Stephanus <i>tabellio et dativus iudex</i>	Tivoli	XI, 2 + VIII, 29
2	1000	RT 9	Donation	Stephanus <i>tabellio</i>	Tivoli	XI, 2 + VIII, 29
3	1010	RS 199	Donation	Iohannes <i>scriniarius et tabellio</i>	Rome	XI, 2 + VIII, 29
4	1010	RF 608	T. donation	Leo <i>scriniarius et tabellio</i>	Rome	IV, 4
5	1012	RF 658	Placitum	Leo <i>scriniarius</i>	Rome	IX, 4
6	1013	RS 193	Donation	Iohannes <i>scriniarius</i>	Rome	XI, 2 + VIII, 29
7	1013	RF 665	Donation	Petrus <i>scriniarius</i>	Rome	XI, 2 + VIII, 29
8	1013	RF 666	T. donation	Petrus <i>scriniarius</i>	Rome	IV, 4
9	1015	RF 500	Donation	Petrus <i>scriniarius</i>	Rome	XI, 2 + VIII, 29
10	1027	SPV 9	Donation	Iohannes <i>scriniarius</i>	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 cases³.

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 typologies⁴.

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.

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 <i>tabellio</i> from Tivoli	Cassiodorus, <i>Variae</i> , XI, 2 + VIII, 29
Supplicandum est nobis, pissimi patres , quos videmus sedule in Dei laudibus insistere, quatinus vestras orationes nobis ad salutem proficere sentiamus . Iccirco vobis libenti animo ex nostra facultate offerimus, quos cernimus pro nostra 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 diligere non meremur, et permutatione officii bona recipimus dum talia agamus? (XI, 2)
RF 500. 1015, Petrus <i>scriniarius</i> from Rome	
Supplicandum nobis est beatissimos patres quos videmus sedule in Dei laudibus assistere et orationibus ; iccirco dignum est eis libenti animo ex nostris facultatibus 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 vestrae utilitate 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 networks⁵.

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, «*Juris 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 <i>scriniarius</i> from Rome	Cassiodorus, <i>Variae</i> , IV, 4
<p>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» (Ecclē, 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).</p>	<p>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.</p>

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 end⁶.

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 field⁷.

Tab. 4

RF 658. 1012, Leo <i>scriniarius</i> from Rome	Cassiodorus, <i>Variae</i> , IX, 4
<i>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.</i>	<i>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 absoluerent, indulgentiae praecognia reperirent.</i>

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* Leo⁸.

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

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 Marbodius 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 Rome⁹.

Regarding the *Variae*, I should like to point out that the Montpellier manuscript does not contain 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, 15¹⁰.

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

⁹ See Internullo, «*Felix querela*». A description of the manuscript: < <http://www.calames.abes.fr/pub/#details?id=Do1041449> > [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 out¹¹.

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 danger¹².

We start therefore with the Tiburtine notary, Stephanus. Besides the two documents with Cassiodorean reuses, we know Stephanus through a dossier composed of five charters, which cover a rather long chronological span, from 963 to 1007¹³. The chronological data is interesting, since it reveals a particularly long-lived notary in term of his activity, making him active throughout

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 afield¹⁴. 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 similarities¹⁵. 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 documents¹⁷. But perhaps

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 Lawrence¹⁸. 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-

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

ture, they totally replaced their former colleagues¹⁹. 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 Crescentio²¹. 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-

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 generation²³. 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 century²⁵. 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 century²⁶. 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-

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 others²⁷. 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 Lazio²⁸.

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.

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 traditions³⁰.

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 romanescas* – 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-*

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 men³².

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 Pavia³³. 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 lexicon³⁴.

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-

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 Papiæ*»; 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 upon³⁵. 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, 23³⁶. 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.

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*.

Works cited

- S. Ammirati, *Testi e «marginalia» in libri prodotti a Roma alla fine dell'Alto Medioevo. Riflessioni sulla cultura degli «scriniarii Sanctae Romanae Ecclesiae»*, in *Roma e il suo territorio nel Medioevo. Le fonti scritte fra tradizione e innovazione*, ed. C. Carbonetti – S. Lucà, Spoleto 2015, pp. 343-362.
- S. Ammirati, *Il paratesto nei manoscritti giuridici di origine romana*, in «Segno e Testo», 15 (2018), pp. 247-264.
- F. Bougard, *La justice dans le Royaume d'Italie de la fin du VIII^e siècle au début du XI^e siècle*, Roma 1995.
- Breviarium Ecclesiae Ravennatis*, ed. G. Rabotti, Roma 1985.
- P. Cammarosano, *Italia medievale. Struttura e geografia delle fonti scritte*, Roma 1991.
- C. Carbonetti, *Il «palatium Lateranense» come risorsa. Gli scrittori di documenti a Roma tra VIII e XII secolo*, in *La mobilità sociale nel Medioevo italiano*, vol. 3, *Il mondo ecclesiastico (secoli XII-XV)*, ed. S. Carocci – A. De Vincentiis, Roma 2017, pp. 75-92.
- C. Carbonetti, *Gli «scriptores chartarum» a Roma nell'alto Medioevo*, in *Notariato pubblico y documento privato. De los origines al siglo XIV*, València 1989, pp. 1108-1137.
- C. Carbonetti, *I supporti scrittori della documentazione. L'uso del papiro*, in *L'héritage byzantin en Italie (VIII^e-XII^e siècle)*, vol. 1, *La fabrique documentaire*, ed. J.-M. Martin – A. Peters-Custot – V. Prigent, Roma 2011, pp. 33-48.
- C. Carbonetti, *Tabellioni e scriniari a Roma tra XI e XII secolo*, in «Archivio della Società Romana di Storia Patria», 102 (1979), pp. 77-156.
- Cassiodorus, *Variae*, ed. A. Giardina et al. (Flavio Magno Aurelio Cassiodoro Senatore, *Varie*), I-VI, Roma 2014-.
- M. Cecchelli, *Ottone III e l'aristocrazia romana. Le fondazioni culturali di «domina» Mizina «miro sermone senatrix»*, in «Bullettino della Commissione Archeologica Comunale di Roma», 112 (2011), pp. 373-384.
- G. Chiodi, *Roma e il diritto romano. Consulenze di giudici e strategie di avvocati dal X al XII secolo*, in *Roma fra Oriente e Occidente*, Spoleto 2002, pp. 1141-1254.
- Codice diplomatico della repubblica di Genova*, ed. C. Imperiale di Sant'Angelo, I-III, Roma 1936-1942.
- P. Courcelle, *Les lettres grecques en Occident de Macrobe à Cassiodore*, Paris 1943.
- M. Cristini, «*Liber epistularum Senatoris*». Alcune osservazioni sulla menzione delle «*Variae*» di Cassiodoro in tre cataloghi altomedievali di Lorsch, in «*Mélanges de l'École Française de Rome. Moyen Âge*», 134 (2022) (in press).
- V. Fauvinet-Ranson, *La réception variée des «Variae» de Cassiodore au Moyen Âge*, in *Les sources au Coeur de l'épistémologie historique et littéraire*, ed. J.-B. Amadiéu et al., Paris 2016, pp. 35-47.
- H. Fichtenau, *Arenga. Spätantike und Mittelalter in Spiegel von Urkundenformeln*, Graz 1957.
- H. Galante, *La inscripción sepulcral de Leo de Maximis*, in «*Anales de la Universidad de Chile*», 8 (1930), pp. 1020-1031.
- A. Ghignoli, *Diffusione e 'pubblicazione' dei testi in ambito documentario*, in «Medioevo e Rinascimento», 25 (2011), pp. 199-221.
- B. Grévin, *Rhétorique du pouvoir medieval. Les Lettres de Pierre de la Vigne et la formation du langage politique européen (XIII^e-XV^e siècle)*, Roma 2008.
- B. Grévin – S. Barret, «*Regalis excellentia*». *Les préambules des actes des rois de France au XIV^e siècle (1300-1380)*, Paris 2014.
- A. Hofmeister, *Zur Überlieferung von Cassiodors Variae*, in «*Historische Vierteljahrschrift*», 26 (1931), pp. 13-46.
- Die «Honorantiae civitatis Papiae»*. Transkription, Edition, Kommentar, ed. C. Brühl – C. Violante, Köln-Wien 1983.
- D. Internullo, *Ai margini dei giganti. La vita intellettuale dei romani nel Trecento*, Roma 2016.
- D. Internullo, *La citazione in cancelleria. Il comune di Roma nel Medioevo*, in «*Parole Rubate*», 19 (2019), pp. 55-79.
- D. Internullo, «*Felix querela*». *Un reimpiego delle «Variae» di Cassiodoro nell'XI secolo*, in «*Spolia. Journal of Medieval Studies*», 17 (2021), 7, pp. 1-22.
- D. Internullo, *Senato sapiente. L'alba della cultura laica a Roma nel Medioevo (secoli XI-XII)*, Roma 2022.
- Liber Largitorius vel notarius monasterii Farfensis*, ed. G. Zucchetti, Roma 1913.

- L. Loschiavo, *Insegnamento del diritto e trasmissione del sapere giuridico a Roma da Teoderico a Carlo Magno. La scia dei manoscritti, in Ravenna Capitale. Permanenze del mondo giuridico romano in Occidente nei secoli V-VIII*, ed. G. Bassanelli – S. Tarozzi, Santarcangelo di Romagna 2014, pp. 9-50.
- N. Michel, *Transmission, réappropriation et réutilisation d'un savoir «antique» à l'époque médiévale (XII^e-XV^e siècles): le cas des «Variae» de Cassiodore*, in *Écriture et transmission des savoirs de l'Antiquité à nos jours*, ed. D. Briquel, Paris 2020: <<https://books.openedition.org/cths/8141>> [last access 25th July, 2022].
- V. Pacifici, *Tivoli nel Medioevo*, Tivoli 1971².
- V. Peri, «*Correctores immo corruptores*». *Un saggio di critica testuale nella Roma del XII secolo*, in «Italia Medioevale e Umanistica», 20 (1977), pp. 19-125.
- C. Radding, *Le origini della giurisprudenza medievale. Una storia culturale*, Roma 2013 (New Haven-London 1988).
- Regesto di Farfa*, ed. I. Giorgi – U. Balzani (*Il regesto di Farfa compilato da Gregorio di Catino*), I-V, Roma 1879-1914.
- Regesto di Subiaco*, ed. L. Allodi – G. Levi (*Il regesto sublacense del secolo XI*), Roma 1885.
- Regesto di Tivoli*, ed. L. Bruzza (*Regesto della Chiesa di Tivoli*), Tivoli 1880.
- S. Cosma e Damiano, ed. P. Fedele (*Carte del monastero dei SS. Cosma e Damiano in Mica Aurea*), in «Archivio della Società Romana di Storia Patria», 21 (1898), pp. 459-534; 22 (1899), pp. 25-107 and 383-447, reed. by P. Pavan, Roma 1981.
- S. Maria in Campo Marzio*, ed. E. Carusi (*Cartario di S. Maria in Campo Marzio*), Roma 1947.
- S. Maria in Via Lata*, ed. L.M. Hartmann, I-III (*Tabularium ecclesiae S. Mariae in Via Lata*), Wien 1895-1913.
- S. Pietro*, ed. L. Schiaparelli (*Le antiche carte dell'archivio capitolare di S. Pietro in Vaticano*), in «Archivio della Società Romana di Storia Patria», 24 (1901), pp. 393-496; 25 (1902), pp. 273-354.
- P. Stoppacci, *Cassiodorus Senator*, in *La trasmissione dei testi latini del Medioevo. Medieval Latin Texts and their Transmission*, ed. P. Chiesa – L. Castaldi, Firenze 2012, pp. 81-146.
- P. Supino Martini, *Roma e l'area grafica romanesca (secoli X-XII)*, Alessandria 1987.
- J.-O. Tjäder, *Die nichtliterarischen lateinischen Papyri Italiens aus der Zeit 445-700*, voll. 1-2, Lund-Stockholm 1955-1982.
- C. Wickham, «*Iuris cui existens*», in «Archivio della Società Romana di Storia Patria», 131 (2008), pp. 5-38.
- C. Wickham, *Roma medievale. Stabilità e crisi di una città (900-1150)*, Roma 2013.
- M. Zimmermann, *Écrire et lire en Catalogne (IX^e-XII^e siècle)*, Madrid 2003.

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