

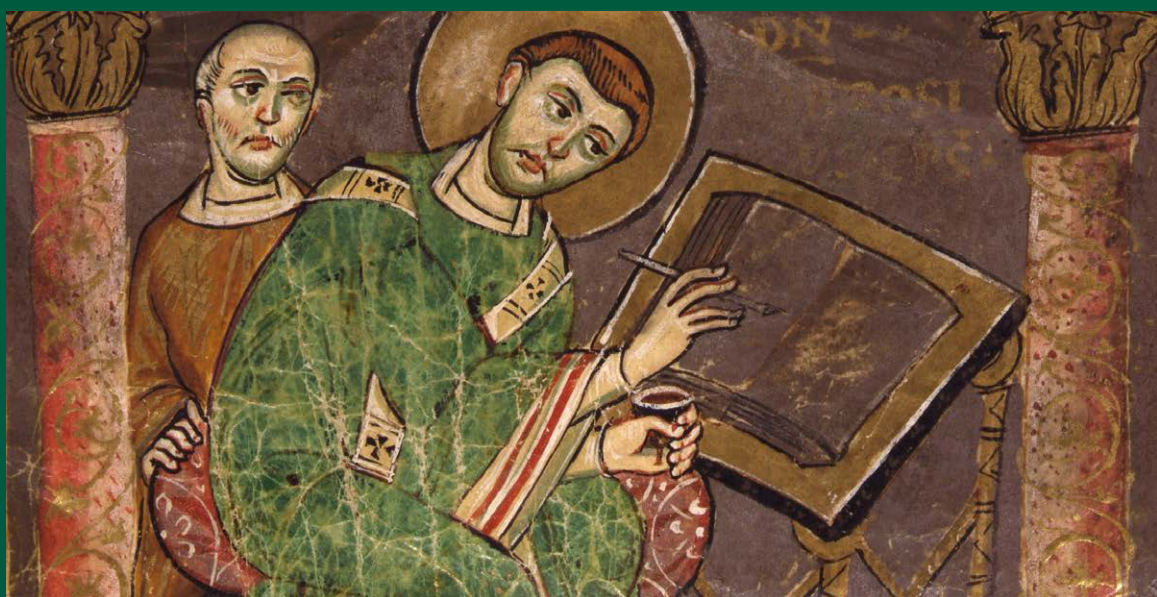


NETWORKS OF BISHOPS, NETWORKS OF TEXTS

Manuscripts, legal cultures, tools of government
in Carolingian Italy at the time of Lothar I

edited by

Gianmarco De Angelis, Francesco Veronese



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RULING IN HARD TIMES

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

1

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**Firenze University Press
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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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Writing, textuality, politics in the Lucca of Bishops Berengar and Ambrose (837-852)

by Paolo Tomei

The article consists of two intertwined sections. In the first one, I intend to reconstruct the processes of political and social transformation that took place in Lucca under the actions of Bishops Berengar (837-843) and Ambrose (843-852): foreigners appointed in succession by the Court. In order to do this, I will take the viewpoint offered by the numerous private charters preserved in the Archivio Storico Diocesano of Lucca. Secondly, I will present the first results of a study on the manuscripts of the same period preserved there – a heritage not yet fully explored and appreciated. I will focus in particular on the most-recently entered text in ms 490: the so-called *Dicta Gelasii papae*. It was written in a Carolingian hand that Armando Petrucci has compared to that of Bishop Berengar. The text constitutes an exceptional insight into the turmoil that animated the sacred palace after the «penitential reform» of 813, and which spread throughout the Empire within a general movement of *correctio*.

Middle Ages; 9th century; Italy; Lucca; Carolingians; Gelasius I; Lothar I; *correctio*; penitential reform

Paolo Tomei, University of Pisa, Italy, paolotom@hotmail.it, 0000-0002-3358-8336

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Abbreviations

ASDL = Archivio Storico Diocesano di Lucca

AAL, D = Archivio Arcivescovile di Lucca, Diplomatico

BA = Biblioteca Arcivescovile di Lucca

BCF = Archivio Storico Diocesano di Lucca, Biblioteca Capitolare Feliniana

ChLA², LVIII = *Chartae Latinae Antiquiores. Facsimile-edition of the Latin Charters*, 2nd series, ed. G. Cavallo – G. Nicolaj, part LVIII, Italy XXX, publ. N. Mastruzzo, Dietikon-Zürich 2001.

ChLA², LXXV = *Chartae Latinae Antiquiores. Facsimile-edition of the Latin Charters*, 2nd series, ed. G. Cavallo – G. Nicolaj, part LXXV, Italy XLVII, publ. F. Magistrale, P. Cordasco, C. Drago, Dietikon-Zürich 2005.

ChLA², LXXVI = *Chartae Latinae Antiquiores. Facsimile-edition of the Latin Charters*, 2nd series, ed. G. Cavallo – G. Nicolaj, part LXXVI, Italy XLVIII, publ. F. Magistrale, C. Gattagrisi, Dietikon-Zürich 2007.

ChLA², LXXVII = *Chartae Latinae Antiquiores. Facsimile-edition of the Latin Charters*, 2nd series, ed. G. Cavallo – G. Nicolaj, part LXXVII, Italy XLIX, publ. F. Magistrale, C. Gattagrisi, P. Fioretti, Dietikon-Zürich 2008.

ChLA², LXXXVIII = *Chartae Latinae Antiquiores. Facsimile-edition of the Latin Charters*, 2nd series, ed. G. Cavallo – G. Nicolaj, part LXXXVIII, Italy L, publ. M. Palma, Dietikon-Zürich 2009.

ChLA², LXXXIX = *Chartae Latinae Antiquiores. Facsimile-edition of the Latin Charters*, 2nd series, ed. G. Cavallo – G. Nicolaj, part LXXXIX, Italy LI, publ. F. Magistrale, Dietikon-Zürich 2010.

ChLA², LXXX = *Chartae Latinae Antiquiores. Facsimile-edition of the Latin Charters*, 2nd series, ed. G. Cavallo – G. Nicolaj, part LXXX, Italy LII, publ. F. Magistrale, C. Gattagrisi, Dietikon-Zürich 2010.

ChLA², LXXXI = *Chartae Latinae Antiquiores. Facsimile-edition of the Latin Charters*, 2nd series, ed. G. Cavallo – G. Nicolaj, part LXXXI, Italy LIII, publ. A. Mastruzzo, Dietikon-Zürich 2011.

ChLA², LXXXII = *Chartae Latinae Antiquiores. Facsimile-edition of the Latin Charters*, 2nd series, ed. G. Cavallo – G. Nicolaj, part LXXXII, Italy LIV, publ. C. Gattagrisi, P. Cordasco, C. Drago, Dietikon-Zürich 2013.

ChLA², LXXXIII = *Chartae Latinae Antiquiores. Facsimile-edition of the Latin Charters*, 2nd series, ed. G. Cavallo – G. Nicolaj, part LXXXIII, Italy LV, publ. N. Mastruzzo, Dietikon-Zürich 2013.

ChLA², LXXXV = *Chartae Latinae Antiquiores. Facsimile-edition of the Latin Charters*, 2nd series, ed. G. Cavallo – G. Nicolaj, part LXXXV, Italy LVII, publ. N. Mastruzzo, Dietikon-Zürich 2015.

ChLA², XC = *Chartae Latinae Antiquiores. Facsimile-edition of the Latin Charters*, 2nd series, ed. G. Cavallo – G. Nicolaj, part XC, Italy LXII, publ. G. Feo, G. Nicolaj, M. Calleri, C. Tristano, Dietikon-Zürich 2011.

ChLA², CXVII = *Chartae Latinae Antiquiores. Facsimile-edition of the Latin Charters*, 2nd series, ed. G. Cavallo – G. Nicolaj, part CXVII, Addenda I, Dietikon-Zürich 2019.

EOMIA = *Ecclesiae Occidentalis Monumenta Iuris Antiquissima*, 2 voll., ed. C.H. Turner, Oxford 1899-1939.

MDL = *Memorie e documenti per servire all'istoria del Ducato di Lucca*, ed. D. Bertini – D. Barsocchi, Lucca 1818-1841.

MGH, Capit. I = *Capitularia regum Francorum*, I, ed. A. Boretius, Hannover 1883.

MGH, Conc. II = *Concilia aevi Karolini*, ed. A. Werminghoff, Leipzig-Hannover 1906-1908.

MGH, Conc. III = *Die Konzilien der karolingischen Teilreiche*, ed. W. Hartmann, Hannover 1984.

MGH, DD L II = *Die Urkunden Ludwigs II.*, ed. K. Wanner, München 1994 (Diplomata Karolynorum, 4).

The article will be organised into two complementary parts. First of all, I will present the context, a sort of fresco in movement: the processes of transformation in the social and political structures of the city of Lucca, the centre of early medieval Tuscany, which were triggered by the successive election and actions of two bishops of foreign origin and Carolingian educational training, notably in terms of writing, Berengar (837-843) and Ambrose (843-852). Their arrival should be seen in the context of a profound and global reorganisation of the structure and balance of power in the region, carried out by Lothar I and, in his wake, by Louis II¹. I will trace the main outlines of these dynamics from the angle of the charters, which are exceptionally numerous in Lucca, illustrating them also through the changes discernible in the graphic and documentary forms.

I will then present the first results of an investigation into the manuscripts of the same period preserved in Lucca, helped in this by the cataloguing work carried out by the *Codex project*². The Archivio Storico Diocesano of Lucca has a definite supremacy in this respect as well: it contains 11 of the 18 codicological units dating back to the ninth century preserved in Tuscany and listed in the project. After an overview, highlighting possible research directions, I will focus on the only codex of this group that has received targeted and constant attention, ms 490, expanding on a suggestion by Armando Petrucci. I intend to offer a new edition of the most-recently entered text in the codex, otherwise unknown, and hitherto somewhat neglected, written by a Carolingian hand that Petrucci has compared to that of Bishop Berengar³. These are the so-called *Dicta Gelasii papae* (cc. 272v-273r). Focusing on the theme of public penance, the text helps us to understand the instruments available to Berengar and his immediate successors to carry out their political activities. It also offers an exemplary insight into the turmoil that animated the sacred palace after the «penitential reform» of 813 and that spread from the Court, as part of a general movement of *correctio*, throughout the Empire⁴.

¹ In addition to the classic Schwarzmaier, *Lucca*, see now Tomei, *Milites elegantes*, and the large number of articles published in the last fifteen years by Andrea Castagnetti, Simone Collavini, Marco Stoffella (punctual references in the following footnotes). For a general outline, Bougard, *La cour*; Bougard, *Italia infirma*.

² < <http://www406.regione.toscana.it/bancadati/codex/> >, [06/09/2021]. See *Conoscere il manoscritto*, *In margine*, and the issues of «Codex Studies».

³ Petrucci, *Scriptores*, p. 96.

⁴ De Jong, *What was Public*; De Jong, *Sacrum palatium*.

1. *The context*

After making peace with his father Louis the Pious and moving to Italy, Lothar succeeded in asserting in Lucca the Court's control over the highest offices, ecclesiastical and secular. In terms of the city's history, this was a real break. Bishop Peter I, the last to be recruited into the canonical body of the mother church, had already died on 10 July 834. Berengar was only in office from 10 November 837, after a long vacancy, which can be interpreted as a sign of some resistance to the attempt from outside to assert control over the episcopal succession⁵. From then on, the succession was rapid and apparently painless: with Ambrose in 843⁶, like Berengar, probably of foreign origin, and then Jeremiah Aldobrandeschi in 852, a man belonging to the Court though of local extraction, chosen by Louis II⁷.

Berengar's pontificate corresponded approximately to the period when, after the expulsion from Lucca of Count Boniface II, directly involved in the conflict on the side of Louis the Pious, the comital office was taken away from the Bavarian kin of the Adalberti and given to Hagano son of Guntram – count between April 838 and 17 January 844⁸. He was perhaps preceded by Matfrid, recorded by a numismatic source, who has been associated with the Count of Orléans of the same name, a loyal follower of Lothar, who died in Italy in the first of the two epidemics that decimated the circle of his close advisors between 836 and 837⁹. Just like Hagano, Matfrid was an exponent of a solidarity network opposite to that of the Adalberti. In short, there were the supporters of the Empress Judith, in Alemannia and Bavaria on the one hand, and on the other those of her stepdaughter-in-law Queen Ermengarde, based in Alsace¹⁰.

During the same period, a plan initiated after Lothar's first journey to Italy, when he had taken possession of the Kingdom, came to fruition. The ordination of Count Boniface II's sister Richilde as rectrix and abbess of the monastery of S. Benedict on 5 October 823 can be seen as the start of the construction of a new monumental seat of public power in Lucca: the suburban palace with *laubiae*, of which S. Benedict became the ecclesiastical cornerstone¹¹. The initiative was carried out independently of the presence of the Adalberti in the city and ended when they returned to Lucca, after Adalbert

⁵ ChLA², LXXVI, n. 43, pp. 152-155 (834 X 7, Lucca), LXXVII, n. 7, pp. 32-33 (837 XI 10, Lucca).

⁶ ChLA², LXXVIII, nn. 10, pp. 36-37 (843 VI 12, Lucca), 16, pp. 48-49 (843 XII 15, Lucca).

⁷ ChLA², LXXX, n. 18, pp. 72-73 (852 II 29, Lucca); MGH, DD, L II, n. 6, pp. 76-77 (852 X 3, *curte Auriola*).

⁸ ChLA², LXXVII, n. 12, pp. 45-47 (838 IV), LXXVIII, n. 17, pp. 50-51 (844 I 17, Lucca). He is then called *olim comes*: ASDL, AAL, D, * D 21; ed. MDL, V/2, n. 628, p. 375 (845 XII 12, Lucca).

⁹ Depreux, *Le comte Matfrid*; Kasten, *Königssöhne*, pp. 328-330.

¹⁰ Hummer, *Politics and Power*; Hammer, *From Ducatus*; Stoffella, *Le relazioni*; Veronese, *In Venetiarum partibus*.

¹¹ ChLA², LXXV, n. 20, pp. 79-81 (823 X 5, Lucca). For the identification of the church, see the eleventh-twelfth century dorsal note. On the palace, Tomei, *The Power*.

I had established and consolidated his ties with Lothar and Louis II. In 25 June 847, a *placitum* was held «civitate Luca, curte videlicet docalis»¹². The neighbouring city of Pisa must have followed a similar path, as on 23 March 858, a *placitum* was held in «sala olim Haganoni comiti»¹³.

The numerous series of *placita* and *inquisitiones* carried out under Lothar and Louis II not only sheds light on a new topography of power, but also clearly shows a new set-up given to Tuscany by the Court¹⁴. The region experienced the establishment of a «polyphonic balance». An articulated power system took shape, harmonised by an overarching superior imperial control¹⁵. Alongside the counts of Lucca, who now assumed the title of marquis, the role played by the *missi* from the Court is striking. The protagonists on the public scene stand out as follows. We see a) bishops from neighbouring cities, who were formerly chaplains, or who had a close relationship with the sacred palace (such as Rodingus of Florence, who attended the Council of Ingelheim in August 840 together with Joseph of Ivrea and Hagano of Bergamo)¹⁶; b) notaries and judges of the sacred palace, a group of professionals that was progressively structured during these decades¹⁷; c) imperial vassals of foreign origin (such as John, formerly successively count in Seprio and count palatine), or local, such as the Aldobrandeschi¹⁸; d) transalpine immigrants who, thanks to their links with the palace, put down roots in certain parts of the region (the Ripuarian Hucpoldingi in the Florentine area, the Salian Berardenghi in the Siennese one)¹⁹.

The transformations in the social fabric and in the power structures are also evident when one looks at private charters. There was a formalisation and diffusion of *livelli*. In Tuscany, this type of charter remained, like the *placitum* record, a main feature of the documentary system for the whole period, a period during which the region was embedded in the political framework headed by the marquis, until the death of Countess Matilda (1076-1115)²⁰. In the second quarter of the ninth century, there was an increase in the number of *livelli*, by now set in their formula. For the first time, these reached over

¹² ChLA², LXXIX, n. 21, pp. 79-85 (847 VI 25, Lucca).

¹³ ChLA², CXVII, n. 26, pp. 130-133 (858 III 23, Pisa). Uncertainty remains as to its location.

¹⁴ ChLA², XC, n. 5, pp. 32-39 (833 X 5, Siena), LXXVII, nn. 12, pp. 45-47 (838 IV), 35, pp. 107-111 (840 II, Lucca), LXXVIII, n. 21, pp. 62-64 (844 I, Lucca), LXXIX, nn. 21, pp. 79-85 (847 VI 25, Lucca), 35, pp. 116-121 (848 VIII 7, Lucca), LXXX, nn. 12, pp. 47-53 (851 IX, Lucca), 26, pp. 92-99 (853 IV, Lucca), LXXXI, n. 20, pp. 64-69 (857 XII, Lucca), CVII, n. 26, pp. 130-133 (858 III 23, Pisa), LXXXII, nn. 3, pp. 22-25 (865 IV, Lucca), 4, pp. 26-29 (865 IV, Lucca), LXXXV, n. 21, pp. 69-75 (869 VII 18, Lucca), LXXXII, n. 42, pp. 138-145 (871 XII 18, Lucca), LXXXIII, n. 15, pp. 51-57 (873 VI 27, Lucca). An overview in Bougard, *Les plaids*. On the *Gerichtsort*, see the recent observations by Heil, *Clerical Disputes*.

¹⁵ Tomei, *Milites elegantes*, pp. 361-362.

¹⁶ MGH, Conc. II, n. 61, pp. 791-814 (840 VIII, Ingelheim). See De Angelis, *Aganone*; Gavinelli, *Il vescovo Giuseppe*.

¹⁷ Bougard, *La justice*; Castagnetti, *Note e documenti*.

¹⁸ Castagnetti, *La società milanese*; Collavini, *Honorabilis domus*.

¹⁹ Cammarosano, *La famiglia*; Manarini, *I due volti*.

²⁰ Tomei, *Censum et iustitia*.

50% of the total number of parchments preserved. It never fell below this threshold again. The peak, over 80%, was reached in the last twenty years of the tenth century²¹.

In the years of Berengar and Ambrose, *livelli* and charters of exchange display new elements, some of which are of lasting influence. *a)* The period is the window of greatest visibility and activism of the transalpine immigrants – Franks, Alamanni and a few Bavarians – generally close to the major fiscal estates, for which they are not infrequently employed as *gastaldi* (for example, the Franks Roderic and Balderic son of Aderic)²². *b)* A flow of charters linked to the reorganisation of the public land base is set in motion, to which the first transactions in land bordering on that of the king or the queen, and the attestation of *curtes novae*, refer²³. *c)* From these same documents it is possible to grasp a long-lasting process: the affirmation of the Aldobrandeschi, imperial vassals of local origin, who succeeded in achieving the comital *honor* and in obtaining the bishop's chair in Lucca²⁴. In their wake, the first and decisive period of formation of the aristocratic fabric of Lucca began. A second group of individuals of local extraction emerged, who followed a similar course, though one generation later than the Aldobrandeschi, by entering imperial vassalage and by gaining access to the court's redistributive flow during the years of Louis II. The turning point came with the election of Jeremiah Aldobrandeschi as bishop. He acquired by diploma the power to annul the *livelli* of his predecessors, and through this also the ability to shape clienteles. A network of power was thus formed that prevented the transalpine immigrants from establishing themselves in Lucca. It was made up of three major kin groups, that I have called Figli di Rodilando, Cunimundinghi, and Figli di Huscit²⁵. *d)* There is another transitory factor: only in the cases of Berengar, Ambrose and Jeremiah are there mentions of the bishop's vassals, usually transalpine men such as the Franks Hebrohac son of Ildecherius and Warin son of Odulf²⁶.

Scripts with marked chancery overtones (such as the hands of the deacon and *missus* Cristianus, Abbot Macedo and the *gastaldus* Dodo) can be found in the circle related to the Court, and are visible both in the *placita* and in private charters that throw light on the areas bordering on the fiscal estates. The Carolingian script is widespread here too²⁷. Thus, for example, the sub-

²¹ Mailloux, *Modalités*; Ghignoli, *Libellario nomine*.

²² Hlawitschka, *Franken*, pp. 310-328; Schwarzmaier, *Lucca*, pp. 173-181; Castagnetti, *L'inquisitio*, pp. 127, 187-192.

²³ ChLA², LXXVII, nn. 43, pp. 130-132 (840 V 28, Lucca), 50, pp. 152-155 (842 I 4, Lucca), LXXVIII, n. 19, pp. 56-59 (844 I 24, Lucca), LXXIX, n. 49, pp. 154-157 (850 I 20, *Curte Nova finibus Maritimense*), LXXX, nn. 3, pp. 20-22 (850 III 7, Lucca), 34, pp. 114-117 (853 XII 22, Lucca).

²⁴ Collavini, *Honorabilis domus*.

²⁵ Tomei, *Milites elegantes*.

²⁶ ChLA², LXXVII, n. 50, pp. 152-155 (842 I 4, Lucca), LXXIX, n. 19, pp. 73-75 (847 V 7, Lucca), LXXX, n. 31, pp. 108-109 (853 X 21, Lucca), LXXXI, n. 38, pp. 114-117 (862 X 9, Lucca).

²⁷ I draw these considerations from the portrait gallery provided by Castagnetti, *I vassalli imperiali*; Castagnetti, *L'inquisitio*; Bassetti-Ciaralli, *Sui rapporti*; Mastruzzo-Unfer Verre, *Pub-*

scriptions of, respectively, Bishops Berengar (of refined layout and closed with a sign of tachigraphic inspiration; which indeed keeps some cursive elements, such as the coexistence between the open *a* and the uncial *a*)²⁸; and of Ambrose of Lucca (still linked to cursive models)²⁹; of Rodingus of Florence (a pure, set and elegant Caroline)³⁰; of the Frank Ratgaud son of Ermenric³¹; of the Archpriest Osprandus (a mixture of culture and elementary graphic education); and of the others who signed with him the *inquisitio* about the church of S. Fredianus in Lucca belonging to the fisc in April 838 – otherwise completely unknown figures in the albeit rich documentation³². The Aldobrandeschi family, with the imperial vassal Eriprand, played a pioneering role in this respect too among the local elites. His Carolingian script, which shows some cursive reminiscences, underwent a progressive solemnisation by lengthening the letters and enlarging the module under Louis II³³.

Episcopal action, carried out by men close to the Court, moved on from this phase in Lucca along two lines, which were then pursued with some continuity at least until the second quarter of the eleventh century³⁴. On the one hand, by taking advantage of the imperial legislation that emphasised the compulsory nature of tithes and the subordination of the *pievi* to the mother church³⁵, the bishopric controlled more firmly centres which became the political-patrimonial coordination *foci* in the diocesan territory, which were then fortified at the beginning of the tenth century: in the Media Valle del Serchio, S. Mary of Sesto di Moriano, whose assets were directly managed by the bishop after having been governed for three generations by the same offspring³⁶; in the Medio Valdarno, S. Hippolytus of *Anniano*, together with Santa Maria a Monte, where the bishop took over the management by choosing the rector, after the church had been governed for four generations by the same offspring³⁷, and S. Gervasius of *Verriana*³⁸.

blici uffici. On the spread and characteristics of the Early Carolingian script see now Gavinelli, *Early Carolingian*.

²⁸ ChLA², LXXVII, nn. 18, pp. 54-55 (838 XII 16, Lucca), 26, pp. 84-85 (839 VI 14, Lucca), 38, pp. 116-119 (840 III 24, Lucca). See Petrucci, *Scriptores*, p. 96.

²⁹ ChLA², LXXVIII, n. 21, pp. 62-64 (844 I, Lucca), LXXIX, nn. 6, pp. 31-35 (846 IV 1, Lucca), 17, pp. 66-69 (847 V 6, Lucca), LXXX, n. 5, pp. 27-29 (850 VI 22, Lucca).

³⁰ ChLA², LXXVII, n. 35, pp. 107-111 (840 II, Lucca). See Petrucci, *Scriptores*, p. 216.

³¹ ChLA², LXXVII, nn. 41, pp. 125-127 (840 V 16, Lucca), 43, pp. 130-132 (840 V 28, Lucca), 47, pp. 143-145 (841 VI 9, Lucca), LXXVIII, n. 10, pp. 36-37 (843 VI 12, Lucca), LXXX, n. 40, pp. 131-133 (854 XII 31, Lucca).

³² Castagnetti, *L'inquisitio*. ChLA², LXXVII, n. 12, pp. 45-47 (838 IV).

³³ ChLA², LXXVII, n. 27, pp. 86-87 (839 VI 14, Lucca). See Collavini, *Aristocrazia d'ufficio*. See also the deacon Gisulf son of Romuald, brother of the imperial vassal Cunipert: ChLA², LXXVIII, n. 12, pp. 40-41 (843 VII 13, Lucca).

³⁴ Tomei, *Milites elegantes*.

³⁵ The reference point still remains Violante, *Ricerche*.

³⁶ ChLA², LXXVIII, n. 31, pp. 86-87 (844 VII 28, Lucca). See Stoffella, *L'episcopato*; Tomei, *Locus*, pp. 33-35.

³⁷ ChLA², LXXVIII, n. 41, pp. 108-109 (845 III 21, Lucca). See Mailloux, *L'évêque*; Stoffella, *Élites*; Tomei, *Locus*, pp. 39-40.

³⁸ ChLA², LXXIX, n. 19, pp. 73-75 (847 V 7, Lucca). See Giglioli, *Una pieve*.

On the other hand, profiting from the *Königsnähe*, the bishops drew from the Court's redistributive flow landed estates now structured as *curtes*, without, however, generally succeeding in keeping them for a long time. The first mentions of *curtes domnicatae*, attested as places of collection of *census et iustitia* in the *livelli*, are at this date: Capannoli and S. Quiricus of *Aniciano*, not far away from the *pievi* of S. Gervasius and Sesto di Moriano respectively; *Asilacto*, in the Maremma³⁹. On the whole, there is a diminution of the bishop's power compared to the early Carolingian period⁴⁰. This is clearly shown by the history of the prestigious suburban church of S. Fredianus. Despite Berengar's closeness to the Court, the bishop's attempt to reassert episcopal control over S. Fredianus, in 838, did not achieve the desired results⁴¹. This ambition was fulfilled immediately after the death of Louis II by the will of Marquis Adalbert I, who took centre stage in the political arena of Lucca. In the tenth century, S. Fredianus became a pool from which the bishops drew in order to assign *beneficia* and/or *livelli* to relatives and friends who, like themselves, were essentially components of the marquis' clientele⁴².

With Lothar, therefore, we see a turning point. Several elements came into play, which, in various combinations and, interacting with the pre-existing structures, activated a process of transformation. This led to an overall reorganisation of the spaces and forms of power – which were directly reflected in the forms of the documentation⁴³. Some of the configurations that took shape at this time characterised the political game and the social body until the middle of the eleventh century. In particular, the field of action of the bishop, the producer and/or keeper of the vast majority of sources on Lucca, was defined then.

2. A text

The Archivio Storico Diocesano di Lucca is a shrine that preserves an exceptional heritage from the early Middle Ages, not only in terms of charters, but also in terms of manuscripts. Gabriella Pomaro spoke of «gelosa stabilità». The extent of the work to be completed is still considerable. For a long time, the manuscript collection remained unexplored and lacking

³⁹ ChLA², LXXVIII, nn. 38, pp. 102-103 (844 XII 17, *Atriana*), 50, pp. 126-127 (845 VIII 12, *in finibus Castronovo ad plevem Sancti Casciani*), LXXIX, n. 49, pp. 154-157 (850 I 20, *Curte Nova finibus Maritimense*).

⁴⁰ Collavini, *Da società rurale*; Collavini, *Spazi politici*.

⁴¹ Castagnetti, *L'inquisitio*. In April 838, the *inquisitio* promoted by Lothar's *missi*, the count Hagano and the deacon Christianus, ascertained the thirty-year holding of S. Fredianus by the bishops of Lucca, until the death of Jacob, in 818. During that time it had been claimed by a royal vassal on behalf of the *pars palatii*, without success. Nevertheless, in the thirty years following the *inquisitio*, the church and its possessions do not appear in the bishop's availability.

⁴² Tomei, *Chiese*. Common fate for another suburban *Reichskloster*: S. Sylvester.

⁴³ An interesting parallel is with the Bergamo of Bishop Hagano studied by De Angelis, *Poteri cittadini*.

in scientific exploration with the appropriate tools. Its reference point was Bernardino Baroni's inventory of 1757 until, in 2015, the cataloguing work, conducted by Pomaro herself in the framework of the *Codex project*, was completed. The internal composition and history of the collection were thus clarified. It consists of two main blocks: the Chapter book collection, a not very large and stable corpus, marked in the twelfth century by a note of possession with an anathema formula, was merged in the eighteenth century with the collection donated by Bishop Felino Sandei, a jurist from Ferrara who died in 1503⁴⁴.

As stated in the introduction, 11 of the 18 ninth-century codicological units from Tuscany are preserved here: 10 are in the Biblioteca Capitolare Feliniana (mss 8, 13, 14, 19, 21, 23, 65, 123, 125⁴⁵, and 490); one (ms 27)⁴⁶ in the Biblioteca Arcivescovile. Two comments need making on this number: it includes three manuscripts from the Biblioteca Statale of Lucca (mss 96, 1382 and 1389) of definite external and late provenance, but does not take into account the manuscripts in the Biblioteca Nazionale Centrale and the Biblioteca Medicea Laurenziana in Florence, which were not catalogued by the project. I will focus on the oldest codex of the group, which needs no introduction: this is the well-known ms 490, attributable to the pontificates of John (783-800) and Jacob (800-818)⁴⁷. In fact, I will focus on a particular section of this codex, which Schiaparelli called «a library in a small volume», and Petrucci called a proper «anti-book»⁴⁸.

Other research directions, which I cannot take here, would be worthy of further in-depth study of which I will mention only two⁴⁹. The most elusive codex of the group awaits close scrutiny: ms 27 of the Biblioteca Ar-

⁴⁴ *I manoscritti* (the quote is from p. 4: the archive has jealously preserved its heritage, hence its stability).

⁴⁵ ASDL, BCF, mss 8 (ninth century, last quarter; evangeliary; northern Italy); 13 (ninth century, second quarter; Ambrose, *De fide* and *De spiritu sancto*; northern Italy); 14 (ninth century, end; Ambrose's corpus; northern Italy); 19 (ninth century, third quarter; Augustine, *De civitate Dei*; local production); 21 (ninth century, middle; Augustine, *Tractatus in evangelium Iohannis*; local product); 23 (ninth century, first quarter; Augustine, *De Trinitate*; from Beauvais); 65 (ninth century, last quarter; Life of saint Martin; from Tours); 123 (ninth century, last quarter; catalogue of popes – interrupted with Benedict III and on two erased lines a later hand continues up to Agapitus II – and pseudo-Isidore's decretals; local production); 125 (ninth century, last quarter; canonical collection; northern Italy or more likely local production).

⁴⁶ ASDL, BA, ms 27 (ninth century; Paul the Deacon, *Historia romana* and catalogue of emperors up to Justin I; northern Italy?). It was stolen, passed into the hands of Giuseppe Martini and was sold to the Biblioteca Casanatense. The affair, which ended with a conviction in 1901, can be inferred from the letters between Pietro Guidi and Giovanni Mercati. See Bandini, *Giovanni Mercati*.

⁴⁷ For its performative use in judgement by Bishop Jacob, see Michael Heil's contribution in this volume.

⁴⁸ Schiaparelli, *Il codice*; Petrucci, *Il codice*. For the *status quaestionis* see Pomaro, *Materiali*; Unfer Verre, *Ancora*.

⁴⁹ Mastruzzo, *Un'epistola*, p. 1447, recommended, for example, a more careful consideration of the relationship between the documentary evidence and two Luccese codices in Carolingian script with many hands: ASDL, BCF, mss 21, 19.

civescovile, also not included in the catalogue. Of central importance for the transmission of Paul the Deacon's *Historia Romana*, it presents marginal annotations of great interest⁵⁰. Furthermore, by looking at the manuscripts, one could identify the traces of the origin and/or education of Berengar and Ambrose. Amongst the ninth-century manuscripts today in Lucca, two were certainly there in the twelfth century, but were produced elsewhere: ms 23 is from Beauvais; ms 14 is one of the rare codices containing the works of Ambrose that comes from Milan⁵¹. These two bishops have been considered Frankish on account of their Carolingian script and their absence in Lucca in the period prior to their episcopal election. Moreover, their anthroponymy, with all due caution, would suggest a transalpine origin for Berengar (perhaps a link with the Unrochings?)⁵², and a Milanese origin for Ambrose. Therefore, a more detailed analysis of the manuscripts could shed further light on the matter⁵³.

I return to the focus of my investigation. On cc. 272v-273r the only Carolingian hand of ms 490 (DD for Schiaparelli) adds the so-called *Dicta Gelasii papae*. The text, of which the Lucchese manuscript is the only witness, is written in the blank space at the end of an independent block: the *Italica*, a canonical collection formerly called *Sanblasiana* (for Schiaparelli by scribe AA, who writes only here). It follows another addition, the *Decretum Gelasianum de libris recipiendis et non recipiendis* on cc. 272r-272v (for Schiaparelli by scribe CC, who writes only here), and ends before the middle of c. 273r⁵⁴.

The script is, according to Petrucci, a «pure Carolingian minuscule», which would correspond in many ways to the signature of Bishop Berengar⁵⁵. Nino Mastruzzo described it as follows: «diritta e di modulo piccolo, con *a* aperte che si alternano ad *a* onciali, rare legature corsive (*ri*, *rt*), nesso *nt* finale di parola (...), nesso *et* poco più grande delle altre lettere, poche abbreviazioni (...) una certa tendenza ad accostare le lettere con sporadica separazione delle parole»⁵⁶. It presents numerous points of contact with the *epistola formata*, dated between 1 September 827 and 31 August 828 and signed by the bishop of Lucca Peter I (819-834), which is kept in the Roncioni collection of the Archivio di Stato in Pisa⁵⁷. The letter is the only surviving original of its type,

⁵⁰ Crivellucci, *Per l'edizione*; Mortensen, *The Diffusion*.

⁵¹ Gerzaguet, *Le De fuga*.

⁵² Castagnetti, *L'inquisitio*, pp. 35-36. On the name stock of the Unrochings, Le Jan, *Famille*, pp. 183-184; La Rocca – Provero, *The Dead*, pp. 238-239.

⁵³ I would like to thank François Bougard and Miriam Tessera for the insights they gave me during the discussion.

⁵⁴ For a photo-reproduction see tables LXIX-LXX of Schiaparelli, *Il codice*. After a few blank lines there is a reference mark with an addition by a later hand to the previous text, the *Decretum*. On c. 273v are then copied cc. 1-8 of the Council of Orange of 529.

⁵⁵ Petrucci, *Scriptores*, p. 96.

⁵⁶ Mastruzzo, *Un'epistola*, pp. 1447-1448.

⁵⁷ ChLA², LVIII, n. 14, pp. 75-77 (827 IX 1-828 VIII 31, Lucca). < <https://www.archiviodigitale.it/185/ricerca/detail/477765> >, [20/09/2021].

mentioned in Carolingian formularies, and can be traced back to northern France for its graphic features. According to Mastruzzo, who studied and edited the *epistola formata*, the script of its writer is even closer to Bishop Berengar's Carolingian minuscule, shown by his subscriptions.

The hands of the *Dicta* and that of the *epistola formata* betray a Frankish origin or education and are probably attributable to clerics close to the Court circles who came to Lucca at the time of Lothar, and during the pontificate of Peter I. Both remain anonymous. The two authors exist within the area of shadow on which the *inquisitio* of S. Fredianus also throws some light: like the subscribers in Carolingian script who intervene here, they do not appear elsewhere. They are complete outsiders with respect to those who, in the urban social body, gravitated around the mother church of S. Martinus, gaining visibility as writers or witnesses of the charters kept in its archive. An immediate comparison comes from the letter itself. See the signatures, opened by Bishop Peter I's uncertain elementary minuscule.

A final element from the graphic point of view: this is one of Pomaro's statements, which needs to be reconsidered, or more clearly discussed. The short text of the *Dicta* presents two *e*'s with a prolongation at the top: according to that scholar, they would be a very particular graphic trait, that would certainly lead back to the North, possibly to France. It can be followed throughout the ninth century and, by the middle of the eleventh century, it would become an identifying mark of Lucca's writing production⁵⁸. If this were the case, this would be another important clue to the profile of the anonymous scribe of the *Dicta*. Nevertheless, it is precisely the *e* with apex that has been taken by Filippo Di Benedetto as an exemplary case of irrational habits and signs, found not in a single specific context, but in writings belonging to different systems, distant in time and space⁵⁹.

From a textual point of view, the *Dicta* have received very limited attention. Until now, the reference edition, incorrect in several passages, has been the one by Giovanni Domenico Mansi of 1762, followed almost to the letter by Jacques Paul Migne in 1847 and by Andreas Thiel in 1867⁶⁰. The latter had already expressed doubts about its authenticity. The attribution to Pope Gelasius was undoubtedly influenced by the pseudo-Gelasian text, the *Decretum*, to which the *Dicta* are attached without a break, and is based on the heading in uncial *Incipiunt dicta Gelasii pape*, in which *Gelasii pape* is washed out. With all this evidence, even in the distant past, it appeared questionable and problematic. In spite of the questions raised, the issue has no longer been addressed, and the Gelasian authorship is still commonly accepted. The need for a new edition has therefore arisen, which I provide in the appendix. From

⁵⁸ Pomaro, *Materiali*, pp. 165, 183; *I manoscritti*, p. 26.

⁵⁹ Di Benedetto, *Sulla irrazionalità*.

⁶⁰ *Sacrorum conciliorum*, vol. 8, coll. 124-126; PL, 59, coll. 140-142 (in Gelasius papa, *Varia fragmenta*); *Epistulae Romanorum pontificum*, pp. 509-510 (as *Fragmentum* 49). See also Massen, *Geschichte*, p. 285.

this starting point, I would like to present the first lineaments within which the source can be set and valued.

The structure of the *Dicta* consists of three main sections. First, the definitions of catechumens, otherwise called *audientes*, and penitents are given⁶¹. Then, their position within the *ecclesia* is specified. A division of the ecclesiastical space is drawn up, to which corresponds a scansion of the liturgical action, between the following categories: *audientes*, *paenitentes*, *fideles laici* and *clerici*⁶². This constitutes the underlying backbone on which the nodal discourse is built at the conclusion of the *Dicta*, namely to specify the forms and times of public penance, through which men who have committed crimes, the most serious sins, can fully re-enter the *ecclesia*, in communion with other *fideles* participating in the sacrament of the Eucharist⁶³. Constant in every passage is the reference to the legitimising authority of the ancient discipline, expressed in a generic way: «in canone»; «secundum preceptum canonis»; «antiquitus»; «in quolibet capitulo canonis».

In short, it is a sort of compendium, a brief handbook, that seeks to take up, systematise and provide the correct interpretation of sources, primarily canonical, on a subject that was highly topical in the years in which it was copied in ms 490. In terms of tension, themes and lexicon, the *Dicta* can in fact be compared to the sources that allowed Mayke de Jong to study the «penitential reform» of 813 and the Carolingian «penitential state»⁶⁴, in particular the canons of the Councils of Arles (c. 26, later merged in *Karoli Magni capitula e canonibus excerpta*, c. 25)⁶⁵, Rheims (cc. 12, 16, 31)⁶⁶, Chalon-sur-Saône (cc. 25, 32-35, 38)⁶⁷, and Tours (c. 22)⁶⁸ of 813. The pattern continued after Verdun in all three *regna* of the Carolingian galaxy at the same time, the protagonists being, for Charles the Bald, Hincmar of Rheims (synod of Meaux-Paris, 845-846, c. 61)⁶⁹; for Louis the German, Hrabanus Maurus (synod of Mainz, 847,

⁶¹ «Cathecumini (...) publicae penitentiam».

⁶² «Et sciendum est (...) a clericis».

⁶³ «Cumque autem (...) sanguinis Christi».

⁶⁴ De Jong, *What was Public*; De Jong, *Transformations*; De Jong, *The Penitential State*.

⁶⁵ MGH, Conc. II, n. 34, pp. 248-253: 253 (813 V 10-11, Arles) = Capit. I, n. 78, pp. 173-175: 175 (813): «Ut qui publico crimine convicti sunt rei publice iudicentur et publicam paenitentiam agant secundum canones».

⁶⁶ MGH, Conc. II, n. 35, pp. 253-258 (813 V, Rheims).

⁶⁷ MGH, Conc. II, n. 37, pp. 273-285: 278 (813, Chalon-sur-Saône): «Paenitentiam agere iuxta antiquam canonum constitutionem in plerisque locis ab usu recessit, et neque excommunicandi neque reconciliandi antiqui moris ordo servatur. Ut a domno imperatore adiutorium, qualiter, si qui publice peccat, publica multetur paenitentia et secundum ordinem canonum pro merito suo et excommunicetur et reconcilietur».

⁶⁸ MGH, Conc. II, n. 38, pp. 286-306 (813, Tours).

⁶⁹ MGH, Conc. III, n. 11, pp. 61-132: 113 (845 VI, Meaux; 846 II, Paris): «Ut pervasores rerum ecclesiasticarum, qui easdem res vel contra auctoritatem non solum retinere, verum et crudeliter depopulari noscuntur, quidam etiam et facultates ecclesiae in diversa conlaboratione et redivitibus eas expoliant, sed et pauperes atque vicinos et circumstantes in misericordia expoliant, devastant et opprimunt, ut rapaces, qui secundum apostolum a regno Dei excluduntur, ex criminali et publico peccato publica penitentia satisfaciant».

c. 31)⁷⁰; and for Lothar, Angilbert II of Milan and Joseph of Ivrea (synod of Pavia, 845-850, cc. 12, 17⁷¹; synod in *Francia*, 846, c. 6⁷²; synod of Pavia, 850, cc. 7-12⁷³).

Incidentally, the *epistolae formatae* share not only the graphic layout, but also their origin, with the Pseudo-Gelasian *Dicta*, following the same direction. It was at that time that in the environment of the sacred palace a concern for the placement of the individual within society and its discipline gradually started to develop. According to the provisions insisted upon by the capitularies and pronounced by the Councils of Chalon-sur-Saône (c. 41) and Tours (c. 13) in 813, letters must accompany *clerici peregrini*, the ecclesiastics who wanted to move to another diocese, taking up the ancient practice of the *κανονικαὶ ἐπιστολαί*⁷⁴. If the *epistola formata* certifies and legitimises such move, a change of position in the *ecclesia*, the *Dicta* are concerned with the path to reunite those who have been temporarily excluded from the consortium of the faithful.

Public penance was the spearhead of this general movement of *correctio* promoted by the *sacrum palatium*: the central core of the political community, and the point of reference for liturgy and doctrine. In an original experiment aimed at the symbolic "liturgisation" of power and the organisation of consensus and domination, the king was placed at the head of an Empire that was also an *ecclesia*. With the help of his *ministri*, he took charge of the salvation of the Christian people and of the remission of their sins before God. A direct relationship was therefore established between the public nature of the *ministerium* and *scandalum* in the *ecclesia* and the public nature of penance.

⁷⁰ MGH, Conc. III, n. 14, pp. 150-177 (847 X, Mainz).

⁷¹ MGH, Conc. III, n. 21, pp. 207-215: 214 (845-850, Pavia): «Sacra docet auctoritas, ut publice peccantes publice penitentiae subiciantur (...); quos ut episcopi publice possint penitentiae subiugare, petimus, ut comitum vestrorum auxilio fulciantur».

⁷² MGH, Conc. III, n. 12, pp. 133-139: 136 (846 X, *Francia*): «Volumus eciam et diligentissime praecipimus observandum, ut episcopi singuli in suis parroeciis diligenter examinent et sollicitè investigent, quicunque publicis sint inretiti flagitiis, hoc est incestos, adulteros, sanctimonialium stupratores vel qui eas eciam in coniugium acceperunt, homicidas, sacrilegos, alienarum rerum pervasores atque praedones; et hoc per omne regnum nostrum sollicitè examinetur, ut, quicunque tales fuerint inventi, penitentiae publice subdantur, aut, si hoc noluerint, ab ecclesia separentur, donec a suis flagitiis corrigantur».

⁷³ MGH, Conc. III, n. 23, pp. 217-229: 225 (850, Pavia): clarifications concerning owners of assets in several dioceses and holders of public office. «Inveniuntur nonnulli per diversas provincias et civitates habentes possessiones, qui, cum aliquod publice scelus perpetraverint (...). Talis ergo ab episcopo civitatis, in cuius parrochia scelus commissum est, statim communione privati ad agendam penitentiam cogantur. Scribat autem, qui eum communione privaverit, aliis quoque episcopis, in quorum parrochiarum territoriis huiusmodi predia possidet, ut et ipsi rem scientes a sua illum communione removeant» (c. 11). «Hoc autem omnibus Christianis intimandum est, quia hi, qui sacri altaris communione privati et pro suis sceleribus reverendis aditibus exclusi publice penitentiae subiugati sunt, nullo militie secularis uti cingulo nullamque rei publice debent administrare dignitatem; quia nec popularis conventibus eos misceri oportet nec vacare salutationibus nec quorumlibet causas iudicare, cum sunt ipsi divino addicti iuditio; domesticas autem necessitates curare non prohibentur» (c. 12).

⁷⁴ MGH, Conc. II, n. 37, pp. 273-285: 282 (813, Chalon-sur-Saône); n. 38, pp. 286-306: 288 (813, Tours). See Mastruzzo, *Un'epistola*, pp. 1448-1449.

A «synergic-binary structure» took shape in which the royal and ecclesiastical spheres were in a reciprocal and complementary relationship. The political body coincided with the people of God who followed the correct doctrine emanating from the sacred palace⁷⁵.

The «penitential reform» was carried out, according to the intention of its ideologists, *secundum canones*: it promoted the pseudo-restoration of an old discipline through the study and updating of the conciliar texts⁷⁶. On the path of successive penitential stages, passing first through the *audientes* and then through a *paenitentiae locus*, of reference were the Councils of Ancyra of 314 (cc. 4-9, 16, 20-25)⁷⁷, Neocaesarea of 314-320 (cc. 1-2, 5)⁷⁸, Nicaea of 325 (cc. 11, 13)⁷⁹, and then Epaone of 517 (c. 29)⁸⁰. With respect to the Carolingian revival, they differ in their particular insistence on the theme of the *lapsi*, by now obsolete at the beginning of the ninth century – and, as a matter of fact, totally absent from the *Dicta*. On the necessity of a public penance for the crimes that upset the *ecclesia*, the starting point is the *breviarium Hipponense* of 393 (c. 30), later ratified at the Council of Carthage in 397 (c. 43)⁸¹.

The relationship between the *Dicta* and these texts is also evident on the material front. It is worth remembering that the former can be found in the block that contains the *Collectio Italica olim Sanblasiana*. It actually begins with Nicaea, Ancyra e Neocaesarea in the *Isidoriana vulgata* recension and closes with two letters of Pope Gelasius that make reference to penance (*Necessaria rerum dispositione*, cc. 2, 18, 20; *Probabilibus desideriiis*, c. 1)⁸². The *Italica* is one of the collections formed at the turn of the fifth and sixth centuries, by assembling conciliar canons and episcopal letters, especially papal ones, up to the pontificate of Gelasius. They were compiled during the Acacian schism and its political-religious consequence in Rome, the schism between Symmachus and Laurentius. Specifically, the *Italica* was composed in Rome and revised under Pope Hormisdas to provide a Gelasian-Symmachian version of the events⁸³. Their redaction marks the strengthening of the ecclesial community as an institutional body with-

⁷⁵ De Jong, *Sacrum palatium*.

⁷⁶ De Jong, *What was Public*; De Jong, *Transformations*. Law was one of the fields in which Italy's generous contribution to Carolingian renewal is particularly evident. See Bougard, *Was There a Carolingian*.

⁷⁷ EOMIA, 2, pp. 64-79, 92-99, 106-115.

⁷⁸ EOMIA, 2, pp. 118-121, 124-125.

⁷⁹ EOMIA, 1, pp. 211-221.

⁸⁰ *Concilia Galliae a. 511-695*, pp. 20-37: 31 = *Concilia Galliae a. 314-506*, pp. 189-228: 227.

⁸¹ *Concilia Africae a. 345-525*, pp. 22-53, 173-247: 41-42, 185.

⁸² *Epistulae Romanorum pontificum*, nn. 14-15, pp. 360-380.

⁸³ Wirbelauer, *Zwei Päpste*; Lizzi Testa, *La Collectio* (on *Italica* in particular pp. 158-163 of the Appendice edited by Giulia Marconi and Silvia Margutti). For a *stemma codicum* see Elliot, *Collectio*, which prefers the old title *Sanblasiana*. The Lucchese witness would belong to a branch descended from a Roman autograph, which remained confined to central and northern Italy until much of the eighth century.

in the imperial structure as well as showing the pope's wish to build a more solid foundation for his authority and assert a juridical-theological primacy. More generally, together with the *Variae* and the *Liber Pontificalis*, they have been seen as the expression of a project aimed at maintaining *civilitas* under Theodoric⁸⁴.

The subsequent fortune of Gelasius is determined by the selection of his letters: both because they are the *terminus ante quem* of the collections, which coagulated at the time of the schism, and because they are the bearers of an ecclesiology that claims Roman primacy and discusses the relationship between *regnum* and *sacerdotium*⁸⁵. The use of his legitimising authority was mainly implemented in Gaul. The *Sacramentarium Gelasianum* was composed here at the turn of the seventh and the eighth centuries, containing a first *ordo agentibus publicam paenitentiam*, and perhaps also the *Decretum Gelasianum*⁸⁶. Once again, ms 490 provides a concrete reflection of this diachronic and textual itinerary, on a trail that stretches, so to speak, from Constantine to Charlemagne. In the codex the *Decretum* follows the *Collectio Italica*, with a prologue to which it is the only witness⁸⁷. Without a break, then, come the *Dicta*, borrowing initially the attribution to Gelasius. As I have tried to demonstrate, they represent a clear and distinct reverberation of the Carolingian *correctio* in Lucca.

In conclusion, I propose to link the two sections of my contribution as warp and weft. A common thread to these is the effort to observe, in practice and in a specific context, dynamics and concepts of a more general scope. In Lucca, the age of Lothar marks the arrival of men, texts, knowledge and practices from or linked to the sacred palace, which spring from a vast program of reorganisation of the forms and spaces of power. Decisive, however, is the interaction with pre-existing local structures. This triggered a process of reshaping of the social body, and produced a new order, at first multifocal and then, after the death of Louis II, coordinated by the public authority of the marquis, who set himself up as head of the political community in Tuscany. The interpenetration between *regnum*, in its regional dimension, and *sacerdotium* took place in that form. From Berengar onwards, the bishops were men who came from the Court circle; at first they were foreigners, then they could also be members of the urban elite who were on the way up thanks to the resources redistributed at the marquis' public palace. The instrument of excommunication, and subsequent reconciliation through public penance, was employed within this sphere. In Lucca it was not claimed in the first person by the bishop, but rather by the marquis, in the solemn

⁸⁴ *The Collectio*.

⁸⁵ Toubert, *La doctrine*.

⁸⁶ De Jong, *Transformations*, pp. 194-195; McKitterick, *The Carolingians*, pp. 202-204.

⁸⁷ *Das Decretum*, p. 17.

documents with which he exerted and displayed his public *ministerium*, *gratia Dei*⁸⁸.

⁸⁸ Tomei, *Una nuova categoria*, p. 143 (see also p. 147): «Unde ego in Dei nomine (...) gratia Dei marchio (...). Si quis hanc paginam nostrę offerensionis seu investitionis per quolibet modo frangere vel violare temptaverit, sciat se excommunicatum et anathematizatum a Deo patre omnipotente et a beatissima virgine Maria et a beato Iohanne Baptista et a beato Petro apostolorum principe et a sede sancta apostolicę catholica, quod nec vivus penitentiam agat, nec mortuus sepultura capiat, sed cum Iuda proditore nostri creatoris portionem habeat». I have defined this type of documents donations in mandate form. On the formula *gratia Dei*, see Le Jan, *Famille*, pp. 136-141.

Appendix

Pseudo-Gelasius papa, Dicta

ASDL, BCF, ms 490, cc. 272v-273r. Editions: *Sacrorum conciliorum*, vol. 8, coll. 124-126 [Mansi]; PL, 59, coll. 140-142 [Migne]; *Epistulae Romanorum pontificum*, pp. 509-510 [Thiel]. For the latter two, I will only mention in the apparatus the points at which they diverge. When not specified, they follow the former.

Incipiunt dicta Gelasii pape^{a)}. Cathecumini^{b)}, latine dicuntur instructi vel au|dientes, hii^{c)} sunt qui fidem Christi instructi audiunt Christi precepta^{d)} et recte credunt, | etiam^{e)} a sacerdote consignati sunt et per exorcisma purgati et sepe purgantur^{f)}, sed | necdum sacro baptismate sunt abluti. Penitentes hii^{g)} dicuntur in canone qui pro^{h)} crimi|nibus, idestⁱ⁾ maioribus culpis, agunt publicae penitentiam^{j)}.

Et sciendum est quia secundum preceptum^{k)} | canonis non licet fidelibus, idest iam baptizatis, mixti^{l)} in ecclesia cum audientibus, idest caticum-i|nis^{m)}, stare tempore orationis et canonicae laudis et simul cum eis orare autⁿ⁾ psallere. | Neque clericis aut aliis laicis licet cum penitentibus^{o)} simul mixti orare aut psallere. | Proinde^{p)} antiquitus propriae^{q)} statutus locus aut extra ecclesiam aut in initio introitus || aecclesiae^{v)} ubi ad orandum et audiendum diuinum officium stabant cathecumini^{s)}, idest instructi | vel audientes. Et infra aecclesiam^{l)} super istos erat similiter propriae^{u)} locus statutus ubi | stabant^{v)} penitentes^{w)}, ut omnes in ecclesiae^{x)} introeuntes scirent eos de criminalibus^{y)} culpis peni|tere^{z)} et orarent pro eis et illi per hoc^{aa)} humiliati magis^{bb)} reciperent veniam delictorum suorum. | Et super hos in alio ecclesiae spatio stabant ceteri^{cc)} fideles laici segregati tamen a clericis^{dd)}. |

Cumque^{ee)} autem in quolibet capitulo^{ff)} canonis dicatur ut pro quacumque^{gg)} criminali, idest graviore, culpa | eiciatur^{hh)} ab ecclesia quicumqueⁱⁱ⁾, non est intellegendum^{jj)} ut funditus prebetur^{kk)} ab omni con|ventu et auditione divinae laudis^{ll)} et preceptorum Dei^{mm)}; quod nimis absurdum est et contra | preceptumⁿⁿ⁾ divinae clementiae, ut aeger ad divina excludatur medicina Dei, qui pro salute | peccatorum est incarnatus et passus, et abiectus ab omni conventu et consolatione fidelium | diabulo tradatur. Sed predicta ratio^{oo)} intelligendum est ut eiciatur^{pp)} a communione, | idest consortio aliorum fidelium qui^{qq)} infra^{rr)} ecclesiam stant tempore orationis et laudis | Dei, et stet per statutos annos ad orandum et laudes Dei audiendum extra ecclesiam inter | audientes, idest cathecuminis^{ss)}, et expletis his annis^{tt)} secundum iudicium commissae culpe^{uu)} intret in ecclesiam in communionem, idest consortio^{vv)} orationis cum penitentibus^{ww)}. | Inter quos expletis iterum annis secundum iudicium culpaе suae redeat plenius a com|munione^{xx)}, idest consortium ceterorum^{yy)} fidelium, et perceptionis sacri corporis et | sanguinis Christi.

a) heading in uncial; *Gelasii pape* washed out b) *Mansi Catechumeni* c) *Mansi ii* d) *Mansi praecepta* e) *Mansi et etiam* f) the first *r* added above the line; *Mansi*

et resipiscunt ^{g)} Mansi *poenitentes hi* ^{h)} Mansi *de* ⁱ⁾ Mansi *de* ^{j)} *m* corrected from *e*; Mansi *publice poenitentiam* ^{k)} Mansi *praeceptum* ^{l)} Mansi *missas* ^{m)} Mansi *catechumenis* ⁿ⁾ Mansi *et* ^{o)} Mansi *poenitentibus* ^{p)} Mansi (...) ^{q)} Mansi *proprius* ^{r)} Mansi *ecclesiae* ^{s)} Mansi *catechumeni* ^{t)} Mansi *ecclesiam* ^{u)} Mansi *proprie* ^{v)} *sta* written over three letters ^{w)} Mansi *poenitentes* ^{x)} Mansi *ecclesiam* ^{y)} *a* corrected from *ib* ^{z)} Mansi *poenitere* ^{aa)} Mansi *haec* ^{bb)} *m* corrected from *re* ^{cc)} Mansi, Migne *caeteri*; Thiel, *ceteri* ^{dd)} Mansi *clericis* ^{ee)} Mansi, Migne *Cumque*; Thiel, *Quumque* ^{ff)} Mansi *aliquibus capitulis* ^{gg)} Mansi *quacumque*; Migne, Thiel *quacumque* ^{hh)} Mansi *eiiciatur* ⁱⁱ⁾ Mansi *quicumque*; Migne, Thiel *quicunque* ^{jj)} Mansi *intelligendum* ^{kk)} Mansi *prohibeatur* ^{ll)} *i* added above the line ^{mm)} Mansi *praeceptorum Domini* ⁿⁿ⁾ Mansi *praeceptum* ^{oo)} Mansi, Migne *praedicta rationabiliter*; Thiel, *praedictum rationabiliter* ^{pp)} Mansi *eiiciatur* ^{qq)} *qui* added above the line ^{rr)} Mansi *intra* ^{ss)} Mansi *catechumenos* ^{tt)} Mansi *omnibus* ^{uu)} Mansi *culpa* ^{vv)} Mansi, Migne *consortio*; Thiel *consortium* ^{ww)} Mansi *poenitentibus* ^{xx)} Mansi, Migne *a communione*; Thiel *ad communionem* ^{yy)} Mansi, Migne *caeterorum*; Thiel *ceterorum*



Fig. 1. Pseudo-Gelasius papa, *Dicta* (Archivio Storico Diocesano di Lucca, Biblioteca Capitolare Feliniana, ms 490, c. 272v).

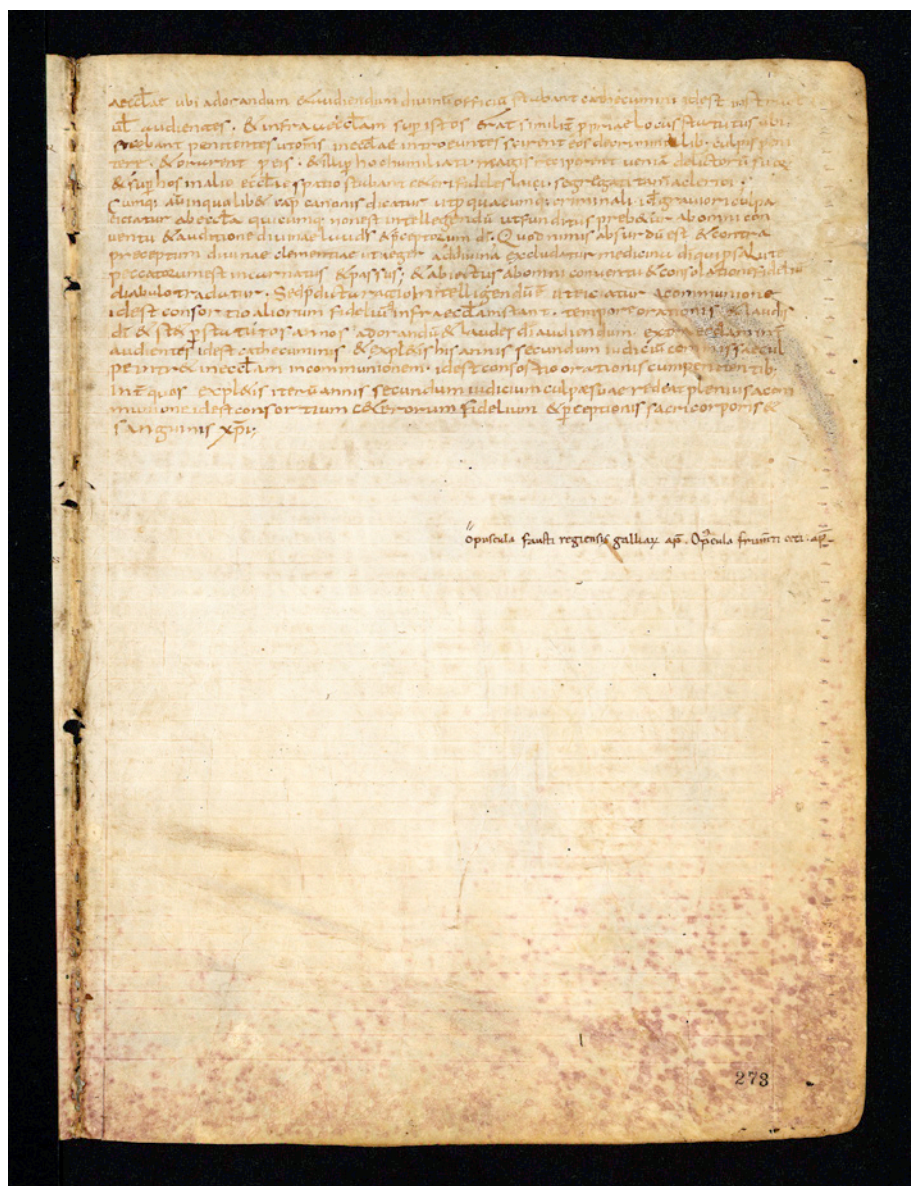


Fig. 2. Pseudo-Gelasius papa, *Dicta* (Archivio Storico Diocesano di Lucca, Biblioteca Capitolare Feliniana, ms 490, c. 273r).

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Paolo Tomei
Università degli Studi di Pisa
paolotom@hotmail.it