Historical Memory, Authority, and the Written Word: A study of the documentary and literary culture at the early medieval court of Benevento, 700-900 CE

by

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A thesis submitted in conformity with the requirements for the degree of Doctor of Philosophy

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Doctor of Philosophy
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2017

Abstract

This study examines the documentary and literary culture associated with the court of the Lombard Duchy and Principality of Benevento during the eighth and ninth centuries. More specifically, through the careful analysis of different genres of text associated with the court network, including epigraphy, legislation, precepts, charters, notices of judgment, and hagiography, this dissertation will argue that historical memory was mobilized at the Beneventan court as an important way for individuals and families to express and authenticate ideas of authority, whether it was to validate property claims, to legitimate a right to rule, or to justify a place within the hierarchy of Beneventan society. In order to anchor one’s claim to authority in the present and guarantee it in the future, the written word was fundamental, not only in facilitating authors and their patrons in recalling the memories of ancestors, rulers, holy men, historical events, and customary practices, but also in reconstructing and reinterpreting the past to suit present concerns. Interestingly, the Beneventan court community did not simply evoke its historical ties to or ethnic affiliation with the Lombard Kingdom in the north. Its sense of the past was much more fluid, evolving to adapt to changing political circumstances, new ideologies, and
social transformations. Benevento’s unique location on the frontier in southern Italy and the development of a lay literary culture amongst the court elite meant that while the history of the Lombard Kingdom remained important, Beneventans were deeply influenced by other histories, including their own, as well as those of the Byzantine Empire, the Franks, the saints and holy figures of Christianity, and even the classical Roman past. Each of these histories could be evoked depending on the context of the claims being made. The flexibility and hybridity of Beneventan historical memory, however, was tempered by chronic warfare and the region’s political instability, which encouraged a more conservative and localist outlook amongst the court elite. Beneventan authors, therefore, navigated a complex course between appropriating the historical memory of the Lombard Kingdom and neighbouring communities and championing a more local past based on their own traditions.
Acknowledgements

I am grateful to those who inspired and aided in the completion of this dissertation. Firstly, I thank my supervisor, Prof. Nicholas Everett, for his patience, assistance, and goodwill throughout the whole process. There are no words that can adequately express my gratitude. My departmental readers, Professors Isabelle Cochelin and Giulio Silano, were likewise extraordinarily helpful with feedback, critique, encouragement, and asking the difficult questions. And I am grateful to my external examiner, Prof. Antonio Sennis (University College London) and my internal examiner, Prof. Jill Caskey, whose observations were constructive and thought provoking, inspiring me to consider the evidence in ways I never thought imaginable. Thank you all for taking time out of your busy schedules to support my research in its many phases. Graduate school is often an isolating and unforgiving experience and having the interest, encouragement, and understanding of faculty and experts was critical to my success.

In addition, I count myself extremely fortunate to have been instructed and befriended by several great magistri over the years. For example, Prof. George Rigg patiently taught me the complexities of Latin and of the world more generally, even after he retired, and for that I am truly grateful (N.B.: All Latin errors are my own). I am likewise profoundly indebted to Prof. Andrew Hicks (now at Cornell), who also instructed me in Latin before hitting the tenure-track, and Professors Barbara Todd, Mark Meyerson, Nicholas Terpstra, and Joseph Goering, who each helped guide me along the way. Also, a hearty thank you to Prof. Fred Astren (SF State), for his camaraderie, enthusiasm for Pliny the Elder and the North Bay, and especially for welcoming Sam and I to the West Coast. This study also benefited greatly from the generosity of Martin Waldman (CUA), whose enthusiasm for early medieval Benevento inspired me and who shared his digital resources. Martin, please accept my sincerest apology for not staying in touch with you. Also Bridget Walsh (Toronto), who helped me access source material for Beneventan hagiography after I left campus and who also reminded me why this stuff is so interesting. Finally, I must acknowledge the amazingly competent interlibrary loan liaisons at Robarts Library, without whom I would have never been able to access certain books and articles.

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Lastly, to my heroine and my mighty hero (in the modern sense of the word), who deal with my flaws on a daily basis. Firstly, Ashurbanipal II, bringer of dander and good cheer, my study-buddy extraordinaire, mea felix felis nigra: thank you for your selflessness, your ability to make the mundane look exciting, and for teaching me how to appreciate the little things in life that most big cats take for granted. And lastly (but not least), Prof. Sam the Great, conqueror of turkeys-that-get-you-down and husband of many gifts: there are no words that can adequately sum up my gratitude and my love for you, and we both know that if I tried, it wouldn’t make sense anyways. But to put it succinctly: I would never have finished this without you. You remain the most dedicated, loyal, intelligent, humorous, charming, annoying (ly cute), rational, fair, stubborn, handsome, direct, and patient human being I have and will ever encounter. Without your feedback and critique, your ability to make sense of my nonsense, and your constant, incessant badgering to ‘finish it already’, this dissertation would have been non-existent – as would I. Your unwavering faith in my capabilities, your smile and witty banter, and your steadfastness and optimism in dark times, have guided me safely through the gauntlet of life’s turkeys and their sharp beaks; your spirit and humour have healed even my deepest wounds; and your love has allowed me to trust again, to have faith in the infinite wonders of the universe, to appreciate the evolution of knowledge, and to believe that life might just be worth all the fuss after all. Thank you is surely not enough, so it is to you that this dissertation is dedicated.

Julie M. Anderson,
December of 2016,
In the Hellmouth and Paradise that is California, U.S.A.
Abbreviations

AA.SS.  

Annales Benev.  

Annales reg. Franc.  
‘Annales regni Francorum unde ab a. 741 usque ad a. 829, qui dicuntur Annales laurissenses maiores et Einhardi,’ *MGH SS rer. Germ.*, vol. 6, ed. F. Kurze (Hannover, 1895).

Basilica inscription  

Belting, ‘Studien’  

Capitula Arichis  

Capitula Adelchis  

Chapel inscription  

Chron. m. Casin.  


Chron. Salernitanum  

Chron. S. Sophiae  
Chron. Vult.  

CDC  

CDL IV.2  

CDL V  

*Divisio ducatus*  

*Edict of Rothari*  

EME  
*Early Medieval Europe*

*Epitaph of Arichis*  

*Epitaph of Caretruda*  

*Epitaph of Dauferada*  

*Epitaph of Grimoald*  

*Epitaph of Radelchis*  

*Epitaph of Radelgarius*  

*Epitaph of Rofrit*  
Epitaph of Romuald

Epitaph of Sico

Epitaph of Ursus

Erchempert

I Longobardi dei ducati

Leges Aistulf

Leges Grimoald

Leges Liutprand

Leges Ratchis

Martin, La Pouille
J.-M. Martin, La Pouille du VIe au XIIe siècle (Rome, 1993).
<table>
<thead>
<tr>
<th>MGH</th>
<th>Monumenta Germaniae Historica</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>AA</em></td>
<td>Auctores Antiquissimi</td>
</tr>
<tr>
<td><em>Capit.</em></td>
<td>Leges. Capitularia regum Francorum</td>
</tr>
<tr>
<td><em>Capit. episc.</em></td>
<td>Capitula episcoporum</td>
</tr>
<tr>
<td><em>Dip. Kar.</em></td>
<td>Diplomata Karolinorum</td>
</tr>
<tr>
<td><em>Epp.</em></td>
<td>Epistolae (in Quart.)</td>
</tr>
<tr>
<td><em>Poetae</em></td>
<td>Antiquitates. Poetae Latini mediæ aevi</td>
</tr>
<tr>
<td><em>SRL</em></td>
<td>Scriptores rerum Langobardicarum et Italicardum</td>
</tr>
<tr>
<td><em>SS</em></td>
<td>Scriptores (in folio)</td>
</tr>
<tr>
<td><em>SS rer. Germ.</em></td>
<td>Scriptores rerum Germanicarum in usum scholarum eparatim editi</td>
</tr>
</tbody>
</table>


*Pactum Sicardi* ‘Sicardi principis pactio cum Neapolitanis,’ in *MGH Leges IV*, ed. F. Bluhme (Hannover, 1869), pp. 216-221.


*PL* Patrologia Latina


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Introduction

This study investigates the documentary and literary culture associated with the court of the southern Italian Lombard Duchy and Principality of Benevento during the eighth and ninth centuries. More specifically, through an analysis of contemporary epigraphic, legislative, hagiographic, diplomatic and charter-based evidence, it will be argued that individuals and groups at the Beneventan court mobilized historical memory in order to construct and communicate their authority and legitimacy. Whether it was to validate claims over property rights, to legitimate a right to rule, to justify a place within the traditionalist hierarchy of their society, or to authenticate personal and familial authority within the court’s network of patronage, rulers, palace officials, the aristocracy, landowners, bishops, and members of the Beneventan church, all looked to the past in order to understand, justify, or challenge the social, political, and religious order in the present. To communicate that past, the written word was fundamental, and Latin prose or verse became the medium through which the memories of historical events, ancestors, successful political rulers and dynasties, customs and traditions, and holy men were preserved and then evoked by Beneventan elites. Moreover, Beneventan authors drew upon a surprisingly varied and shifting pool of memories that could include events and figures from classical antiquity and Roman history, Byzantine rulers and saints, the exploits of Frankish and Lombard kings, and most importantly, their own local history. This variety demonstrates a considerable degree of hybridity and flexibility in Beneventan court culture that has been previously overlooked by scholars.

As the southern-most duchy of the Lombard Kingdom (568-774), far removed from the Lombard epicentre in northern Italy and with communities dispersed amongst a large and expansive territory, Benevento developed under different conditions than the other Lombard duchies in the north.¹ This political connection to, but geographic detachment from, the Lombard Kingdom has encouraged scholars to think paradoxically about the history of Benevento: considering it separate from the rest of the Kingdom while simultaneously employing a comparative model that investigates the degree to which Benevento did or did not adhere to the

models of government, administration, and church organization typical in the Lombard north, and/or to northern cultural and literary trends.2 Moreover, a tendency to rely heavily upon Benevento’s monastic histories and chronicles, particularly the Historia Langobardorum and the Historia Langobardorum Beneventanorum, at the expense of other genres of evidence has at times had the effect of homogenizing north and south into a single cultural unit linked by a shared sense of a Lombard ethnic identity, which supposedly manifested in the south especially after the 774 fall of the Lombard Kingdom to the Franks.3 Such conclusions, however, are based almost entirely on the abovementioned histories of two disaffected monks – namely Paul the Deacon (c.735-c.799) and Erchempert (fl. c. 890), who were both personally affected and motivated by the political machinations of the period.4 Nevertheless, the supposed centrality of


4 Both authors were also personally (and negatively) affected by contemporary court politics. Paul the Deacon, for example, witnessed the collapse of Lombard rule to the Franks in 774, whereupon he found refuge in the former Lombard Duchy of Benevento. He eventually became embroiled in Frankish court politics when his brother was imprisoned by the Franks after participating in the 776 rebellion of Hrocdgau, Duke of Friuli (774-776) against the Frankish King Charlemagne. Paul ended up visiting the Frankish court shortly after 782, perhaps to earn his brother’s release, and he worked for both Frankish and Beneventan political and church patrons until his death c. 799. On the political motivations behind his works see: R. McKitterick, History and Memory in the Carolingian World.
Lombard identity for early medieval Beneventans has continued to inspire modern scholars to search for evidence of a distinct Lombard culture and civilization in Benevento even centuries after the Kingdom itself ceased to exist – a search which assumes that early medieval identity and culture were unchanging and static.\(^5\)

Outside of this problematic search for an ethnic Lombard identity, the literary works produced in Benevento in this period have also been treated as atypical and insular and thus are often dismissed as regional oddities, or else as primitive precursors of trends more fully expressed in the eleventh and twelfth centuries.\(^6\) Moreover, the various genres of texts produced in association with the Beneventan court are rarely considered as a cohesive collection or as part of a larger textual tradition that evolved alongside court culture and court mentalities. To date, no study has investigated in detail the use and significance of these texts or the development of a literary tradition distinct to Benevento, both in the period of Benevento’s rise in the eighth century and its dissolution in the ninth century.\(^7\)

\(^5\) See for example: Azzara, ‘Il ducato di Benevento e l’eredità,’ at p. 24: “A Benevento, quindi, dopo il nefasto 774, veniva raccolta l’eredità politica del regno longobardo in Italia, durato per quasi due secoli.” And see the recent collection of essays in *I Longobardi del Sud*, ed. G. Roma (Rome, 2010), which seeks to find traces of Lombard culture and civilization in southern Italy for centuries after 774.


\(^7\) There are two recent studies, which provide overviews of the literary culture at southern Italian courts during the period (including brief discussions of the Beneventan court); however, the nature of the studies prevent them from
By examining the evolution of Beneventan textual traditions over the course of the eighth and ninth centuries and by considering the entire corpus of texts associated with the Beneventan court – that is, monastic histories and chronicles as well as court precepts, charters, notices of judgment, legislation, hagiography, poetry, and epigraphy – this study will provide a new perspective on how textual traditions and historical memory were used at the early medieval Beneventan court in the expression of authority and the process of legitimation. The complexity and flexibility of historical memory and the written word in this process demonstrate that Benevento was more than just a Lombard or former-Lombard duchy. It was a dynamic frontier society, whose culture was defined in part by its relationship and allegiance to the northern Lombard capital, but also by its interaction, exchange, and confrontation with its neighbours in southern Italy and by local phenomena originating from within the court.

**Historical context**

The relationship between historical memory, expressions of authority, and written texts at the Beneventan court was the result of a confluence of four important factors: regional instability, conservatism at the Beneventan court, Benevento’s frontier experience, and the development of a lay literary culture at the court. Firstly, the eighth and ninth centuries were periods of considerable instability in Benevento and in southern Italy more generally, with significant political, economic, and social changes taking place in rapid succession. The most dramatic transformation occurred when Benevento became an independent principality in 774 CE. Benevento had been the southern-most duchy of the Lombard Kingdom (568-774) since the sixth century, with territory that extended over much of the southern Italian peninsula by the eighth

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engaging in a detailed analysis of Beneventan texts as part of a distinct literary culture. For example: T. Granier, ‘La culture lettrée des élites princières et ducales de l’Italie méridionale latine, VIIIe-Xle siècles,’ in La culture du haut moyen âge, une question d’élites?, eds. F. Bougard, R. Le Jan, and R. McKitterick (Turnhout, 2009), pp. 171-186, discusses the lay literary culture at the courts of Benevento and nearby Naples. His study focuses only on literary works (histories, poems, and other narrative works) and not legal or ‘functional’ texts. D’Angelo, ‘La letteratura alle corti longobarde,’ briefly discusses all genres of Beneventan literary evidence, but alongside and in conjunction with those of Spoleto, Capua, and Salerno, which he argues all represent one southern Lombard tradition, which was an extension of northern Lombard cultural trends. Earlier studies, which analyzed multiple genres of Beneventan evidence, have typically limited their studies to a particular period in time or a particular region. See for example: Belting, ‘Studien,’ which focuses primarily on the courts of Arichis II (758-787) and Grimoald III (787-806); Martin, La Pouille, has the region of Apulia as its main focus; Delogu, Mito di una città meridionale, and Taviani-Carozzi, La principauté de Salerne, both examine the court in the city of Salerno; and N. Cilento, Le origini della signoria capuana nella Longobardia minore (Rome, 1966) examines Capua especially.

8 The events and impact of the year 774 CE were the subject of a recent conference and edited collection: 774, ipotesi su una transizione: Atti del seminario di Poggibonsi, 16-18 febbraio 2006, ed. S. Gasparri (Turnhout, 2008).
century. But after the Franks conquered the Lombard Kingdom, Benevento chose to reject Frankish hegemony; its duke (dux) recast himself as princeps gentis Langobardorum (or Prince of the Lombard people) and the Principality of Benevento was formed. Autonomy initially brought a period of economic expansion and urban growth. However subsequently, Benevento was plagued by periods of political unrest, civil war, territorial fragmentation, foreign occupation, and finally dissolution as Benevento was annexed by Capua in 899. Internecine conflict amongst local aristocratic families also added to this volatility (as well as its stability, as we will see below), and local political factions removed or assassinated eight Beneventan rulers during the period of this study (see Table I). Aristocratic rivalry was partly responsible for the decade-long Beneventan civil war (839-849) as well, which permanently severed the prosperous cities of Salerno and Capua along with its surrounding territories from Benevento in the mid ninth century. The frequency and often violent nature of political change, as well as the more general

9 Beneventan territory in the eighth century included the modern-day regions of Campania, Apulia, Basilicata, Molise, and part of Abruzzo and Calabria.

10 The adoption of the title princeps gentis Langobardorum was unusual, as it had no precedent in Lombard royal nomenclature. Traditionally, the Lombard ruler used the title rex gentis Langobardorum, which Charlemagne adopted after he conquered the Lombard Kingdom. Princeps was a title reserved for Byzantine royalty at the time, and some scholars argue that Arichis chose the title to gain recognition in the East, rather than to simply defy Charlemagne’s hegemony. The use of the title princeps in Beneventan documents was not uniform until after 791, however. For more on this see: E. Garmis-Cornides, ‘Die langobardischen Fürstentitel (774-1077),’ Intitulatio II. Lateinische Herrscher- und Fürstentitel im neunten und zehnten Jahrhundert, ed. H. Wolfram (Vienna, 1973), pp. 341-452, at pp. 358-359, 377-385. Also: H. Kaminsky, ‘Zum Sinnegehalt des Princeps-Titels Arichis’II von Benevent,’ Frühmittelalterliche Studien, 8 (1974): 81-92; and P. Bertolini, ‘Studi per la Cronologia dei Principi Longobardi di Benevento: da Grimoida I a Siculo (787-839),’ Bollettino dell’Istituto Storico Italiano per il Medio Evo 80 (1968): 25-135, at pp. 89-90.


atmosphere of instability, encouraged Beneventan rulers and members of their court to continuously reassert their authority, re-establish relationships within the court’s hierarchy, to pursue and grant patronage, and to renegotiate alliances with one another. Much of this posturing, as we will see, was accomplished through a process of remembering and recalling the past and often this process required the use of texts.

A second factor, which impacted expressions of authority and the use of historical memory and texts was conservatism amongst influential members of the Beneventan court community, who sought to maintain local traditions and customs, especially in regards to the hierarchy of the court and its administrative infrastructure. As Benevento transformed from a duchy to a principality in 774, its rulers preserved many Lombard legal and administrative traditions that had been practiced in the ducal period. Other more local traditions were also maintained, the most important of which, for the purposes of this study, was the practice of dynastic succession amongst Beneventan rulers. Unlike most royal and ducal positions within the Lombard Kingdom, the title of dux in Benevento was generally inherited by order of primogeniture or else by royal appointment based on kinship with the Lombard king. Thus the right to rule in Benevento depended upon ancestry and bloodlines and this requirement became even more pronounced as the region became more and more unstable. As a result, only a few aristocratic families controlled the Beneventan throne and members of new ruling families actively sought ancestral ties with a previous ruling dynasty in order to be accepted. This quest for legitimacy was in part because local aristocratic factions actively policed the succession of rulers at the Beneventan court, in part because their own authority (i.e. their title and property) depended upon an intricate patronage network that had the ruler at its center. If the line of succession appeared broken, factions reacted with violent opposition, assassinating the ‘illegitimate’ ruler. New rulers who lacked the necessary ancestry typically claimed legal

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13 For some of these survivals see: Azzara, ‘Il ducato di Benevento e l’eredità’; and for more on Lombard law and the preservation of the judicial system in Benevento see: Chapter 2 and Chapter 3 of this dissertation.
14 In the northern Lombard Kingdom office-holding became a more important marker of status than ancestry and was a legitimate avenue for acquiring the royal or ducal throne. For more on this: P. Cammarosano, Nobili e re. L’Italia politica dell’alto medioevo (Rome-Bari, 1998), pp. 74-96, esp. pp. 81-84.
15 For more on this patronage network see Chapter 3, pp. 159-161.
16 The Beneventan dukes who lacked ducal and/or royal affiliation, such as Audelais (732-33) and Godescale (740-742/3) had notably short reigns and were assassinated by or with the support of Beneventan political factions. Princes Grimoald IV (806-817) and Sicard (832-839), who had similar questions regarding their place in the legitimate dynastic line, were also assassinated by local factions. The Beneventan civil war (839-849) began after an office-holding aristocrat, Radelchis (839-851), was elected to the throne over a legitimate heir of the previous ruling dynasty, Siconulf (839-851), essentially dividing the aristocracy between those who felt agnatic succession had been
adoption into a dynastic line in order to appease these ‘traditionalist’ factions.\textsuperscript{17} If they could not do this, at the very least, they demonstrated adherence to the traditions and ideologies of past ruling lines. Finding ways to express continuity with the past was therefore critical, and ducal and princely authority depended on the accurate recollection of one’s ancestral history or one’s connection to an acceptable past.

A third factor was Benevento’s geography and its experience as a frontier region.\textsuperscript{18} Situated as it was in southern Italy, Benevento was bordered by many different communities. The Byzantine Duchy of Rome was located to its northwest, while Naples and several other Byzantine-held territories, such as Amalfi, Gaeta, and Sorrento, were to its west along the Tyrrenian coast. After 774 the Frankish Kingdom controlled most of the northern and central Italian peninsula including Benevento’s other northern neighbour, the formerly-Lombard Duchy of Spoleto. In the ninth century the Aghlabid Emirate of Sicily (800-909) and a Muslim Emirate at Bari (847-871) formed to Benevento’s south and east along with new Byzantine settlements in much of Apulia as the century came to a close. Because of its proximity, Benevento routinely interacted with these communities through trade, alliance, and war.\textsuperscript{19} Benevento’s urban centres, particularly its two capital cities of Benevento and Salerno and also Capua and Bari, were important locations for controlling southern Italian trade networks to and from these neighbouring locals, and Beneventan rulers encouraged mercantile participation along local routes as well as the establishment of commercial connections with international traders in North Africa and the Carolingian Empire.\textsuperscript{20} This trade and exchange exposed Beneventan communities

disregarded and those who felt Siconulf’s brother Prince Sicard was actually illegitimate and thus there was no dynastic heir. Agnatic succession was not always strictly followed, which also caused internal dynastic conflict as well. For example, the ascension of Prince Adelchis (854-878) over his nephew Prince Gaideris (878-881), who was the eldest son of Adelchis’ predecessor, Prince Radelgarius (851-854), did not follow the rule of succession. Gaideris subsequently found support amongst the aristocracy and had Adelchis assassinated. Adelchis’ eldest son Radelchis II (881-885, 897-899) then followed suit and deposed Gaideris.

\textsuperscript{17} For specifics see: Table I of this dissertation and Chapter 1 of this dissertation.


\textsuperscript{20} Di Muro, Economia e mercato, pp. 9-111, esp. Fig. 1 at p. 15, and see esp. measures in the Pactum Sicardi. The city of Benevento, which served as the main administrative and spiritual hub, was strategically located for managing the southern Apennine mountain pass and the major Roman trading roads, the Via Appia and its extension the Via Appia Traiana, which connected Rome to the major ports of the Adriatic Sea. By the early ninth century, trade also began to flourish on Benevento’s network of waterways – particularly the Gargliano, Volturno, and Sele rivers – which connected to the Tyrrhenian Sea, making the western coastal city of Salerno and nearby Capua important
to many different merchants and visitors from Byzantium, Rome, Francia, and the Arab world. It also exposed the region to endemic warfare as neighbouring polities and mercenary bands attempted to control the flow of goods and resources in southern Italy.

But in addition to its confrontation with other cultures, Benevento also dealt with considerable isolation. As the frontier territory of the Lombard Kingdom until 774, it was far removed from the Lombard administrative and cultural epicenter in the Po river basin of northern Italy. The Apennine mountain range, which forms a backbone of rugged terrain across the Italian peninsula, served as a considerable geographic barrier that isolated the Beneventan court from the major Lombard cities and made travel and communication between the two regions slow and difficult. This distance encouraged the Beneventan court to develop differently than the Lombard royal court and in some respects adopt instead elements of neighbouring courts and their Romano-Byzantine culture. The result was a hodgepodge of Byzantine, Roman, and Lombard influences, which ultimately affected the process by which the Beneventan court and its community reconciled their Lombard heritage with their own local traditions and with the traditions of their neighbours – a process which we will see had a profound effect on how authority was expressed at court and how the community remembered and constructed its past.

locations for maritime trade relations with neighbouring Byzantine centres like Amalfi, Naples, and Gaeta as well as other trading communities.

21 Monastic chroniclers often condemned Christian Beneventans for their relationships with non-Christians, particularly with Muslim mercenaries, who allied with the Beneventans during the Beneventan civil war (839-849). Even so Muslim communities continued to be important trading partners and military alliances for Benevento in our period. For more on the Beneventan-Muslim relations see: Musca, L’emirato di Bari; B. Kreutz, Before the Normans: Southern Italy in the Ninth and Tenth Centuries (Philadelphia, 1996); and Metcalfe, The Muslims of Medieval Italy. Jewish communities in Benevento and southern Italy were likewise important, although evidence of their relationship with the court is limited because of the state of surviving source material. Much of the detailed evidence for Beneventan Jews begins in the tenth century onward; the best source being the eleventh-century chronicle by Ahimaaz ben Paltiel: The Chronicle of Ahimaaz, trans. M. Salzmann (New York, 1924). On southern Italian Jewry in and slightly after this period: Palmieri, ‘Mobilità etnica e mobilità sociale,’ pp. 47-65; C. Colafemmina, ‘Insediamenti e condizione degli Ebrei nell’Italia meridionale e insulare,’ in Gli Ebrei nell’ Alto Medievlo (Spoleto, 1980), pp. 197-227; La presenza ebraica in Puglia: fonti documentarie e bibliografiche, eds. C. Colafemmina, P. Corsi, and G. Dibendetto (Bari, 1981); P. Skinner, ‘Conflicting Accounts: Negotiating a Jewish Space in Medieval Southern Italy, c. 800-1150,’ in Christian attitudes toward the Jews in the Middle Ages: A Casebook, ed. M. Frassetto (New York, 2007), pp. 1-14; and slightly later: H. Taviani-Carozzi, ‘Les juifs dans les cités lombardes d’Italie du Sud (Xe-XIIe s.),’ in Villes et sociétés urbaines au Moyen Âge. Hommage à M. le Professeur Jaques Heers (Paris, 1994), pp. 269-280.

22 For more see: Martin, Guerre, accordes et frontiers; Di Muro, Economia e mercato.

23 The Apennines forced travellers from Benevento, who used the road system, to pass through Rome to the west or Ravenna to the east to get to the northern Po plain, neither of which were particularly neutral toward the Lombards.

The final factor important to this study was the development of a lay literary culture at the Beneventan court, which served as a conduit linking the interests of secular and religious figures. Beginning during the reign of Duke/Prince Arichis II (758-787), Beneventan rulers, members of the royal family, and high-ranking court officials began commissioning literary works (such as poems, histories, and funerary epitaphs) written by members of the Beneventan church and nearby monasteries. Secular literacy and the ability to finance literary projects soon became a unique privilege and symbol of the ruling elite, and in commissioning such texts and promoting a literary culture around them, these individuals likely influenced the values and behavioural norms at court. As we will see, their emphasis on historical memory impacted not only the language of political legitimacy at court but also the content of other genres of writing outside the literary sphere.

Critical to the development of this lay literary culture at the Beneventan court were the region’s monastic and cathedral schools, particularly those associated with Montecassino and the cathedral of Benevento, in which many Beneventan authors were either educated or served as educators. The interest of these schools in grammar and their extensive library collections were of particular importance. While there is limited evidence for their curriculums, local grammatical manuals suggest that students gained an impressive knowledge of both classical and

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Christian authors, learning the intricacies of Latin grammar while being immersed in the historical works and poetry of antiquity. As Edoardo D’Angelo has noted, “Beneventan intellectuals demonstrated that they not only knew and mastered [classical, late antique, and patristic sources], but above all regarded [these sources] as indispensable to their discourse.”

This appreciation for ancient literary authorities of the past meant that the works these authors produced for the Beneventan court were often constructed using a language of the past that harkened back to antiquity (especially to Rome) and purposely referenced or mimicked particular classical and Christian texts and authors.

Also important to the development of a court literary culture in Benevento was the close interaction between these monastic and ecclesiastical Beneventan intellectuals and the ruling elite. Secular and religious affairs often blurred together at the Beneventan court, in part because Beneventan rulers had considerable influence over religious institutions and the religious life of their people and were keen to demonstrate their piety. Rulers often had authority over the property and administration of smaller local monasteries and churches, assumed elements of the spiritual jurisdiction of the bishop of Benevento, and for a time even controlled the relic cults of patron saints in the private palace church of S. Sofia. In addition, large local monasteries like Montecassino and S. Vincenzo al Volturno were important landholders in this period with extensive patrimonies, much of which originated from the donations of rulers and local


\[\text{\textsuperscript{30}}\] D’Angelo, ‘La letteratura alle corti longobarde,’ at p. 763.

aristocrats, and this gave their abbots a vested interest in Beneventan court politics and promoting secular piety. Perhaps unsurprisingly, religious leaders, like their aristocratic counterparts, were active in the Beneventan court’s patronage network, and they too had to re-assert and re-establish their authority within that hierarchy. The ruler’s patronage of literary works written by monastic and ecclesiastical authors then served as an important way secular and religious parties could form relationships with one another, and the written word became a critical medium for both parties to communicate and justify their ideal place within Beneventan society to each other.

Theoretical framework

Along with Benevento’s historical context, three theoretical ideas will be central to this study: historical memory, literacy, and authority. Scholars have long discussed the concept of memory and how the past is used by society, but it gained new traction from the middle part of the twentieth century onwards. The question of historical memory, in particular, centres on the issue of how history is preserved and communicated. Can history exist without texts? Do our surviving texts preserve only the whims of the elite, literate class, or do they transcend this narrow worldview? Or is history collectively maintained through the memories of whole


33 For more on this patronage in former Lombard-controlled areas of southern Italy, see: P. Delogu, ‘Patroni, donatori, committeni nell’Italia meridionale longobarda,’ in Committenti e produzione artistico-letteraria nell’Alto Medioevo occidentale (Spoleto, 1992), pp. 303-334.

communities? And if so, where is this collective history preserved and expressed, and does it differ from written history?\(^{35}\) The first systematic assessment of these questions was advanced by the French sociologist Maurice Halbwachs. Halbwachs developed the theory of ‘collective memory’, which argues that memory is at its core a social phenomenon.\(^{36}\) In this view, collective groups engage in a natural, spontaneous, and informal process of so-called ‘social remembering’, whereby historical knowledge is constructed, preserved, and shared amongst the members of a social unit. Collective memory then is to be distinguished from ‘historical memory’, which, preserved in writing, is the artificial construct of the historian.\(^{37}\)

Most medieval scholars would broadly agree with some aspects of Halbwachs’ model. For instance, there can be little doubt that medieval authors intentionally manipulated their recollection of the past when writing historical accounts.\(^{38}\) Patrick Geary has noted that while medieval authors were part of “a society that explicitly found its identity, its norms, and its values in the inheritance from the past, that venerated tradition and drew its religious and political ideologies from precedent,” they nevertheless were “actively engaged in producing that tradition through a complex process of transmission, suppression, and re-creation…in order to prescribe how the present should be because of how the past had been.”\(^{39}\) But what Halbwachs’ approach overlooked is the fact that history as expressed in historical writing, contrived though it certainly

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\(^{35}\) For an overview of some of these questions, many of which stem from the author’s reading of Hagel’s *Vorlesungen über die Philosophie der Weltgeschichte*, see: A. Funkenstein, ‘Collective Memory and Historical Consciousness,’ *History and Memory* 1.1 (1989): 5-26, pp. 5-6.


\(^{39}\) P. Geary, *Phantoms of remembrance*, quote at p. 8, and see esp. his analysis on political memory and restructuring the past, pp. 134-157.
could be, can nevertheless become an integral part of collective memory, influencing the way communities understand their past and their own social memory, and sometimes vice versa.\textsuperscript{40} Or to put it another way, collective memory is no less constructed and no more ‘authentic’ than historical memory. Indeed, history was not limited to narrative histories read only by the elites; medieval authorial ‘techniques’ of forgetting, preserving, and appropriating memories of the past, which Geary identified in his study, can also be detected in a wide variety of genres beyond history writing, including cartularies, hagiography, and even, as Walter Pohl has shown, in manuscript compilations.\textsuperscript{41} Thus ‘official’ historical memory and collective memory were often intimately connected. The former, disseminated far beyond the genre of history writing, influenced and was influenced by the way the wider society saw itself and its place in the world. It helped shape and justify social hierarchies, influenced political and religious agendas, provided blueprints for explaining and/or correcting the current social order, described and identified the unknown, and influenced identity formation amongst communities.\textsuperscript{42} This active use of the past by early medieval authors has important implications for the present study, in which it is suggested that Beneventan authors, and by proxy their patrons, also employed similar techniques of remembering, adapting, and revising historical memory in order to address contemporary audiences.

These preliminary conclusions inevitably raise yet another question: how can we trace the significance of historical memory beyond the author to his or her community and what impact did it have on the development of a particular culture? Scholars have sometimes addressed this

\textsuperscript{40} Funkenstein, ‘Collective Memory and Historical Consciousness,’ p. 10.


issue through the theoretical framework of ‘cultural memory’, an offshoot of collective memory that focuses more closely on the processes that lay behind identity formation and the development of collective cultures. Pierre Nora’s research on les lieux de mémoire (spaces/realms of memory), for example, found that the formation of a cultural heritage and in turn a collective identity was the result of a radical break or crisis of transformation in a society – a break that resulted in individuals struggling to understand the new social order and to identify what existed in their past. This, he argued, led to the creation of commemorative spaces, which served “to stop time, to block the work of forgetting,” allowing for the formation of a national sentiment, an artificial and constructed historical narrative (to aid in recalling the past), and a societal quest for authenticity. While Nora insisted his theory could only apply to modern nation states, scholars nevertheless began to use it in other contexts, identifying a similar phenomenon in pre-modern societies. Jan Assmann, in particular, has argued that memory in early civilizations was also closely bound to identity (or as he defined it, political imagination) and to cultural continuity (or the formation of tradition), and together these constructs formed a “connective structure” which could provide “a common area of experience, expectation, and

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action,” or a “cultural memory.” Crucial to this process was literacy and the written word, which allowed memory to be “objectivized” or preserved, processed, stored, and retrieved by later generations through “cultural formations (texts, rites, monuments) and institutional communication (recitation, practice, and observance).” Written texts then were also les lieux de mémoire, around which a cultural heritage and an identity could form.

This concept of cultural memory has important implications for our Beneventan evidence, which reveals that authors were similarly retrieving ‘stored memories’ or traditions from the past, sometimes reinterpreting or revising them to suit the present circumstances, and then using the written word (in the form of texts and inscribed monuments) to communicate, commemorate, and revive those memories at court. However, the diverse nature of the memories found in Beneventan texts suggests that they did not all come from the same cultural memory ‘storage box’. Often memories were profoundly local, with texts recalling, for instance, the ancient Samnites, who lived in the Beneventan region before the dominance of Rome, or great Beneventan rulers, local abbots, aristocratic families, and military victories. But memories also included those related to Lombard kings, biblical kings in Jerusalem, foreign saints and holy men, Roman emperors, heroes like Aeneas, and even the historical exploits of Byzantine or Frankish rulers. Many historical pasts could and were apparently ‘retrieved’ by Beneventan authors, often at different times and under different circumstances to explain the present social order.

The second consideration that must be addressed is the question of literacy, literary culture, and the use of the written word in the early Middle Ages. After all, how exactly did our authors communicate these memories to their audience, and did the audience possess the same ‘knowledge base’ necessary to receive and share the memories? Were they even literate, and how are we to even define literacy in this period? These are difficult questions, which scholars have been wrestling with for some time in relation to other early medieval communities. Literacy (or acts of reading and/or writing) was initially thought to be the privilege of only a small number of individuals in the early Middle Ages, mainly members of the church and the wealthy elite.

48 Questions posed previously by McKitterick, History and Memory, on pp. 5-6.
until a definitive shift from this ‘dark age’ supposedly began in the eleventh and twelfth centuries. Rosamond McKitterick’s 1989 study on the Carolingians’ use of the written word, however, has inspired a reconsideration of both our modern conception of what makes an individual literate and how the written word was used and communicated within early medieval communities. As many subsequent studies have shown, early medieval texts could be read by literate individuals as well as read out loud for those who were illiterate or semi-literate, meaning the influence of the written word extended much farther than a select few litterati.

Of particular importance for the present study are the conclusions of Nicholas Everett on literacy in the Lombard Kingdom and of Thomas Granier and Edoardo D’Angelo on the development of lay literary cultures in southern Italy during the early medieval period. Everett argued that literacy acted as a “capillary” for the administrative apparatus of the Lombard state, helping to “form and maintain links between rulers and ruled, central and local authority, secular and ecclesiastical powers.” This tradition, he reasoned, “owed much to Roman heritage in Italy, but Italians under Lombard rule…developed further literate traditions of government, administration and commemoration to suit their own needs.”

Many of the literate traditions that Everett identified in the northern and central Lombard Kingdom can also be recognized in


52 Everett, Literacy in Lombard Italy, quote at p. 319. Everett’s book focuses primarily on literacy in the northern Lombard Kingdom, although in chapter 4 he briefly addresses documentary trends in the duchies of Spoleto and Benevento regarding dispute proceedings. On the genre of hagiography in the northern and central Lombard Kingdom, see his study: idem, ‘The hagiography of Lombard Italy,’ Hagiographica 7 (2000): 49-126.

53 Everett, Literacy in Lombard Italy, quote at p. 319.
the Duchy and Principality of Benevento, as D’Angelo has shown in his recent study on literacy in *Langobardia minor* (i.e. Spoleto, Benevento, Capua, and Salerno). But as D’Angelo noted in his conclusion, some geographic distinction must be drawn between northern and southern Lombard literate trends, although he is not clear on what exactly that would be. In the end, D’Angelo’s treatment of southern Italy merely as ‘le zone d’ombra’ of a larger homogenous Lombard culture originating in the north fails to appreciate the distinctions and grey zones both within *Langobardia minor*, whose four centres of power faced remarkably different political and cultural forces throughout the period, and even within *Langobardia maior*. It is indeed difficult to compare literate traditions in Benevento using Everett’s or D’Angelo’s models, not only because Benevento clearly functioned on a much smaller scale than the Lombard north, but because it underwent considerable political and cultural fragmentation and change over the course of its existence.

In addition, evidence for the written word in Benevento is quite limited in the eighth and ninth centuries in comparison to the north, appearing primarily at the secular court in capital cities like Benevento, Salerno, and later in Capua in the ninth century, and at religious centres, like the cathedral complex in the city of Benevento, the shrine of the Archangel Michael at Monte Gargano, or monasteries like Montecassino and S. Vincenzo al Volturno. There is little evidence for a written tradition outside these two contexts. This is in part because of the poor preservation of Beneventan evidence from the period. Most texts from early medieval Benevento indeed survive in copied form in later medieval monastic compilations; their originals lost or destroyed due to a combination of neglect, natural disasters, building renovations, and contemporary and modern warfare. But the limited evidence outside the court setting may also have something to

54 D’Angelo, ‘La letteratura alle corti longobarde.’
56 Even using the term *Langobardia minor* is problematic when describing southern Italian communities (particularly after the Lombard kingdom ceased to exist) and presumes that one will find the culture of *Langobardia maior* on a smaller scale therein. The term is also anachronistic to our period of investigation, being used especially in chronicles of the tenth century onwards. On the use of the term *Langobardia minor* in tenth century chronicles see: Gasparri, ‘Culture barbariche,’ at p. 39. For the variety and nuance of terms used by southern authors to identify their communities in the eighth and ninth centuries, see: T. Granier, ‘Local or Regional Identity in Early Medieval Latin Southern Italy?’ in *An Agenda for Regional History*, eds. B. Lancaster, D. Newton, and N. Vail (Newcastle-upon-Tyne, 2007), pp. 101-114.
57 The Beneventan region encountered heavy warfare both during and after the period of this study, which resulted in many Beneventan towns and villages (and likely lay archives) as well as local monasteries (and their archives) like Montecassino and S. Vincenzo al Volturno being damaged or destroyed. Modern warfare has also taken a toll, particularly the Allied bombing of the city of Benevento and its cathedral in 1943 during the Second World War, which destroyed all but one of the original funerary epitaphs from the period. For the loss of episcopal and church
do with the fact that much of the day-to-day administrative business in Benevento, especially property transactions and judicial proceedings, involved the Beneventan duke/prince, his officials, and his network of patronage, all of which were tied directly to the capital cities.\textsuperscript{58} And as Thomas Granier has demonstrated, evidence for elite lay literary cultures in early medieval southern Italy is likewise restricted to the immediate urban court setting, revolving around rulers and government officials who sought out the talents of local ecclesiastical and monastic authors.\textsuperscript{59} We should therefore expect to find a proliferation of modes of secular literacy in the capital cities of Benevento and Salerno, and later on in Capua, where courts met during the period.

While we cannot accurately trace the extent of the written word outside of the court and monastic/ecclesiastic contexts, it appears that in the court setting most Beneventan texts were intended to be communicated orally to a group of listeners or at the very least, be visually accessible to a group through public display. Many poetic verses, for example, have verbs indicating an oral reading: \textit{canere} (to sing), \textit{sonare} (to echo/resound/be heard), \textit{boare} (to shout out loud), and \textit{loquor} (to say or speak). Others signal a visual reading: \textit{legere/ relegere} (to read/re-read) and \textit{videre} (to see), in one example by both “fellow-citizens and visitors” (\textit{concivis et hospes}).\textsuperscript{60} The surviving funerary epitaphs and dedicatory inscriptions from Benevento were inscribed in monumental form on expensive marble and displayed in the royal tombs and on building edifices – i.e. they were clearly meant to be seen by those gathered in the palace complex or in the nearby cathedral, where the tombs were located.\textsuperscript{61} There is even evidence that the more pragmatic texts like precepts, charters, deeds, and legislation, had their contents read out or the documents/codices themselves were displayed to those attending judicial proceedings at records in the region see: G.A. Loud, ‘The Medieval Records of the Monastery of St. Sophia, Benevento,’ in \textit{Montecassino and Benevento in the Middle Ages. Essays in South Italian Church History} (Aldershot, 2000), section VI.

\textsuperscript{58} For more on this see Chapter 3 of this dissertation.
\textsuperscript{59} Granier, ‘La culture lettrée des élites.’
\textsuperscript{61} For photographs of the original epitaphs see: A. Silvagni, \textit{Monumenta Epigraphica Christiana} (Vatican City, 1943), cit. IV, fasc. II, \textit{Beneventum}.
the Beneventan court. This suggests that the content of Beneventan texts at least had the potential and the intention to be communicated in the context of court assemblies and proceedings in and around the palace complexes and capital cities. But it is also likely that some texts, particularly literary works commissioned by the princes, found their way outside of the Beneventan court to other royal courts interested in Beneventan affairs.

A final issue that underlies the present study is the question of authority. What does authority mean in the context of the court of Benevento and what are the processes behind its expression? We often think of authority as a concept confined only to the realm of politics. However, our evidence for Benevento suggests that expressions of authority also had important implications in the social, economic, and even religious hierarchies of Beneventan society, all of which were deeply intertwined in this period. As a result, authority could mean different things to different individuals depending on the circumstances at hand. Political theorists often use the Latin word *auctoritas* to define authority in society, but it too has a wide-range of meanings that are highly dependent on context. For the purposes of this study, authority is perhaps best described as the ability to persuade or influence others.

This kind of authority depended upon two components: the dynamic of the court hierarchy and the process of legitimation. During the early medieval period, the hierarchy of the Beneventan court was not unilateral, rather it consisted of a complex web of individuals, whose relationships with each other were defined, established, and maintained through the court’s patronage networks and based upon status and property ownership, or in the case of religious individuals, spiritual wealth (or knowledge/access to the divine). Like many other contemporary societies, power dynamics in the court hierarchy were highly personal, resting upon a complex, localized social network based upon reciprocity and gift exchange. Authority therefore

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63 For example Paul the Deacon’s *Historia Langobardorum* and the *Historia Romana* both circulated outside their immediate Beneventan context. McKitterick has even argued that the *HL* may have been intended particularly for Frankish court consumption. See: R. McKitterick, ‘Paul the Deacon and the Franks,’ *EME* 8.3 (Nov. 1999): 319-339.
manifested itself especially in relationships between individuals, groups, and families, whether they were forged in the distant past, in the present, with worldly men, or with the divine. These relationships were often renegotiated or re-established in front of the community through the process of disputing, although, like other early medieval communities, the conflict was typically restrained with reconciliation being the end goal. It was during these confrontations or during moments of societal disruption, when claims to authority were made so that they could then be confirmed.

The second component essential to this authority is this process of confirmation or legitimation. Because claims to authority exist in an abstract sense and in the minds of a community, authority can only be effective in its expression if those within that community deem it valid, and only then can authority be exercised. Expressions of authority then are inherently bound to the process of legitimation – or being accepted, established, and recognized by a group. In the early medieval period, legitimation was often achieved through consensus or by means of rituals of power, particularly in the context of royal authority. But this depended on a

Fouracre (Cambridge, 1996); Innes, State and Society; Brown, Unjust Seizure; C. Wickham, Framing the Early Middle Ages: Europe and the Mediterranean 400-800 (Oxford, 2005), esp. pp. 153-258; H.J. Hummer, Politics and Power in Early Medieval Europe: Alsace and the Frankish Realm, 600-1000 (Cambridge, 2006); Aspects of Power and Authority in the Middle Ages, eds. B.M. Bolton and C.E. Meek (Leiden, 2007); and most recently see essays in: Making Early Medieval Societies: Conflict and Belonging in the Latin West, 300-1200, eds. C. Leyser and K. Cooper (Cambridge, 2016).


67 For the sociological theory behind the dynamics of ‘power relationships’: A. Giddens, Central Problems in Social Theory: Action, Structure and Contradiction in Social Analysis (London, 1979), pp. 1-6; idem, A Contemporary Critique of Historical Materialism (Basingstoke, 1995), pp. 28-47; and for political theory: Arendt, Between Past and Future, pp. 91-142, where she discusses the abstract nature of authority.

68 This connection between political authority and legitimacy owes much to the theories of Max Weber, for example, idem ‘Politik als Beruf,’ Gesammelte politische Schriften (Munich, 1921), pp. 396-450, at pp. 396-397.

69 The process of consensus in early medieval communities has been studied in terms of Frankish royal authority: J. Hanning, Consensus fidelium: Frühfeudale Interpretationen des Verhältnisses von König und Adel am Beispiel
successful dialogue between the individual and the group/community, whether it was communicated through language or through symbolism. Texts normally only preserve one side of this dialogue, but the language of legitimation (or de-legitimation) employed in that dialogue addresses the interests of both the individual and the group. The individual’s defense of his/her authority, for example, reveals what he/she believed the group wanted and/or needed to hear in order for the claim to be validated. And because authority needed to be continually expressed and confirmed in the period, over time the language used by the individual underwent a process of revision based upon the success or failure of past claims. In this way, we get a glimpse into what values, ideologies, customs, and behaviour a group applauded (or rejected) in the past and what their expectations were in regards to the social order of their society. As Gabrielle Spiegel argued, texts represent a “situated usage of language. Such sites of linguistic usage, as lived events, are essentially local in origin and therefore possess a determinate social logic…that can be extracted…” By identifying this ‘situated language’ in texts and the associated dialogue of authority, we can then track social and cultural developments over time and trace changes in the expression of authority and in the expectations of the audience/community.
Scope and plan

This study will be divided into four chapters, each of which will focus on a particular textual genre at the Beneventan court: epigraphy, legislation, diplomatic and charter-based evidence, and hagiography. These genres were chosen because they provide the best lens for observing the use of texts and historical memory by a large proportion of the court community – the ruler and the ruled, the secular and the religious, male and female, and young and old. However, because of the nature of our evidence and its preservation, this study is limited to titled officials, landholders, or members of landed families or institutions, who are Christian. This group, while the majority at court, does not represent the entire Beneventan court community or the wider Beneventan community outside of the two capital cities. Some voices are simply lost. This study is also limited in that it does not include separate analyses for the monastic histories and chronicles, treaties (pacta), or poetry – textual genres which have links to the Beneventan court in this period. This is primarily because these genres have been adequately dealt with in other studies and because of space constraints. They will nonetheless appear throughout this study whenever they are relevant.

Each of the four chapters of this dissertation either begins with an overview of the state of our evidence for the respective genre at hand or addresses problems of methodology and issues related to the sources in the body of the chapter. Chapter 1 examines evidence for dedicatory inscriptions and funerary epitaphs. Almost all surviving examples are carmina epigraphica (or verse inscriptions), monumental in size and scope, and are highly descriptive and idealized in their content. Because court epigraphy was primarily the privilege of the ruler and his immediate circle and was intended to showcase a family’s right to rule in Benevento, the chapter will be

divided into three parts, each of which analyzes the epigraphy related to a particular ruling dynasty: the Arichians (758-806), the Sicians (817-839), and the Radelchians (839-892). This analysis reveals that for the three ruling families of Benevento, representations of royal authority and legitimacy were found in the past, and it was from history that they drew the imagery and ideology, which they hoped would solidify their positions in the present and secure their descendants’ positions in the future. Whether it was drawn from the bible, the glory days of the Roman *principate* or the defunct Lombard Kingdom, or even recent Beneventan history, poets re-used and re-interpreted historical themes drawn from older epigraphic and literary works, which evoked a more stable and prosperous time. In addition, Beneventan epigraphy demonstrates that royal authority in Benevento was often expressed in familial terms; a ruler’s authority depended not just on his own character and deeds but also on those of his family, both in the present and in the past. Moreover, the process of remembering the past and the language of legitimacy used in Beneventan epigraphy changed over time and was historically contingent, often reflecting current political issues. The more unstable the situation became in Benevento, the more rulers looked to historical models for reassurance and for legitimacy and the more localized epigraphic expressions of authority became.

Chapter 2 will turn to the surviving legislation of Benevento. Our evidence consists of two sets of laws promulgated by Arichis II (758-787) between 774 and 787 CE and Adelchis (854-878) in 866 CE. This chapter will argue that the legislation of Arichis and Adelchis was an attempt by both princes to create a distinctly Beneventan law for the Principality and thereby to establish their own authority in response to the threat of Frankish hegemony. For Arichis and Adelchis, legislation demonstrated their fitness to rule and communicated to the Franks the legitimacy of Benevento as a political unit, which shared many cultural and religious affinities with its northern neighbour. Both Arichis and Adelchis evoked and even repurposed older Lombard laws, particularly those of King Rothari and King Liutprand, and other legislative traditions from the past, such as Roman law and local customary practices, for new Beneventan contexts. The antiquity of these laws and the reputation of their legislators provided a framework of authenticity that allowed newer legislation to be recognized and accepted by the Beneventan people and by Frankish rulers. Taken together, Arichis and Adelchis creatively referenced the past in order to construct and legitimate a distinctly Beneventan legal tradition.
Chapter 3 will then turn to an analysis of the most common texts used at the court of Benevento, namely ducal/royal precepts (*precepta*) and charters (*cartulae*). Particular attention will be paid to what gave these texts authority and how that authority was then used or not used during legal dispute cases. Charters and precepts were evidence of property transactions that were legitimated in the past, either by the authority of Beneventan dukes/princes or notaries and other witnesses of one’s social network. However, this did not mean that the legitimacy invested in these texts and in the claims of those who possessed them went unchallenged. An analysis of property dispute cases, as recorded in official notices of judgment (*notitiae iudicati*) from the period, reveals that the authority of precepts and charters could be undermined by oral testimony that positioned a claim further back in the past. In the Duchy and especially in the Principality of Benevento, the document itself was less important than the antiquity of one’s claim and the ability to tie that claim to an identifiable historical past, to specific rulers, abbots, or to well-regarded members of the community. In the ducal period it became common for multiple claimants to produce seemingly legitimate sets of documentation proving their ownership of the same land. Thus, judges were forced to consider extra-documentary evidence such as oaths, witness testimony, and Lombard and customary law, to resolve disputes. On the other hand in the principate period, many precepts and charters were lost or destroyed as the region was destabilized by war. Thus oral testimony became a critical medium for expressing property ownership and for determining the outcome of disputes. But interestingly, precepts and charters remained authoritative even though they no longer existed. They became symbols, whose existence was evoked orally but whose content could only be proven by the memory of a disputant and his or her patronage network.

Finally Chapter 4 will examine Beneventan hagiography. The chapter will consider the three surviving examples that can be tied to the Beneventan court during the period: the *Translatio SS. Januarii, Festi et Desiderii*, the *Vita Barbati*, and the *Translatio S. Bartholomaei*. Taken together, these three hagiographic works reveal that the relationship between episcopal and princely authority in the Principality of Benevento was both complex and volatile, shifting alongside alliances amongst the aristocracy and church, and changing in relation to political circumstances. Indeed, it was two political coups – the assumption of the throne by Sico in 817 and the rise of Radelchis I in 839 – which provided the impetus for the creation of the hagiographical texts in the city of Benevento. By contextualizing the works in the context of the
rise and fall of the Sician dynasty, we will see that the texts and their associated saintly cults became a critical medium for the bishops of Benevento to express their aspirations for authority within the court hierarchy. The texts used the divine memory of saints and/or their holy relics along with events of the Beneventan historical past in order to highlight the important role of the bishop and the Beneventan church in the maintenance of the cults of saints and of the religious life of the Beneventan people. These served as idealized portraits of the past intended to persuade and educate, creating old traditions and hierarchies for new Beneventan cults in order to legitimate change in the present. This helped to promote the jurisdiction of the bishop of Benevento, which had been severely limited by the ruler for much of the period, and help the Beneventan church to navigate the contested and rapidly-changing political situation of the present while taking advantage of opportunities associated with the rise of new political regimes.

Taken together, these four genres of texts reveal that during the eighth and ninth centuries the Beneventan court community looked increasingly to the past in order to define, justify, and challenge the social, political, and religious order. The written word provided an important medium that gave authors and their patrons the flexibility to recall, re-use, reconsider, and even reconstruct a variety of different historical memories, ideologies, and customary practices in such a way that contemporary claims to authority could be legitimated and the court hierarchy influenced. Our analysis of these texts also demonstrates that the diversity and fluidity of the Beneventan past also evolved and adapted alongside Benevento’s many political transformations, its interactions with neighbouring communities, and the increasing localism expressed amongst its elites, as Beneventan society began to fracture and contract toward the mid-ninth century.

In addition to our analysis, this dissertation also includes full English translations of Beneventan epigraphy and legislation for the first time. These translations can be found in the analysis of Chapter 1 and in Appendix 2 respectively and are intended only as starting points, requiring future work. Appendix 1 also provides a more detailed breakdown of the southern Italian cartulary and cartulary-chronicles, discussed in Chapter 3, which preserve the vast majority of the Beneventan precepts, charters, and notices of judgment, in copied form. This preservation presents obvious problems and Appendix 1 will address these and other issues of forgery and formatting, as well as provide additional information about the context in which the cartularies were collated and what they contain.
Chapter 1: Beneventan Court Epigraphy

Introduction

This chapter will analyze the surviving epigraphy associated with the Beneventan court produced during the eighth and ninth centuries. These epigraphic texts were monumental, public or semi-public, carved on marble and intended to last.\(^{75}\) The majority are *carmina epigraphica* (or verse inscriptions), commissioned by the court elite to adorn building edifices or sarcophagi.\(^{76}\)

Past research has revealed a great deal about Beneventan epigraphy, from the engraving techniques employed by artisans in its creation, similarities in its tradition and the Lombard north, the impact of the poet Paul the Deacon on its content and style, its projection of elite and dynastic power, and the influence of local manuscript traditions on its appearance.\(^{77}\) Generally it is agreed that epigraphy was primarily used by the ruler and other elites at court to communicate the wealth, status (based upon ancestry), deeds, and/or God’s approval of the regime.\(^{78}\) And for the rulers themselves, epigraphy was especially an expression of dynastic ambition and legitimacy.\(^{79}\) However, what is often overlooked is the fact that when the evidence is considered in the immediate context of each ruling family, it becomes clear that the language of legitimation expressed in Beneventan inscriptions shifted alongside political circumstances, as did the

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\(^{75}\) While all surviving Beneventan inscriptions were carved on marble or stone slabs, other mediums may have been used for inscriptions in the area, which simply do not survive. For a general introduction to epigraphy, see ‘Inscriptions,’ in *Brill’s New Pauly*, eds. H. Cancik et al. (Leiden, 2005); A. Cooley, *The Cambridge Manual of Latin Epigraphy* (Cambridge, 2012), pp. 117-126; F.B. Lloris, ‘Latin Epigraphy: The Main Types of Inscriptions’, in *The Oxford Handbook of Roman Epigraphy*, eds. C. Bruun and J. Edmondson (Oxford, 2014), pp. 89-110, at pp. 89-90.


\(^{79}\) Petrucci, *Writing the Dead*, p. 42.
memories that were evoked in support of it. Each ruling dynasty looked to the past in a slightly different way. Some recalled specific events or ancestors, while others re-used content from older epigraphic and literary works. What might appear to our modern eye as continuity in the epigraphic expression was in fact an intentional repurposing of old ideologies to suit a new expression of authority. Moreover, the specific history evoked in Beneventan epigraphy was also tremendously varied. It could include biblical figures and events, the glory days of the Roman principate, the history of the Lombard Kingdom, and even the recent Beneventan past. Finally, Beneventan epigraphy did not just celebrate the lives of the dukes and princes; it also commemorated family members of various rulers. Both immediate relations, such as wives and heirs apparent, as well as extended relations, such as a granddaughter and even in-laws, are immortalized. Beneventan royal authority then was often expressed in familial terms; a ruler’s authority depended not just on his own character and deeds but also on those of his family, both in the present and in the past.

To demonstrate the evolution in the language of legitimacy and the use of the past in the Beneventan epigraphy, this chapter will be divided into three sections, each of which will examine evidence related to the reign of a particular ruling family. Part I will examine the Arichians (758-806); Part II the Sicians (817-839); and Part III the Radelchians (839-892). By examining the evidence in this way, we will see that expressions of authority in Beneventan epigraphy were historically contingent and transformed over the period as each new ruling family came into power. Each dynasty faced different challenges, whether it was impending foreign occupation/invasion, civil war, or issues of succession, and this had an impact on the language used in the inscriptions produced and how each family remembered and accessed a legitimate past.

Overview and the state of our evidence
In total, we have evidence for fifteen court inscriptions from Benevento during the eighth and ninth centuries: seven are associated with the Arichian family; four with the Sician family; and four with the Radelchian family. These can be divided into two broad categories. The first are building inscriptions, which were used to publically proclaim and commemorate the benefactor responsible for the construction, embellishment, or repair of public buildings, including chapels or churches, the palace, or even the city defenses. There are three examples of this kind of
epigraphy that survive, all of which were commissioned by the founder of the Arichian dynasty, Arichis II (758-787), during the time he held court in the city of Salerno. The second and largest epigraphic type from Benevento is comprised of funerary epitaphs, which were intended to memorialize the dead. 80 There are twelve examples of this type amongst the Beneventan evidence: five of which celebrate the lives of Beneventan princes and seven the members of the Beneventan elite, of whom four were from the royal family, two from the extended royal family, and one a member of the Beneventan church. Taken together, the status of those who commissioned or who were commemorated in these inscriptions suggests that Beneventan epigraphy was an elite phenomenon as it had been in the Lombard Kingdom; but unlike the Lombard examples, it appears that epigraphy in Benevento was the exclusive privilege of the ruler and his immediate circle, namely his family and his most trusted advisors. 81

All of these inscriptions, with the exception of one single standard funerary epitaph, are carmina epigraphica. Composed in Latin, the inscriptions are long, averaging around 30-50 lines, and misspellings and abbreviations are uncommon. 82 All of the inscriptions were likely originally inscribed on marble, with at least one having an overlay of metal lettering. They were meant to serve a commemorative function in a public setting such as the exterior of buildings, or more commonly in semi-public spaces such as in the atrium of the cathedral.

None of the inscriptions remain in situ, making it difficult to reconstruct their original location on or within structures. Indeed, only half survive on their original stone and all are now badly damaged. The majority are funerary epitaphs that were housed in the cathedral of Benevento, first in the atrium before they were moved to the cathedral’s façade during the twelfth-century renovations. 83 Most of these remained relatively undamaged and complete until the bombing of the city in 1943 during the Second World War, at which point they were severely

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damaged and broken into small stone shards. However, photographs were taken prior to the bombing, which provide valuable evidence for the layout and carving techniques used by artisans. Other Beneventan inscriptions, typically those from outside the city of Benevento, were copied down in manuscripts of different dates before the originals were lost or destroyed. There are also a few surviving fragments from one of the three building inscriptions from the city of Salerno, which became the second capital of Benevento under the Arichian dynasty in the 780s. These fragments have been matched to an inscription copied down in a manuscript of the eighteenth century. The funerary epitaphs from Salerno also exist only in later manuscript copies. They were likely inscribed on a slab of marble placed on top of the deceased’s sarcophagus, which was placed inside the cathedral. This appears to be the same arrangement as some earlier examples from the Lombard north. Taken together, the fragmentary preservation of Benevento’s epigraphy makes it difficult to place these inscriptions in their original physical context and often the manuscripts which preserve them provide little in the way of information that can be used to confirm their authenticity, as will be seen below.

**Epigraphic traditions in the Duchy of Benevento**

There is little evidence of an epigraphic tradition at the Beneventan court before the late eighth century. We know of three inscriptions from the ducal period (570-774) that were likely commissioned by Beneventan court patrons. These are inscribed at the shrine of S. Michael at Monte Gargano in Apulia. Two appear to be connected to the reign of Duke Romuald I (662-687) and one from the reign of Duke Romuald II (706-731). The first two are standard dedicatory inscriptions that appear closely tied to the promotion of the cult of the archangel Michael at the

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87 The author of the tenth-century *Chronicle of Salerno* notes that at least one of the epitaphs was placed on top of the tomb in the cathedral see: *Chron. Salernitanum*, ch. 21: “Item alios versus, que super tumulum Romoald, filiis Arichis, reperrerimus.” And ch. 30 we learn that Grimoald III was also buried in the cathedral: “…reconditus in iam dicta ecclesia sedis Salernitane iusta sepulcha patri fratruque.”  
88 Gray, ‘The Paleography of Latin Inscriptons,’ p. 124. Northern Lombard examples are the epitaphs of Theodota (c.735-750) and Cumian (c. 740-744, commissioned by King Liutprand).
The royal court of the Lombard Kingdom by Romuald I’s father, King Grimoald (662-671), a former Beneventan duke.⁸⁹ The first of these may have been commissioned by the two men together to commemorate their patronage of the shrine, although their names are not explicitly mentioned, making it difficult to connect the inscription directly to the Beneventan court.⁹⁰ The second inscription commemorates the donations made by Romuald I and of a group of aristocrats (viri honesti) for the embellishment of the shrine, possibly referring to the construction of a staircase and gallery in the grotto.⁹¹ The third commemorates the visit of Romuald II to the site with his wife Gunperga, and oddly requests protection for the couple from the angel Gabriel.⁹² These dedicatory inscriptions all served to publicize the religious piety of the Beneventan duke and members of the aristocracy and their relationship with an important cult. However, the audience for these inscriptions was not members of the court in the city of Benevento, but rather the pilgrims who frequented the shrine, many of which would have been foreigners. This is quite different than examples of Beneventan epigraphy in the following centuries, most of which were intended primarily for a court audience.

There are also other epigraphic trends in Benevento in the eighth century, which centered on members of the church and monastic institutions. We have evidence for funerary *carmina epigraphica* in the form of acrostic epitaphs for a bishop of Capua named Autchar from 743 and for the poet and monk Paul the Deacon, c. 799.⁹³ There also appears to be an epigraphic tradition developing in Beneventan monasteries around the same period as at the Beneventan court, particularly at S. Vincenzo al Volturno and Montecassino. For instance, there is evidence for

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⁹¹ For the inscription see: Carletti, ‘Iscrizioni murali,’ pp. 90-91, at n. 82: “†[d][e] donis d(e)i et [san]c(t)]l [a[r]cha]n/ †Geli fiere iusse et don[avit] Romuald/ †dux age[r]e piate[te] † Gaidemari fecit.” and on a separate badly damaged slab: “[–]n [–]v(ir) h(onestus) b(i)b(a) in d(eo)/ † Raduni v(ir) h(onestus) b(i)b(a) in d(eo)/ † Teospardu vir honestus biba in deo/ † Gaidemari [v(ir)] h(onestus) b(i)b(a) in [d(eo)].” Here substitute v for b.

⁹² Ibid, pp. 69-70, at n. 52.

painted inscriptions decorating the plastered walls and numerous gravestones at S. Vincenzo in the late eighth and ninth centuries. Several engraved funerary inscriptions have also been found, as well as evidence for two gilded dedicatory inscriptions on the façades of its buildings from the early ninth century. While these monastic epigraphic movements are very different in their overall aims and the techniques used by artisans in their creation, the similarities between them and the tradition developing at the nearby Beneventan court are enough that we should consider the possibility that the two were potentially influencing each other. Indeed, as we will see, several of the authors who composed Beneventan court inscriptions were monastic, like Paul the Deacon, a Cassinese monk.

Part I: Epigraphy of the Arichian family, c. 774-806

The first examples of Beneventan court epigraphy date to the reign of Arichis II (757-787), the last duke and first prince of Benevento and the founder of the short-lived Arichian dynasty. Arichis was appointed to the ducal throne in Benevento by his father-in-law, the Lombard King Desiderius in 758 as a replacement for the rebellious Duke Liutprand (751-758), the last heir to Benevento’s original ducal line. While Arichis’ parentage and origins are unknown, he likely spent his early career immersed in the political machinations of the northern Lombard Kingdom. This northern experience along with his familial connection to the royal family in Pavia through his wife Adelperga likely inspired his commissioning of public and funerary inscriptions. But there was more to the Arichian family’s use of epigraphy than a desire to imitate the Lombard north. After the Lombard Kingdom fell to the Franks in 774 and Benevento declared itself an...

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independent principality, challenges to Arichian authority came especially from Frankish rulers. It would be these Frankish claims in Italy, which after 800 became imperial claims, that had the greatest impact on the epigraphic expressions of authority by the Arichian family and on how it used the past to legitimate its right to rule.

This section will begin with a consideration of three building inscriptions and two funerary epitaphs associated with the court of Arichis II at Salerno, which became the second capital city of the new principality in the later eighth century. Having surveyed these works, we will then turn to the two surviving epitaphs produced during the time of Arichis' second son and successor, Grimoald III (787-806). Two important themes emerge from the epigraphy associated with the Arichian family. First, the memory of the Lombard Kingdom profoundly shaped the way the new Principality of Benevento and its leaders understood and justified their place in history and in their own society, with Arichian inscriptions echoing in content those of the late Lombard Kingdom and its royal court at Pavia. Beneventan building inscriptions sought to portray the leader as benevolent and pious while expressing his political pretensions of peace and prosperity, and the funerary epitaphs used Lombard models to describe the character, physical appearance, and euergetism of the deceased individual. Secondly, despite the many parallels between Beneventan and Lombard royal epigraphy, the influence of classical, Roman ideals, mediated through the influence of Paul the Deacon, resonated within the Arichian court more so than they had in the north. By evoking the history of Rome, especially the golden age of the principate of Augustus Caesar, intermingled with Christian imagery, the inscriptions portrayed Arichian rulers as moral, literate Christian princes comparable to Augustinian caesares. These two themes were emphasized by poets in varying degrees depending on contemporary political circumstances. However, the language of legitimacy expressed in Arichian epigraphy was generally a response to the encroachment of Frankish authority in Italy after 774. By combining elements of the Roman past with memories associated with the current Frankish and Byzantine ‘empires,’ epigraphy provided an important way the Arichians could assert the legitimacy of their family’s rule in Benevento during moments of great instability.
The building inscriptions of Arichis II

Sometime between the mid 770s and the early 780s, Arichis moved his court from the city of Benevento to the city of Salerno, where he began an extensive construction campaign. In Salerno, he re-fortified the city with new walls and put considerable resources into erecting a new palace with a private chapel dedicated to saints Peter and Paul. Inscriptions were an important part of these building projects. According to the Chronicon Salernitanum, Arichis commissioned inscriptions from the court poet Paul the Deacon, which adorned all sides of the prince’s new palatium complex:

[Paul] was a man acute in all things, well-versed in divine law and exceedingly instructed in the liberal disciplines...so much so, that the palace, which the aforementioned prince Arichis built in the celebrated city of Salerno, [Paul] decorated in verse on all sides.

These ‘palatium’ inscriptions and probably a number of other epigraphic works from the project commissioned by Arichis do not survive in their original form, with the exception of a few fragments from a single inscription, not in situ. We do have evidence for three building inscriptions from Salerno that date to this period, one of which corresponds to the aforementioned fragments and the other two which were copied down in manuscripts at different points before the originals were lost. All three of these inscriptions appear to date to after 774 – that is after the formation of the Principality of Benevento when Arichis adopted the title of princeps and took up official residence in Salerno. The first inscription celebrated an unknown

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97 Our sources imply that Arichis moved his court in reaction to Charlemagne’s advance upon the Lombard kingdom in the north. This could have been as early as 773-4, during the sack of Pavia, or anytime later, up to 787. The contemporary Royal Frankish Annals implied that the action had occurred by 787: “Aragisus dux Beneventanorum...relicta Benevento, quae caput illius terrae habetur, in Salernum maritimam civitatem velut munitiore se cum suis contulit.” See: Annales reg. Franc., at p. 75 (787). Erchempert, ch. 3, notes a similar desire to fortify against the Frankish army: “Nancus itaque hanc occasionem, et ut ita dicam Francorum territus metum, inter Lucaniam et Nuceriam urbem munitissimam ac precelsam in modum tutissimi castri idem Arichis opere mirifico extruxit,...Salernum appellabatur...” Neither sources, however, give exact dates for the initial move, but it must have happened much earlier than 787. Arichis’ construction program was too sophisticated to have been conceived of and built overnight.


99 Chron. Salernitanum, ch. 37: “Fuit vir per omnia sagax divineque legis dissertus et apriem liberalibus disciplinis imbatus...in tantum ut ipsum palacium quod princeps ut dudum diximus Arichis strucxit in memorata Salernitana urbe, undique ipsum versibus illustravat.”

basilica, probably the cathedral of Salerno or the new palace chapel of SS. Peter and Paul built by Arichis. The second is a dedicatory inscription for the chapel of SS. Peter and Paul. And the third celebrated the completion of the new defensive walls (the moenia) of Salerno.

In part, due to the above-mentioned Chronicon’s account and other evidence, all of the surviving building inscriptions from Salerno have been attributed to the authorship of Paul the Deacon. Pauline-specialist Karl Neff chose to include the three as authentic works of Paul in his survey on the poet’s works. However, with the exception of the inscription commemorating the construction of the walls of Salerno (i.e. the moenia inscription), which appears to be firmly Pauline in its origins, Neff has expressed some concern over ascribing to Paul the inscriptions produced for the basilica and the chapel of SS. Peter and Paul on account of the problematic manuscript tradition and the lack of stylistic peculiarities similar to Paul’s other known works. Neff’s caution (and optimism) about Paul’s authorship of the chapel and basilica inscriptions is justified, as the evidence for Paul's involvement in these two works is indeed circumstantial. The manuscript tradition for the chapel inscription is quite recent, with the earliest extant copy dating to the eighteenth century. Yet, the abovementioned account from the Chronicon, which identifies Paul as the poet of the verses inscribed on the palatium walls, does suggest that Paul was responsible for the chapel inscription, since it was part of the palatium complex. Considering it was Arichis’ private place of worship, the chapel inscription was one of the most important of all the palatium inscriptions, and the prince would have spared no expense in its construction. Excavations demonstrate that the chapel inscription had expensive metal lettering used to embellish it, and the building itself had precious marble columns and tesserae with gold. Paul, whose works Arichis’ wife Adelperga had commissioned previously, would have been the ideal candidate for such a prestigious job.

The manuscript tradition for the basilica inscription is much older than that of the chapel inscription, but is still problematic and circumstantial when providing evidence for Paul’s authorship. The earliest copy of the basilica inscription can be found in a manuscript from St. Gall written around 900 CE, which placed the inscription within a collection of seven

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103 Paul wrote at least one poem in 763 and, later in the early 770s, his Historia Romana for Arichis’ wife Adelperga. For the poem see: Neff, Die Gedichte des Paulus Diaconus, pp. 6-10. For the history see: Paul the Deacon, HR.
poems, after an assortment of hagiographic works by various authors. Scholars have attributed this collection of poems to Paul the Deacon, although the monastic scribe never explicitly identifies him as the author. Neff included three of these seven poems in his study of Pauline works, noting that they were probably composed by Paul the Deacon prior to his visit to Charlemagne’s court. Dümmler also posited that the collection could be authored by Paul the Deacon. Unfortunately, none of the other poems can be definitively linked to Paul. The basilica inscription is therefore the most problematic of the three building inscriptions for ascribing Paul’s authorship.

The basilica inscription

Unlike the chapel inscription, which can be placed within the palatium complex, the exact location of the basilica inscription is unknown. The only copy of the inscription, contained in the tenth-century manuscript from St. Gall, gave it the title: Ante fores basilicae, suggesting it was inscribed above or flanking the doors of a basilica, possibly the cathedral or on the outside entrance of the chapel of SS. Peter and Paul. It likely dates to the second half of the eighth century (c.770s-780s), around the time when Arichis moved his court to the city of Salerno.

Consisting of fourteen verses, the inscription focused primarily on ideas of sin and redemption and displays of piety through weeping:

1. This is the house of the Lord and the door of the Sacred Kingdom. Hurry to enter, oh people: this is the Lord's house! Here God himself dwells, the one who is everywhere, always. Hasten to this place, oh people: here God himself dwells!
2. If any sins, which perhaps you committed once, harm [you], behold! If any sins harm [you], He who banishes them is here.

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105 St. Gallen, Stiftsbibliothek, cod. Sang. 573 concludes with various poems for which no author is given; they are entitled: Versus in basilica sanctae mariae, Versus super crucem, Alfabetum de bonis sacerdotibus, Alfabetum de malis sacerdotibus, Disticon in foribus, Coniurationes convivarum pro potu, and Ante fores basilicae.
106 Ibid, loc. cit., written by four hands, is primarily a collection of hagiographic material including: Paulinus of Périgueux’s Vita metrica Sancti Martini and other works; Venantius Fortunatus’ Vita metrica sancti Martini and his In laudem s. Mariae; a copy of the Visio Wettini by Haito; Visio Wettini metrica by Walahfrid Strabo; the Visio Baronti; Bede’s Versus de dei iudicii; and the Vita Leudegarii metrica.
107 Neff, Die Gedichte des Paulus Diaconus, pp. 20-22.
110 For discussions about the location of the inscription see: Natella, ‘Palacium et Ecclesiam Instituit,’ p. 107; And Lambert, ‘La produzione epigrafica,’ p. 294. Also Mitchell, ‘Literacy displayed,’ at p. 214, where he notes that “In mediaeval Italy the normal position for an inscription recording the foundation or dedication of a church was outside, immediately over or flanking one of the principal doors, or inside, usually in the main apse.”
Moisten your cheeks with tears,\textsuperscript{111} so that they heal the wounds of the heart, so that salvation comes. Moisten your cheeks with tears!

Everyone always trust in the goodness of God, let no one not trust in the goodness of God.

For gentle is the Father!

He who gives the gift of grace never spurns those who love him, for indeed gentle is the Father!

Let your hearts sing: “Forgive and have mercy, we pray.”

Let your hearts sing: “O Christ, have mercy on Arichis.”\textsuperscript{112}

The \textit{basilica} inscription's conventional soteriological message sought to encourage the Christians of Salerno to atone for their sins. But what is interesting is that it also refers directly to Arichis by name and thus links the prince's reign with the salvation of his subjects. Although the inscription does not attribute the construction of the building where it was engraved directly to Arichis, his piety was nonetheless being publicized. The overall message, which encouraged the community to seek salvation, and the association made between Arichis and the building itself, where the community now worshipped, communicated to an audience that the prince was a benevolent and devout leader who provided for his people’s spiritual welfare.

This \textit{basilica} inscription along with its emphasis on Arichis’ piety and his efforts to attain salvation for both himself and his people is reminiscent of the way the prince regarded the construction of his ducal church of S. Sofia in the city of Benevento, which was completed around 768/774, when he was still a duke.\textsuperscript{113} In various donation charters of 774 Arichis declared that he, as the most pious prince (\textit{piissimus princeps}), had built S. Sofia from its very foundations “for the redemption of my soul and the salvation of our people and homeland” (\textit{per redemptione anime mee seu per salvatione gentis nostre et patrie}).\textsuperscript{114} Many of Arichis’ building projects were in part intended as demonstrations of his pious nature and good will, serving as visual

\textsuperscript{111} Possibly a classical reference: “amne rigate genas” comparable to Ovid’s Ars. Am. 532: “imbre rigante genus.”


\textsuperscript{112} Neff, \textit{Die Gedichte des Paulus Diaconus}, p. 19: “Haec domus est Domini et sacri ianua regni/Huic properate viri: haec domus est domini./Hic deus ipse manet, propric qui semper ubique est,/Currit huic populi: hic Deux ipse manet./Si qua piacula nocent, olim quae forte parastis,/En Qui pellat adest, si qua piacula nocent./ Amne rigate genas sanentur ut ulcera cordis,/Ut salus adveniat, amne rigate genas./ De bonitate Dei cuncti confidite semper,/ Diffidat nullus de bonitate Dei./Mitis enim Pater est, se numquam spernit amantes./Qui bona dat gratis, mitis enim Pater est./ Pectora vestra sonent: parce et miserere, precamur,/Parce Arichis, Christe pectora vestra sonent.”

\textsuperscript{113} On S. Sofia: Delogu: \textit{Mito di una città meridionale}, pp. 16-36.

\textsuperscript{114} Belting, ‘Studien,’ at p. 182: “In nomine Domini Dei nostri Jesu Christi Salvatoris dominus Arichis piissimus princeps gentis Langobardorum divino premonitus nutu offero in ecclesia s. Sophie quam a fundamentis edificavi per redemptione anime mee seu per salvatino gentis nostre et patrie...” This is very similar to the language used by the Lombard King Liutprand (712-744). On these connections see infra, pp. 41-42.
representations of his relationship with the divine and the local communities of Benevento and Salerno. This fact, along with significant donations to religious centres made by the prince and numerous relic translations during the period, which we will discuss in Chapter 4, were all part of an attempt by Arichis to impart a sense of legitimacy and sacrality onto his rule and promote himself as a model Christian ruler.\textsuperscript{115}

\textit{The chapel inscription of SS. Peter and Paul}

The second building inscription for the palace chapel of SS. Peter and Paul in Salerno evoked a similar image of Arichis. This inscription, which also likely dates to the period after 774, was probably located on the exterior of the chapel, although it is also possible it was on the interior of the building. Only 11 small fragments of the original inscription were discovered during the excavation of the site. When pieced together, they tell us a great deal about the appearance of Arichian epigraphy in the palace complex.\textsuperscript{116} The fragments reveal sunken settings onto which metal letters made from an alloy of copper were to be laid flush with the stone surface.\textsuperscript{117} These metal letters were capitalized in a style similar to what was found on Roman imperial triumphal arches, such as the Arch of Trajan in the city of Benevento, which was perhaps used as inspiration.\textsuperscript{118} As scholars have noted, Arichis appears to have been reviving the artistic culture of ancient Rome with his stonemason’s use of metal on marble and classical capital lettering for the inscription.\textsuperscript{119}

But while the appearance of the inscription was notably ‘Roman,’ the verses of the chapel inscription focused primarily on biblical themes. A complete copy of the inscription has never

\textsuperscript{115} See Chapter 4, pp. 198-201.

\textsuperscript{116} Lambert, ‘La produzione epigrafica,’ p. 293.

\textsuperscript{117} The remaining settings, 9 in number, are some 16.5 cm (6.5 in) high with a width of 1.3 to 1.4 cm (0.5 to 0.6 in). For more see: De Rubeis, ‘La tradizione epigrafica longobarda,’ p. 491; P. Perduto, ‘Arechi II a Salerno: continuità e rinnovamento,’ in \textit{Presenze longobarde in Italia meridionale: il caso della Puglia}, ed. L. Sinisi (Ravenna, 2007), pp. 19-30; idem ‘Paolo Diacono e la cappella’; Also: J. Mitchell, ‘The display of script and the uses of painting in Longobard Italy,’ in \textit{Testo e immagine nell’alt medioevo} (Spoleto, 1994), pp. 887-951, at pp. 895-896; Lambert, ‘La produzione epigrafica,’ pp. 292-293. For more on the findings at Salerno see: Perduto et al., ‘Un accesso alla storia di Salerno.’ Gilded inscriptions were also placed on the exterior of buildings at the nearby monastery of San Vincenzo al Volturno in the ninth century. See: Pantoni, ‘Due iscrizioni di S. Vincenzo,’ and Mitchell, ‘Literacy displayed,’ pp. 205-216.


been found and only seven verses were copied down in the eighteenth century, after which point the inscription was lost except for the few fragments found at the excavation. The *Chronicon Salernitanum* states that Arichis’ Salernitan palace had suffered from ill-maintenance soon after its completion and by the reign of Prince Atenolf I (911-940) it needed to be rebuilt (*rehedificavit*). This suggests that the inscription may have been damaged as early as the tenth century and perhaps why a complete copy was never written down.

1. Oh Christ, the salvation and the glory of both [sc. Peter and Paul], and the only hope of the world, [you], merciful, come and lead [us]! Accept Arichis’ pious vows and forever preserve the dwelling places of this temple for yourself.

   For you, supreme Ruler, he [sc. Arichis] constructed a sanctuary as an honour of the [sanctuary of the] thrice-named Hebrew people at Jerusalem.

   When he completed it with great effort, he adorned it in fine gold.

   He fashioned the work beyond measure, sculpted with various gilded figures …

The chapel inscription, like the basilica inscription discussed above, emphasizes the devotion of Arichis to Christ and his religious piety (v. 2). Here the poet alludes to the biblical passage 1 Kings 6, which describes the building and embellishment of Solomon’s temple in Jerusalem, where the Ark of the Covenant was housed. There are two important similarities between the inscription and 1 Kings 6. The first is the portrayal of the figures of Arichis and Solomon; both

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120 For the near destruction of Arichis’ palace and chapel at Salerno due to ill-maintenance: *Chron. Salernitanum*, ch. 159, which alludes to the palace having fallen into ruins by the time of Prince Atenolf (911-940) who rebuilds it: “Palacium illud quod penitus destructum erat, ipse vero rehedificavit eum, licet non totum, et in angulo ipsius ecclesie sancti Petri campanile mirabiliter construere fecit.” See also: Delogu, ‘Patroni, donatori committenti,’ p. 311.

121 As suggested by Neff, *Die Gedichte des Paulus Diaconus*, p. 18. The chapel was dedicated to saints Peter and Paul.

122 Neff has the adjective *trinominis* modifying *Hebreae gentis* (see Ibid, loc. cit.) with the three names being “Israelitae, Judaei, Herbraei.” Jerusalem (*Solyma*) is typically modified by the adjective *trinominis*, -e, like in Jerome, Ep. 108. 9, with the three names being “Jebus, Salem, Jerusalem.” But in this case grammatically *trinominis*, a third declension adjective, cannot modify *Solymis* (which is neuter plural).

123 *Solymis for Hierosolymis* (Jerusalem). The idea expressed in this line is that Arichis has built a church worthy of the famous temple of King Solomon in Jerusalem. But note Solomon is not named directly (the genitive would be *Salomonis*), rather the idea is implied.


are depicted as pious rulers who had divine protection and were capable of constructing magnificent temples dedicated to the worship of God.\textsuperscript{126} Secondly, the decorations in the two buildings are described in very similar terms. The poet even implies that Arichis’ chapel of SS. Peter and Paul was built “as an honour of [the sanctuary of] the thrice-named Hebrew people at Jerusalem” (v. 4-5), namely Solomon’s temple, and both buildings were said to have been covered in the finest gold and adorned with various carvings and images (v. 6-7). The comparison of Arichis’ chapel to Solomon’s temple in Jerusalem linked the Beneventan ruler to an important biblical king as well as Salerno to the holy city of Jerusalem. Arichis was being cast as an ideal Christian ruler with Salerno representing a new holy city.

\textit{The moenia inscription}

The third building inscription commissioned by Arichis concerned Salerno's newly refurbished defensive walls (the \textit{moenia}). It too portrayed Arichis as a model Christian ruler; however, the \textit{moenia} inscription, like the Arichian epitaphs that we will discuss below, placed a greater emphasis on classical Roman imagery. The original inscription unfortunately does not survive, but it is possible that it was carved in the same classical style as the chapel inscription discussed above, seeing as it was also located within the \textit{palatium} complex. If this was the case, the \textit{moenia} inscription may have also used Roman Capitals and metal lettering in imitation of Roman monumental architectural inscriptions.

The \textit{moenia} inscription was probably composed by Paul the Deacon between 774 and 782\textsuperscript{127} and is in the form of a \textit{carmen} using dactylic verse. It recalled the revival of Roman Salerno through the merits and superior character of the catholic prince Arichis:

1. Walls rivaling the temples of Romulus rise up, so vast that weary sailors at a distance can see them from the sea. But those temples [of Rome] achieved their growth by means of foreign raids and through the spoils of the unfortunate, [which had been] sought throughout the world

5. until cities, emptied of citizens, were wickedly destroyed. And for shame, the winds of a fleeting glory were seized! But these walls [of Salerno] have their origins in just causes [built] with honest money acquired without crime.

\textsuperscript{126} Lambert, ‘La produzione epigrafica,’ p. 293.
\textsuperscript{127} N. Acocella, ‘Le origini della Salerno medievale negli scritti di Paolo Diacono,’ \textit{Rivista Studi Salernitani} 1 (1968): 3-68, at p. 44. This dating would put the inscription’s composition before Paul traveled north to spend time in Charlemagne’s court.
In addition, the builders [of Rome’s temples] had been without the Eternal Light [sc. Christ],
They burnt incense to Venus, Phoebus, and Iove, and also to Diana the quiver-bearer and various other gods, all of whom would be shameful to recall. On the other hand, the builder of these [walls] is Lord Arichis, a catholic prince, handsome in body [and] in mind, and even more so famous in virtue and in arms,
Whom wisdom arranged to be powerful enough in the various arts so that he, building, might restore all things, on account of which he should rightly be called the glory of the Latin people. He [is] the head of the Lombards, a cultivator and guide towards piety, steadfast with justice, [and] the greatest protector of the honourable.
He, the father of the fatherland, all light and honour for his people, weighing out with a vigilant enough mind and great acumen the dangers that are about come into the world in this end time [sc. the Day of Judgment], just as he, the renewer and founder, foretold in our lips: all that is raised upon this high place in these vast spaces and all those richly decorated things, which you, astonished, can inspect and observe,
[Arichis], fulfilling the promises of his father, whom he does not disappoint, granted that there be help and a refuge of peace for his people.
O Christ! Almighty, the way, the life, the salvation, the only hope of your people, by which, anyone who has been supported, is never confused by the passage of time,
Never allow the vows and pious prayers of a breathless heart to be deceived! But rather lift up the one who lies prostrate, so that, after each is raised to you, hope may overflow [their] faithful hearts.128

In this inscription, Roman antiquity is intermingled with Christian themes of salvation. Particularly noteworthy is Paul's use of the Roman poets Virgil and Lucan, as well as the

128 Neff, Die Gedichte des Paulus Diaconus, pp. 15-18: “Aemula Romuleis consurgunt moenia templis/ ampla procul fessis viscenda per aequora nautis./ Illa sed externis sumpsere augmenta rapinis/ et toto exuviis miserorum ex orbe petitis./ dum male perduntur viduatæ civibus urbes./ Pro pudor, et fragilis captantur flamina laudis./ Haec vero ex causis capiunt exordia iustis/ impensaque probis nullo et cum crimine partis./ Adde quod extiterant auctores luminis illis/ aeterni expertes, Veneri Phoeboque Iovique/ atque pharetrigerae ponentes turam Dianae/ quosque referre pudet.
Horum est nam structor herilis/ catholicus princeps Arichis, tam corpore pulcher/ pectore quamque magis virtute insignis et armis,/ omnia conponens quem sic sapientia compsit/ redderet ut variis satis artibus esse potens/ quo merito Latiae dicatur gloria gentis./ Bardorum et culmen, pietatis cultor et index,/ iustitiaeque tenax, summus servator honesti./ Iste pater patriae, lux omne decusque suorum,/ mente satis vigili pensans et acumine magno/ tempore suprema ventura pericula saeculo,/ ut nostris cecinit labis repara et auctor./ omne quod hic spatios effertur in ardua vastis/ quaque stupens lustras diti caperisque decore,/ susciens promissa patris, cui fallere non est, suppetias dedit esse suis portumque quietis./ Christe potens, via, vita, salus, spes sola tuorum,/ qua quisque innoxius numquam est confusus ab aevō,/ ne patiare umquam frustrari cordis anheli/ vota precesque pias, mage sed sustolle iacetem,/ corda tibi ut relevato omni spes fida redun dent.”
Christian poet Venantius Fortunatus and biblical verses from the Psalms and the Gospel of Luke. By drawing on both Roman and Christian works, the *moenia* inscription implied that Salerno had been “restored” (*reddere*) (v. 16) by Arichis to the glory of its ancient Roman past – albeit a Roman past viewed through a Christian lens. Paul depicts Arichis as a Christian prince (*catholicus princeps*) (v. 13) who possesses the qualities of an epic hero and Roman statesman. By employing a recognizable phrase from Virgil’s *Aeneid*, Paul connects Arichis to Aeneas, the mythological ancestor to Romulus and Remus, the founders of Rome. Like Aeneas (*pietate et insignis armis*), Arichis too was celebrated as a ruler “famous in virtue and in arms” (*virtute insignis et armis*) (v. 14). And because Virgil's Aeneas was intended to represent Augustus Caesar himself, Paul also implicitly linked the Beneventan *princeps*, Arichis, to Augustus and his principate by means of this same comparison. Finally, Paul also described Arichis as a “cultivator” who supported justice and a “protector of the honourable” (*pietatis cultor et index/ iustitiaeque tenax, summus servator honesti*) (v. 18-19), just as the poet Lucan praised Cato the Younger for his stoic principles and patriotism in his first-century CE epic *Pharsalia* (*iustitiae cultor, rigidi servator honesti*). By using vocabulary derived from classical poets, Paul portrayed Arichis as a ruler who embodied the highest ideals of the Augustan Age.

But despite the stress placed on Arichis' classical attributes, Paul was quick to remind his audience that Arichis was first and foremost a Christian, and as such, his rule was far superior to any leader of antiquity. Indeed, the *moenia* inscription makes a clear distinction between the pagan Rome of the past and the ‘Christian’ Salerno of the present. According to Paul, Roman temples were built from the spoils of war; Arichis, on the other hand, had built his walls with just money and without crime (v. 7-8). And whereas Rome was founded by pagans who worshipped the Roman gods and goddesses (v. 10-11), Arichis worshipped Christ, the “Eternal Light” (v. 9). Arichis also, like an emperor (*reparator et auctor* (v. 23)), revived the city physically through monumental building projects such as the city's walls and other buildings (v. 24-25). But crucially, Arichis did this while worshipping the one true God and in order to aid his people on

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131 Lucan, *Pharsalia* II. 389.
133 This distinction between pagan Rome and Christian Salerno is noted in Granier, ‘Capitales royales et princières,’ p. 66.
the Day of Judgment (v. 21-22, 27). Like the other two building inscriptions from his reign, Arichis is depicted as a pious Christian leader cognizant of his people’s salvation; but in this inscription, he is also celebrated in the context of a Roman princeps.

**Precedents in the Lombard Kingdom: building inscriptions and royal piety**

The depiction of Arichis as a pious Christian princeps, building churches and reviving Rome, had important precedents in the royal ideology sponsored by the Lombard Kings in the previous century. The seventh-century royal poem, the *Carmen de synodo ticinensi*, for example, portrayed Lombard kings as “pious and catholic” (*pius et catholicus*) church builders and cultivators of the faith.\(^{134}\) It even praised the ruler who commissioned the work especially for his restoration of the city of Modena (*Motina/ urbe pristino decore restituit*), much like the *moenia* inscription commemorated Arichis’ restoration of Salerno.\(^{135}\) But the most striking parallels between Arichian epigraphy and epigraphy from the Lombard Kingdom can be found in inscriptions of the eighth-century King Liutprand (712-744), who was not just commemorated as a pious church builder and supporter of the faith but as a leader directly comparable to King Solomon and a Roman emperor.\(^{136}\) One of the dedicatory inscriptions from Liutprand’s palace at Corteolona near Pavia, noted that the “house of the Lord” where the plaque was positioned had been built by the king:

…with beautiful materials, it shines forth and glistens, decorated with various metals. Rome, the capital of the faith, has given it its precious marble, mosaics and columns, how these give light to the eyes of the world! Hooray for prince Liutprand, the author of this holy work!\(^{137}\)

This inscription has many interesting parallels to Arichian building inscriptions from Salerno, which also connect the ruler to a ‘house of the Lord’, celebrated his construction of that building, which was adorned with precious metals and gold, and praised him for refurbishing the spoils of pagan Rome in a new Christian context.

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\(^{134}\) ‘*Carmen de synodo ticinensi,*’ in MGH *SR*, vol. 3, 11-12, 18-20. As pointed out by Granier, ‘Capitales royales et princières,’ pp. 70-71.

\(^{135}\) ‘*Carmen de synodo ticinensi,*’ v. 24.

\(^{136}\) For more specifics on this see: Granier, ‘Capitales royales et princières,’ pp. 61-67.

\(^{137}\) For inscription see: ‘In ecclesia beati Anastasi quam construxit Leutbrandus rex in Italia,’ in MGH *Poetae*, vol. 1, pp. 105-106, X. Here I use the translation of Everett, *Literacy in Lombard Italy*, at p. 248.
However, another inscription at Liutprand’s palace, which illustrates his pious motives for building the church, has other important similarities to Arichis’ building inscriptions:

Later I [Liutprand] hastened as a devoted man to Rome itself, and...suddenly you, Christ, show to me...that I am to build this house in which I pray, holding the palms of my hands to the stars: “Son of God, on behalf of a faithful people...I pray that you make the Catholic faith grow with me, and that you favor this temple, just as was said unto Solomon himself.\(^\text{138}\)

In this example, like Arichis’ basilica and chapel inscriptions, the royal qualities of piety, benevolence, and intercession on behalf of a people’s salvation are being publicized. We also see the same biblical allusion to Solomon found in Arichis’ chapel inscription and reference to the Hebrew king’s temple at Jerusalem. Solomon was indeed an important part of Liutprand’s political ideology and was also mentioned in the preface of his first set of legislation (which we know Arichis was familiar with).\(^\text{139}\) Finally, the idea of a pious catholic ruler reviving the glory of Rome, which is highlighted in this inscription of Liutprand, also is comparable to Arichis’ later moenia inscription.

These parallels in the Lombard depiction of royal piety and ideology and in Arichis’ building inscriptions certainly suggest some degree of continuity between the two periods. Arichis, as we mentioned, had royal connections to the Lombard capital in Pavia as a son-in-law to King Desiderius, and the poet Paul the Deacon was also a crucial figure who linked the Principality of Benevento with the ideology of the Lombard Kingdom.\(^\text{140}\) Thus it is possible that Lombard royal themes were intentionally echoed in the palatium epigraphy of Salerno in order to suggest continuity between Arichis and the kings of the Lombards.\(^\text{141}\) By the time the inscriptions were composed, the Lombard Kingdom had indeed collapsed, and Arichis had taken the title princeps gentis Langobardorum (or prince of the Lombard people). If Arichis had begun to fashion himself as an heir of the royal Lombard line at this time, as is often suggested, it

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\(^{138}\) For inscription see: ‘In ecclesia beati Anastasi,’ p. 106, XII. For translation: Everett, \textit{Literacy in Lombard Italy}, at p. 249. Also see his analysis of the inscriptions in idem, pp. 249-254.


\(^{141}\) For Paul’s possible knowledge of Liutprandic inscriptions see: Everett, \textit{Literacy in Lombard Italy}, p. 250.
would have made sense for him to model his new palace and epigraphic program on that of previous Lombard kings in Pavia and nearby Corteolona. And Pavia was also a city that both Arichis and Paul the Deacon were familiar with and could potentially emulate.  

*Arichian epitaphs: the reign of Arichis II (758-787)*

A closer look at the two funerary epitaphs that were composed toward the end of Arichis’ reign, however, suggest that expressions of authority at the Beneventan court were more complex than this straightforward narrative of Lombard inheritance, and that at least toward the end of Arichis’ reign, there was another important influence upon the court - the Franks. The Franks and their King Charlemagne (768-814) represented the greatest threat to Arichian rule during the period, having conquered the Lombard Kingdom down to the Duchy of Spoleto in 774 CE and allied with the bishops of Rome. It is indeed important to remember that references to the Hebrew Bible and biblical kings, the use of imperial Roman imagery, and the promotion of Rome’s revival under the helm of a pious Christian ruler, were all fundamental in the expression of Carolingian royal authority at the Frankish courts as well. When Arichian epigraphy is read within this more immediate context, there appears to be a direct correlation between the political machinations that characterized the relationship between Charlemagne and Arichis in the later eighth century and expressions of authority in Arichian epigraphy. This was especially true in the two epitaphs, which were composed directly after Arichis submitted to Charlemagne’s authority in 787. Both use the memory of the confrontation between the Franks and Beneventans to demonstrate a degree of compatibility between the two ruling lines. Arichian authority then is expressed in terms that would have been acceptable to their Frankish overlords and their Beneventan subjects.

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All Arichian epitaphs are preserved in the narrative of the tenth-century *Chronicon Salernitanum*, whose author recalls seeing them in the cathedral of Salerno. The first of these epitaphs was commissioned in July of 787 for Arichis’ eldest son and heir to the Beneventan throne, Romuald, who may have co-ruled for a short time with his father. The second epitaph was for Arichis, who died a little over a month after his son Romuald in August of that same year. We have no evidence of secular epitaphs from the Beneventan court before the reign of Arichis II, and Arichian epitaphs appear to be the first of their kind. It remains unclear whether it was the decision of the Arichians to create a ‘royal’ tomb in the cathedral of Salerno or it was a later decision by the Salernitan bishop. It is possible that Princess Adelperga, daughter of King Desiderius and wife of Arichis, wished to continue funerary traditions from the Lombard north in the south, or perhaps it was an attempt by Arichis to mimic in the new principality what was found in Pavia. But according to the *Chronicon Salernitanum*, it was not until after Arichis had died that Bishop Rodpert of Salerno (c. 774?-787?) created a special room (camera) in the cathedral dedicated to the Arichian dynasty. What this entailed remains unclear, but it appears that before Rodpert’s intervention, members of the Arichian family had been buried near the cathedral or its altar (*iuxta ecclesiam...humatus est*), each with their own tomb (*tumulus*). The original inscriptions then were probably on the lid or nearby to the sarcophagi.

Like the three building inscriptions mentioned above, Arichian epitaphs demonstrate considerable continuity with epigraphy and royal ideology from the northern Lombard kingdom, especially from the royal court at Pavia. Similar to northern Lombard epitaphs, both ecclesiastical and royal, those composed for Arichis and his son Romuald were also formatted in lengthy rhythmic poetic verse as *carmina epigraphica*, detailing the euergetism of the individual and praising the deceased’s physical attributes, noble stock, and moral character in life. But because the physical epitaphs were completely destroyed, we know next to nothing about their original appearance or the carving techniques used by the *lapicidae*. Perhaps they echoed the

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144 *Chron. Salernitanum*, ch. 20-21. The oldest manuscript containing the *Chronicon* is the Vaticana, cod. Vat. Lat. 5001, which dates to c. 1300.

145 Co-rule is suggested in the opening verse of the *Epitaph of Grimoald*, v. 3-4: “Necnon et Romoald, ipsius maxima prolis/Sub patre iam princeps hic requiescit humo…” This is not confirmed in any other source.

146 *Chron. Salernitanum*, ch. 17: “Ipse de quo premisimus Arichis...iam etate maturus apud Salernum placida morte quievit, atque iusta [sc. iuxta] ecclesiam Dei genitricis sedis ipsius est humatus. Per idem tempus, ut diximus, sancte ipsius ecclesie Ropertus episcopus preerat, qui ab amore tanti viri super tumulum eius eiusque uxoris et filiis cameram instruere fecit.”

classical style seen in Arichis’ chapel inscription as well as the oldest surviving funerary epitaph from the Beneventan court, that of Bishop David from 796, which we will discuss more below. It is also possible that they resembled Pavian epitaphs with decorative borders and Pavese script. There are nonetheless noticeable differences between the funerary epitaphs of the two regions, especially in the overall length of the inscription. Arichis’ epitaph, for example, was around 50 lines of verse compared to the typical 15-30 lines of epitaphs of the Lombard kingdom. Also different was the focus of Beneventan poets on family members of the deceased and on themes of dynastic succession within the verse of the epitaphs.

The epitaph of Romuald (†787), heir apparent of Arichis

Romuald, the Arichian heir apparent, died young at the age of 25, but in his lifetime he had played an important role in the negotiations between his father, Arichis, and the Frankish King, Charlemagne. According to the Royal Frankish Annals, Charlemagne and his army marched south in 787 in order to force the Beneventans to submit to Frankish hegemony. Arichis sent Romuald to negotiate with the Frankish ruler, his magnates, and the Bishop of Rome. But negotiations failed and Romuald was taken hostage. Arichis fortified himself in Salerno but eventually agreed to swear fealty to Charlemagne. To demonstrate his submission, he sent his second son Grimoald (III) and twelve other aristocrats as hostages along with a large tribute. Charlemagne accepted the terms and eventually released Romuald, although his brother remained imprisoned. Soon after Romuald returned home, he died.

Romuald’s epitaph, according to its final verse, was written by David II, Bishop of Benevento (781/2-796), who was a close confident of Prince Arichis and also participated in the 787 negotiations with Charlemagne. The epitaph, likely commissioned by Arichis, used the memory of Romuald’s negotiations with Charlemagne and the Franks to compare the Arichian heir – portrayed as a literate, peaceful, and morally-sound leader – with Charlemagne, who was depicted as a ruler driven by irrational emotion. This comparison was not a bid to demonstrate the Arichian family’s superiority to the Carolingians, rather it was an appeal to Charlemagne and the Franks to be reasonable with Benevento and its royal family, a respectable and legitimate line.

148 The epitaph of Bishop David carved less than a decade later in 796 has a similar classical capital lettering seen in the chapel inscription of SS. Peter and Paul, and this perhaps suggests that this same carving technique was also employed on epitaphs from Salerno during Arichis’ reign.
149 ‘Annales regni Francorum,’ p. 75 (787); Chron. Salernitanum, ch. 22, recounts that Romuald, helping his father administer the principality, was sent back by Charlemagne in favour of Arichis’ other son Grimoald as a hostage.
The epitaph also appealed to the Beneventan public by celebrating the merits of Arichian rule as demonstrated through Romuald’s deeds in life and reminding them of Romuald’s new role as their spiritual intercessor in heaven:

1 Woe to you, O army of the Lombards! Suddenly the lofty glory of unhappy Benevento, which is preserved in this place, fell to ruin. Here sleeps the most beautiful son of the great Arichis, the only hope of the fatherland, the walls and weapons for his [people], upon whose valour the wearied old age of [his] father was once well defended and his mother protected. As a young man, he was called lord, like [his father] Arichis, by many men. Vigorous in his morals, figure, and counsel, he excelled in grammar and worldly law, as if cloaked in a toga. He was equally instructed in divine law, matching his father in worship and his mother in modesty. O how sorrowful they [now] are, consumed by a wicked flame! Obedient and kind to his parents until his death, none wished to be or was more capable [than Romuald].

15 Like Abraham, the father of Isaac, so too did Arichis undertake his task, [Romuald] offered [as a hostage] remained quiet, carrying out the orders of his father. Handed over on behalf of our homeland, people, and the salvation of all, placing himself opposite [the enemy], he wished to die on account of his sense of duty.

Going forward he opposed their king and [his] innumerable army; he fortified your borders, O Benevento! You [Romuald] calmed down the furor of the king with [your] peaceful mind, the anger of the Gauls was buried by your speaking. O Romuald, gentle leader, sweet without bitterness, you have left the earth, reaching the heavenly kingdom.

20 How well you pleased an earthly king with words, how much more do you now please the [king] of heaven without end. Weeping, I, David, sang out this tearful song, a bishop, who, without you always, wishes to die!

He lived 25 years; he was buried on the 12th day before the August Kalends [July 21st] with his father ruling in his 30th year, during the 10th indiction.

150 The implication here might be that he was wearing the toga praetexta usually worn by young Roman boys before the age of 18 or more likely the toga virilis after he turned 18.

151 For the epitaph see: MGH Poetae, vol. 1, ed. E. Dümmler (Berlin, 1881), pp. 111-112: “Alta ruit subito Beneventi gloria tristis/Quam tenet hic tumulus, vae tibi barda cohors/Hic Arichis dormit magni pulcherrima prolis,Unica spes patriae, murus et arma suis./Cius fessa patris bene iam virtute senectus/Tuta regebatur, tucio matris erat/Hic novus a multis Arichis vocabatur herilis,/Moribus et forma consilioque vigens;/Divina instructus nec minus ille fuit./Religione patrem aequiparans matremque pudore,/Illius heu tristes quos mala flamma cremat./Subditus ad mortem dulcisque parentibus usque,/Nullus plus voluit amplius aut potuit/Ceu Abraham genitor Ysaac, sic iste peregit,/Oblatus tacuit, iussa parentis agens./Traditus ob patrie populi
At 28 verses in the form of a carmen, Romuald’s epitaph can certainly be compared to funerary epitaphs from Pavia and elsewhere in the Lombard Kingdom. The description of Romuald as the “only hope of the fatherland” (Unica spes patriae), for example, is similar to how Paul the Deacon described the actual heir to the Lombard throne, Adelchis, son of King Desiderius (Bardis spes maxima mansit), in Queen Ansa’s eighth-century epitaph.152 Also the militaristic themes used to describe Romuald are reminiscent of epitaphs composed for Audoald, duke of Liguria (†763), and King Liutprand (†744). Romuald’s epitaph, for example, expressed pity to the Lombard army (barda cohors) for the loss of their fallen comrade (v. 1-2), who was the “walls and weapons for his [people]” (murus et arma suis) (v. 4). He “fortified” Benevento’s borders (v. 20), and wishing to die for his people (v. 18), “opposed the [enemy] king and his innumerable army” (v. 19). This militaristic language employed by David resembles that of Audoald and Liutprand's epitaphs. Liutprand, for example, was described as “vigorous in arms and victorious in battle” (acer in armis et bello victor).153 Audoald was “mighty in arms” (armipotens) a “victorious duke, skilled in war” (Virtus bellica ducem).154 The clear difference between the epitaph groupings, however, is that Romuald's victory over the enemy, according to the epitaph, was achieved through peaceful negotiation with the enemy rather than by an actual feat of arms (v. 22). His weapons were his words, and this was quite unlike the martial prowess celebrated in the Lombard examples.

David also celebrated other attributes of the young Arichian heir that were dissimilar to those expressed in Lombard epitaphs. For example, he praised Romuald’s education in the liberal arts and his Roman civilitas, as if he were wearing a toga (togatus) (v. 9), exemplified by his knowledge of grammar and secular and religious law (v. 9-10). Romuald was said to have inherited modesty and piety from his parents (v. 11), and he is portrayed as matching his father in religious devotion and as a lord respected by many men (v. 7). While piety was certainly a theme

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152 Paul the Deacon, ‘Epitaphium Anse reginae’ in MGH SRL, p. 192, v. 11.
in many Lombard funerary epitaphs, the emphasis here on literacy and the deceased’s ‘Romanness’ is unusual.

However, this combination of religious piety, literacy, and Romanitas, paralleled the ruling ideology promoted at the contemporary Frankish court, and the image of a wise, literate, and moral Christian ruler was indeed one that was promoted particularly by Charlemagne. As one of his court scholars, Alcuin of York, wrote to the king in 799, while celebrating Charlemagne’s knowledge of Platonic philosophy: “Happy is the people ruled by a wise and pious prince.” It is possible that Bishop David’s commemoration of young Romuald’s liberal education and inherited piety implied to Charlemagne’s court that Arichis and his heirs were a family capable of ruling over an orderly, Christian society. In addition, David’s use of figures from the Hebrew Bible in the epitaph would have also depicted Arichian authority in terms that would have been familiar to a Carolingian court audience. Charlemagne was often likened to Hebrew kings, such as David and Solomon, and he even compared himself to King Josiah in his 789 Admonitio generalis. Arichis, as we saw in the chapel inscription, had already begun to be compared by poets to Hebrew kings. Here in Romuald’s epitaph, Arichis paralleled Abraham and Romuald, Abraham’s son and heir Isaac, in order to highlight Arichis and Romuald’s benevolence, obedience, and piety (v. 15). According to the epitaph, Arichis handed his sons over as hostages/sacrifices, like Abraham had in Genesis 22. Arichis, according to the epitaph, clearly had the salvation of the Beneventan people on his mind, and Romuald dutifully obeyed his father, sacrificing himself for the prosperity of his people. This use of the biblical past painted the Arichians as benevolent rulers whose primary goal was the protection and salvation of their people. It also highlighted their potential as Carolingian subjects – dutiful and obedient.

A similar dual purpose can be seen in David’s recalling of Romuald’s diplomatic embassy, which served to promote the Arichian dynasty to the Beneventan people, while simultaneously portraying the Arichians as suitable administrators for their new Carolingian overlords. For the Beneventan people, Romuald is depicted as a martyr – the only hope of his

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patria (v. 4). According to David, Romuald, “vigorou s in morals” (v. 8) and “a gentle leader, sweet without bitterness,” (v. 23), wished to die for the salvation of his people (v. 17-18) and “now pleases the [king] of heaven without end” (v. 25). This verse reminds the audience that Romuald was a dutiful intercessor for the Beneventan people; he negotiated Benevento’s earthly salvation in life and now in death continues to negotiate for the spiritual salvation of his people in heaven. David then contrasted this image of Romuald as a peaceful intercessor and a moral ruler with the behaviour of Charlemagne and the Franks during the 787 negotiations. David recounted that “[Romuald] calmed down the furor of the king [sc. Charlemagne] with [his] peaceful mind; the anger of the Gauls [sc. Franks] was buried by [his] speaking” (v. 21-22). While to a modern eye this reads as anti-Frankish sentiment, the use of emotional language like this was not unusual for the period and could be used for conciliatory purposes.\textsuperscript{158} By using an emotional norm like anger, David was providing a justification for Charlemagne’s violent intentions toward the Beneventans during the confrontation. According to the poem, the \textit{ira} of the Franks was not irrational to the point that arms were required to mitigate it, rather the anger could be dealt with by negotiation with words. In this case, Romuald is presented as the more morally-sound ruler in comparison with the furious Charlemagne, because the young heir elected not to return anger for anger and remained peaceful and rational. This recounting of the negotiation was likely a plea to the Franks to be more rational next time when dealing with the Arichian rulers and their heirs.

Romuald’s epitaph demonstrated that the Arichian family was worthy of respect not just by their Beneventan subjects, for whom they acted as intercessors and protectors, but also by their Carolingian overlords, with whom they shared similar models of kingship. The image of Romuald as a moral and learned heir, a peaceful negotiator, obedient to his parents, illustrated that he, and in turn his father, whom he inherited his royal qualities from, were model rulers that did not pose a threat to the Carolingians. They could be trusted to continue ruling in Benevento as Frankish subjects. In other words, there was no need for Charlemagne to replace them with Frankish counts, as he had done with the other Lombard duchies in the north. The Arichians were indeed literate, rational, and peace-loving. This image of Arichian authority was important to communicate to the Beneventan and Carolingian courts because the survival of the Principality of

Benevento was at risk in 787. Arichis’ first heir was dead, his only surviving heir, Grimoald, was in Frankish custody, and only a few months prior, he had submitted to the Franks and paid a hefty tribute for peace. Arichian rule was at its most vulnerable.

The epitaph of Arichis II (†787), Duke and Prince of Benevento

Another threat to Benevento’s survival in 787 was Arichis’ deteriorating health. Only a month after burying his son, Arichis too was dead, aged 53. The Chronicon Salernitanum records his advanced age led to a peaceful death; however, a verse in Romuald’s epitaph suggests he may have been ill (fessus), if not generally exhausted.159 Arichis’ death left Benevento in a state of uncertainty with the potential not just for a succession crisis but possibly the collapse of the Principality altogether. If the Arichian dynasty was to continue to rule, the Franks had to be appeased and the heir Grimoald had to be released. While we do not know who commissioned Arichis’ epitaph, whether it was he or his widow Adelperga, the responsibility ultimately fell to the court poet Paul the Deacon. Paul had written works for the Beneventan royal couple in the past, but he was also on good terms with Charlemagne, having spent several years at the Frankish court just prior to Arichis’ death.160 This made him the perfect candidate for the job, as the epitaph needed to not just maintain the Arichian family’s authority in Benevento in order to prevent a rebellion, it also needed to demonstrate to Charlemagne that the Arichians were a loyal and legitimate royal family that would not pose a threat.

At 52 verses long, Arichis’ epitaph was almost twice as long as Romuald’s and must have been impressive in its original form. Compared to epitaphs composed in the Lombard kingdom, which were typically 15-30 lines, it was truly monumental, and instead of formatting it as a carmen like David did for Romuald’s epitaph and many poets did for epitaphs from the Kingdom, Paul composed Arichis’ epitaph as a planctus or a lament of mourning, eulogizing especially the deceased’s character.161 This allowed Paul the opportunity to aggrandize the prince as a wise, moral Christian prince, who deserved the respect of his people and of other kings:

1 Dewy with the tears of people in mourning, the earth

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159 Chron. Salernitanum, ch. 17; Epitaph of Romuald, v. 5.
161 As noted by Russo Mailler, Il senso medievale della morte, p. 76. Another famous example is the Planctus de obitu Karoli composed around 814 for Charlemagne.
holds the noble body of the great Prince.
For here the most celebrated hero in all things is reclining,
mighty Arichis, O dignity and sorrow!

Cicero, powerful in speech, or your tongue, Virgil,
would scarcely be able to compose worthy praises for [him].
Sprung from the lineage of dukes and kings, [Arichis], more noble,
ascended the lofty peak of his ancestry.

Handsome, strong, pleasant, restrained and sharp,
elloquent, wise, he was both light and honour.
That which logic, nature, and a moderating ethic require,
all these things [Arichis] placed in the citadel of his mind.
Vigorous in speech, a cultivator and guide toward the divine,
always watchful, passing nighttime in tears,
he surpassed youths in hunting, strength, and arms,
[and] he imparted holy words to the priests themselves.
In this way, he held the reins of the homeland for thirty years,
just as an expert leads a boat with sailors into the waves.
With a troubled mind, [Arichis], a lover of peace, protected [his fatherland];
prudent, farsighted and shrewd in counsel;
considering it of no use to hand over his property together with his sons,
and besides, he was eager to die for his love of the fatherland.
He was a source of comfort for the sad, a solace for the poor,
busying himself to alleviate those with words [and] those in hand.

You [Arichis] adorned [your] country with learning, walls, and palaces,
[and] henceforth praise will always be yours in perpetuity.
You were a respite for your [people], a refuge and a salvation;
you, a glory, a delight, a love for everyone.

Woe as me! How suddenly all things died with you:
joy, prosperity, and both peace and quiet at the same time!
Let this planctus resound everywhere: every sex and age mourn you,
and before all, you, Benevento, grieve.
And no less at the lofty walls having been built recently,
you, famous Salernitans, [now] mourning, lament your builder.
The Apulians and Calabrians, Bulgars, Campanians, and Umbrians
and those who dwell by the river Sele, and the Roman Tiber,
and those inhabitants near the Arar, the Danube and the Po; [they all] weep for
you,
[along with] the farthest neighbour or foreign army.
Your wife, once so happy, now in turn the most miserable,
Whom love united to you in royal marriage,

alas! [Her] heart having been forever pierced by a sword,
dragging weak limbs [and] dying, she grieves for you.
She saw here the burial of one son recently,
but you, O cruel Gaul, hold another exiled!

Twin daughters survive to her, with youth blossoming,
her only consolation, an anxious dread.
Examining them she imagines that the beloved faces [of her sons] have returned to her, alas she is terribly frightened, lest [her daughters] be made booty. However one hope consoles [her] grief so great, that paradise now holds you [Arichis] because of your merits. O mighty Queen! Virgin and mother of the Creator, may it benefit [Arichis] that his limbs were surrendered here to this holy dwelling.

He lived 53 years. He died seven days before the September Kalends [Aug. 26th], in the year 787 from the incarnation of the Lord, 9th indiction. From the lady Princess Adelperga [were born] children: Romuald, Grimoald, Gisulf, Theoderada, and Adelchis.

There are many similarities between Paul’s portrayal of Arichis in this epitaph and his portrayal of the prince in the moenia inscription from the early 780s. Both describe Arichis as being both a light and honour (luxque decorque fuit) (v. 10), wise (sapiens) (v. 10), providing a refuge and a salvation for his people (portusque salusque fuisti) (v. 27), constantly worrying about future dangers (v. 14), and being a cultivator and guide of sacred matters (divini cultor et index).

162 For the epitaph see: Neff, *Die Gedichte des Paulus Diaconus*, pp. 145-149; and also in MGH SS, vol. 3, pp. 482-483: “Lugentum lacrimis populorum rosceda tellus/Principis haec magni nobile corpus habet/Hic namque in cunctis recubans celeberrimus heros,/Praepollens Arichis, oh decus atque dolor!/Tullius ore potens cuius vix pangere laudes/Ut dignum est posset, vel tua lingua Maro./Facundus, sapiens, luxque decorque fuit../Omnis sanitatem instituit,/Et dum se imperio regnabat,/Praepollens Arichis,/Oh decus atque dolorvia/usque regni.”

163 Compare Moenia inscription, v. 10: “…lux omne decusque suorum.”

164 Compare Ibid, v. 15: “…omnia conponens quem sic sapientia compsit.”

165 Compare Ibid, v. 27: “…suppetias dedit esse suis portumque quietis.”

166 Compare Ibid, v. 21-22: “…mente satis vigili pensans et acumine magno/ tempore supremo ventura percula saeculo.”

167 Compare Ibid, v. 18: “…pietatis cultor et index.”
index) (v. 13). Also like the moenia inscription, Arichis' epitaph re-uses content from the works of classical authors, employing the famous epithet “celeberrimus heros” to describe Arichis (v. 3) – the exact phrase used by Virgil to describe Aeneas.\textsuperscript{168} Paul even invokes the names of the Roman poet Virgil (Maro) and orator Cicero (Tullius) toward the beginning of the epitaph (v. 5-6). Once again we see Arichis presented as a benevolent and pious ruler, similar to a great emperor.

Character qualities like piety, vigilance, and mental and moral uprightness, which Paul also highlights in the epitaph of Arichis, were traits also associated with kings, both Lombard rulers as well as those of other early medieval communities. Paul indeed made it a point to connect Arichis to a royal Lombard line, noting in the epitaph that Arichis was descended not just from dukes but from kings (Stirpe ducum regumque satus, asenderat ipse) (v. 7).\textsuperscript{169} In addition, Paul used the exact same language in Arichis’ epitaph as he did when memorializing King Liutprand in the conclusion of his Historia Langobardorum, which many date to c. 790 – that is a few years after Arichis’ epitaph. In the HL, Paul wrote that Liutprand was “shrewd in counsel, very pious and a lover of peace” (consilio sagax, pius admodum et pacis amator).

This description certainly echoes Paul’s commemoration of Arichis in the latter’s epitaph: “…a lover of peace” (pacis amator) (v. 19) “prudent, farsighted and shrewd in counsel” (consilio cautus, providus atque sagax) (v. 20).\textsuperscript{170} It is difficult to say when Paul wrote this particular passage of the HL (before or after he wrote Arichis’ epitaph). What does seem clear, however, was that Paul used words and phrases in Arichis’ epitaph, which were appropriate for a legitimate ruler and king.

Paul’s description of the extent of Arichis’ authority and alliances also signalled that the prince was a ruler whose legitimacy was accepted by his people and other communities. Paul noted that throughout southern Italy and beyond, including the territories of Benevento, Salerno,

\textsuperscript{168} This phrase is found twice in the Aeneid, see: Virgil, Aeneid, VI. 169, 192; Compare to: Moenia inscription, v. 14.

\textsuperscript{169} For instance, the epitaph of King Cunipert (700) celebrated the pious (pius) king for his beauty (forma) and mind (mens). King Ansprand (712), “honest in morals, prudent, strong” (honestus moribus prudentia pollens) was remembered for his wisdom (sapientia). For the epitaph of Cunipert (which survives incomplete) see: ‘Epitaphium Cuninpert’ in MGH Poetae, vol. 4.2, at p. 726, CXLI, v. 8: “Mirandus erat forma pius, mens, si requiras, miranda…” On ancestry compare also, idem, v. 1-3, 7: “Aureo ex fonte quiescunt in ordine reges/avus, pater, hic filius heiluardus tenetur/…/rex fuit avus, mater gubernacula tenuit regnus.” The dynastic nature of this verse is addressed by De Rubeis, ‘La tradizione epigrafica in Paolo Diacono,’ p. 147. For the epitaph of Ansprand: see ‘Epitaphium Ansprand’ in MGH Poetae, vol. 4.2, at p. 726, CXLII.

\textsuperscript{170} Paul the Deacon, HL, VI, 58, 52-53.

\textsuperscript{171} Cf. F. De Rubeis, ‘La tradizione epigrafica in Paolo Diacono,’ p.139. Translation is my own.
Apulia, Calabria, Campania, Umbria, Salerno, Avellino, and even Rome (v. 32-38), Arichis’ authority was respected. What is interesting is the epitaph emphasized Arichis’ control of these regions through peace and personal loyalty – as illustrated by the fact that the people of these regions wept for Arichis upon his death (“te flent”) (v. 37). This is quite different than we see in royal Lombard epitaphs, like that of King Liutprand, which stressed that he won respect through battle. There is little emphasis on Arichis’ skill at war here. Even foreign troops and distant neighbours, who remain nameless, were said to have deeply personal connections to Arichis (v. 38). Here Paul may have been appealing to these foreign kingdoms, such as the Franks, encouraging them to keep the memory of Arichis’ peaceful alliances with them fresh in their mind.

The tone of Arichis’ epitaph was also different than his building inscriptions and other examples of royal epitaphs from the Lombard Kingdom. This may have to do with the obvious fact that since Arichis was dead, the epitaph was not intended to be an instrument to assert his right to rule. Rather the epitaph appears to have been directed at the inhabitants of the two capital cities of Benevento (v. 32) and Salerno (v. 34) as well as the Frankish kingdom (v. 43), and was intended to serve two purposes. First, it appealed to the grieving Beneventan people, reminding them of the many great accomplishments of their ruler and his royal ancestry and character traits, and encouraging them to continue to support the Arichian family through the crisis that they now faced. Secondly, the epitaph appealed to the goodwill of Charlemagne and the Franks, who, at the time of its composition, held Arichis’ heir Grimoald hostage.

The motives behind the epitaph may explain why it focused so much attention on the living: on Arichis’ widow Adelperga and their children (v. 39-48). Adelperga, as regent of Benevento, faced the difficult task of both maintaining her family’s rule in Benevento while seeking the release of her son Grimoald from Charlemagne. Frankish correspondence with Charlemagne in this period from his supporters in Italy depict Adelperga’s behaviour as regent as both disloyal, particularly in her failure to offer protection to Frankish officials, and treasonous,

172 Compare ‘Epitaphium Liutprandi,’ v. 2-11: “…acer in armis/ Et bello victor; Sutrium atque Bononia firmant/Hoc et Arminum, necnon invicta Spoleti/Moenia; namque sibi haec subiecit fortior armis/Roma suas vires iam pridem hoc milite multo/Obessa expavit; deinde tremuere feroces/Usque Saraceni, quos dispulit impiger, ipso./Cum premerent Gallos, Karolo poscente iuvari;/Ungarus, a solo hoc adiutus Francus et omnes/Vicii grata degebant pace per omnes/….”.

173 Ibid, loc. cit.
in that she was colluding with her brother Adelchis and the Byzantines against Frankish rule.\textsuperscript{174} Paul’s description of Adelperga in Arichis’ epitaph presents a very different image of the princess. She is depicted as a loyal, royal grieving widow (v. 39-42) and a protective mother, worried for the future of her family (and in turn for her homeland), with her eldest son recently dead, the other a hostage of the Franks, and her daughters vulnerable to kidnap (v. 43-48). This portrait of Adelperga, a widow and victim, was perhaps aimed at earning her the respect and protection of both her people and the Franks.

Paul’s depiction of Arichis may also have been intended to influence Frankish opinion. Arichis is described not only as a devout Christian ruler, who “imparted holy words to the priests themselves” (v. 16), and as “a cultivator and guide toward the divine” (v. 13), but also was a literate ruler, “eloquent and wise” (v. 10), “shrewd in counsel” (v. 20), “plac[ing] in the citadel of his mind all that logic, nature, and a moderating ethic require” (v. 11-12), and “adorn[ing] [his] country with learning, walls, and palaces” (v. 25). Here Paul may be reflecting models of kingship that the Carolingians would have recognized, just as McKitterick has argued for Paul’s other important work of the period, the \textit{Historia Langobardorum}.\textsuperscript{175} In addition, like Romuald’s epitaph, Arichis’ pacifism is highlighted, with the prince being a “lover of peace” (v. 19), who ruled his people and made alliances through loyalty rather than arms. This had the similar effect of downplaying the threat of the Arichians to Carolingian rule and illustrating that Arichis’ heirs, in this case Grimoald, would continue in this trend and make good subjects, if they were permitted to rule. One of the main goals of the epitaph then was likely to encourage Charlemagne to release Grimoald and authorize him to rule Benevento.

\textsuperscript{174} Adelperga’s regency is confirmed in these letters. The first letter to Charlemagne written by Maginarius, Abbot of S. Denis, offered the amusing tale of his embassy to southern Italy after Arichis’ death in 787. Maginarius recounts a series of misadventures, including being separated from two envoys (who left for Salerno without him), being surrounded by ‘disloyal’ Beneventans, and being threatened with imprisonment if he followed the other envoys to the city of Salerno. Forced to abort his trip, he sent a letter to Adelperga and other high-ranking Beneventan nobles in Salerno asking for protection for the two envoys who had arrived in their city. Adelperga responded that she would not comply. One envoy was released, while the other remained imprisoned. See: ‘Codex Carolinus,’ Appendix 2, pp. 655-657. See also the letters from Pope Hadrian to Charlemagne and to the same Maginarius and his associates concerning Adelperga’s motives: idem, \textit{ep. 80, 82}, and also Appendix 1, pp. 654-655.

\textsuperscript{175} McKitterick has argued that Paul’s \textit{Historia Langobardorum} was written especially for Frankish consumption, particularly in northern Italy: McKitterick, \textit{History and Memory}, pp. 66-83. For her argument on its promotion of Carolingian models of kingship see: idem, p. 71.
Princess Adelperga eventually did negotiate her son’s release from Frankish custody in 788 and the Arichian family continued to rule in Benevento until Grimoald’s death in 806.\(^\text{176}\) We have evidence for two epitaphs from this period - that of Bishop David II, which dates to 796, and that of Grimoald from ten years later. David’s epitaph was originally located in the cathedral of Benevento, whereas Grimoald’s epitaph, according to the *Chronicon Salernitanum*, was positioned next to his father and brother’s tombs in the cathedral of Salerno.\(^\text{177}\) Even though these two epitaphs were located in different cities, they display important similarities, particularly in their acrostic form (or a poem where certain letters in each line form a word or words). While one acrostic epitaph survives from southern Italy prior to these examples, composed for Autchar, Bishop of Capua in 743, there seems to have been a surge in the form’s popularity in Benevento during Grimoald’s reign.\(^\text{178}\) Paul the Deacon, who authored several examples of this type of poetry during his life, may have helped to introduce the form to the Beneventan court when he composed an acrostic poem for Arichis and Adelperga in 763.\(^\text{179}\) Even Paul’s own epitaph, written by his pupil Hilderic *post-799* at Montecassino, was in acrostic form and followed in the funerary trend of the period.\(^\text{180}\)

While these two epitaphs are similar in appearance, they are not in content for the obvious reason that David was a bishop and Grimoald was a prince. David’s epitaph focused on his contribution to the court as a *doctor* and poet, demonstrating the importance placed on ecclesiastics like him in promoting literacy amongst members of the court, whereas Grimoald’s epitaph focused on his royal inheritance and legitimacy as a prince. Here once again we see the impact of a succession crisis and the looming threat of Frankish rule on the language of legitimation used in the epitaph. But unlike other Arichian epitaphs, Grimoald’s celebrated the deceased’s victories in battle and his ‘Lombardness,’ endorsing unity amongst his people and

\(^{176}\) Thanks to the help of the Frankish deacon named Atto, who served as one of several envoys to negotiate with the Beneventans after Arichis’ death and who appears to be the only missus not convinced by Pope Hadrian’s numerous attempts to spread rumours and gossip about Adelperga and her court. See Hadrian’s letters: ‘Codex Carolinus,’ ep. 80, 82.

\(^{177}\) Chron. Salernitanum, ch. 30: “…reconditus in iam dicta ecclesia sedis Salernitane iusta sepulcha patri fratrique.”

\(^{178}\) For Autchar’s epitaph see: Russo Mailler, *Il senso medievale della morte*, pp. 72-74.

\(^{179}\) Paul the Deacon, ‘Versus de annis a principio,’ in Neff, *Die Gedichte des Paulus Diaconus*, pp. 6-10. The acrostic spells out: “ADELPERGA PIA.”

serving to advertise the military ethos of Benevento to neighbouring communities along the borders of the Principality.

The epitaph of David II (†796), Bishop of Benevento

The epitaph of Bishop David II is the oldest example of funerary epigraphy to survive on its stone from the Beneventan court as well as the only example from the court that was created for a member of the church.181 David was a close confident of the Arichian family and an influential member of the court, serving as an ambassador for Arichis during negotiations with Charlemagne in 787 and possibly as a tutor to Arichis’ children.182 He certainly felt some affinity for Arichis’ eldest son, Romuald, as evidenced by his closing remarks in the latter’s epitaph.183 And David also appears to have been on good terms with Grimoald as well, acquiring considerable episcopal privileges and immunities during the latter’s reign.184 The fact that he was the only churchman to have had an epitaph demonstrates his unique relationship with the Beneventan royal family.

The epitaph exists today on its original stone in the cathedral of Benevento; however, the left side has been damaged with the result that the full epitaph cannot be read. The text was not copied down in any manuscript and therefore remains incomplete. In its style, David's epitaph employs beautiful classical Capital lettering not unlike the moenia inscription at Salerno; however, some of the spacing is irregular and there are several small innovations in carving technique.185 Compared to other examples of Beneventan funerary epigraphy, David’s epitaph is quite short at a mere 14 verses. Is was likely acrostic in form - in this case, the first letter of each verse probably spelled out David's name and position.186 While much of the text, including the acrostic is missing, we can infer that David, referred to as a “celeberrime praesul,” was praised for being a poet (poeta) and a teacher (doctor). This likely refers to David’s penning of literary works for the court elite, such as Romuald’s epitaph, and/or his involvement in a school at the

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184 For more on David’s independence from royal authority see Chapter 4, p. 205.
186 This is suggested by Maio, ‘Davide beneventano,’ at p. 97. Maio bases this argument on a reconstruction of the meter of the poem. In agreement: Lambert, ‘La produzione epigrafica,’ p. 295 and fn. 68.
cathedral of Benevento, which eventually grew in prestige, as we will see in Chapter 4, under Bishop Ursus in the 830s.187 Like the epitaphs of Romuald and Arichis, David’s epitaph further demonstrates that literacy was prized at the Beneventan court during this period. This may be evidence that education, or at the very least being able to read, was a quality that members of the Beneventan church and aristocracy were embracing, and perhaps even served as a means for their own advancement at court. The composition and consumption of literary works indeed seems to be an important way that religious members of the Beneventan court interacted with the secular aristocracy and participated in the network of patronage and alliance at court.188 The poet who composed David's epitaph appears confident that whoever was viewing it could read the poem (relegunt epigramma sepulchri), hinting at a relatively advanced level of literacy amongst ecclesiastics at this time (as the epitaph was in the cathedral), and probably amongst some of the aristocracy as well.

The epitaph of Grimoald III (†806), Prince of Benevento

The second funerary epitaph from the period was for Prince Grimoald III, Arichis’ second son and successor. Grimoald ruled relatively independent of Frankish hegemony during his nineteen-year reign. After his release from Frankish captivity in 788, he initially remained loyal to Charlemagne, who, according to Erchempert, demanded that Grimoald inscribe his coins and documents with the King’s name and shave off his characteristic Lombard beard.189 Grimoald supported Frankish troops during the campaign by his uncle Adelchis to reconquer Italy in 788, but he eventually began to mint his own coins and fought several successful wars against the Franks.190 He appears to have had a brief marriage with a Byzantine princess, but repudiated her soon after.191 By the time of his death at the age of 42, he had not remarried and had no heir, leaving Benevento to face its first succession crisis. We do not know who commissioned Grimoald’s epitaph, but it was likely his own doing or that of his successor, Grimoald IV (806-

187 For more on the development of the cathedral school in Benevento see: Cicco, ‘La Scuola cattedrale di Benevento.’
188 For more on this see: Granier, ‘La culture lettrée des élites.’
189 Erchempert, ch. 4.
190 Erchempert, ch. 5-6. Grimoald III seems to have captured and defeated one of the Frankish commanders, Duke Guido, in 802 but released him a year or so after the victory. See: Annales reg. Franc., pp. 117-118 (802, 803); ‘Annales Fuldenses’ in MGH SS, vol. 1, p. 353 (802, 803). For more on Grimoald’s interactions with the Franks see: Bertolini, ‘Carломagno e Benevento’; and West, ‘Charlemagne’s involvement.’
191 On his first marriage: Erchempert, ch. 5, who mentions a certain Wantia as the bride, perhaps Evanzia, the sister-in-law of Constantine VI.
817), who served as a *thesaurarius* (treasurer) and/or a *stolesaiz* (administrative official) under Grimoald III and was possibly also his cousin (*exadelphos*). Grimoald IV’s transition from a court official to the royal throne appears to have been initially uncontested, perhaps because of his family connection to the Arichian dynasty, but he nevertheless had much to gain from promoting his namesake and predecessor’s achievements.

Composed by an anonymous poet, the epitaph was written in acrostic form in a lengthy 54 verses. This was comparable to the length of Arichis’ epitaph and was likewise much longer than the epitaphs produced in the Lombard Kingdom. The inscription is incomplete, preserved only in the narrative of the tenth-century *Chronicon Salernitanum*. The acrostic was formed by the first letter for each couplet (with the exception of the first) and spelt out: “MAGNUS GRIMOALD PRINCEPS OPTIMUS”:

1. There was a great prince Arichis, your light and salvation;
   here he has given his body to be restored to God.
   And Romuald, the oldest of his offspring,
   a prince under his father, also rests here in the earth.

5. Also Grimoald, a magnificent man, even more renowned than those,
   as prince, is buried here amongst those two men.
   No hand can adequately describe
   [Grimoald’s] mind and appearance in speeches of praise.
   Distinguished for his glory, especially amongst the Lombards,

10. of whom he was the last one surviving from a prominent family,
    he was of royal ancestry from both parents;
    however, his lofty deeds exceed his birth.
    Powerful in lands, by far the most illustrious in arms,
    he was at this time the sure hope for the safety of the Samnites.

15. Wondrous in appearance, but more extraordinary in his acts,
    from the time he was a boy, he was springing forward, eager to [do] every good.
    O immeasurable grief! O the damage of this great catastrophe,
    which the Lombard people, subjugated by deceit, has suffered!
    Directed away from his father to kings as a hostage for [his] homeland,

20. [Grimoald] gave peace to his homeland until the death of his father.
    […]lines 21-32 missing from manuscript […]
    With the Greeks he engaged in battle with a good fortune,
    and waging war in person, he drove [them] from his borders.

35. He subdued foreign powers, granting peace to them through tribute.
    He was beloved by all and even feared.

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192 Erchempert, ch. 7, notes he was a treasurer; *Chron. Salernitanum*, ch. 38, notes he was a stolesiaiz; and the *Chon. Vult.*, vol. 1, p. 354, claims Grimoald IV was Grimoald III’s cousin.
193 *Chron. Salernitanum*, ch. 29.
Often [Grimoald] endured the enemy armies of the Franks, but he saved your homeland, O Benevento! But what more should I say? The mighty kingdoms of the Gauls were not strong enough to make this man subject to them. O how he had been the most worthy for a long life. In every age there will be great grief over him. After the unfortunate fall that destroyed the Latin [sc. Lombard] kingdom, he was the hope and respite of his people.

He never preserved earthly treasures out of love, but soon gave [them] to captives and those in need. The Italians, Romans, Illyrians, Jews, Africans, and Greeks grieve your death without end, O prince! Death has not harmed you, but it has destroyed us by [your] leaving, O dear son – we, whom your black day holds. You lived blooming for forty-two years, but for all generations you will be forever lauded. May this brief telling be enough for you, the one reading, because this world appears full of your praise, [Grimoald].

The structure of Grimoald’s epitaph bears a strong resemblance to the epitaph of his father Arichis and similar phrases and imagery are employed by both poets. For example, the poet of Grimoald’s epitaph wrote that: “No hand can adequately describe [Grimoald’s] mind and appearance in speeches of praise” (v. 7-8) – a phrase that echoes the beginning of Arichis’ epitaph, which read: “Cicero, powerful in speech, or your tongue, Virgil, would scarcely be able to compose worthy praises for [him].” While this particular verse in Grimoald’s epitaph is not as boastful as that found in Arichis’ epitaph, the emphasis on the inability of authors to

195 For epitaph see: MGH Poetae, vol. 1, ed. E. Dümmler (Berlin, 1881), pp. 430-431: “Magnus erat princeps Arichis, lux vestraque salus, Restituenda Deo hic sua membra dedit, Necnon et Romoald, ipsius maxima prolis, Sub patre iam princeps hic requiescit humo. Vir quoque magnificus Grimoald famosior illis, Hic situs est princeps inter utroque loco, Sensus eloquios et forma describere laudis, Cuius non possit pleniter ulla manus; Gloria magnificus, de Longo - maxime - hardis, Praeclalsa e quorum stirpe superstes erat; Regali genere existens ab utroque parente, Transcendunt (cuuius) gesta set alta genus. In terris pollens, niumium pulcherrimus armis, Spes iam Samnitis certa salutis erat; Mirandus specie, set plus mirabilis actis. A puero micuit promptus ad omne bonum; O dolor immensus! pro ultimae dampna ruinae, Quae gens Bardorum fraude subacta tulit! A patre pro patria directus regibus obses, Placavit patriam funus ad usque patris., (L)…/…/(D)…/…/(Premia non captans, sermone immobils extans),…/(R)…/…/(I)…/…/(N)…/…/(Cum Danahis bellum felici sorte peregit, Finibus et belliger ipse suis, Externa regna sibi tribuenda pace subegit, Dilectus cunctis terribilisque fuit, Pertulit adversas Francorum sepe falangas, Salvavit patriam sed Benevente tuam. Sed quid plura feram? Gallorum fortia regna, non valuere huius subdere colla sibi! O quam longinquo fuerat dignissimus aevo, De quo tautus erit tempus in omne dolor, Post casum infatuum quod regna Latina ruentis Ipsae suae gentis spes requiesque fuit, Terrenas gazas numquam servabit amando, Sed mox captivis indigenisque dedit, Itala, Romana, Illirica, Hebraea, Afra, Pellasa/Morte tua princeps (gens) sine fine dolet; Mors tibi non nocuit, set nos linquendo peremit, Dulcis alunne, tua quos tenet atra dies, Vixisti septem, (bis ternis floridus annis), Set cunctis seclis laude peremnps eris, Sint satis haec breviter de te prolata legenti, Plenus laude tua qualibet mundus adest.”

196 Epitaph of Arichis, v. 5-6.
adequately praise the majesty of the deceased is the same. And like Arichis, who was recalled as more lofty than his royal ancestors in his epitaph,\textsuperscript{197} Grimoald too was celebrated as being “more renowned” than his father and brother and likewise born of royal blood (v. 5, 10-12).\textsuperscript{198} Finally, Grimoald and Arichis were both praised for their strength in arms (13, 33-35, 37, 40), beauty (v. 7, 15), and charitable deeds (v. 15-16, 45-46).\textsuperscript{199}

However, Grimoald’s military might and victory over specific foreign enemies, such as the Franks and the Greeks, is emphasized in much more detail than in either Arichis or even Romuald’s epitaphs. Arichis was portrayed as a peacemaker and an ally; Romuald had won his battles through negotiation. Grimoald, on the other hand, was celebrated for his bellicose spirit and his successful defense of Benevento with his army: “With the Greeks he engaged in battle with a good fortune/ And waging war in person, he drove [them] from his borders./[…] He was beloved by all and even feared/ Often [Grimoald] endured the enemy armies of the Franks,/ But he saved your homeland, O Benevento!” (v. 33-38). This kind of praise is similar to epitaphs from the Lombard kingdom, such as that of Duke Audoald and especially that of King Liutprand, which we mentioned above. For example, the description of Liutprand in his epitaph portrayed the deceased as “vigorous in arms and victorious in battle” \textit{(acer in armis et bello victor)}, as a king who conquered the unconquerable \textit{(invictus)} and brought fear \textit{(expavit)} to his enemies, the Franks and the Arabs.\textsuperscript{200}

This change in the remembrance of the ideal Beneventan ruler from a literate and peace-loving intellectual to a bellicose and feared defender of the \textit{patria} represents a shift in the language of royal authority at the Beneventan court that was likely a response to the succession crisis that followed Grimoald’s death. With no direct heir, the Arichian line and the Principality itself was once again threatened from within and from external powers – the Franks and the Byzantines. Grimoald III had not just broken his oath to Charlemagne, he had left no heir to continue defeating the Franks. If Grimoald commissioned his own epitaph, the defensive and militaristic language of it could have been a defensive measure to prevent the Franks or the Byzantines from taking advantage of the vacancy in the Beneventan throne. Projecting an image

\begin{itemize}
  \item \textsuperscript{197} Ibid, v. 7-8.
  \item \textsuperscript{198} Ibid, v. 7.
  \item \textsuperscript{199} Ibid, v. 9-10 (appearance), v. 15 (strength in arms) v. 23-24, 50 (charitable deeds).
  \item \textsuperscript{200} ‘Epitaphium Liutprandi,’ v. 2-11.
\end{itemize}
of Benevento as a unified battle-hardened people, who had effectively defended their borders in the past, might prevent the enemy from attacking.

Grimoald’s epitaph also has a strong emphasis on the idea of a legitimate dynasty ruling Benevento and on that dynasty descending from a prominent Lombard family. These ideas certainly had roots in Arichis’ epitaph, which as we mentioned above, noted that Arichis descended from a lineage of dukes and kings (stirpe ducum regumque satus). But Grimoald’s epitaph advanced this idea of inheritance by highlighting that the Arichians were not just heirs to a noble and royal lineage but to a royal Lombard dynasty. For example, the opening lines of Grimoald’s epitaph were dedicated to remembering the succession of rulers, from Arichis to Romuald, to Grimoald (v. 1-6). Typically the man being commemorated in the epitaph was mentioned in the first verse, but in Grimoald’s epitaph, he is not named until the third couplet (v. 5-6). Here the poet was probably trying to emphasize an unbroken line of dynastic succession in Benevento, to which Grimoald was a legitimate part (a princeps from a princeps). Grimoald’s epitaph also presents him explicitly as both the ruler of the Lombard gens as well as a member of a prominent Lombard dynasty, recalling the deceased as the last surviving heir (Gloria magnificus, de Longo - maxime - bardis,/Praecelsa e quorum stirpe superstes erat) (v. 9-10). The poet’s usage of Langobardus to describe Grimoald’s family alongside another verse, which noted that his people were specifically ‘Lombard’ (gens Bardorum)(v. 18), underscores Grimoald’s ‘Lombard-ness’ and thus his connection to the defunct Lombard Kingdom.

This ‘Lombard-ness’ is not as prominent in the previous two ‘royal’ Beneventan epitaphs of Arichis and Romuald. In Romuald’s epitaph, the adjective Barda (short for Longobarda) is used in the opening lines to describe the cohors that gathered around his tomb to mourn. Yet, when it came to describing the people whom Romuald protected from destruction, the adjective Beneventus was employed. In Arichis’ epitaph, the prince’s ducal (ducum) and especially royal (regum) lineage is described using the word ‘stirps’ – the same word used by the poet of Grimoald’s epitaph. However, neither Arichis, his ancestors, or the people he ruled over were associated with the word Langobardus. Instead, Paul calls upon the Salernitan people (Salerne)

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201 Epitaph of Arichis, v. 7.
202 Grimoald’s younger brother Gisulf must have died at some point before 806, maybe during his youth, as he is not mentioned as living in Arichis’ epitaph from 787 either.
203 Epitaph of Romuald, v. 2: “…/Quam tenet hic tumulus, ve tibi barda cohors/…”
204 Ibid, loc. cit, v. 1, 20: “Alta ruit subito Beneventi gloria tristis/…”; “…/Munivit fines, o Benevente, tuos/…”

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and the people from the city of Benevento (Benevente) to grieve for their ruler.\textsuperscript{205} This absence of ‘Lombard-ness’ in Arichis’ epitaph is surprising considering that some years before, Paul had celebrated the prince as the “head of the Lombards” (Bardorum culmen) in the moenia inscription, which as we mentioned likely adorned the palace walls in Salerno.\textsuperscript{206} This inscription was also preceded by Arichis adopting the title princeps gentis Langobardorum, which clearly indicated that his subjects were ‘Lombard’ in 774.

Why then was the term Langobardus absent in Arichis’ epitaph, yet so prominent in Grimoald III’s? Here again we must consider the relationship between the Beneventans and the Franks. As we discussed above, the year 787, when Arichis’ epitaph was commissioned, saw the Beneventan prince submit to Charlemagne, the new rex Langobardorum, and hand over Grimoald as a hostage.\textsuperscript{207} Arichis’ submission to Charlemagne was also coupled with the sudden untimely death of his heir apparent, Romuald. As Paul made so clear in Arichis’ epitaph, the death of Romuald and the imprisonment of Grimoald placed Benevento in a precarious and potentially disastrous situation. Obviously, with this in mind, it would have been extremely unwise for Arichis’ epitaph to recall the deceased’s military victories or evoke any clear sense of a united, militaristic ‘Lombard’ identity. Arichis’ epitaph is therefore neither anti-Frankish nor pro-Lombard. If any sentiment is verging on anti-Frankish, it is when Paul calls the Gauls (sc. Franks) ‘cruel’ (dura) for kidnapping Benevento’s heir.\textsuperscript{208} This, however, is in no way a pro-Lombard battle cry against the Franks, rather a lamentation of the dire situation in Benevento. Indeed in Arichis’ epitaph, Paul was calling on the Franks in the vocative case (Ast alium extorrem, dura Gallia, tenes!), in a sense asking them directly to be merciful and reasonable. A similar tone can be found in Romuald’s epitaph from a month before in 787, in which the Franks and the Frankish king were portrayed simply as angry and in need of calming down.\textsuperscript{209} Here the poet was again not attempting to unite the ‘Lombards’ against the ‘Franks’, but, as we noted above, was actually providing justification for Frankish violence. Both epitaphs then were resolutely neutral and nonviolent, intended to calm the fears of the Beneventan elite, prevent a

\textsuperscript{205} Epitaph of Arichis: “…stirpe ducum regumque satus.” For the invocation of the people of Salerno and Benevento see idem, v. 32, 34.

\textsuperscript{206} Moenia inscription, v. 18.

\textsuperscript{207} This is noted in both Arichis and Grimoald’s epitaphs along with the account in the contemporary ‘Annales regni Francorum,’ p. 75 (787). Also see later accounts in Erchempert, ch. 2 and the Chron. Salernitanum, ch. 22.

\textsuperscript{208} Epitaph of Arichis, v. 44.

\textsuperscript{209} Epitaph of Romuald, v. 18-22.
coup against the Arichian line, and persuade the Franks to peacefully release the heir apparent of Benevento from their custody.

Grimoald III’s epitaph, which openly praised the Arichian line, celebrated the warrior prince’s successes in hard-fought battles, and emphasized Benevento’s ‘Lombard-ness’ in opposition to Frankish and Greek enemies (adversas), employed a much different strategy. As in 787, there was a succession crisis at the Beneventan court, but unlike 787, the heir apparent was not in Frankish hands – in fact there was no heir at all. Charlemagne and the Franks no longer had to be appeased for Benevento to survive the crisis, and their relationship had changed enough that anti-Frankish sentiment could be openly expressed in Beneventan epigraphy. This does not mean that the Beneventans were necessarily confident that the Principality would endure. Grimoald’s successes, particularly in battle, were due to the fact that Charlemagne and his army did not return to southern Italy, and the threat of a Frankish incursion was still very real. The epitaph’s glorification of the Arichian line, the promotion of unity and ‘Lombard-ness’ amongst the Beneventan people, and the conjuring of an ‘us’ versus ‘them’ mentality, should instead be understood as a direct response to the uncertainty at the Beneventan court during the crisis of succession. This was not a demonstration of a united gens with an actual lived identity, rather an attempt to rally members of the court to face a potential enemy, while advertising to outsiders that Benevento was a cohesive force.

Part II: Epigraphy of the Sician family, c. 817-840s

As we mentioned above, the succession crisis of 806 ended with the election of Grimoald IV, an office-holding aristocrat and possible cousin of Grimoald III. While his ascension was initially uncontested, Grimoald IV was not as successful as his predecessor in defending Benevento against Frankish armies. Indeed Grimoald ended up paying, according to the Royal Frankish Annals, a colossal monetary tribute to Charlemagne of 25 million gold solidi in 812 and then another 7 million solidi to Charlemagne’s successor, Louis the Pious, two years later in 814.\(^{210}\) Factions of the Beneventan aristocracy began to take issue with Grimoald’s legitimacy, and after one failed attempt on his life, Grimoald IV was assassinated in 817. No epitaph survives for Grimoald IV or his court.

\(^{210}\) Annales reg. Franc., p.137 (812) and p. 141 (814).
The next phase of Beneventan epigraphy can be traced to the Sician family, which rose to power in the wake of the Arichians’ fall. Like the epitaphs of the Arichian period, the four individuals memorialized in the epitaphs from the Sician courts were closely connected to the royal family. These include a long funerary inscription dedicated to the eponymous founder of the dynasty, Prince Sico, as well as three shorter epitaphs created to memorialize various members of the Sician extended family, including Sico’s neptis (granddaughter) Chisa (†817/32), Sicard’s brother-in-law, a thesaurarius and referendarius named Rofrit (†836/9), and his sister-in-law Dauferada (†840s), Rofrit’s wife. The following section will consider these four epitaphs in the context of dynastic change and the contested political landscape engendered by the end of the Arichian dynasty. Particularly important, especially in the epitaph of Sico, is the attempt by the poet to express the legitimacy of the Sician family through their affiliation with the defunct Arichians, perhaps in an effort to prevent dissent from local aristocratic factions, which had supported the founding family. Indeed, the proclamation in Sico’s epitaph that he was the rightful heir to the Arichian line was likely intended to delegitimize Grimoald IV’s claims and legitimate those of the Sician family.

Epitaphs commissioned for members of the Sician family express their relationship with the prince in different ways. In part, they reflect the Beneventan court’s reaction to the rise of aristocrats like Sico to positions of royalty. While those who were part of the immediate royal family expressed their authority through the Sician family’s newfound position, those that rose alongside the ‘upstart’ dynasty – the extended family – had more of a challenge expressing the limits of their authority. On top of this, the year 839 saw the sudden collapse of Sician rule in the city of Benevento and the exile of the family thereafter to the city of Salerno. Sico’s son and successor Prince Sicard (832-839) was assassinated that year, and in the aftermath of Sicard’s death, the Beneventan aristocracy divided behind two rival claimants for the Beneventan throne, the Sician heir Siconulf and the former treasurer of Sicard, Radelchis (839-851). With Radelchis elected as princeps in Benevento, supporters of the Sician family rallied around Siconulf in the city of Salerno, sparking a ten-year civil war between the Sicians and the Radelchians and between the cities of Salerno and Benevento. This period of dynastic transition and the exile of the Sician family impacted how its members made sense of their authority and how they remembered their past.
Sician epitaphs: the reign of Sico (817-832)

There is evidence for two court epitaphs that date to the reign of Prince Sico. Both express the deceased’s authority through their connection to a legitimate royal line. In Sico’s epitaph, the Sician claim to the Beneventan throne was expressed through the memory of Sico’s adoption into the Arichian dynasty as well as through the recollection of his military and spiritual superiority over the neighbouring Neapolitan rulers. In the second epitaph, for Sico’s granddaughter Chisa, the family’s authority is expressed purely in terms of her grandfather Sico’s legitimacy as a princeps.

The epitaph of Sico (†832), Prince of Benevento

Sico’s epitaph, which originally marked the place of the prince's sarcophagus in the cathedral of Benevento, survives on its original stone but was severely damaged in the 1943 bombing of the city. Fortunately, a photograph taken just prior to this event shows the epitaph’s original appearance and contents.211 In its layout and organization on stone, Sico's epitaph is dissimilar to the only surviving epitaph produced in the Arichian period, that of Bishop David. At 56 verses long, divided into two columns of 28 lines each, Sico's epitaph appears almost book-like.212 The inscription reads left to right, with the first line in the left column followed by the next line in the right column. This is markedly different than David’s single-column epitaph with an acrostic and dissimilar to the royal epitaphs from the Lombard Kingdom, all typically carved in one column. Another feature which distinguishes Sico's inscription and those connected to his reign from earlier Arichian examples is the use of uncial letters, likely also inspired from the pages of manuscripts.213

Despite these important stylistic differences, Sico’s epitaph shows considerable continuity with Arichian epitaphs, emphasizing similar ideas of royalty and dynastic legitimacy. However, Sico’s epitaph dedicates more verses toward outlining how Sico came to rule in Benevento than we see in Arichian examples:

1 Here the body of the great Prince Sico rests, weep for him bitterly, O Benevento!

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211 For photograph see Silvagni, Monumenta Epigrapha cit. IV, fasc. II, at Beneventum III. 2.
212 Lambert, ‘La produzione epigrafica,’ at p. 298.
Sprung from a lineage of kings, he was more noble and powerful than his ancestors, such that none among them was equal or comparable [to him].

Mighty in figure, he was born in Ausonia\textsuperscript{214} after it was conquered by the slaughtering Franks. [Sico’s] nurturing mother, examining him, glittering with handsome light, believed that [her son] was given to her from heaven. When she realized now that he was full of the design of God, she carried [with her] that pious [child] to a place where he would not be harmed. Upon [Sico’s] arrival, the lordly leader was happy. Rejoicing he welcomed your hope, Benevento! Immediately Prince Arichis in his private thoughts, arranges things for the boy and pledges to consider him [to be] an offspring. The greatest hero, [Arichis], took on the task of rearing [Sico], whom he hopes to have as a loyal successor. Grimoald [III], no less, a prince born from a prince, instructed the one being raised [sc. Sico], upholding the oaths of [his] father. Rejoicing in the sight of him and because of his alluring brilliance, [Grimoald] marked [Sico] with love before all others. [Sico’s] appearance [was] handsome, his eyes glittering through his expressions [with] light-coloured hair protecting his fair skinned neck. Stemming as he did from the tall Lombard people, the stature of his body was lofty, so that he was taller than all. Just as a tree rising by the roots in fields of cultivated lands, [like] a pine tree, he grew all the way to the sky. He surpassed all in his shining spirit and appearance, reputed for the force of his youthful vigor and skill. After three leaders had begun in succession,\textsuperscript{215} He [Sico], a scion from a greatly respected royal line, was elected as prince. Against the anger of the Frankish people, he defended the fatherland, which was at one time routed by [their] many swords. When the kings of the Franks and all the people on the everlasting earth\textsuperscript{216} had yielded, he was more beloved than the rising sun. Peaceful, mild, prudent and venerable, pleasant, [he was] generous and pious to all men and paupers. Cautious on behalf of his homeland, he paid back the injuries of the wicked, so that the law, about to injure those liable, would not force them into servitude. With a siege of the city of Naples, [Sico] often vexed Roman troops\textsuperscript{217} and lying men,

\textsuperscript{214} “…in Ausoniae terra”: Ausonia, a word used to describe all of Italy in poetry, is distinctly Virgilian. In this verse, Sico is described using language reminiscent of Prince Turnus, the leader of the Latins and antagonist to Aeneas in Virgil’s \textit{Aeneid}. See: Virgil, \textit{Aeneid}, book VII, 783. The poet is probably trying to imply that Sico came from the Lombard Kingdom, thus the northern half of Italy as compared to Benevento in the southern part.

\textsuperscript{215} This can be read in two ways, with the leaders being either: Arichis, Romuald, and Grimoald III; or Arichis, Grimoald III, and Grimoald IV. Perhaps it is purposefully vague here in order to be politically correct.

\textsuperscript{216} Read \textit{orbe perenni} for \textit{orbe perenne}. 

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who, as rebels against the lords of Samnium\textsuperscript{218},
wish to defeat the mighty decrees of the Lombards with their customary trickery.
Sico ordered that the conquered men, whom he had overthrown in every battle, free whatever slaves [they possessed].

Using the strength of his own men, he pounded the walls [of Naples] with a battering ram,
until the faction hostile to him fell conquered.
Having been defeated in this battle, they demanded back [their] worthy slaves, whom the eager Beneventans rejoice to set free.
Then [Sico] carried off [the relics of] Januarius,
formerly a powerful athlete [of God] placed upon the [episcopal] seat of Benevento.

After filling [Januarius’] shrines with silver and gold forged anew,
[Sico] handed over the lifeless body so that it could rest in those places.
Ruling for fifteen years as duke and lord,
[Sico] spent his entire life with a wealth of benevolence,
[and] having completed sixty years of age,
his spirit sought the stars, the fruits of [his] reward.\textsuperscript{219}

There is considerable continuity between Arichian epitaphs and Sico’s epitaph, especially in terms of how royal authority is expressed. For example, the celebration of Sico’s ancestry and royal blood along with his noted superiority to his ancestors is remarkably similar. “Sprung from a lineage of kings” (\textit{Stirpe satus regum})(v. 3), Sico was not only of “a scion from a greatly

\begin{footnotes}
\footnote{217}{\textit{Romanas catervas}: seems to be referring to the Neapolitan armies, who were nominally under Byzantine rule.}
\footnote{218}{\textit{sc.} Beneventum. Samnium is a region in southern Italy that was inhabited by the Samnite people, until their subjugation by Rome in the third century BCE.}
\footnote{219}{For epitaph see: MGH \textit{Poetae}, vol. 2, pp. 649-651. But see corrections by Gray, ‘The Paleography of Latin Inscriptions,’ p. 126: “Principis hic magni requiescunt membra Siconis,/Flenda nimis populis, heu Benevente, tuis./\textit{Stirpe satus regum}, melior maiorque priorem/Nullus ut in cunctis par similisque foret./Natus in Ausoniae praestanti corpore terra,/Francorum postquam caede subacta fuit./Quem mater cernens elegenti luce nitentem,\textit{Esse} datum credit aquilatus alma sibi./Quae cum sensisset Domini iam munere plenum,/Ad loca se rapuit non nocitura pio./Cuius ad adventum laetatus dux herilis./Excepit gaudens succum, Benevente, tue/\textit{Mox Arichis princeps archana in mente puellum/Collocat, et spondet prolis habere loco./Adhibuit curam nutriendi maximus heros,/Quem successorere sperat habere pium./Nec minus et Grimioald natus de principe princeps./Sublatum erudit iura tenendo patris./\textit{Huius in aspectu gaudens blandoque nitore/Prae cunctis unum leguit amore virum./Pulchra illi facies oculique per ora nitentes,/Candida caesaries candida colla tegens./Celsus ab excelsa Bardorum gente statura/Corporis, ut cunctis altior ille foret./Qualis in arvorum radicus arbor oberta/Culturis pinus crevit ad usque polum./\textit{Anteibat} cunctos animo formaque nitenti,/\textit{Virtutisque novae robore et arte fluens./Qui tribus exorsis ductibus ordine princeps/Regalis legitimur stirps honora nisim./Defendit patriam Francorum gentis ab ira,/Quae quondam multo caesa murcone fuit./Regibus ille magis dilectus luce parata/Francorum et cunctis orbe perenne datis./\textit{Pacificus, mitis, sanctusque,} suavis,/\textit{Largus et in cunctis pauperibusque pius./Pro patria cautus solvevat damna malorum, Ne servos faceret lex nocitura reis./\textit{Obsidione quattit Romanas saepe catervas,/Urbis Parthenone falsidicosque viros/Quo dominis solita Samnium fraude rebelles/\textit{Pellere Bardorum fortia iussa volunt./Quos Sico perdomitos congressu fortis in omni/Servitiae impellit solvere quaque iubet/Ariete propulsat muros virtute suorum./Donec victa cadat pars inimica sibi./Qua victi pugna servitia digna reposcunt,/\textit{Quae Beneventanus solvere gaudet hians./Abstulit inde etiam Beneventi in sede locaturn/\textit{Januarium quondam fortis athleta dehinc./Cuius templae replens argento auroque recoccto./His dedit uti iacet corpus inane locis./Ter quinos annos dominatus dux herilis/Omne aevum peragat cum bonitatis ope./Hic bis sex peragens aetatis tempora lustra,/Mercedis fructus spiritus astra petit.”}
respected royal line” (Regalis...stirps honoranda nimis)(v. 30) but also “more noble and powerful than his ancestors” (v. 3). This echoes verses found in the epitaph of Arichis, which noted that Arichis was “sprung from the lineage of dukes and kings” (Stirpe ducum regumque satus) and that he, “more noble,/ascended the lofty peak of his ancestry.”

Similar parallels can also be found in the epitaph of Grimoald III, which states that Grimoald was “of a royal birth” (regali genere) and that he was “more renowned” than his father and brother.

There are also interesting parallels in the adjectives used to describe the Sico’s character, his military campaigns, and his dynastic inheritance. For example, Sico’s “glittering,” his towering physical appearance (v. 5, 7, 19, 21-27), and his generous charity (v. 36, 51, 54) are celebrated alongside his military campaigns against the Franks and Neapolitans, which are described in considerable detail (v. 31, 39-48).

Similar emphases along with the description of military skill (v. 28) and patriotism (v. 31, 41-42) are contained in Grimoald III's epitaph, as noted above. Grimoald, the “sure hope for the safety of the Samnites (Samnitis),” “endured the enemy armies of the Franks” and of the Greeks (Danahu), from whom “he saved the fatherland.”

The language used to describe the military exploits of Sico, one of the “lords of the Samnium (Samnitum)” (v. 41), who “defended the fatherland from the anger of the Frankish people,” (v. 31) and conquered Naples (Parthenope) (v. 39-48), has interesting similarities; however, one great difference is that Sico is given credit for attacking and besieging Naples, whereas Grimoald chased away the Greeks while defending the borders of Benevento. Finally, both Sico and Grimoald’s epitaphs emphasize the idea of legitimate succession or how the deceased fit within the principality’s royal line of succession. Like Grimoald III, whose epitaph clearly placed him in

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220 Epitaph of Arichis, v. 7. As noted in De Rubeis, ‘La tradizione epigrafica in Paolo Diacono,’ p. 155.
221 Epitaph of Grimoald, v. 5, 11.
223 The epitaph’s description of Sico’s military battle against Naples is somewhat similar to the description given by Erchempert, ch. 10: “…the wall [of Naples] had been utterly destroyed by battering rams and machines…” Compare to the Epitaph of Sico, v. 45-46: “Using the strength of his own men, [Sico] pounded the walls [of Naples] with a battering ram./ Until the faction hostile to him fell conquered.” Erchempert, who disliked Sico and his dynasty, recalled the battle as a failure, whereas Sico’s epitaph, naturally, remembered the siege a victory. The epitaph’s emphasis on setting slaves free (v. 47-48) in this passage is interesting as there is no other source that confirms it.
225 Here the poet is using terms found in Virgil’s Aeneid (and other classical authors) to describe other peoples. See also infra fn. 227. For Danai see Virgil, Aeneid, Book I, 30; Book II, 5; etc.
227 The poet is using terms found in Virgil’s Aeneid to describe other peoples. For the term Parthenope see: Virgil, Aeneid, Book IV, 564.
the princely succession after Arichis and Romuald, the poet of Sico’s epitaph positioned Sico after three rulers: “After three leaders had begun in succession/Sico…was elected as prince” (v. 29-30).\(^228\)

The question of succession, however, was very different for Sico than it had been for Grimoald III, who as the eldest surviving son was the rightful heir to his father’s royal claim.\(^229\) Sico, on the other hand, had no blood relation to his predecessor, the assassinated Grimoald IV, or the Arichian dynasty. To address this problem, Sico’s epitaph claimed that Arichis and Grimoald III had both adopted Sico as a young boy, acting as both mentors and father figures. According to the poet, Arichis “pledge[d] to consider [Sico] [to be] an offspring” (v. 14) “whom he hope[d] to have as a loyal successor” (v. 16). Moreover Arichis’ heir, Grimoald III, whom the poet notes was “a prince born from a prince” is said to have instructed and favored Sico (v. 17-18). And finally, “upholding the oaths of his father (i.e. Arichis)/…/[Grimoald] marked [Sico] with love before all others” (v. 18-20). These verses not only drew a clear identifiable link between Sico and the Arichian royal dynasty, but lent legal legitimacy to Sico’s claims to the Beneventan throne through the oaths (iura) made by Arichis and upheld by Grimoald III (v. 18) to ensure Sico would be considered a son and heir of the Arichian family (v. 16). An important absence in this passage is the figure of Grimoald IV. By remembering that Arichis and Grimoald III acted as father figures to Sico and considered Sico to be their successor, Grimoald IV’s claim to the throne as an Arichian heir was effectively dismissed in the epitaph. This rewriting of the past served to legitimate Sico’s usurpation of the throne from Grimoald IV. In addition to Sico’s supposed adoption, the epitaph also emphasized that Sico descended from royal ancestors. Sico was not only “sprung from a lineage of kings” (v. 3); he was also “a scion from a greatly respected royal line” (v. 30). Thus according to the epitaph, Sico was a legitimate Beneventan ruler because of his ‘royal’ traits, military victories, adoption by the Arichians, and royal blood and ancestry (although the poet is rather vague about who Sico’s ancestors actually were).

This attempt to connect Sico to the Arichian family in the epitaph seems curious when we consider that Sico actively sought to differentiate his reign both politically and religiously from the Arichians during his lifetime. Charter evidence suggests that Sico ruled primarily from the city of Benevento rather than from Salerno, the city in which Arichis had built a sumptuous palace toward the latter part of his reign and had his royal family tomb. While at Benevento, Sico

\(^{228}\) Epitaph of Grimoald, v. 1-6, 10-12.

\(^{229}\) Ibid, v. 10: “…Precelsa e quorum stirpe superstes erat.”
focused much of his attention and resources on the cathedral of Benevento and not on Arichis’ two religious centres, the ducal church of S. Sofia in Benevento and the palatial chapel of SS. Peter and Paul in Salerno.\textsuperscript{230} Furthermore, instead of worshipping Arichis’ patron saints, Mercurius and the twelve brothers, Sico instead promoted the cult of Januarius. Indeed, Sico was personally responsible for the translation of the Januarius’ relics to the city of Benevento and the construction of the marble altar in the cathedral of Benevento where the relics were interred.\textsuperscript{231} He also built his own family tomb next to the altar containing Januarius’ relics rather than bury himself near Arichis’ royal tombs in the cathedral of Salerno where both Arichis and Grimoald III were entombed. Here again Sico chose to be separated from the first royal family of Benevento.

It is also striking that only one of the three surviving literary sources for the period, the late ninth-century \textit{Gesta Episcoporum Neapolitanorum}, corroborates the details about Sico’s early life as contained in his epitaph (v. 6-20): his royal blood and his birth in the Lombard Kingdom. However, it fails to mention his supposed connection to the courts of Arichis or Grimoald III:

Meanwhile the Beneventans, inspired by the ancient enemy, killed their prince Grimoald [IV], [who was] languishing near death in his bed, and Sico the Friulian [of Cividale], who came there [sc. Benevento] to live as a boy with his mother, was made leader.\textsuperscript{232}

It is interesting that while the source confirms the arrival of Sico to Benevento as a boy, there is no mention of Sico’s connection to the Arichians. This is the same with the other two literary sources. Neither of the contemporary Beneventan chronicles verifies the epitaph’s account of Sico’s upbringing in Benevento. Erchempert, writing in Capua around the same time as the author of the \textit{Gesta}, introduces Sico as the \textit{gastald} of the Beneventan fortress town of Acerenza.\textsuperscript{233} He claims that Sico had “received many honours” (\textit{reception honoribus plurimis}) from Grimoald IV shortly before the latter’s assassination in 817, but there is no mention of

\textsuperscript{230} Epitaph of Sico, v. 51 and also noted in the \textit{Translatio Januarii}, analyzed in Chapter 4 of this dissertation, pp. 209-217.
\textsuperscript{231} Epitaph of Sico, v. 49-52 and the \textit{Translatio Januarii}.
\textsuperscript{232} Iohannis, ‘\textit{Gesta Episcoporum Neapolitanorum},’ ch. 51: “Interea Beneventani, antiqui hostis instinctu, Grimohaldum principem suum, pene examinem in lecto languentem, pererunt, et Siconem Furoiuliensem, qui puellus illuc cum sua matre venerat accola, ducem fecerant.”
\textsuperscript{233} A fortress town near Potenza in southern Italy, which would have been militarily important for the principality’s defense. The \textit{Chron. Salernitanum} recalled that Charlemagne requested that the walls of Salerno, Conza, and Acerenza be pulled down as a condition of Grimoald III’s release in 806 from his captivity. See: \textit{Chron. Salernitanum}, ch. 24.
Sico's childhood or a connection to Arichis or Grimoald III.\textsuperscript{234} The tenth-century *Chronicon Salernitanum* recalls that Sico immigrated as an adult to Benevento during the reign of Grimoald IV. According to this text, Sico was an exile from the north after falling out with the Carolingian King Pippin. Accompanied by his wife, children, slaves, and servants, Sico was on his way to Constantinople before he was eventually convinced to stay in Benevento by Grimoald IV.\textsuperscript{235} If this dating can be trusted, it would place Sico's arrival in Benevento sometime between 806, the date Grimoald IV took the throne, and 810, the date of Pippin’s death, meaning Sico would have been in his mid to late thirties upon arrival.\textsuperscript{236} Whether or not Sico had met Arichis or Grimoald III at an earlier date is not stated; but according to the *Chronicon*, by the time Sico immigrated to Benevento, the two aforementioned princes were dead.

The vague and inconsistent depictions of Sico's early life contained in the chronicle evidence and the epitaph, along with Sico’s own policies during his reign, which clearly separated him from Arichis, may be evidence that the association in Sico’s epitaph between his rule and the Arichian dynastic line was developed retrospectively after Sico’s death when his son Sicard became sole ruler of Benevento. Sicard, like many Beneventan princes before and after him, faced an aristocracy that was often divided and violent when policing the legitimate succession of their leaders, and thus the new prince had much to gain by attempting to unite his father’s reign with the Arichians, a legitimate dynasty.\textsuperscript{237} Aristocratic factions had interfered with Beneventan politics briefly during the mid-eighth century\textsuperscript{238} and did so again after Grimoald III’s death. As we noted above, Grimoald III’s successor, Grimoald IV, was a *thesaurarius* (treasurer) before ascending the throne and his familial relationship to Grimoald III remains unclear. According to Erchempert, factions had tried to assassinate Grimoald IV on two separate occasions.\textsuperscript{239} Both Erchempert and the *Chronicon Salernitanum* state that Sico initially had the support of those who had opposed Grimoald IV, and Erchempert goes so far as to claim that Sico was directly involved in the murder of his predecessor:

\begin{itemize}
\item \textsuperscript{234} Erchempert, ch. 8. It is unclear whether these honours included the title of *gastald* or whether this title was given to Sico at an earlier date by Grimoald III or Arichis.
\item \textsuperscript{235} *Chron. Salernitanum*, ch. 42.
\item \textsuperscript{236} Sico’s epitaph notes he died at 60 years of age in 832: *Epitaph of Sico*, v. 55.
\item \textsuperscript{237} Erchempert, ch. 12, tells us that Sicard became co-ruler of Benevento prior to Sico's death. This may have eased the transition between father and son, but the death of a prince may nonetheless have presented recalcitrant nobles the opportunity for rebellion.
\item \textsuperscript{238} This occurred between the reigns of Romuald II (706-730) and his son Gisulf II (742/3-751), when the usurpers Audelais (730-732) and later Godescalc (740-742/3) seized the throne from the ruling ducal dynasty. Godescalc was assassinated by the Beneventan people and Gisulf II was reinstated.
\item \textsuperscript{239} Erchempert, ch. 7-8.
\end{itemize}
Meanwhile count Radelchis of Conza and the gastald Sico of Acerenza…rose against [Prince Grimoald IV] in bad faith, and when he was already drawing his last breath, killed him with a sword…After [Grimoald IV] had died innocently, the aforementioned Radelchis nominated Sico to be elected as prince in place of [Grimoald].

For its part, the *Chronicon Salernitanum* claims that Sico did not participate directly in the murder of Grimoald IV, but was involved in the conspiracy, which included a powerful Beneventan noble named Dauferius, whom Grimoald IV had insulted, and his two sons Rofrit and Potelfrit. Rofrit is said to have secretly plotted with Sico to have Sico crowned after Grimoald IV’s assassination.

Both Erchempert and the author of the *Chronicon Salernitanum* note that a clear division existed amongst the Beneventan aristocracy upon Sico’s ascension in 817 with one side opposing Grimoald IV and the other side supporting the assassinated prince. Sico benefited from the dominant faction opposing Grimoald IV and he used its support along with military victories and religious fervour to rule Benevento uncontested. Sico’s successor Sicard, on the other hand, may have faced a resurgence of Grimoald IV’s supporters (or possibly Arichian supporters) or he simply anticipated the possibility of this to the point of action. According to Erchempert, who had a clear dislike of the Sician family, Sicard “began to attack with bestial voracity the people entrusted to him and cruelly to tear them to pieces.” In addition to exiling his own family members, Sicard also “imprisoned or put to death all the leading nobles of the Beneventan people.” Erchempert, writing decades later, was likely exaggerating the actual extent of Sicard’s purge, but the account suggests that Sicard likely took steps to solidify his reign early on. Such political posturing may explain why Sicard’s father’s epitaph linked the prince and the Sician family with the Arichians and the founding princely dynasty. It also may explain why the epitaph delegitimized Grimoald IV’s claim to the throne as an Arichian heir as well. By communicating Sico’s legitimate place in the royal succession of Benevento through a legal oath made by the first prince of Benevento, Arichis - an oath which was then upheld by Arichis’ heir

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242 Ibid, ch. 48.
243 Erchempert, ch. 12: “coepitque populum sibi commissum …beluina voracitate insequi ac crueliter laniare.”
244 Ibid, loc. cit.: “…cunctosque Beneventanae gentis proceres aut custodiis aut morti indiderit…”
Grimoald III – the epitaph of Sico had the potential to appeal to the aristocratic factions that may have stood in opposition of Sician family rule.

Sico’s epitaph also insinuated that the political legitimacy conferred by his supposed legal adoption by the Arichian family and by his royal ancestry was approved and even blessed by a saint and thus by God himself (v. 9). Unlike previous Beneventan epitaphs, the poet of Sico’s epitaph dedicated several verses to the role of the prince in translating the relics of saint Januarius to Benevento from Naples (v. 49-52). Januarius, believed to be the first bishop of Benevento, would have had strong spiritual ties to the city of Benevento and its people – ties that Sico lacked as a foreigner and must have hoped to obtain as if by proxy, via Januarius. The epitaph’s mentioning that Sico had successfully translated Januarius’ relics and interred them demonstrated that Januarius had sanctioned the prince and his family to rule in his diocese of Benevento. Just as Arichis, the founder of the Principality, provided Sico with secular and political legitimacy through his supposed adoption of Sico, Januarius, the first religious authority of Benevento, lent spiritual legitimacy and divine sanction to Sico and Sicard. The poet’s focus on Januarius in Sico’s epitaph confirmed to the public that Sico and thus his heir possessed the right to rule in Benevento by God.

Sico’s epitaph therefore portrayed Sico, and by association Sicard, as entirely legitimate rulers of Benevento and emphasized the family’s connection to local historical figures. Not only did Sico possess the qualities and skills that previous Beneventan royal epitaphs had deemed necessary for a Beneventan princeps, such as noble and royal ancestry, beauty, charity, military prowess, and victory in battle, he also had the approval of the founding fathers of the Beneventan royal dynasty (Arichis and Grimoald III), the patron saint (Januarius), and God. And if that were not enough, the epitaph’s poet reminded his audience that Sico had been “elected” as prince (princeps legitur) (v. 30) by the Beneventan people. Sico, and thus Sicard, had the support of the majority of the Beneventan aristocracy, who had appointed their family to the throne.

*The epitaph of Chisa (†817-832), granddaughter of Prince Sico I*

A second epitaph that dates to Sico’s reign, belonged to his neptis (granddaughter) Chisa who died at some point during the latter’s rule (817-832). Chisa’s epitaph is extremely brief and unlike the other epitaphs from the Beneventan court, was composed in standard form:
Here rests Chisa in the sleep of peace. She was from a noble and excellent family, granddaughter to Lord Prince Sico.\textsuperscript{245} Chisa’s epitaph is simple and reveals very little about the deceased other than her noble ancestry, her relation to Prince Sico, and her death. Chisa was likely the child of one of Sico’s three daughters, perhaps the eldest Sichelenda. All were married off to Beneventan nobles.\textsuperscript{246} Chisa could also have been the daughter of Sico’s son Sicard and wife Adelchisa, as the latter’s name is so similar to the deceased, but their marriage seems to post-date Sico’s death.\textsuperscript{247} Even with these royal connections, Chisa’s epitaph was much less sophisticated than previous Beneventan examples and has grammatical errors. The inscription was poorly executed, with some of the letters compressed when the stone carver ran out of space on the small piece of marble. The content of the epitaph was also not formatted in poetic verse, with the author relying on the derivative funerary phraseology: “Hic requiescit in somno pacis…,” as the basis of the epitaph. Whether Chisa’s family lacked the financial resources necessary to produce a monumental \textit{carmina epigraphica} or whether they felt it inappropriate to commission such an epitaph for a young girl is not known. Whatever the case, the epitaph served to express her family’s influence at court through her ancestry to royalty and to blood relation to a \textit{princeps}.

\textit{Sician epitaphs: the reign of Sicard (832-839)}

The final years of Sician rule in Benevento were tumultuous. While Sico’s son Sicard was a successful military commander, defeating neighbouring polities like Naples and Amalfi, and drafting profitable peace treaties with them, his alliance with his treasurer and \textit{referendarius} Rofrit, the son of a powerful noble named Dauferius, caused divisions to form amongst the aristocracy at the Beneventan court. Dauferius and his sons were rumoured to have organized the assassination of Grimoald IV in 817 and the family’s rapid rise to power alongside the Sicians proved problematic for former supporters of the assassinated ruler. The two epitaphs that date to

\textsuperscript{245} The epitaph survives on its original stone, but is damaged on the edges. It has been reconstructed to read: “[Hic requi]iescit in somno pacis Chisa q[uae]/ [no]bile genere et eximio principi dom[ino] Siconi nep[tis fuit].” \textit{Nobili} should be understood for \textit{nobile}. For a reproduction see: Rugo, \textit{Le iscrizioni dei secoli VI-VII-VIII}, n. 56, p. 56 and 137.

\textsuperscript{246} \textit{Chron. Salernitanum}, ch. 55 notes that Sico married the three girls to Beneventan nobles in order to establish himself in the principality. Sichelenda married the son of “the most noble” Azon, another daughter married a certain man named Ursus, and the third daughter married a young man named Ragelmund.

\textsuperscript{247} The \textit{Chron. Salernitanum} suggests that Sicard married Adelchisa after he was prince. See: idem, ch. 65-66. Therefore any children they had would have been born after Sico’s death, and it would be unusual for the epitaph to mention her connection to Sico and not her connection to her father Sicard, who was prince.
the last years of Sicard’s rule and directly after Sicard’s own assassination in 839, an event which sparked the Beneventan civil war (839-849), reflect the growing tension at court regarding how an aristocratic family connected to royalty should express their authority and remember their dead.

*The epitaph of Rofrit (†836/9), brother-in-law of Prince Sicard*

Unlike Chisa’s epitaph, which praised her connection to the ruling prince, the epitaph of Rofrit, Sicard’s advisor and eventual brother-in-law, downplayed the deceased’s relationship with the Sician family and the Beneventan court. Rofrit, as we noted above, was the son of Dauferius, an influential aristocrat on the Beneventan political scene and a supporter of the Sician family’s claim to royal power. Rofrit appears to have benefited from the dynastic change in Benevento, acquiring the high-ranking titles of *referendarius* (the official in charge of the chancery) and *thesaurarius* (the official in charge of the royal fisc) c. 821 to 836. According to the *Chronicon Salernitanum*, Rofrit eventually acquired even more power when he became Sicard’s *cognatus* through the marriage of his sister-in-law Adelchisa to Sicard, a union supposedly initiated by a scheme of Rofrit. The relationship between Sicard and Rofrit was vilified both by Erchempert and the author of the *Chronicon Salernitanum*, who viewed Rofrit’s rise to power as an abuse of royal authority by an upstart noble and evidence that the Sician family was not fit to rule Benevento. This imbalance of power, according to the chroniclers, culminated in Rofrit masterminding the execution of a popular and influential Salernitan abbot and deacon named Alfanus in 836, which shocked later commentators and likely was a controversy in Rofrit’s own day. Rofrit’s rise in the Beneventan palace was part of a wider phenomenon in Benevento of office-holding aristocrats acquiring greater political and judicial authority at court at the expense of the ruler, sometimes garnering enough support to become *princeps*. This was a dramatic change from the succession of rulers during the ducal period, which was determined by rule of primogeniture and based on ducal or royal ancestry. Aristocratic court epitaphs like Rofrit’s

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reveal that the limits of aristocratic authority at the Beneventan court and its expression were still in the process of being defined and worked out during the mid ninth century.

Rofrit’s epitaph, at 20 lines long, is less than half the length of Beneventan royal epitaphs and is similar in length to aristocratic epitaphs produced in the Lombard Kingdom. While we have no record of Rofrit’s death, he was clearly out of office by 839, at which point Radelchis appears to be the thesaurarius for Sicard. It is possible that he died around this time but certainly not before 836, the year Alfanus was likely executed. The epitaph survives only in manuscript form, after a copy of the Chronicon Salernitanum, in which Rofrit is a major character.\textsuperscript{250} The epitaph’s original location was likely in one of the many churches Rofrit and his wife built in the region of Avellino, which Rofrit administered.\textsuperscript{251}

1 From the seed of the Lombards, Rofrit shone forth, for whom the innermost chamber of the palace greatly glitters. [Rofrit] was very noble, not to mention rich in the world, [and] he knew how to have many sumptuous feasts.

5 He [was] always pleasant and eloquent with friends, and he uttered cheerful words to honest servants. Handsome in appearance, he glistened with red hair. Everywhere he brought forth a pleasant voice to his men. He enriched those serving him, but also effectively cultivated the countryside. He gave gifts to many and increased [the power of his] house. He completed sixty years of life,\textsuperscript{252} [and] took up the path of eternal time. O Christian, desiring that [Rofrit’s] spirit not reach the River Styx, ask forgiveness from the Thunderer\textsuperscript{253} for the sake of his sins.

10 Rather, let [Rofrit] partake in the banquets of Paradise without end, [and] may you [Christian] not cease to resemble him regarding your own merits.\textsuperscript{254} Therefore pray that he be enfolded in angelic hands, lest he should fear the great arrows of evil. I did not sing everything, [instead] on behalf of [his] great [deeds] I whisper a few things:

20 May the holy blessed kingdom of heaven be open to you!\textsuperscript{255}

\textsuperscript{250} Vaticana, cod. Vat. Lat. 5001, which dates to c. 1300.\textsuperscript{251} Westerbergh, Beneventan Ninth Century Poetry, p. 38.\textsuperscript{252} Lustra here equals five years, thus lustra (5) x (bis (2) x senis (6)) = 60.\textsuperscript{253} For an earlier use of the noun Tonans, -antis, originally an epithet used by Ovid to describe Jupiter, see: Paul the Deacon, ‘Epitaphium Anse reginae,’ v. 5. And see entry for the verb tono, ui in: A Latin Dictionary, eds. Lewis and Short, at definition B.\textsuperscript{254} This is based on Westerbergh’s translation of the verse. See her debate over it in Westerbergh, Beneventan ninth century poetry, p. 34. Her other possible translation depends on reading sinat for sinas – “May he (i.e. God) not harass him (i.e. Rofrit) on account of his sins (i.e. meritis).”\textsuperscript{255} For epitaph see: Ibid, pp. 30-32: “Bardorum fulsit de germine Rofrit,/Cui palatina micat intima valde domus./Nobilis iste fuit multum, sed dives in orbe/Et multas nimium novit habere dapes./locundus semper necon
As with other Beneventan and even northern Lombard epitaphs, Rofrit’s epitaph highlighted his nobility (v. 3), appearance (v. 7), and charity (v. 6, 9-10). But what is interesting is that it focused more on his success as a landowner (v. 9), his wealth (v. 3), and his ability to give sumptuous feasts (v. 4), to have servants (v. 6), and to give gifts freely (v. 9-10), than on his connection to and influence over Beneventan court politics. Unlike the epitaphs that we have discussed so far, with the exception of Bishop David’s epitaph, Rofrit’s makes no link between the deceased and the ruling family. The poet also does not mention Rofrit’s ancestors or his relations, such as his kinship with Prince Sicard or his wife Dauferada, who was, as we will see below, born of royal blood. Instead, it vaguely relates his connection to the “innermost chamber of the palace” (palatina intima domus)(v. 2) – a verse likely inspired from older epitaphs composed by Venantius Fortunatus.  

This decision to gloss over Rofrit’s familial relationship with the Sician royal family and his role in Beneventan politics is interesting considering that Rofrit, like Chisa, was a close familial relation to the ruling prince and that even before he became Sicard’s brother-in-law, Rofrit was politically active at the Sician court. According to Erchempert, Rofrit was intimately and actively involved in affairs of the Beneventan palace during the time Sicard was in power:  

…[Sicard] preferred above others a certain Rofrit, son of Dauferius, known as the Prophet, under whose counsel [Sicard] brought about many sacrilegious and blasphemous deeds. Rofrit was prudent in worldly affairs, cunning beyond measure and crafty to a degree that cannot be believed. For [Rofrit] encircled [Sicard] with his deceitful tricks, so that when [Rofrit] was absent or in disagreement, [Sicard] did not dare to exercise [power] even for a moment.  

The Chronicon Salernitanum also presents Rofrit as a clever and crafty politician (nimirum callidus et omni versucia plenus). According to the Chronicon, Rofrit interfered in private and

facundus amicis/ Et probis famulis verba iocosus dabat./Formosus facie rubro hic crine refulsit;/Mellifluam vocem promsit ubique suis./Ditavit famulos, coluit sed rura potenter;/Dona dedit multis, ausit et ipse domum./Bis senis [vitae?] complevit tempora lustris,/Eterni spacii cepit habere viam./Christicola, culpis huius pro posce/Avens ne Stigias spiritus intret aquas,/Sed paradisiacas epulas sine fine capescat./Nec meritis propriis hunc simulare sinas./Angelicis manibus septum hic inde precare,/Spicula ne possit magna timere mali./Nec totum cecini, pro magnis parva susurro:/Nec meritis propriis hunc simulare sinas./Angelicis manibus septum hic inde precare./Spicula ne possit magna timere mali./Nec totum cecini, pro magnis parva susurro:/Sacra poli pateant regna beata tibi!”  

256 Westerbergh, Beneventan ninth century poetry, p. 37.  
257 Erchempert, ch. 12: “Inter haec…ita iste pretulit ceteris Rofridum quandam, filium Dauferei cognomento Prophetae, cuius consiliis subversione multa sacrilega ac blasamia patrabat. Fuit autem idem vir in mundanis rebus prudentis et nimium versutus et ultra quem credi potest callidus. Adeo enim circumvenit prestigiis suis fallacibus supradictum virum, ut illo absente et dissentiente nil unquam exercere vel ad momentum auderet.”  
258 Chron. Salernitanum, ch. 48.
publically in the political affairs of the Principality as early as Grimoald IV’s reign and throughout Sico and Sicard’s reigns. As we mentioned above, Rofrit was rumoured to have been one of the instigators of Grimoald IV’s assassination, initiating the ‘bathhouse conspiracy’ to crown Sico as prince. The *Chronicon* also claims that after Grimoald's death, Rofrit gave what amounted to a campaign speech to the Beneventan aristocracy in favour of Sico becoming *princeps*. Like Erchempert’s account, the *Chronicon Salernitanum* describes Rofrit not just as Sicard’s closest political advisor but also as an aristocrat who manipulated the ruling prince, acting essentially as a *de facto* ruler with Sicard as his puppet. It was in this capacity that Rofrit was recalled by the chroniclers as being responsible for the execution of the influential Salernitan abbot Alfanus. And Rofrit is also reported by the *Chronicon* to have participated in Sico’s famous siege of Naples during which he supposedly received bribes from the Neapolitans. While these recollections of Rofrit reflect political commentary from the generations that followed, contemporary precepts issued at the Beneventan court also support the idea of Rofrit’s political influence, especially over Sicard. Almost half of all surviving requests made to Prince Sicard in surviving royal precepts of confirmation and concession were by Rofrit.

It is interesting that despite Rofrit’s influential role in Beneventan politics, his epitaph made no explicit statements regarding it. Other common Beneventan epitaphic tropes are also missing. For instance, no attempt is made to connect Rofrit to the city or the people of Benevento, nor is there any mention of Rofrit’s military achievements or his participation in battle against the Franks and/or Neapolitans, something that the poets of Romuald, Sico, and Grimoald III’s epitaphs all highlighted. These omissions can perhaps be accounted for by the fact that Rofrit was not a *princeps* like Sico or Grimoald III, nor was he an heir apparent like Romuald.

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259 Ibid, ch. 48-50. The ‘bathhouse conspiracy’ involved Rofrit sneaking up on Sico in the bathhouse at which point the two men secretly hatched a plan to crown Sico after Grimoald’s assassination.

260 Ibid, ch. 53.


262 *Chron. Salernitanum*, ch. 63-64.

263 Ibid, ch. 61.

264 See: *Regesti dei documenti*, docs. 621, 623, 632, 635, 649, 655. Sicard is often seen donating property at the request of Rofrit, who made 46% of all requests to Sicard – the most of any Beneventan aristocrat recorded.
Rofrit’s royal pretensions in life were indeed only “whispered” (sucurro) by the poet in his epitaph (v. 19). But even though the specifics of Rofrit’s influence at the Beneventan court are missing, he was clearly remembered as a capable leader and ruler, at least over his own men. For example, he “uttered cheerful words to honest servants” (v. 6), which highlights he was in a position of authority, at the very least, in his own household. And he also “enriched those serving him” (v. 9), hosting sumptuous feasts (v. 4), and ultimately “increased the power of his house” (v. 10), suggesting that he, like the prince, was at the head of a larger network of patronage and alliance. Indeed according to the epitaph, he was very noble and particularly wealthy (v. 3), although little detail is provided outside the context of his Rofrit’s own household.

The tone of Rofrit’s epitaph is indeed in striking contrast to a poem that was likely composed for Rofrit during his lifetime: a poem that was intended to be “cried out loud” (boans) in the latter’s presence by the court poet Arderic (fl. ninth century). Arderic’s lengthy 55-verse work, which uses language very similar to what we have seen in royal Beneventan epitaphs, is noticeably more boastful of Rofrit’s character and capabilities than Rofrit’s short epitaph:

1 O count Rofrit, beaming forth from a lofty summit,  
receive this Pierian poem from a dutiful heart,  
for whatever your character, countenance, and deed produce,  
I, Arderic, crying aloud, [will] recall a few of these things,  
for even one thousand mouths and pens cannot provide you with an appropriate speech,  
yet I must nevertheless speak moderately.  
Sprung from noble stock, with eyes burning in the stronghold of the heart [and] shining with a nourishing strength,  
you are so handsome in appearance, [and] so handsome in the sharpness of your senses,  
that none can be more handsome than you!  
You are wise, truthful, clever, most clement, guiltless, prophetic, a bachelor, rich, and powerful.  
You [are] agreeable, prudent, wealthy, restrained, [and] honourable.  
You are known in the whole world [and] rich in territory.  

15 Eloquent, pious, merciful, cautious, kind, pleasant, compassionate, strong, loveable, loving, famous, illustrious, modest, very eager, courageous, angelic, sweet, remaining impartial in every situation, patient, happy, energetic, elegant, calm,

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265 The idea of a poet whispering a few things about a deceased man was indeed one that was lifted directly from an epitaph by Venantius Fortunatus, whom the poet seems to be emulating. See: Westerbergh, *Beneventan Ninth Century Poetry*, p. 34.
266 For more on Arderic see: Ibid, pp. 45-73.
peaceful, bountiful, magnanimous, and perceptive.
You, astute, sober, frugal, pure, and pious,
the world echoes your sacred love for all.
Your august judgment shows you [to be] humble,
courteous, agreeable, just, faithful, and virtuous.

A Paradisiacal fervour for divine doctrine
has filled you by means of festivals, sacrificial feasts, and the gifts of heaven.
On behalf of your good morals, you, oh lofty count, are now entrusted
to climb the highest paths to the starry [royal] court…

Arderic’s emphases on Rofrit’s lineage and the myriad of his positive character traits certainly
stand in contrast to the relatively muted praise of Rofrit’s epitaph, but there are some similarities
in the depiction of Rofrit’s immense wealth, banqueting, handsome appearance, and excellent
mores. Many of the ideas and traits Arderic praised Rofrit for in explicit terms can be found in
Beneventan royal epitaphs: such as being “sprung from noble stock” (v. 7), possessing wisdom
(v. 9, 11), piety (v. 15, 21, 25-26), mercy (v. 15-16), love (v. 16), restraint (v. 13), and eloquence
(v. 15), being perceptive (v. 20-21), just (v. 18, 23-24), peaceful (v. 20), loyal (v. 24), handsome
(v. 9-10), and virtuous (v. 24), and not to mention, having immense wealth (v. 12-14), power (v.
12), courage (v. 17), and good morals (v. 27). Toward the end of the panegyric, Rofrit is also
celebrated for certain character traits which were comparable to figures of the Hebrew bible, such
as the reason of King Solomon (sensus Salomonicus), the countenance of Absalom (vultu
Absalomicum), the strength of Samson (robose Samsonem), and the counsel of Ahitophel (Aitofel
consultibus).

This comparison of an individual with biblical figures was common in Archichian
epigraphy, although less so in epitaphs from the Sician court.

Yet, while Arderic’s poem expresses Rofrit’s political authority using the same language
of legitimation found in Beneventan royal epigraphy, it also fails to directly connect Rofrit to the

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Pierium percipe poema pio./Mos tuus et species nam prodit et actio, quicquid/Ardericus refero haec ego pauca boans/
Promere nam digno nequeunt te famine mille/ Ora stilique; loquar parcius ipse tamen./Stirpe satus celsa, renites
virtutibus almis/Ardentes oculos cordis in arce gerens/Carni es sic pulcher, sic pulcher acumine sensus/
Alter te ut
nullus pulchior esse queat./Es sapiens, verax, sollers, mitissimus, insons, praesagus, caeleps, dapsilis, atque
potens./Tu concors, prudens, dives, moderatus, honestus/ nosceris in cunctis orbis, opime locis./Facundus, castus,
clemens, cautusse, benignus,locundus, miserans, forts, amandus, amans,/famosus, clarus, verecundus, promtior,
audax/Angeelicus, dulcis, aequus, ubique manens./Longanimis, laetus, vivax, elegansque, quietus/Pacificus, largus,
magnanimisque, sagax./Astutum, sobrium, parcum, purumque, piumque/Tec recinit mundus omnis amore
sacro./Comunem, gratum, iustum, fidumque, pudicum/Te docet ac humilem actio sancta tua./Te paradisiacus divino
dogmate fervor/ fastibus et dapibus farsit ab aethre datis;/Astrigerae calles rectis pro moribus aulae/ scandere iam
summos crederis, alte comes…”

268 Ibid, v. 43-45: “…Aut sensus praefert tete Salomonicus amplus,/Vultu Absalomicum, superorumque
decus./Robore Samsonem, Aitofel consultibus artas...”

269 Epitaph of Romuald, v. 15 and the Chapel inscription, v. 5.
Sician family, although the poem may pre-date Rofrit’s tenure at the palace. In addition, while Rofrit’s epitaph is clearly toned down in its praise of Rofrit’s deeds, there are nonetheless clear parallels in the depiction of Rofrit’s character – he was wealthy, generous, noble, pious, and a good ruler – all of which were qualities one would expect in a Beneventan princeps.

It is possible that Rofrit did not wish to express his authority in terms of his service to the Sician family, because he believed himself to be above the ruling family. Later chroniclers, as we noted above, certainly felt that Rofrit was the driving force behind Sicard’s rule. But Rofrit may also have fallen from favour with the Sicians toward the end of his life, particularly in the immediate aftermath of the 836 execution of Alfanus. One verse in the epitaph may hint at an issue the poet faced when he created the verse: “O Christian, desiring that [Rofrit’s] spirit not reach the River Styx,/ Ask forgiveness from the Thunderer for the sake of his sins” (v. 13-14). These sins (culpa huius) may have something to do with Rofrit’s role in masterminding the execution of a beloved abbot and deacon.270 Reflecting on the murder, Erchempert went so far as to link the event to the future woes of the Beneventan people: “Thereupon [sc. after Alfanus’ death] a great perjury was brought about in Benevento, on account of which it can be concluded that for the first time the anger of God was called forth to destroy the land.”271 It is difficult to know if the Alfanus scandal disturbed contemporaries in the same way that it did later chroniclers, but it is interesting to note that Rofrit disappears entirely from the historical record directly after this fateful event. The poet’s choice of the word culpa in the epitaph, denoting an error in judgment or failure for which a person deserves blame, would have been appropriate if the Beneventan community felt that Rofrit was at fault for the crime of a holy man’s execution.272

Unfortunately, there is no evidence regarding the circumstances that led to Rofrit’s demise. Neither Erchempert nor the Chronicon Salernitanum record his death date, and Rofrit’s last act in both texts was Alfanus’ execution. Both Erchempert and the Salernitan chronicler recall Sicard’s paranoia during his reign over the increase in aristocratic power in Benevento, and it is possible that Rofrit fell prey to Sicard’s numerous purges of the Beneventan aristocracy and his own family.273 As a thesaurarius, Rofrit would have been extremely influential, and one has

271 Erchempert, ch. 12: “Tuncque factum est ingens periurium in Benevento, ex quo conicitur, iram Dei primum fore provocatam ad perdendam terram.”
272 See the entries for culpa, -ae in: A Latin Dictionary, eds. Lewis and Short.
273 Erchempert, ch. 12. According to the chroniclers, Sicard imprisoned and/or executed numerous aristocrats, including his own family members. Siconulf, his brother, was one example.
to wonder if Arderic’s panegyric for Rofrit was perhaps too persuasive when it described Rofrit’s potential as a political leader in Benevento.274

However, the content and tone of Rofrit’s epitaph was more likely a reaction to the ‘traditionalist’ factions amongst the Beneventan court community, who may have opposed the commissioning of a funerary carmina and epitaph for a non-royal. As we have seen, secular epitaphs in this period were the privilege of the ruler and his descendants, and Rofrit’s epitaph is the first exception to the rule. Perhaps because of this and the association between funerary epitaphs and royal authority in Benevento, Rofrit and/or his family purposely tempered the language employed in the epitaph so that it maintained the status quo. In the eyes of ‘traditionalist’ factions and later chroniclers like Erchempert, Rofrit was not a royal, as he was elevated to his wealth and political influence through service and marriage and not through ancestry. Therefore, as a non-royal, he should not be allowed to express his authority in the same way as a royal.

*Sician epitaphs: Sicians in exile, post-839*

Rofrit’s family continued to commission funerary epigraphs even after Rofrit’s death and after a new ruling family was installed in the Beneventan palace. Upon Sicard’s assassination in 839, the palace treasurer Radelchis was quickly elected as princeps with the support of a large faction in the city of Benevento. The ousted Sician family, however, had a living heir in Sicard’s brother, Siconulf. Radelchis’ election over what some considered a legitimate heir divided the Beneventan aristocracy and sparked a civil war. Siconulf’s rival claim caused many Sician allies or former supporters, like Rofrit’s family, to be exiled from the city of Benevento or be seen as potential threats by the new prince Radelchis. The *Chronicon Salernitanum*, for example, relates that one of Rofrit’s sons named Adelchis was murdered on Radelchis’ orders not long after the latter took power. According to the chronicler, the prince saw a large group of youths led by Adelchis approaching the palace in what he believed was a wedge formation, and fearing a coup attempt, ordered his retinue to seize Adelchis, who was merely trying to go to the baths with his friends. Adelchis was thrown to his death out of a palace window.275 Another victim of Radelchis’ purge

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274 Both Grimoald IV (806-817) and Radelchis (839-851) were former thesaurarius, who afterward ascended the Beneventan throne. Interestingly Radelchis, who was thesaurarius after Rofrit, was crowned prince not long after Rofrit disappeared from the historical record.

275 *Chron. Salernitanum*, ch. 80. Adelchis was not entirely innocent, according to the chronicler.
was probably Rofrit’s wife, Dauferada, whose sister was the widow of Sicard and thus the sister-in-law of the rival Siconulfl. According to the *Chronicon*, Radelchis apparently banished Dauferada’s father Dauferius Mutus and his descendants from the city of Benevento soon after his election. Daferada’s epitaph, the only surviving example from this period of exile, demonstrates that this abrupt change in Beneventan politics provided her family with the freedom necessary to express their royal pretensions/affiliation.

*The epitaph of Dauferada († early 840s), wife of Rofrit*

The epitaph of Dauferada postdates Rofrit’s death, as Dauferada is referred to as Rofrit’s widow in the verse, and it likely dates to the early 840s. Like the epitaph of her husband, the original stone of Dauferada’s epitaph does not survive and the verse is preserved copied down after Rofrit’s in the same manuscript containing the *Chronicon Salernitanum*. There is no information regarding the cause of her death or where she was buried, but it appears the location was in a church founded by the couple; although clearly in a different location than where Rofrit was interred. As with most ancient and medieval epitaphs for women, Dauferada was defined by her relationships with her male relations – first as the daughter of her father Dauferius, second as a wife and widow to her husband, Rofrit, and third as a mother of an unnamed son:

1. A noble woman from the ancient lineage of her ancestors, continuing to live through her merits, she [has] placed her limbs here.
2. A widow of her husband, whose fame remains throughout the ages, she vowed from then on to bear the yoke of chastity.
3. To her the name Dauferada was given from the name of her father, whose royal progeny is well known everywhere.
4. How great she was for such a nuptial with Rofrit, whoever does not know this [will] not understand my words.
5. While it was granted that they breathe the air of life together, they established many churches to God [and] loaded [them] with goods.
6. Out of these churches, there is this one, in which that mother buried herself and a son,
7. And in tombs she commanded that they be joined, so that they could obtain the rewards of [everlasting] life.
8. Pray for them, you who see our unskilled stroke of the pen.
9. Passing forty-five278 years of life,

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276 Ibid, ch. 77.
277 Vatican, cod. Vat. Lat. 5001, which dates to c. 1300. Daferada’s epitaph is preserved after Rofrit and possibly their son Adelfer’s epitaph. But the latter is difficult to connect to Rofrit and Daferada or date because neither are mentioned directly in the verse.
278 Lustra here equals five years, thus three times lustra (5) times three = 45.
after seven Ides of March had passed, she reached for the heavens.

[Dauferada] died on the sixteenth day of the kalends of November, that is October 17th.279

Both Dauferada’s father and husband receive considerable attention in her epitaph. Her father, Dauferius Mutus, is celebrated especially for his ancient and noble lineage (v. 1) and his royal progeny (regia progenies) (v. 5), which is likely a reference to Dauferada’s sister Adelchisa, the widow of Prince Sicard, and thus a clear expression of the family’s relationship with royal authority. Rofrit is likewise praised in the epitaph for his fame, his charity, and his role, together with his wife, in the construction and endowment of numerous churches (v. 3, 7-10). This celebration of Rofrit’s everlasting fame and acknowledgment of his patronage outside his own household stands in marked contrast to Rofrit’s own epitaph, which downplayed his deeds and achievements in the Principality. This is perhaps an indication that the political circumstances had changed by the time Dauferada’s epitaph was produced, giving the poet a greater license to boast about Rofrit’s more royal qualities.

The fact that Dauferada had also chosen to be buried with one of her children instead of her now-illustrious husband (v. 11-12), also suggests that her epitaph was composed in a very different context than Rofrit’s. This verse supports the Chronicon Salernitanum’s account that Dauferada’s family had been exiled by Prince Radelchis outside the city of Benevento and likely outside of Avellino, where Rofrit was likely buried.280 The Chronicon relates that the family was banished to Nocera, which was on the borders of the principality and close to Salerno, which by Dauferada’s death had become a stronghold for the Sician heir, Siconulf.281 Dauferada’s burial in territory non-hostile to Sician allies, may explain why both Dauferius Mutus and Rofrit, Sician allies and Radelchian enemies, were openly celebrated in her epitaph and finally praised for their connection to royalty, wealth, and patronage in the Principality.

279 For epitaph see: Westerbergh, Beneventan Ninth Century Poetry, p. 32: “Nobilis a veteri proavorum femina stirpe/Viva manens meritis hic sua membra locat./Hec viduata viro, cuius per secula fama est,/Ferre pudicicie vovit abinde iugum./Dauferada huic patrio dictum est de nomine nomen/Regia progenies cuius ubique patet./Quanta tamen Rofrit fuerit qualisque iugalis,/Quisquis hoc ignorat, nec mea [dicta] capit./Carpere hos pariter dum vite contigit auras,/Plura Deo statuunt templa referta bonis,/E quibus hoc unum est, quo se natumque recondit/Mater et in tumulis ut captent premia vite,/Hs pete, qui nostrum advena gramma vides./Ter ternis vite consumans tempora lustris,/Septenis Martis Ydibus ethra petit./Obiit die XVI Kal. Novemb., id est die XVII mensis Octubr.”

280 Westerbergh, Beneventan Ninth Century Poetry, p. 38.

281 Ibid, ch. 77: “Sed ut mox est principibus seu regibus, in sui inchoacione honoris pluris ex sua urbe idoneos viros exturbant, sic ille conatus est facere, atque non paucis ex Beneventanis exiliantes, inter quo Daufferius cognominatus Mutus cum suisque natis, [atque] in finibus pervenerunt Nuceriam in loco ubi Forma dicitur.”
The four epitaphs associated with the Sician family reflect the growing tension at the Beneventan court in the early ninth century over the rise of aristocratic families to positions of royal power, revealing that there were still limits to the expression of authority by these ‘upstart’ aristocrats. Sico may have been elected princeps but his family’s rule depended upon his demonstration that he had succeeded as a legitimate heir to the Arichian line and that he was superior to his assassinated predecessor Grimoald IV and to neighbouring Neapolitan rulers. Rofrit, on the other hand, could not use this royal language of legitimacy. He may have had the ear of the princeps during his life, directly influencing royal decrees and policies and possibly even ruling Benevento de facto, but he could not claim royal authority by blood or by adoption. His family’s authority had to be expressed using a different epigraphic language that focused on his wealth and household. Only after Rofrit’s death, his family’s exile outside of the Beneventan court, and the start of a civil war, do we see Rofrit’s royal pretensions more fully realized in his wife Dauferada’s epitaph.

Part III: Epigraphy of the Radelchian family, c. 839-870s

Prince Radelchis and his heirs continued to commission epigraphy at the Beneventan court, particularly funerary epitaphs, as they moved to solidify their rule in Benevento and counter the rival claims of the Sician family now based in the city of Salerno. We know of four epitaphs commissioned by the Radelchian family: the first memorialized Radelchis’ eldest son and heir apparent Ursus (†c. 850), the second, commemorating Radelchis, dates to a year later in 851, the third was commissioned for Radelchis’ son and successor Prince Radelgarius (851-854) in 854, and the fourth celebrated Prince Radelchis’ wife, Princess Caretruda (†c. 870s). The Radelchian dynasty, which included Prince Radelchis, two of his sons, three of his grandsons, and one great-grandson, ruled Benevento for more than half a century beginning in 839 and ending in 892. Yet the family’s control was often tenuous, plagued not just by the typical Beneventan aristocratic strife, but also by the Beneventan civil war (839-849), foreign occupation by the Carolingians from 866-871, humiliating military defeats by neighbouring Muslim communities, and a continuous loss of the Principality’s territory. The epigraphy commissioned by the Radelchian family responded to each of these challenges to the family’s rule in different ways, and the language of legitimacy used within their verses clearly changed depending on political circumstances.
Radelchian claims to royal authority in Benevento, however, had one important underlying factor that influenced how they were expressed – namely, the family did not inherit the Beneventan throne by order of primogeniture or through the proper avenue of royal succession. Radelchis, like Sico, was an upstart from the aristocracy, who had no blood relation to the preceding ruling family. Both had come to the throne from an office-holding position at court by means of aristocratic support in the aftermath of the assassination of the previous ruler. However, unlike Sico’s rise to power, Radelchis faced the rivalling claims of an heir apparent from the previous ruling family – Siconulf. While Radelchis had been elected princeps by consensus, Siconulf’s claim to the Beneventan throne could not be easily overlooked. Even Erchempert, who immensely disliked the Sicians, acknowledged that the heir Siconulf “deserved the same rank” (idem primatum promeruit) as the elected Radelchis, because Siconulf was the next-in-line to inherit the throne.

The question of legitimate succession remained central to the political discourse and ideology of the Principality during this period and clearly mattered to many Beneventan aristocrats, a large number of whom were willing to give up their property, titles, and lives in order to support Siconulf during the Beneventan civil war (839-849). Beneventan leadership had been in the hands of a single ruling family throughout most of the ducal period. While it is unclear whether Arichis II was related to this ducal line or not, his decision to name his sons Romuald, Grimoald, and Gisulf, the names of the most famous dukes of the old Beneventan ruling family, at least suggests a conscious move by Arichis to embrace this line (if he were not an actual heir of it). Likewise the Sician family’s decision to ‘adopt’ themselves into the Arichian line again shows how important Beneventan rulers considered the idea of legitimate succession.

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282 Erchempert and the chronicler of Salerno both identify Radelchis as the gastald of Conza before his promotion in the court of Sicard to treasurer (see: Erchempert, ch. 8, and Chron. Salernitanum, ch. 43, 55) and he was likely related to the gastald of Conza, named Ursus (a common name in the Radelchian family line), who replaced him and married one of Sico’s daughters (see: Chron. Salernitanum, ch. 55) but later turned against Radelchis in favour of his rival Siconulf (Erchempert, ch. 14). No information on Radelchis’ parentage exists. Conza was an important defensive town for the principality along with Acerenza, which Sico was gastald of before his promotion to princeps.


284 For more on the succession of Beneventan rulers, see: Table 1.

285 That is Dukes Romuald I (662-687) and Romuald II (706-730), Grimoald I (647-662, also Lombard king 662-671) and Grimoald II (687-689), and Gisulf I (689-706) and Gisulf II (742-751).

succession and continuity to be. Unfortunately for Radelchis, the existence of a legitimate heir meant that the new prince could not simply insinuate himself into the previous ruling family by adoption. Instead, Radelchis needed to find an alternative means of linking his rule to the Arichian family and in turn delegitimize the claims of Siconulf and the Sicians. One way to do this was to promote Radelchian rulers as exemplary in character and equivalent to the Arichians. This was accomplished by re-using past royal ideology and phrasing from Arichian epigraphy, which just happened to be displayed in Siconulf’s power base in the city of Salerno. Particular focus was placed on the ideas of religious piety, paternal love, and peace promoted by the Arichians. And in another move to delegitimize their rivals and establish their rule in the city of Benevento, the Radelchians also assumed control over Sico’s patron saint Januarius, who was now commemorated as the patron saint of the Radelchians in their epitaphs. The Radelchian family also emphasized that the royal traits they possessed were bestowed upon them by God, rather than inherited from royal ancestors. Thus by mimicking the Arichians and emphasizing their divine sanction, the Radelchians depicted their authority and ascension to the Beneventan throne as legitimate.

Radelchian epitaphs: the reign of Radelchis (839-851)

The Radelchians re-use of the content of older Arichian epigraphy and repurposing of past ideologies to express their newfound authority can clearly be seen in the two epitaphs commissioned during the reign of Radelchis (839-851). These epitaphs date to the period that followed the end of the Beneventan civil war (839-849). The civil war began soon after Sicard’s brother Siconulf was freed from his prison in Taranto (c. 840/1) by a group of Beneventan nobles who supported the Sician family over the newly-crowned Radelchis. Upon his escape, Siconulf immediately took control of the principality’s second capital city of Salerno and began actively using Radelchis’ title *princeps gentis Langobardorum* in his administrative documents. But after ten years of fighting, Radelchis and Siconulf had failed to win a decisive victory and both suffered heavy losses after recruiting mercenary fighters to join their ranks. The Carolingian Emperor Louis II (844-875) decided to intervene and forced the two rivals to sign a peace treaty (referred to as the *Divisio*), which essentially divided the Principality in half and gave both men

287 Siconulf had been imprisoned by his brother Prince Sicard early on in the latter’s reign. See: Erchempert, ch. 12.  
288 Ibid, ch. 14; *Chron. Salernitanum*, ch. 79.
the title of princeps. By officially conferring the title of princeps onto Siconulf, the Divisio significantly weakened Radelchis’ position, placing Siconulf on an equal footing with the elected princeps and giving him control over the city of Salerno and most of the principality’s western territory. The civil war and the terms of the Divisio both had a significant impact on expressions of authority in the two epitaphs from Radelchis’ reign.

The epitaph of Ursus (†850), contested heir apparent of Radelchis

The first Radelchian epitaph was composed around 850 for Radelchis’ eldest son and heir apparent named Ursus. This epitaph was commissioned during the crucial years of transition that followed the end of the Beneventan civil war. According to Erchempert, Ursus had fought on behalf of his father during this conflict, having joined forces with Radelchis’ then-ally Khalfūn, the Emir of Bari (847-852), against Siconulf’s Salernitan troops at the battle for the Castrum Cananense (probably in early 848). Ursus and Khalfūn were overwhelmed by Siconulf’s forces and badly defeated, with the Emir returning to Bari shamefully without his warhorse and on foot. Ursus appears to have died suddenly two years later, aged only 34 years old. Other than Erchempert, our only other source for Ursus’ life comes from his epitaph.

The division between the cities of Benevento and Salerno, exacerbated by the civil war, had an obvious influence over the contents of Ursus’ epitaph and the language of legitimacy used by its poet. The epitaph made a point to promote Ursus’ father Radelchis as the legitimate ruler of Benevento and Ursus as the legitimate heir by mirroring Arichian epigraphy. This epigraphy was displayed in the city of Salerno, where Siconulf now held court, and the use of it by the Radelchian family was no coincidence. The purposeful re-using of Arichian phrases and ideas in Ursus’ epitaph was likely specifically aimed at the nobles of Salerno, who had deserted Radelchis during the civil war, in an attempt by Radelchis to regain recognition and loyalty amongst them.

At 36 lines, Ursus’ epitaph is short compared to other royal Beneventan epitaphs. Like the other epitaphs that were displayed in the cathedral of Benevento, it was badly damaged in 1943.

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289 For the treaty: Divisio ducatus; and for a narrative of the conclusion see: Erchempert, ch. 19.
290 Divisio ducatus, esp. the first clause where Radelchis refers to Siconulf as a princeps: “I, Prince Radelchis, concede to you Prince Siconulf the firmest peace…”: “Ego Radelgisus princeps concedo tibi Seginulfo principi firmissimam pacem…” Siconulf uses the title princeps in his charters from Salerno by the beginning of the 840s, see: Regesti dei documenti, doc. 690 (843); CDC, VIII, n.1321 (844).
291 Castrum Cananense is likely referring to a fortress site near the ancient battle sight of Cannae on the river Ofanto (known then as Aufidus) probably near Canosa. See: Musca, L’emirato di Bari, pp. 35-36.
292 Erchempert, ch. 16.
However, photographs reveal that it resembled Sico’s epitaph in appearance, having been engraved in a similar dual-column book-like format. The organization was more constrained and less sophisticated than Sico’s epitaph, but it was still carved by an engraver of a “high-level workshop” showing a striking consistency with other epitaphs of this period.\textsuperscript{293} But while the artisan sought to mirror Sico’s epitaph when carving the inscription, the poet of Ursus’ epitaph sought to instead imitate Arichian epigraphy from Salerno:

\begin{verse}
Here lies Ursus, the most celebrated [man] in the whole world, whose radiant limbs this marble covers.
He was a splendid child, born from a royal seed, which the palace nourished to every glory.

The Prince of the Lombards, Radelchis, illustrious in pedigree, the life and salvation of his fatherland, bore him.
[Ursus] had an appearance so bright and [such] kindness in face that he was the light and vigor for the people of [his] fatherland.
Powerful too in strength, so that none could be more pleasing,
he was also the wall and weapons for his people.
[Ursus] surpassed all rivals in force with arms defending the fatherland, eager on account of his love of God.
He was the honour and respite for his people and a port of safety, he, [of] high praise; he, a love shared by all.

Famous in his righteousness, flashing with propitious virtues, angelic, sweet, remaining impartial in all decisions, what wise man will be able to relate his mighty deeds, which omnipotent God conceded to him?
For he was agreeable, chaste, humble and merciful, kind, eloquent, tolerable and flourishing with goodness, famous, wise, pious, flashing with reason, just and at the same time strong in arms in all situations.
Courteous, agreeable, sober and frugal, modest, shinning in speech, he was both light and honour.

He completed thirty-four years,\footnote{Lambert, ‘La produzione epigrafica,’ at p. 302.}
[and] lived thirty days more.
And so he, as decreed, having thereupon finished the time of his present life, rejoicing, returned to his lofty native land.
It is believed by all here that he has risen to the angels
[and] now I confess he reclines in the bosom of Abraham.

He is the one whom Paradise possesses, whom the heavenly kingdoms hold fast, whom the abundant and rich possession\footnote{Reading honor as ‘possession’ is suggested by Russo Mailler, \textit{Il senso medievale della morte}, pp. 123-124 based on the conclusions by D. Schäfer, \textit{Honor, citra, cis im mittelalterlichen Latein} (Berlin, 1921), pp. 371-381.} of heaven maintains, [whom] embraced, the arms of the patron saints preserve, as does the angelic chorus joining in.
\end{verse}
So that his name may remain memorable throughout the centuries, led by his love, I composed this song.  

While less sophisticated in its composition, the content of Ursus’ epitaph shows striking similarities to Arichian epitaphs. For example, along with arranging Ursus’ epitaph as a *carmen*, like Bishop David did for Romuald’s epitaph, the poet also uses the exact same phrase to celebrate the deceased, describing him as “the wall and weapons” for his people (*murus et arma*), a protector of the fatherland (v. 10). Such a comparison is perhaps not surprising considering that Romuald and Ursus, both eldest sons and heirs apparent, died prematurely as adults during wartime before they could inherit the throne from their fathers. Ursus’ epitaph also projects the same image from Grimoald III’s epitaph as the deceased being a defender of Benevento against the enemy (v. 12). But the greater part of Ursus’ epitaph, however, was modeled on Arichis’ epitaph and his *moenia* building inscription. In particular, the poet was inspired by phrases that conveyed ideas of ideal rulership. For example, like Arichis, Ursus was the “most celebrated” (*celeberrimus*) (v. 1), “both light and honour” (*luxque decorque fuit*) (v. 24), “a respite and port of safety” for his people (*requies portusque salutis*) (v. 13), “eager on account of love” (*promptus amore*) (v. 12), and wise (*sapiens*) (v. 10). These phrases were lifted verbatim from Arichian inscriptions in Salerno.

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295 For epitaph see: MGH *Poetae*, vol 2, pp. 660-661: “Ursus hic recubat toto celeberrimus orbe,/Cuius hoc marmor candida membra tegit./Splendida progenies, regali ex semine cretus,/Quem palatina domus nutrit ad omne decus./Hunc genuit princeps Bardorum stemmate clarus/Radelchis, patriae vita salusque suae./Huic tam clara fuit species et gratia vultus./Ut patriae populo luxque vigorque foret./Viribus atque potens, nullus ut gratior esset./Ac simul in populo murus et arma suo./Hic aemulos omnes superabat viribus, armis/Defendens patriam, promptus amore dei./Hic honor atque suis requies portusque salutis./Hic laus excelsa, hic generalis amor./Justitiae clarus, renitens virtutibus almis./Angelicus, dulcis, aequus ubique manens./Promere quis sapiens poterit magnalia cuius,/Quae Deus omnipotens cessit habere sibi?/Nam concors, castus, humilis clemensque, benignus/Facundus, patiens et bonitate vigens./Famosus, sapiens, pius ac ratione coruscus,/Justus et in cunctis foris ad arma simul./Communis, gratus, sobrius parcusque, modestus,/Fulgidus eloquio luxque decorque fuit./Ter denos complevit hic seu quattor annos./Ter denos pariter vixit et iste dies./Sic vitae instantis complevit tun tempora iussus./Ad patriam celsam iam remeavit ovans./Credita hic cunctis caeli conscendere cives./Hunc Abrahamae fateor iam recubare sinu./Quem paradisus habet, quem caelica regna retentant,/Aetheris et locuples optinet amplus honor./Amplexum et retinent sanctorum brachia patrum./At simul angelicus consociando chorus./Ut sibi per saeculum maneatur memoriale nomen./Hoc carmen scripsi ductus amor suo.”

296 Compare the *Epitaph of Romuald*, v. 4.
297 *Epitaph of Grimoald*, v. 32-38.
298 Compare the *Epitaph of Arichis*, v. 3.
299 Compare ibid, v. 10. Also compare the *Moenia inscription*, v. 20.
300 Compare the *Moenia inscription*, v. 27.
301 Compare the *Epitaph of Arichis*, v. 22.
302 Compare ibid, v. 10.
In addition, Ursus’ epitaph also used clear dynastic language to commemorate the young heir as well as his father, the current prince, Radelchis. The deceased, Ursus, was depicted as a royal, or “born from a royal seed” (regali ex semine cretus) (v. 3), which implied that Ursus was descended from royalty and any dynastic succession occurring between Radelchis and his sons was legitimate by primogeniture according to the tradition of succession in Benevento. Radelchis too is described in Ursus’ epitaph as born from “an illustrious pedigree” (v. 5). Moreover, he was the “Prince of the Lombards” (princeps Bardorum) (v. 5), a clear assertion that Radelchis and his sons were the legitimate royal rulers of the Principality. Here Radelchis was not just claiming the title of princeps, which was given to both Siconulf and Radelchis in the Divisio peace treaty that ended the civil war, but the official legal title of princeps Bardorum (short for princeps gentis Langobardorum) adopted first by Arichis in 774. This title granted the titleholder dominion over both Salerno and Benevento. Ursus’ epitaph then was a declaration that Radelchis was the rightful ruler over all the Beneventan Lombards, the rightful inheritor of the throne from the old Beneventan ruling line, and still the ruler of Salerno and the territory he lost in the Divisio treaty.

The re-using of phrases from Arichian epigraphy from Salerno, the promotion of the dynastic claims of the Radelchian family, and the proclamation of Radelchis’ title as princeps Bardorum suggest that the intended audience of Ursus’ epitaph extended well beyond the local Beneventan elite. The poet mentioned that the totus orbis (v. 1) celebrated Ursus’ great deeds, but the epitaph appears to be aimed at local aristocrats, especially at Siconulf’s court in Salerno, who had chosen to break with Radelchis during the war. The sentiments about royal authority promoted so boldly in Ursus’ epitaph were ‘Salernitan’ in their origins. As we have seen, these ideas and phrases had been carved throughout the city of Salerno in the cathedral and on the palace walls, which now housed Siconulf’s court. The message of Ursus’ epitaph therefore was one of inclusion rather than exclusion. Radelchis was essentially inviting those who rejected his right to rule and his heirs’ legitimacy to reconsider the merits of his family’s rule and to remind them that Radelchian rule and ideology was not unlike that of Salerno’s founding father, Arichis.

The epitaph of Radelchis I (†851), Prince of Benevento

The attempt by the Radelchians based in Benevento to appeal to former Salernitan subjects, however, appears short-lived. Circumstances changed dramatically just one year after Ursus’ death when both Radelchis and Siconulf died, leaving their young sons in charge of rebuilding
and reclaiming what had been lost during the civil war. Radelchis’ successor Radelgarius, then in his late 20s, likely understood the extent of the damage suffered by the Beneventan people and by those who lived in the territories, which he now controlled. According to both Erchempert and the *Chronicon Salernitanum*, Radelgarius took a conservative approach, shifting the focus of his policies inward rather than outward like most of the preceding princes.\(^3\) As the first heir of a new and contested dynasty, Radelgarius’ reign was reliant on the goodwill of aristocratic factions present in the city of Benevento, who had initially supported his father but were more than likely dismayed by the heavy losses the prince had incurred as a result of the *Divisio* treaty and the warfare. Radelchis had not just lost the prosperous city of Salerno and the western trading routes of the principality, but the major southern port-city of Bari as well.

The epitaph of Radelchis is an excellent example of the political shift in Benevento inward toward more domestic affairs. Unlike Ursus’ more inclusive epitaph, which appealed to both a Salernitan and a Beneventan audience, Radelchis’ was narrowly focused upon a Beneventan aristocratic audience. Modest in size and evoking uncontroversial themes like royal pacifism and fair governance, the epitaph was a safe choice, demonstrating that either Radelchis or his son and heir, Radelgarius, opted to project an ideology of domestic stability in the epitaph. In it, ideas of good leadership and peace were reinforced, which would have been especially appealing to war-weary Beneventan nobles, as well as Radelchis’ legitimacy as the elected prince of Benevento:

1 Enclosed in this tomb is Prince Radelchis, whose pious reputation resounds everywhere in the world. The Lord poured upon him a fount of gifts so great, that none would be able to worthily recount them all:
2 [he was] noble and prudent, just and patient, benevolent, more handsome and sober, more illustrious and powerful. With tears and a cry, [the Beneventans] acknowledge that he was a father to the people. When he died, the poor and needy mourned him. He was a solace for the afflicted, a protection for the poor, and for all the people, he was both sustenance and a nourishing repose.
3 [He was] strong in adversity, one and the same in the midst of prosperity, preferring to hasten in mind toward the heavenly world. With the strength of humility and virtue, the great man advanced [in life]. He was peaceful, truthful, mild and adapted.
4 Whom did he not love, and who did not love him?

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\(^3\) Erchempert, ch. 20; *Chron. Salernitanum*, ch. 102.
Who except the perverse, who except those savage in mind?
All who are pious and happy call him blessed,
because he was eager to follow correct doctrine.
Managing public and especially holy laws,
he, governing, continually satisfied [them] in heart and hand.
He was strong in his eminent duty to all people.
He was happy in face, and even happier in speech.
With eleven having passed, he began the twelfth year,
during which he was recognized as the Prince of the Lombards.
He completed sixty years of his life,
although dying in this world, he lives in the castle of the sky.
O fellow Christians, with your prayers join to Christ,
the one whom it is solemnly agreed was the leader of the people.\textsuperscript{304}

Radelchis’ epitaph, like the other surviving funerary epigraphic examples from the city of Benevento, was engraved in a similar dual column, book-like format with flourishes at the end and beginning of each line echoing contemporary manuscripts.\textsuperscript{305} It was well-executed with systematic spacing and employed a sophisticated chiaroscuro effect created by triangular incisions. However notwithstanding these stylistic similarities, it departed from many core Beneventan epigraphic traditions. For instance at a mere 28 lines, Radelchis’ epitaph was far less ambitious than previous Beneventan royal epitaphs, which averaged approximately 50 lines in length. It made no bold statements of grandeur, which had also become typical of princely epitaphs in Benevento. Nor were there recollections of military victories over or alliances with neighbouring communities, even though Radelchis had been engaged in warfare for the entirety of his rule.

There are nevertheless some interesting parallels between Radelchis’ epitaph and previous Beneventan epigraphy, particularly in its appropriation of expressions of royal character found in the epitaph of Arichis. Like Arichis, Radelchis was eulogized as a pious father to his homeland

\textsuperscript{304} For the epitaph see: MGH Poetae, vol. 2, pp. 657-658: “Radelchis princeps monumento clauditur isto,/Cuius in orbe pios rumor ubique sonat,/Qui tuto Dominus donorum fonte rigavit,/Ut nullus digne promere cuncta quaeat:/Nobilis et prudens, iustus patiensque, benignus,/Pulcerior et sobrius, clarior atque potens./Hunc populis patrem lacrimis et voce fatentur,/Dives inopsque simul, hoc moriente gemunt./Afflicctis solamen erat, tutamen egentum./Et cunctis populis victus et alma quies./Fortis in adversis, in laetis unus et idem,/Ad caeli patriam currere mente volens./Incessit humilis, virtutis robore magnus,/Pacificus, verax, mitis et aptus erat./Quem non dilexit, quis non dilexit et illum?/Quis nisi perversus, qui nisi mente ferus?/Hunc pius et felix felicem nominat omnis./Recta sequit studuit dogmata saepe quia,/Publica iura regens, sed sacras maxime leges/Explevit iugiter corde manusque gerens./Insigni populum pietate vigebat ad omnem./Laetus erat vultu, laetior ore quidem./Undenis lapsis duodenu/Cooperat annus./Bardorum princeps noscitur esse quibus./Sexaginta suae vitae compleverat annos./Cum moriens mundo vivit in arce poli./O vos christicola, precibus committite Christo./Quem populi constat rite fuisse ducem.”

\textsuperscript{305} For a much more detailed analysis of the carving techniques see: Lambert, ‘La produzione epigrafica,’ at p. 298.
Whereas Arichis was called “a source of comfort for the sad, a solace for the poor,” Radelchis was remembered as a solace for the afflicted and a protection for the poor (Afflictis solamen erat, tutamen egentum)(v. 9). Also like Arichis, Radelchis was praised for his pacifism (v. 10, 14), rather than his military exploits like Grimoald and Sico. This perhaps made sense considering Radelchis had utterly failed to suppress Siconulf's rebellion. Radelchis' son and successor Radelgarius, if he commissioned the epitaph, would have quite understandably wished to highlight his father's piety and virtue, strength in adversity (v. 11), good governance and lawfulness (v. 18-20), and peaceful demeanour (v. 14). But despite the many similarities between Arichis' and Radelchis' epitaphs, Arichis is not explicitly named in Radelchis' epitaph and the poet made no attempt to directly connect Radelchis to the Arichians or the old ruling line, like we saw in Sico’s epitaph. Nor did the poet use phrases verbatim from Arichis’ epitaph as the poet of Ursus’ epitaph had done. The poet indeed stopped short of demonstrating unbroken continuity between the rule of Arichis and Radelchis. Instead, he drew indirect comparisons between the two prince’s character – both were peaceful, father figures, who were just, learned, and extremely pious.

Rather than confirming the legitimacy of the Radelchians through a dynastic link to the Arichians, the poet highlighted that Radelchis was endorsed as princeps Bardorum both by God and by the people. Radelchis’ epitaph recalls that the “Lord poured upon him a fount of gifts so great” (v. 3-4). In addition to this divine sanction, the poet also claimed that the Beneventan people had “recognized (noscitur) [Radelchis] as the Prince of the Lombards (princeps Bardorum)” (v. 24). Thus, even though Radelchis lacked royal blood and any connection to the previous Beneventan ducal/royal dynastic line, and even though the Divisio (and the Carolingian emperor) had legally stripped him of the official title princeps gentis Langobardorum, the Beneventan people and God still recognized him as bearer of that title, according to the epitaph. The idea of the deceased having both divine and popular support in place of a blood relation was also one that was used to support the Sician claim to the throne as well in Sico’s own epitaph.

307 Compare the Epitaph of Arichis, v. 23: “…solamen egentum.”
310 This verse in Radelchis’ epitaph is possibly a reference to the anointing of Saul and David by Samuel in the Hebrew Bible: 1 Samuel 10.1 and 16.13; or a reference to Ovid, Fasti V.210: “liquidae fonte rigatur aquae.” Also compare the Epitaph of Ursus, v. 18, where God is said to have conceded Ursus his greatness.
311 Epitaph of Sico, v. 9, 30.
By highlighting this divine and popular sanction alongside the similarities between the character of Radelchis and Arichis (the first princeps Langobardorum) – their shared piety, love of peace, charity, and good governance – Radelchis’ epitaph declared that the prince was just as legitimate as the Sician family, who had rivalled him for his crown.

**Radelchian epitaphs: the heirs of Radelchis, post-851**

While Radelchis spent much of his reign defending his authority and legitimacy against the Sicians, his two sons and successors, Radelgarius (851-854) and Adelchis (854-878) sought instead to establish their family’s rule within the new boundaries of the Principality of Benevento and rebuild what had been lost after the devastating civil war that had only just recently ended. However, they faced an increasingly unstable political environment as Muslim mercenary communities and the Emirate of Bari, which had once been a Beneventan ally, began regularly raiding Beneventan towns and villages. Radelgarius died only a few years after he became prince, sparking a fourth succession crisis at the Beneventan court. While Radelgarius’ infant son, Gaideris, was next-in-line to succeed his father, Radelgarius’ younger brother, Adelchis, seized power instead. Adelchis’ ascension was seen by some to be a break in the line of succession and this presented new questions about Radelchian authority. The arrival of the Carolingian Emperor Louis II and his Frankish army in 867 and their decision to occupy the city of Benevento until the Emirate of Bari was defeated, also further complicated Adelchis’ reign. The two Radelchian epitaphs from this post-civil war period reflect this increasing instability, employing a stronger dynastic language than previously seen in Beneventan funerary epigraphy based upon notions of legitimate succession, law and order, and extreme religious piety and divine sanction. It appears that the more unstable the situation became in Benevento, the more rigid the language of legitimation became in epigraphy.

**The epitaph of Radelgarius (†854), Prince of Benevento**

Much of Radelgarius’ brief three-year reign is a mystery. But the extant evidence suggests that the ideals promoted in his father Radelchis’ epitaph of pacifism and localism informed Radelgarius’ reign until his death at the age of 31. The author of the *Chronicon Salernitanum* noted with some dismay that he had little to report concerning any battles fought or valiant deeds
accomplished by the Beneventans during Radelgarius’ reign. Erchempert lamented that during this period the Emirate at Bari had begun raiding Apulia and Calabria and soon turned toward the cities of Salerno and Benevento. This initiated both the abbot of Montecassino, Bassacius (837-856), and the abbot of S. Vincenzo, Jacob (844-853), to call upon the Carolingian Emperor Louis II for armed assistance. Such an entreaty to Louis and not to Radelgarius, within whose territory the monasteries were located, suggests that either the abbots did not acknowledge the hegemony of Radelgarius at this time and/or the abbots had tried and failed to convince the prince to fight off the raiders. Both accounts imply that Radelgarius avoided engaging in warfare. Radelgarius appears to have instead turned his attention toward the welfare of his Beneventan subjects and toward strengthening the position of his family’s rule in the city of Benevento. Perhaps not surprisingly, Radelgarius’ own epitaph paralleled the image found in his father’s epitaph of a peaceful and just ruler who instituted order amongst his people. But much unlike his father’s epitaph, Radelgarius’ epitaph used more traditional royal descriptors when celebrating the prince’s character and his achievements and it endorsed a much stronger message of the dynastic rights of the Radelchian line in Benevento and of divine sanction.

The epitaph was engraved in a similar dual-column, book-like format as the other examples from the city of Benevento. And it was also composed as a carmen in poetic meter. But Radelgarius’ epitaph was much more in line with Beneventan princely epitaphs of the past than the previous two Radelchian epitaphs had been, especially in terms of its length. At 44 verses, it was almost twice as long as Radelchis’ epitaph (28 verses) and longer than Ursus’ (36 verses). This was closer to the older epitaphs of Arichis, Grimoald III, and Sico, which averaged around 50 verses:

1 Whoever you are, fellow-citizen or stranger, who hasten to this tomb, here, I pray, say to the one buried within: God, may you have mercy. Behold, Radelgarius, the high power of Benevento. Here lies a hero, very famous throughout the world, who, drawn from noble ancestry from both parents, was the protection, hope and respite of [his] homeland. Distinguished in pedigree, a prince descended from a prince, [he] was always eager to ascend the path of his ancestors.

312 Chron. Salernitanum, ch. 102: “Eius filius Radelgarius Beneventani principem sublimarunt: et ipse denique prefuit illorum principcs annos 3 et menses 6; sed prelia (que) gesserunt, quante fortitudinis fuerunt, minime ad noticiam nostram usque pervenit.”
313 Erchempert, ch. 20.
314 This homogeniety with the latter three epitaphs suggests it was likely carved by the same court school of engravers at Benevento.
For [he was] a prince under his father [and] after his father’s death, 
he ruled the paternal throne and kingdom to every honour. 
Noble in character, and also bold in bodily strength, 
he was a guardian of justice and bountiful in gifts. 
Steadfast in words, and nevertheless agreeable in disposition, 
striking in appearance, shrewd in council, 
he conquered [his] youthful years with the maturity of his soul, 
exceeding many judgments of old men by means of his reason. 
Examining cases of the court with great consideration, 
he established that which was true, [and] he spurned that which was unjust. 
He was so pious and prudent and articulate in his style of speech 
that he was pleasing and mellifluous to all. 
Astute, mild, clever and prudent, benevolent, 
he knew to spare the whip more than threatening to use it; 
elloquent, preserving the innermost part of [his] piety for all, 
he was energetic and eager in body [and] in heart. 
He calmed the powerful kingdoms of the Franks, and 
he completely bound their borders with the aid of peace. 
After thirty-one years he departed from the cloister of his flesh 
by means of your awe-inspiring command, Christ. 
But O Benevento he governed you for four years; 
when he was reigning, your glory was beautiful. 
O Martyr Januarius, glittering in the entire world, 
I ask, let it be that [Radelgarius] benefit from his burial in this temple. 
O holy and nourishing [Januarius], I implore in prayer to commend this man to 
God. 
Do not delay to be a guardian to him. 
O good king Jesus, merciful, the most just [and] truthful, 
so that he, rejoicing, may stand before your tribunal, 
give to him, omnipotent one, the delights of eternal life 
after death, you who can only give happy things. 
You, O pious one, never feed the torment of anyone, 
rescue him from punishment, add to your countrymen. 
You allotted to him the heights of worldly royal power, 
I beseech you, guide [him so that] he may ascend to the heavenly kingdom. 
Transport him amongst the sheep and remove him from the savage young goats, 
where he may perceive you, a peaceful God, without end.\textsuperscript{315}

\textsuperscript{315} For the epitaph see: MGH \textit{Poetae}, vol. 2, pp. 659-660: “Quisquis ad hunc tumulum properas concivis et hospes./Hic, precor, humato dic: miserere, Deus./Ecce Radelcarius, Beneventi celsa potestas./Hic recubat haerōs clarus in orbe satis;/Qui genus excelsum duces ab utroque parente./Tutamen patriae, spes requiesque fuit./Stemmata praecipuus princeps de principe cretus,/Maiorum studuit scandere semper iter./Sub patre nam princeps solium regnumque paternum/Post patris excessum rexit ad omne decus./Moribus ingenuus, necon et viribus audax,/Iustitiae custos, munere largus erat./Immobilis verbis, affectu necne suavis,/Consicius forma, concilioque sagax./Canitie cordis iuveniles vicerat annos,/Transcendens sensu plurima iura senum./Judicii magno scrutans examine causas,/Quae vera institut, sprevit iniqua procul./Sic pius et prudens, linguaeque nitore disertus./Omnibus ut gratus mellifluusque foret./Astutus, mitis, sollers cautusque, benignus/Parcere plus novit, quam dare flagra minans./Facundus, cunctis pietatis viscera servans./Impiger ac promptus corpore, corde fuit./Fortia Francorum saedavit regna, suosque/Confines vinxit undique pacis ope./Bis tria post lustra annunque unum carnea.
Radelgarius’ epitaph is in a sense the culmination of early medieval Beneventan funerary epigraphy, utilizing metaphors, verses, and phrases from all previous royal epitaphs that celebrated Beneventan princes and their heirs apparent. Radelgarius’ nobility (v. 5), appearance (v. 14), charity (v. 12), and piety (v. 19, 23), are all typical themes, which can be found throughout the older Beneventan royal epitaphs. The stress placed on Radelgarius’ eloquence and speech (v. 13, 23) are particularly reminiscent of Romuald and Arichis’ epitaphs. Arichis, Grimoald III, Romuald, and Sico's epitaphs seem to have been the source for a number of phrases in Radelgarius’ epitaph. For instance, the metaphor of the illustrious hero lying down in Radelgarius’ epitaph (Hic recubat haeros clarus) (v. 4) was clearly inspired by a verse from Arichis’ epitaph (Hic...recubans celeberrimus heros). The verse celebrating Radelgarius’ noble heritage from both parents (genus excelsum ducens ab utroque parente) (v. 5) is noticeably similar to a verse in Grimoald III’s epitaph (Regali genere existens ab utroque parenti). In addition, the verse concerning Radelgarius’ lineage (Sub patre nam princeps...) (v. 9) may well have been inspired by a line from Grimoald’s epitaph (Sub patre iam princeps...). Similarities can also be found in the verse that describes Radelgarius as “the protection, hope and respite of [his] country” (Tutamen patriae, spes requiesque fuit) (v. 6), which seems to have employed phrases found in the epitaphs of Romuald (spes patriae), Arichis (requiesque...fuisti), and especially Sico (spes requiesque fuit). All of these phrases were ultimately based on a verse from Virgil’s Aeneid (suae gentis spes requiesque fuit). Other phrases in Radelgarius’ epitaph such as omne decus (v. 10) can be found in both Arichis’ epitaph as well as in the moenia inscription, which Arichis commissioned. Finally, the metaphor of the deceased having

clastra/Deseruit iussu, Christe tremende, tuo./At, Benevente, tibi bis binis praefuit annis./Quo tua regnante gloria pulchra fuit./O Martyr cuncto Ianuari splendide mundo./Fac, rogo, prosit ei hac recubisse domo./Hunc, sacer alme, Deo tu commendare precando./Obseero, ne cesses, esto tutela sibi./O bone rex Iesu, clemens, aequissime, verax./Amet ut iste tuum ante tribunal ovans./Post obitum, solus qui dare laeta vales./Tu, pie, nullius cruciatu pastcris umquam./Tu eripe hunc poenis, civibus addes tuuis./Te duce conscendat caelica regna, precor./Transfer eum inter oves et ab haedis abstrahe saevis./Quo placidum cernat te sine fine Deum.”

317 See the Epitaph of Arichis, v. 3.
320 See the Epitaph of Romuald, v. 4.
321 See the Epitaph of Arichis, v. 27.
322 See the Epitaph of Sico, v. 44.
“calmed” the anger of the Franks and secured the borders of Benevento during his life (v. 25-26) had direct parallels in both the epitaphs of Romuald and Sico. Although here the poet uses the term *regna Francorum* instead of *Gallia*, which was more typical in eighth-century inscriptions.

Another theme found in Radelgarius’ epitaph that originated in older Beneventan epigraphy was the juxtaposition of the Beneventan people and a separate ‘other’. The first example of this is the poet’s use of the Beneventan-Frank dichotomy, seen in most of the early Beneventan epitaphs, such as that of Arichis, Grimoald III, and Sico. The poet notes that Radelgarius, the high power of Benevento (*Beneventi celsa potestas*) (v. 3), assuaged the kingdoms of the Franks with the aid of peace (*Fortia Francorum saedavit regna*) (v. 25). Here the Beneventans (*Benevente*) (v. 3, 29) are portrayed as a separate and fundamentally different group than the Franks. What is interesting is that this comparison was not used in either Ursus or Radelchis’ epitaphs, and Radelgarius’ epitaph is the only Radelchian epitaph to incorporate it. Also the demarcation between ‘Beneventan’ and ‘Frank’ in Radelgarius’ epitaph is not associated with the other terms used to identify those subject to the Beneventan prince (*Langobardus* or *Samnium*). While these two terms were used in Grimoald III and Sico’s epitaphs and the abbreviated adjective *Bardus* was used in conjunction with the title *princeps* in Ursus and Radelchis’ epitaphs, *Langobardus* (*Bardus*) and *Samnium* are completely absent from Radelgarius’ epitaph. The focus is instead on the city of Benevento itself, and more specifically those who lived in the city of Benevento. Here a second dichotomy appears between the fellow-citizen (the *concivis* mentioned in the opening verse) and someone who is a stranger or just visiting (*hospes*) (v. 1).

It is difficult to know why the Beneventan-Frank dichotomy reappears in Radelgarius’ epitaph, when it was absent from the other two Radelchian epitaphs. As we mentioned above, both Ursus and Radelchis’ epitaphs were composed directly after the *Divisio* treaty, forced by the Carolingian Emperor Louis II, which concluded the Beneventan civil war. Louis’ interference in Beneventan affairs meant the ‘Franks’ had clearly asserted their hegemony over the Beneventans and their princes, and perhaps this new reality resulted in the poet(s) of the epitaphs purposely avoiding referencing the deceased’s interactions with the Franks. During Radelgarius’ short

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325 See the *Epitaph of Romuald*, v. 20-22; the *Epitaph of Sico*, v. 31.
326 See the *Epitaph of Arichis*, v. 32, 44; the *Epitaph of Grimoald*, v. 37-39; the *Epitaph of Sico*, v. 2, 6, 12, 31-33, 48-49.
327 See the *Epitaph of Grimoald*, v. 9, 14, 18; the *Epitaph of Sico*, v. 23, 41-42.
328 See the *Epitaph of Ursus*, v. 5; the *Epitaph of Radelchis*, v. 24.
reign, in 852, Louis and his troops, according to Erchempert, advanced south again at the request of the abbots of Montecassino and S. Vincenzo, in an attempt to win back Bari from the ruling Muslim Emirate. Yet Radelgarius appears to have never engaged directly with the Franks during this time, even though Bari was positioned within his half of the former Principality. By the time Radelgarius’ successor Adelchis took the throne in 854, around when Radelgarius’ epitaph was likely composed, Louis’ campaign in the south had ended. In Salerno, however, according to Erchempert, Louis made the fateful decision to exile Siconulf’s son and heir (i.e. took him hostage) and to confirm Ademar (853-861) as princeps. Emperor Louis’ meddling in the political administration of nearby Salerno likely did not go unnoticed by the new Beneventan Prince Adelchis. The idea that Louis could intervene next in Beneventan political affairs must have seemed a real threat to the Beneventan ruler, and it is possible that the epitaph’s account of Radelgarius’ ‘calming down’ the Franks on the borders of Benevento (v. 25-26) was an image intended to demonstrate to the Beneventan aristocracy that the Radelchian dynasty and its heirs were competent when it came to foreign powers with imperial pretensions in Italy.

While most of Radelgarius’ epitaph re-used and repurposed older Beneventan funerary verse that was not associated with the Radelchian line, there are important themes present in his epitaph that mirror those found in his predecessor Radelchis’ epitaph. One of these themes was the notion of a peaceful and pious ruler, whose policies were non-violent. This was of course first expressed in Arichis’ epitaph, with the prince being celebrated as a “lover of peace.” Such pacifism, however, as we saw above, was not associated with Grimoald III or Sico in their subsequent epitaphs, both of which encouraged military aggression and princely violence toward neighbouring polities in great detail. Ursus’ epitaph, which Radelchis likely commissioned, continued to promote military engagement, describing Ursus as “the wall and weapons for his people”, who “surpassed all rivals in force with arms/defending the fatherland.” But Radelchis’ epitaph from the following year then returned to the ideals promoted by Arichis, recalling the deceased instead as “peaceful.” Radelgarius’ epitaph followed suit, recalling a prince “so pious and prudent” (v. 19) with similar pacifist behaviour from the prince – like his

329 Erchempert, ch. 20.
330 See the Epitaph of Arichis, v. 19.
332 See the Epitaph of Ursus, v. 10-12.
333 See the Epitaph of Radelchis, v. 10, 14.
using restraint instead of the whip (v. 22) and bounding the borders with the aid of peace (confines vinxit undique pacis ope) (v. 26) rather than war.

This ideology of peace may again have been a result of the enduring struggles that Benevento faced after the devastation of the civil war. It appears that Radelgarius’ successor, Prince Adelchis, who may have commissioned the epitaph, also remained militarily passive for most of his reign, even during the fierce fighting between Capua and Salerno from 856 to 860 (a conflict which involved most of southern Italy)\(^{334}\) and during the devastating raids of the early 860s on Beneventan territory by the Muslims based in the Bari Emirate under Sawdân (857-865).\(^{335}\) Erchempert recalls that Adelchis, “forced by payments and sieges,” established peace (pacem firmaret) with Sawdân, but he does not mention that Adelchis took up arms.\(^{336}\) The Chronicon Salernitanum mentions that Adelchis joined Emperor Louis in the battle of Bari in 867, however, Erchempert recalls only the Frankish army at the scene.\(^{337}\) Erchempert does not mention Adelchis as being personally involved in warfare until 872, when the prince fought off a band of Arab raiders.\(^{338}\)

Another similarity between Radelgarius’ epitaph and that of Radelchis concerns the idea of the prince representing the just legal authority in the Principality. While this idea was also expressed in Arichis’ epitaph and his moenia inscription, which celebrated the ethical mind of the prince and him being “steadfast with justice,”\(^{339}\) as well as in the epitaph of Sico, which recalled the latter rescuing those convicted by the law from servitude,\(^{340}\) it was not until the epitaph of Radelchis that the idea of the prince adhering to law was introduced, and until the epitaph of Radelgarius that the prince was an actual adjudicator of legal cases. In Radelchis’ epitaph, the prince was portrayed as being respectful to both secular and religious laws: “eager to follow correct doctrine;/ managing public and especially holy laws,/ he, governing, continually satisfied [them] in heart and hand...”\(^{341}\) In Radelgarius’ epitaph, the prince was depicted not only as a loyal

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\(^{334}\) Erchempert, ch. 20-28. Involved were the Salernitans, the Capuans, the Neapolitans, the Amalfians, and the Spoletans. Adelchis only acted at the very end in 860, sending his three sons Maio, Magenulf, and Radelchis II to the aid of Capua, while he remained in Benevento. See idem, ch. 28.

\(^{335}\) Ibid, ch. 29.

\(^{336}\) Ibid, loc. cit.

\(^{337}\) Chron. Salernitanum, ch. 106. Cf. Erchempert, ch. 33. Perhaps Adelchis or a Beneventan army was part of the auxiliary troops (auxiliatores) noted as assisting the imperial army at Bari, but this is not clear.

\(^{338}\) Erchempert, ch. 35.

\(^{339}\) See the Épitaph of Arichis, v. 11-12, and the Moenia inscription, v. 19.

\(^{340}\) See also a similar reflection on justice in the Épitaph of Sico, v. 37-38: “Pro patria cautus solvevat damna malorum,/Ne servos faceret lex nocitura reis.”

\(^{341}\) See the Épitaph of Radelchis, v. 18-19.

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adherent to the law, like Radelchis, but as an active “guardian of justice” (v. 12), “exceeding many judgments of old men by means of his reason./ Examining cases of the court with great consideration,/ he established that which was true, he spurned that which was the unjust” (v. 16-18). Here the prince was portrayed as a true judicator – actively deciding right from wrong. While there is no other evidence of Radelgarius overseeing court cases or promulgating law in his three short years as prince, his successor Adelchis was the first of the Beneventan princes to promulgate legislation after Arichis’ eighth-century capitula. Adelchis seemed particularly interested in regulating what he considered to be an increase in the unlawful behaviour of his people, noting in the prologue to his 866 capitula that he was intentionally imitating Arichis who – so Adelchis claimed – followed in the footsteps of kings. As we will see in the next chapter, Adelchis’ legislation acted as a source of legitimacy for his rule, whereby he could link his authority with both Arichis as well as the Lombard kings. For a ruler of the Radelchian line, which lacked blood ties to Beneventan royalty, the promulgation of law was just another demonstration of a leader’s ‘royalness’ and his right to rule.

Perhaps the most striking idea expressed in Radelgarius’ epitaph was that of the legitimate dynastic ambitions of the Radelchian line. Unlike Radelchis’ epitaph, which based his legitimacy on divine and popular approval, the poet of Radelgarius’ epitaph clearly emphasized the deceased’s lineage and bloodline: “Distinguished in pedigree, a prince descended from a prince…[he was] a prince under his father and after his father’s death,/ he ruled the paternal throne and kingdom to every honour ” (v. 7, 9-10). These three verses represent a clear attempt to advance the idea of a legitimate patrilineal succession between Radelchis, the father, and Radelgarius, the son. While Radelchis’ epitaph avoided discussing the ancestry of the prince, his son Ursus’ epitaph from one year earlier had introduced the idea of a dynastic succession for Radelchian heirs, noting that Ursus was “born from a royal seed” to a prince of “illustrious pedigree.” Radelgarius’ epitaph appears to have resurrected this ideology of succession from Ursus’ epitaph instead of continuing with the modest claims of Radelchis’ epitaph. Like Ursus, Radelgarius was royal by birthright as “a prince descended from a prince” (princeps de principe cretus)(v. 7). And interestingly, the poet extends this line further back in time, remarking that Radelgarius was “always eager to ascend the path of his ancestors” (Maiorum studuit scandere.

342 For Capitula of Arichis, see: Chapter 2 of this dissertation, pp. 116-136.
343 Capitula of Adelchis, prologue.
344 See the Epitaph of Ursus, v. 3, 5.
semper iter)(v. 8). While not directly claiming royal ancestry for Radelchis, the verse certainly implied that the Radelchian dynasty also had legitimate roots further back in the family history.

A final emphasis in Radelgarius’ epitaph is on the deceased’s connection to the divine, and in particular the author’s exhortation of saint Januarius (v. 31). Januarius’ cult, as we noted above, was begun in Benevento by Sico, who declared the saint to be a patron of the Sician family in addition to the Principality of Benevento. Considered the first bishop of Benevento, his cult was very influential in the spiritual lives of all Beneventans. The poet’s request that Januarius now become the guardian of Radelgarius in heaven (v. 34) was symbolic of the Radelchian line and heirs officially assuming control over the cult itself and the Beneventan crown and title from the Sician family. If Januarius was the guardian of Radelgarius, then he would also be the guardian of the Radelchian family and the new prince Adelchis. This same idea is also communicated in the epitaph of the Royal Mother Caretruda, which we will discuss more below.\textsuperscript{345}

While Radelgarius may have ruled only a little over three years, his epitaph nonetheless glorified the young prince with every imaginable honour, and this in turn strengthened his brother and successor Adelchis’ claims to the throne. The portrayal of Radelgarius was indeed one of an ideal Beneventan prince – born from royal blood from a legitimate dynasty, possessing all the necessary royal qualities of good character, eloquence, piety, justice, and peace, which Beneventan princes had been praised for in the past. Radelgarius’ epitaph was certainly excellent propaganda for the Radelchian family, representing the perfect amalgam of all prior Beneventan royal epitaphs and checking off all the right boxes in regards to his (and his family’s) right to rule. The message of the epitaph was one of an established royal family, ruled by an heir versed in law and order.

Law, order, and the correct and legitimate succession of a ruling line from father to son were critical ideas to express to the public in the years following Radelgarius’ death. These were all issues that Radelgarius’ successor Adelchis strongly championed during his rule and issues, which reflect the increasing instability in the region. Adelchis, the third son of Radelchis, had seized the throne from his brother Radelgarius’ young heir named Gaideris, a move which did not follow the traditional rule of primogeniture practiced in Benevento at the time. While it remains unclear whether this caused conflict amongst traditionalists at court, Gaideris eventually found

\textsuperscript{345} See the Epitaph of Caretruda, v. 27-28.
Adelchis, however, had more pressing concerns to address. Upon Adelchis’ ascension, it had only been a little over three years since his father Radelchis had died and the divisive Beneventan civil war had ended. The Radelchian family’s rule, controversial from the beginning, was still not firmly established in Benevento. While the aristocracy had supported Radelchis’ claims to the throne during the civil war, after his death and during the reign of Radelgarius, the Principality continued to be plagued both by internal strife and by the armed forces from the Emirate of Bari and other mercenary groups, who raided the Beneventan countryside, burning crops and villages and kidnapping locals for sale overseas. Erchempert lamented that, upon Adelchis’ ascension, “the principality was divided amongst so many” that “day by day [the prince] was led more to ruin than to prosperity by his lords.” By 866 the instability had become so great that Adelchis remarked in the prologue of his legislation that “the wickedness of those of our country, amongst whom one always plots against the other, exceeding the ancient statutes of the law and desiring to frequently harm his neighbour in whatever way, has begun to abound – about which our mind is continually saddened.” Adelchis noted the effect of warfare on his subjects. In the same prologue he reported that the Beneventan people were “at present greatly oppressed by the hostility of many races, who do not cease to terrorize our citizens and put them to flight, burning and spoiling many of our villages and towns.” These raids were particularly devastating for the Principality because Benevento, now cut off from the trade networks of their former cities of Salerno and Bari, depended heavily on agriculture and those who worked the fields for economic prosperity.

Adelchis faced the same political, economic, and military difficulties that his brother Radelgarius had faced during his short reign, and while he appears to have continued to promote his brother’s policy of pacifism, Adelchis clearly looked to more traditional themes of Beneventan rulership and royal succession. His reign was indeed defined by a quest for law and order, a theme so prominent in his brother’s epitaph. It seems very likely that Adelchis

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346 After Adelchis’ assassination, his murderer Gaideris then became prince, ruling three years, until 881 when he was subsequently deposed and expelled.
347 Erchempert, ch. 20: “Interea obiit Radelgarius Benevento; cui successit germanus eius nomine Adelchis…Set, quod peius, provincia in multis divisa ad eexitum magis quam ad salutem de die in diem a dominatoribus ducebatur.”
348 Capitula Adelchis, prologue: “…simul et habundare nequitia quorundam caepit nostratium, quibus unus contra alterum semper molitur insidias, statuta antiqua legis excendens, cupiensque frequenter quocumque modo suo nocere proximo: de quibus indesinenter animus noster contristatur.”
349 Ibid, loc. cit.: “…quos iam infestatio multarum gentium valde opprimit, quae nostros concives conterere et dissipare non desinunt, plurimas nostrorum villas oppidae cremantes et disperdentes…”

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commissioned Radelgarius’ epitaph, perhaps as a way to strengthen his own claim to the throne, re-using ideologies that had been promoted in older Beneventan epitaphs as a way to legitimate his and his family’s rule. Certainly the “strong politico-dynastic ambition” that Petrucci saw in the epigraphy of the Radelchian line,\textsuperscript{350} was fully realized under Prince Adelchis and the language of legitimization used in its verse was at its most pronounced, precisely because royal authority was now at its weakest.

The epitaph of Caretruda (†870s), royal mother of Benevento
The final Radelchian epitaph that survives from this period was composed for the family’s matriarch Princess Caretruda, the widow of Radelchis and royal mother of Prince Radelgarius, Prince Adelchis, and Bishop Aio of Benevento (pre-866-885). The epitaph likely dates to the first half of the 870s, around the time when Benevento had been liberated from its Carolingian occupiers, Emperor Louis II and his army. Originally located in the cathedral of Benevento, it was engraved in a similar dual column, book-like format like the other epitaphs from Benevento and was poetic in form at 30 verses long.\textsuperscript{351} But the contents of Caretruda’s epitaph were much different than those fashioned to commemorate the princes of Benevento for the simple reason that she was a woman. However, the same theme of legitimate succession amongst her family, as seen in Radelgarius’ epitaph, is strongly promoted along with the idea of the Radelchians being an established royal family:

\begin{quote}
1 How the swift glory of worldly life flees, \\
the ashes, which this monument holds, bears witness. \\
Nothing arranged under the pivot of heaven remains without end, \\
time, honour, light, flesh, life, [and] health pass away. \\
5 It is well known that all things, which the machine of the universe generates, die. \\
Only a life filled with good things does not know how to perish. \\
Once she, whose limbs this tomb conceals here, \\
shone very brightly in the world on account of her noble family. \\
For as the wife of the great Prince Radelchis, \\
10 she increased the glory he possessed with [their] honourable offspring. \\
Thereupon strengthening the throne of her husband through her sons in succession, \\
She sanctioned that those be the leader of her homeland,
\end{quote}

\begin{footnotes}
\textsuperscript{350} For the quoted phrase see: Petrucci, \textit{Writing the Dead}, at p. 42. \\
\textsuperscript{351} While there are some imperfections and the spacing and organization of the epitaph are not as systematic as Radelchis and Radelgarius’ epitaph, the engraver was of a high-quality workshop likely responsible also for other royal epitaphs. There is only slight variation in the style of the carving from other epitaphs from the city of Benevento. For a much more detailed analysis see: Lambert, ‘La produzione epigrafica,’ at pp. 300-301. 
\end{footnotes}
and so she saw the fruit in the great peak of her womb sprout twelve times.

15 She gave birth to a bishop and counts and wise lords, everywhere she appeared supported by a notable force. Here and there she strove for honour amongst [her] forefathers and [her] offspring, [and] she desired that [they] rule through pious behaviour. Accomplished and clement, and prudent in sweet utterance, sparkling with a milky-white complexion but more so in her probity, venerating churches, and feeding crowds of the poor, That which she distributed rightly, she reaps now to enjoy. After seventy years\(^{352}\) had passed, this Caretruda gave her earthly body to the soil.

20 Torn from her fleshy prison in the month of June, she rose up on the fourth day before the Nones\(^{353}\). O Martyr Januarius famous throughout the whole world, speak to God a word, atone for her sins, so that she may be free of punishments and seize the joys of heaven, because she wished to rest in this holy place.\(^{354}\)

Besides Caretruda’s epitaph, women feature prominently in only two other Beneventan inscriptions: the epitaph of Dauferada - the only other surviving example of a female epitaph in this period - and the discussion of Archis’ wife Adelperga in her husband’s epitaph of the late eighth century. Like Dauferada, Caretruda’s epitaph eulogized her for her noble ancestry (v. 8), her beauty (v. 20), and her sweet demeanour (v. 19). But Caretruda’s epitaph departs from its earlier precedents in important ways. Dauferada and Adelperga are both depicted in passive terms in relation to their husbands. Dauferada's epitaph, for instance, highlighted her role as a wife to Rofrit, with the poet exclaiming: “how great [Dauferada] was for such a nuptial with Rofrit.”\(^{355}\)

According to the poet, Dauferada’s greatest achievements in life were accomplished with her

\(^{352}\) Lustra here equals five years, thus six lustra (=30 years) + 40 years = 70.

\(^{353}\) June 2nd

\(^{354}\) For the epitaph see: MGH Poetae, vol. 2, pp. 658-659: “Quam velox fugiat mundanae gloria vitae,/Testantur cineres, quos monumenta tenent./Nil sine fine manet sub caeli cardine comptum,/Tempus, honor transit, lux, caro, vita, salus, /Germinis quoque fuit honore decus,/Inde viri solium in natis ex ordine firmans,/Sancivit patriae hos caput extans,/Germine quod tenuit auxit honore decus./In est immortali,/Sancivit patriae hos caput extans,/Germine quod tenuit auxit honore decus./In est immortali,/Sancivit patriae hos caput extans,/Germine quod tenuit auxit honore decus./In est immortali,/Sancivit patriae hos caput extans,/Germine quod tenuit auxit honore decus./In est immortali,

\(^{355}\) See the Epitaph of Dauferada, v. 7.
husband, “whose fame remains throughout the ages.” Her role as a founder and patron of churches occurred only while “it was granted that they breathe the air of life together.”

Dauferada is also described first and foremost as “a widow of her husband.” For her part, Adelperga was depicted as a grieving widow: “Once so happy, now in turn the most miserable, your wife [Adelperga] remains[…]Alas! [her] heart pierced through by an everlasting sword,/ Dragging weak limbs, dying, she grieves for you.” This description of Adelperga, whom the poet does not even address in the vocative case, as a passive and helpless widow does not, of course, reflect her actions in the days following her husband’s death. Indeed, as we saw above in our discussion of Arichis’ epitaph, many contemporary documents acknowledge that she acted as regent, administering Benevento until her son’s return. However, the image of a woman abstaining from all activity, especially sexual activity, after her husband’s death was one which was prized in Lombard society, and which, as we will discuss more in Chapter 2, can be found expressed in Beneventan law during the period. Dauferada's epitaph likewise described her as a widow who “vowed from then on to bear the yoke of chastity.”

Like Adelperga, her deeds after her husband’s death are depicted in passive terms.

In contrast to her forbearers, Caretruda is described in her epitaph as having been responsible for her own charitable work of “venerating churches, and feeding crowds of the poor” (v. 21). She also appears independently from her husband Radelchis who is only mentioned once (v. 9). Indeed far from reducing her simply to the role of wife and widow, Caretruda is eulogized for her active role as a mother. It was her children that represented her greatest contribution to the honour of Radelchis and the political future of Benevento (v. 10). Of course the nurturing mother was a motif commonly expressed in this period and both Adelperga and Dauferada are celebrated for their domestic roles. But motherhood factored much less in the poet’s eyes when describing Dauferada’s merits than the success of her partnership to Rofrit. Adelperga is reported in Arichis’ epitaph to have been deeply concerned for the future of her children, all of whom were

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357 Ibid, v. 3.
358 See the Epitaph of Arichis, v. 39, 41-42.
359 See Chapter 2, pp. 128-132.
360 See the Epitaph of Dauferada, v. 3-4.
362 For the success of the marriage: the Epitaph of Dauferada, v. 9-11 and for the children, idem, v. 11-12.
named at the epitaph’s conclusion. Yet she was described in passive terms, looking on at what was happening around her (cernens, viderat) and being “frightened” (pavet). The words used to express Caretruda’s maternal skills, on the other hand, were active in her epitaph. She was a mother “strengthening (firmans) the throne of her husband through her sons in succession/she sanctioned (sancivit) that those be the leader of her country” (v. 11-12). According to the poet, it was Caretruda’s fertility that helped to establish the family in positions of power in the Principality, and not just princes as “she gave birth to a bishop and counts and wise lords/ [and] everywhere she appeared supported by a notable force” (v. 15-16). The poet also celebrated her agency in influencing the moral fortitude of her children: “Here and there [Caretruda] strove for honour amongst [her] forefathers and [her] offspring/[and] she desired that [they] rule through pious behaviour” (v. 17-18). Unlike Adelperga, whose mothering skills were portrayed as having minimal impact on the future of the Principality, Caretruda’s epitaph depicted her role as mother as one which could determine the fate and future of Benevento.

Caretruda’s epitaph could be used as evidence for a shift in the role of an aristocratic woman in Beneventan society and her agency in the world, but when we consider the epitaph within the context of the growing ‘politico-dynastic ambition’ of the Radelchian royal family in this period, the image of the influential materiarch appears to be nothing more than a vehicle for aiding in the continuation of a patrilineal succession. The epitaph is a strong statement for the idea of inheritance from male forefathers (patres) to male offspring (proles) (v. 17). According to the poet, Caretruda’s role in this process was giving birth (v. 10-11, 13-14) particularly to male heirs (v. 11, 15) and encouraging them to “rule through pious behaviour” (v. 18). It would be these males who then supported her (fulta fuit)(v. 16). The Beneventan throne and the heirs who had a right to rule in it during the ninth century were without doubt men (v. 11). Caretruda’s agency was limited to her offspring and in particular the male children: princes, a bishop, counts, and lords (v. 11, 15).

Caretruda’s epitaph thus fits within the framework of other Radelchian court epitaphs, particularly those of Ursus and Radelgarius, with its strong expression of the legitimate patrilineal succession from within the family. The poet’s message of noble inheritance and firm and stable leadership for Benevento was a logical progression from the ideology expressed in the

363 See the Epitaph of Arichis, v. 43-48, and concluding paragraph.
365 Petrucci, Writing the Dead, p. 42.
epigraphy from the beginning of Adelchis’ reign. Indeed, during the 870s, when Caretruda’s epitaph was composed, the Principality had only recently faced foreign occupation and increasing instability and uncertainty. Adelchis, having endured four years of submission to the Carolingian Emperor Louis II, who stationed his troops in the city of Benevento from 867-871, finally regained control of his palace and Principality. After kidnapping the Emperor, Adelchis had him banished with the promise that he would never return to Benevento, and soon after Adelchis took to the field with his troops for the first time in his reign against bands of Arab mercenaries, who were plundering his territory. The epitaph’s message of a strong established royal family, firmly ensconced in positions of both secular and spiritual power in the Principality, and an unbroken line of morally upright princes certainly fits within this context.

**Conclusion: Beneventan epigraphy**

The eighth- and ninth-century inscriptions, which we have examined in this chapter, reveal a great deal about how the Beneventan royal family and high-ranking nobles understood their place in an uncertain and rapidly-changing world, amidst the threat of foreign occupation, civil war, and territorial loss. For the three ruling families discussed here, powerful representations of authority and legitimacy could be found in the past, and it was from history that they drew the imagery and ideology, which they hoped would solidify their positions in the present and secure their descendants’ positions in the future. Whether it was drawn from the bible, the glory days of the Roman principate or the defunct Lombard Kingdom, or even recent Beneventan history, court poets re-used and re-interpreted historical themes and other ideas drawn from older epigraphic and literary works, which evoked a more stable and prosperous time. Moreover, our analysis of surviving epigraphy revealed that royal authority in Benevento was often expressed especially in familial terms; a ruler’s authority depended not just on his own character and deeds but also on those of his family, both in the present and in the past. Family history then mattered a great deal. Legitimacy could be conferred through one’s inheritance from noble and royal ancestors, through an adoption into an older ruling family, through the actions of a pious and noble wife or virtuous and patriotic offspring, through the memory of other family members, who perhaps had some connection to royalty, or through one’s ability to embody the traits of past

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366 Erchempert, ch. 34.
rulers of a legitimate family. A second conclusion we can draw from our analysis is that historical memory could be repurposed to suit contemporary concerns. The process of remembering the past and the language of legitimacy used in epigraphy changed over time and was historically contingent, often reflecting current political issues. The more unstable the situation became in Benevento, the more rulers looked to historical models for reassurance and for legitimacy and the more epigraphic expressions of authority addressed a local audience. In the later eighth century, the Arichian family sought to the embody the models of rulership associated with Roman emperors, biblical kings, and Lombard kings – an expression of authority that would have been recognized by both a Carolingian and Beneventan court audience. As a small-time ducal family, their legitimacy as Lombard princes depended heavily on the Franks perceiving their rule as ‘royal’ and established as well as on the support of local aristocrats. In the ninth century, however, the audience for Beneventan expressions of royal authority became more narrowly focused. The Sicians and the Radelchians, being upstart aristocratic families, tailored their epitaphs to suit an aristocratic court audience and the memory of the Arichian family and the expression of divine sanction, patrilineal succession, and just rule became critical in establishing claims to the Beneventan throne.
Chapter 2: Beneventan legislation

Introduction

This chapter will examine the two sets of legislation promulgated in Benevento during the eighth and ninth centuries. The first consists of seventeen laws issued by Prince Arichis II between 774 and 787 CE; the second consists of eight laws together with a prologue issued by Prince Adelchis in 866 CE. It will be argued that both sets of legislation referenced and reissued aspects of older Beneventan legal traditions in order to demonstrate to the Franks, who had conquered the Lombard Kingdom in 774 and threatened to assert hegemony over Benevento, that the new Principality of Benevento was a legitimate political entity with its own laws and customs. And to a Beneventan audience, the princes ensured that traditional Beneventan legal customs were preserved and the Beneventan people were protected from the disorder of the time.

Beneventan legislation (referred to as capitula) is often described as the final chapter of the Lombard legal tradition, and it is generally agreed that Beneventan princes modeled their laws upon those issued in the Lombard Kingdom. Claudio Azzara, for instance, has argued that Beneventan princes consciously evoked Lombard legal traditions in order to demonstrate Benevento’s continuity with Lombard rule after the Kingdom collapsed in 774. For his part, Stefano Gasparri has emphasized the importance of law-giving to the collective memory of the Beneventan court, noting that “the memory of the Lombard past coalesced around the law: that is to say the Edict [of Rothari] with all its continuations.” The perpetuation of the Lombard legal tradition by the Beneventan princes was “seen as a key to legitimate rule” in the Principality, and the idea that the princeps had inherited divinely-inspired law from the Lombard kings informed a “political manifesto of Lombard revanchism embodied by the Beneventan princes.”

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368 Both sets of capitula can be found in: ‘Leges Langobardorum,’ ed. F. Bluhme, in MGH Leges IV, pp. 207-212; and more recently Le leggi dei Longobardi: storia, memoria e diritto di un popolo germanico, eds. and trans. C. Azzara and S. Gasparri (Milan, 1992), pp. 298-316.
372 Ibid, loc. cit.
This view that Beneventan legislation was a critical component for royal ideology and a collective identity at the Beneventan court is not without its problems. Firstly, of the twelve Beneventan princes who ruled in the early principate period (774-899), only Arichis and Adelchis promulgated law. Moreover, although Lombard law was important to both Arichis and Adelchis, it was not the only influence upon the development of Beneventan legal traditions, with aspects of Roman law, canon law, and local customs, all contributing to the new laws. Evidence also suggests that the laws of Arichis and Adelchis were not intended to simply revive or even evoke Lombard political sovereignty or to promote a sense of Lombard identity within the Principality. Indeed as this chapter will demonstrate, the legislation of Arichis and Adelchis was, on the contrary, an attempt to create a distinctly Beneventan law for the Principality and thereby to establish Beneventan authority in response to the threat of Frankish hegemony. For both Arichis and Adelchis, legislation demonstrated their fitness to rule and communicated to the Franks that Benevento was a legitimate political unit, which shared many cultural and religious affinities with its northern neighbour. Arichis in particular, who legislated following the collapse of the Lombard Kingdom in 774, was faced with the very real possibility of a Frankish invasion of Benevento. His legislation demonstrated to the Frankish (and now Lombard) King Charlemagne that the new Principality of Benevento was a unique and orderly, Christian society, and that Arichis was its appropriate ruler. To a Beneventan audience, Arichis sought to promote the idea that he was maintaining the traditional legal customs practiced in the now defunct Duchy of Benevento, which included Lombard law but also aspects of Roman law, canon law, and other local practices. Much of Arichis’ legislation was constructed in a way that re-issued older laws with minor modifications.

The legislation of Adelchis can also be understood as a Beneventan response to the threat from the Franks, in this case from Emperor Louis II, who marched south with his army to re-conquer the Emirate of Bari from its Muslim ruler. The arrival of a Frankish armed force in Beneventan territory had the potential to undermine Adelchis’ rule in Benevento, particularly if Louis was successful in defeating Benevento’s enemy, whom Adelchis had failed so far to control. Adelchis’ legislation therefore aimed to consolidate his royal and legal authority amongst the Beneventan people, who had only recently seen the Principality’s territory devastated after the Beneventan civil war (839-849) – a war that, as we discussed in the last chapter, erupted because Adelchis’ father was deemed illegitimate. Adelchis’ legislation has a conciliatory tone to
it, appealing to landowners and the victims of raiding and warfare and linking his rule back to the legitimate rule of Arichis and the Lombard kings. Both Arichis and Adelchis evoked and even repurposed older Lombard laws, particularly those of King Rothari and King Liutprand, and other local legislative traditions, for new Beneventan contexts. The appeal to the antiquity of Lombard and Roman law and the reputation of its legislators provided a framework of authenticity that allowed newer legislation to be recognized and accepted by the Beneventan people and by Frankish overlords. Taken together, Arichis and Adelchis creatively referenced the past in order to construct a distinctly Beneventan legal tradition.

To examine Benevento’s legislation, this chapter will be divided into two parts. Part One will analyze the legislation of Arichis II, looking particularly at laws concerning property rights, the domestic family, and the Beneventan church. Part Two will then turn to the legislation of Adelchis. The prologue of Adelchis’ laws will be examined, followed by his legislation concerning the use of documents, oaths and combat, and slavery. However, before we analyze the legislation, it is necessary to address the state of our evidence for Beneventan legislation and the problems associated with its preservation.

Overview and the state our evidence

The earliest manuscripts containing Beneventan legislation are two law compilations dating from the eleventh century, referred to as the Codex Cavensis and the Codex Matritensis. Both originate from the Beneventan region. In these manuscripts Beneventan legislation is preserved as addendums to the legal corpus of the Lombard Kingdom. Prince Adelchis’ legislation is preserved with a legal prologue (like all sets of Lombard law), while Prince Arichis’ legislation has no prologue attached to it.

The Codex Cavensis (Cava de’Tirreni, Archivio della Badia 4) dates to around 1005 CE. and is attributed to the Beneventan region and more specifically to the monastery of Montecassino. The manuscript is comprised of a Frankish table of nations, the Origo gentis Langobardorum (an origin-story of the Lombard people), the Lombard legal corpus including the Edict of Rothari, and the legislation of kings Grimoald, Liutprand, Ratchis, and Aistulf, followed

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by the two sets of *capitula* of the Beneventan princes Arichis and Adelchis.\(^{374}\) This legislation is adorned by illuminations depicting the legislators, and the manuscript concludes with regnal lists, treaties, and a collection of Carolingian capitularies issued in Italy. It has been argued that the *Codex Cavensis* functioned as an aid to the monks of Montecassino during property disputes.\(^ {375}\) The reason behind this theory was that many charters of donation issued by princes and dukes emphasized that Montecassino possessed its land according to Lombard law, and it was therefore important for the monks to be familiar with the nuances of the laws in case a conflict arose.\(^ {376}\)

The *Codex Matritensis* (Madrid, Biblioteca Nacional 413), written in Byzantine-controlled Bari (formerly Beneventan territory), also dates to the eleventh century.\(^ {377}\) Like the *Codex Cavensis*, the manuscript contains the *Origo gentis Langobardorum* and the Lombard legal corpus including the Edict of Rothari and the legislation of kings Grimoald, Liutprand, Ratchis, and Aistulf. The *capitula* of the Beneventan princes follow this legislation, and like the *Codex Cavensis*, the manuscript contains illuminated miniatures of the legislators.

Law compendia such as the *Codex Cavensis* and the *Codex Matritensis*, compiled well after the texts they preserve, present problems for historians, especially those interested in Beneventan legislation. Because these texts were not copied down in their original context and were probably collated from multiple sources, a number of important questions remain unanswerable. Were the laws of princes Arichis and Adelchis originally issued alongside Lombard law, or were they presented as addendums to Rothari’s Edict? Were they issued with the *Origo gentis Langobardorum* as a preface? Was the legislation originally published as a complete set of laws or were they promulgated over a longer period of time? Arichis’ laws, for example, have no legal prologue that verifies when they were promulgated and could very well have been issued over the course of his reign as prince (774-787). The content of Adelchis’ prologue, however, strongly suggests that his *capitula* were issued with those of Arichis to form


\(^{375}\) Pohl, ‘History in fragments,’ pp. 360-361.

\(^{376}\) Ibid, loc. cit.

\(^{377}\) For *Codex Matritensis* see: G. Cavallo, 'Per l’origine e la data del Cod. Matrit. 413 delle Leges Langobardorum,' *Studi di storia dell’arte in memoria di Mario Rotili* (Naples, 1984), pp. 135-142.
what he called an *edictum*.\textsuperscript{378} It seems likely then that Beneventan legislation, consisting of Arichis’ and Adelchis’ *capitula*, was published as a cohesive collection in 866 as an *edictum*, and that Lombard law was not included with it, as Adelchis would have noted its inclusion in the prologue. This presents the possibility that Arichis’ *capitula* were not originally promulgated together, but were first collated under Adelchis. At least one of the seventeen laws of Arichis is still formatted as a judgment given in a criminal case, which is perhaps evidence that it was originally separate from the rest of Arichis’ legislation.\textsuperscript{379} However, the vast majority of Arichis’ laws read as if they were issued as part of a unified law code, and this suggests that Arichis probably promulgated a collection of laws at some point during his reign. Unfortunately, the preservation of Beneventan legislation has left us with more questions than answers.

**Part I: The *capitula* of Arichis II, c. 774-787**

As we saw in the last chapter, the late eighth century marked a period of significant transition in Italy and in Benevento. In June of 774 the Franks captured Pavia, the capital of the Lombard Kingdom, and deposed the Lombard king, Desiderius (756-774). Soon after, the Frankish King Charlemagne assumed the title of ‘King of the Lombard people’ (*rex gentis Langobardorum*), and the vast majority of Lombard dukes submitted to Carolingian authority. An exception to this was the Duke of Benevento, Arichis II, who in November of 774 created a new principality in the place of the Duchy of Benevento. Arichis adopted the title ‘Prince of the Lombard people’ (*princeps gentis Langobardorum*) and sometime after donned a crown and issued seventeen laws.\textsuperscript{380}

Arichis’ decision to issue new laws was almost certainly influenced by the disintegration of Lombard power in the north and the threat of Frankish control over the new Principality of Benevento. Many scholars have argued that the legislation of Arichis was intended to demonstrate that he was the legitimate heir to the Lombard throne.\textsuperscript{381} Arichis’ *capitula* appear to

\textsuperscript{378} Capitula Adelchis, prologue: “…arechis dux…qui…sequens vestigia regum quaedam capitula in suis decretis sollarer corrigere seu statuere curavit ad salvationem et iustitiam sui et patriae pertinentia, quae utilia nemp sunt et inserita in edicti corpore retinentur.”

\textsuperscript{379} Capitula Arichis, n. 13: “Propterea presenti iudicio sententia damus, ut…”


\textsuperscript{381} Belting, 'Studien,' p. 146; Wickham, EMI, p. 146; Gasparri, ‘Il ducato e principato di Benevento,’ p. 108; Martin, La Pouille, p. 170.
support this idea with fourteen of the seventeen laws (82%) clearly echoing previous Lombard legislation; five incorporated laws from the Edict of King Rothari and twelve from King Liutprand’s legislation. However, nothing in Arichis’ actions around the year 774 suggests that the new prince was attempting to preserve the Lombard Kingdom or revive Lombard sovereignty in Benevento. Arichis, for example, did not assume the official title of rex, opting instead for princeps – a title that had no precedent in Lombard nomenclature. Moreover, Frankish sources recalled that Arichis had supported the 776 rebellion of the legitimate heir to the Lombard throne, Adelchis (King Desiderius’ son), who had fled to Constantinople after the conquest of the Lombard Kingdom in order to gather an army with the aid of the Byzantines. While the degree of Arichis’ involvement in this rebellion is debated, such actions, if true, suggest that he initially recognized the claims of Adelchis as the legitimate Lombard heir and thus did not make a rival claim.

Arichis’ capitula also made no claim that he had succeeded the Lombard kings or that he intended his legislation to be an official addendum to Lombard law. The fact that Arichis included no legislative prologue, a common component of Lombard legislation, and that his capitula also re-used or re-issued other legal traditions that were customary in Benevento, such as aspects of Roman law and canon law, indicates that Arichis’ decision to promulgate law was less about preserving the Lombard Kingdom and more about maintaining his rule in Benevento. The capitula indeed were likely a demonstration to other authorities, local and foreign, that he was a legitimate ruler and Benevento was a legitimate polity, which had its own modus operandi and its own legal traditions. Using a language of legitimation similar to what we saw in the epigraphy from his reign, the laws portrayed Arichis’ rule as orderly, Christian, and inspired by his moral rectitude and religious piety – a language that would have certainly resonated at Charlemagne’s court. But the capitula also demonstrated to a more local audience, familiar with the legal

382 For the use of Rothari’s Edict: Capitula Arichis, nos. 1, 2, 3, 11, 14; For the use of Liutprand’s laws see: Capitula Arichis, nos. 3, 4, 5, 7, 8, 9, 11, 12, 13, 14, 15.

383 While the title of princeps appears in Arichian epigraphy from the 780s, it was not used consistently in contemporary documents from the court until after 791. For the use of princeps in Arichian epigraphy see: the Moenia inscription, v. 13; the Epitaph of Arichis, v. 2. On the use of the title in contemporary documents see esp.: Gars-Cornides, ‘Die langobardischen Fürstentitel,’ pp. 358-359, 377-385; but also Kaminsky, ‘Zum Sinngehalt des Prinzip-Titels,’ pp. 81-92; and Bertolini, ‘Studi per la Cronologia,’ pp. 89-90.

384 Annales reg. Franc., at 775-776, pp. 42 and 44; also see: ‘Codex Carolinus,’ n. 57, pp. 582-583. Adelchis’ supporters were rumoured to be Hrodaud, the duke of Friuli (774-776), Hildeprand, the duke of Spoleto (774-789), Raginald of Clusium, and Arichis II of Benevento. When Adelchis returned to Italy, he and his supporters were soundly defeated by the Franks. Arichis does not appear to have fought with Adelchis.
customs of the Duchy, that Arichis desired to maintain past traditions of the Duchy in the new Principality, especially those that benefited the authority of local landowners and their families.

The Capitula

Property and possessions

More than half of Arichis’ capitula addressed property rights – a topic that would have been important for all landowning families in Benevento. These laws dealt with issues of property dispute, donation, and inheritance, and more than three-quarters of them were modeled directly on older Lombard law, in many cases re-using/re-issuing the law with the addition of minor modifications to suit Beneventan concerns.

An interesting example of this re-use/re-issuing of Lombard legislation concerns Arichis’ incorporation of the 30-year prescription for land possession first implemented by King Grimoald (662-671) in his legislation. Grimoald’s law, which was borrowed from Roman law, stated that if it was recognized that one possessed houses, families, or land for thirty years or more, his possessions could not be challenged. This law was then revised by Liutprand to include the use of written proofs as a challenge to property rights and by King Aistulf to include holy places as the property in question. Arichis used this same thirty-year prescription as the basis for a new law that concerned the augmentation of one’s property:

If anyone possesses land or a slave for thirty years without a forcible violation, to the extent that there is firm proof, we decree thusly that the possessor should obtain any increase in the building or land from his possessions without molestation and dispute; just as he ought to possess those aforementioned things initially, he ought to possess them in the future.

This particular law, like many of Arichis’ other capitula, was constructed in two distinct parts. The first re-issued an older law, in this case Lombard law, which served as the core of the new law. The second part introduced Arichis’ modification; in this case extending the original law to include the future growth of one’s property, whether it was from a particular building constructed

386 Leges Liutprand, nos. 54, 114; Leges Aistulf, n. 18.
387 Capitula Arichis, n. 15 and see also its use in n. 9, dealing with slave ownership.
388 Ibid, n. 15: “Si quis terram vel mancipium per triginta annorum circulos absque pulsationem possiderit, et certa manifesto dumtaxat patevit; sic namque censemus, ut quicquid aedificii vel terrae incrementis ex his rebus possessor optinerit, absque molestationem et depulsionem, sicut ipsa praedicta initia, ulterius possideant.”
on that land or additional revenue acquired from land holdings. This law would have had obvious benefits for the average landowner by further defining the extent of property ownership.

Another of Arichis’ property laws involving the theft of wagons and carts both reissued and overturned past Lombard legislation to create a new law:

If anyone snatches away a wagon commonly called a *carrum*, in his own wooded area loaded with gathered wood along with the oxen, and perhaps led it to his house, he should compensate those who owned the oxen and cart with nine pieces of wood for each piece that was placed on the cart. Concerning the wagon, as the law states, they should come before justice.\(^{389}\)

This law was a clear reversal of a previous law of King Liutprand’s from the year 724, which stated that if anyone found oxen and a wagon (*carrum*\(^{390}\)) loaded with wood or other goods in his own forest, the man could seize the oxen and wagon as his own property without being punished.\(^{391}\) Arichis now made the removal of an oxen and cart found on one’s property a theft, requiring the accused to repay nine-fold the contents of the cart to the former owner. This compensation clause effectively re-issued prior legislation from the 643 Edict of Rothari, which stated that if a freeman committed theft, he should return the stolen property nine-fold.\(^{392}\) By constructing the law in this way, Arichis used the older legal authority of Rothari in place of the overturned law of Liutprand, which had apparently caused conflict in Benevento.

Another law of Arichis’ legislation re-used a law of Liutprand and added a minor revision for compassionate reasons. The law was aimed to protect a poor man’s wife if the man faced penal slavery. Arichis’ law stated that if a man possessed nothing and was convicted of a crime in which he had to be handed over into the service of the accuser, the accuser must allow the man two days within the week so that he could feed his wife, who remained free.\(^{393}\) This decree firmly

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\(^{389}\) *Ibid*, n. 11: “Si quis in sylva propria plaustrum, quod vulgo dicitur carrum, honustum lignis cum bubulis deprehenderit, et fortasse ad domum suam perduxerit, per unumquoque lignum, quae imposita sunt plaustro, his cuius bobes et veiculum fuerint, novem ligna componat. De plaustro vero, sicut lex testatur, iustitiam praeveniant.”

\(^{390}\) The word *carrum*, or a four-wheeled oxen-drawn cart/wagon, is a Latin term possibly of a Gallic origin from the word *karros*. It is found in one law of the Theodosian Code. See: *Codex Theodosianus*, eds. T. Mommsen and P. Meyer (Berlin, 1905), 8.5.47.

\(^{391}\) *Leges Liutprand*, n. 82: “Si quis carrum et boves in sylva sua invenerit, et lignamen superposito aut cum qualemcumque rem honerato, et ipsos boves aut carro comprehendere et ad propriam suam duxerit, non sit culpavilis pro eo, quod in rebus suis invent.”

\(^{392}\) *Edict of Rothari*, n. 253. See also n. 260 for nine-fold repayment.

\(^{393}\) *Capitula Arichis*, n. 6: “Si liber homo habet uxorem liberam, nichilque proprium possidens talem culpam perpetraverit, pro qua damnatus questori secundum legem in manu pro servo tradendus fuerit, ipsa uxor [libera maneat, et] maritum tantum custodiant; ille vero, qui eum in servitio acceperit, det marito eiusdem infra septimam duos dies, sicut propriis servis, quatenus eam possit nutrire. Sin autem minorem culpam penetramerit, unde mox legis tradendi deest, sub estimatione iustissima vir et coniux deserviat ei, cui culpatum est, usque ad praefinitum tempus;”
upheld a law of Liutprand that required penal slavery for paupers who could not afford the compensation required by their case, but also allowed for a set period of work per week, protecting the family unit.\textsuperscript{394} Such a measure would prevent the wife and presumably the family from starvation and in turn allow justice to be rendered (or penal slavery to be enforced).

Lombard law was not the only authority that Arichis cited in order to add authority to his new legislation and demonstrate his preservation of past Beneventan traditions. The very first law of Arichis’ legislation sought to protect the impoverished from mistreatment and put in place measures to aid paupers if they entered into business with wealthy men:

If a pauper has no relatives and possesses nothing, and for whatever reason pledged business to a powerful man according to the law, we decree thusly that he alone renders the oath; moreover in a similar way the powerful man should swear an oath to the pauper alone, whenever it happens. But if the pauper possesses anything, however small, he should swear an oath with the five [witnesses] with him, and the powerful man should give satisfaction to the pauper in a similar way along with five others.\textsuperscript{395}

Here Arichis institutes measures that would protect the property of the impoverished, however small, by requiring the presence of five witnesses to oversee the transaction of an oath. If ever a conflict arose between the pauper and wealthy man concerning debts or property rights of the pauper’s initial possessions, Arichis’ law ensured that witnesses would be present to testify for the pauper as well as the wealthy man. This law borrows from a novel of Justinian as preserved in the Iuliani Epitome, which states that five witnesses were necessary for a written document

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\textsuperscript{394} \textit{Leges Liutprand}, n. 152: “Si quiscumque homo, qui est prodicus aut naufracus, qui vendederit aut dissipaverit substantiam suam et non habit, unde compositionem faceat, et fecerit furtum aut adulterium aut scandalum, et placas alio homine intulerit, et fuerit ipsa compositio valente viginti solidi aut supra: dare eum debeat publicus in manu eius, cui istas causas inlecisit fecit, et ipsa eum habeat pro servo. Si autem minus de vigenti solidis fuerit ipsa compositio, sicut solit fieri usque ad sex aut duodecim solidos, tunc debeat eum publicus dare in manum eius, cui tale culpa fecerit, pro servo in eo ordine, ut serviat ei tantos annos, ut ipsa culpa redimere possit, et vadat postea ubi voluerit absolutus.” For more on the law see: Martin, \textit{La Pouille} pp. 171-172 and fn. 60.

\textsuperscript{395} \textit{Capitula Arichis}, n. 1: “Si quis homo pauper absque parentibus, nichil etiam habens, ex quocumque negotium secundum legem potentii homini iuratus fuerit, ita decernimus, ut solus praevetu sacramentum; quin etiam modo simili potens iuramentum, quando ei contigerit, pauperi singulari exibeat. Si vero pauper aliquantula substantiola habuerit, cum quinque secum iuret, similiter et hoc quinario numero potens pauperi satisfaciat.”
While the presence of the written document is not mentioned in Arichis’ law, many business transactions involving property in Benevento were recorded in a document of some kind, as we will see in the next chapter. The use of five witnesses during oath proceedings had also become customary in the Duchy of Benevento by the eighth century. A 756 property dispute tried at the Beneventan court, for example, required an abbot who brought forth the case against a nun and her family to swear an oath with five other monks. Later in the Principality the practice also re-appears during three other property disputes dating to 839, 897, and 899. In the 839 case, the judge clearly labels the use of five persons to witness the oath as being done according to *legem Romanam*. Arichis once again appears to have constructed his law in such a way as to re-issue an older law in order to authorize the promulgation of a newer modified law.

In addition to Roman law, Arichis’ legislation also cited the legal authority of other legislative bodies, including divine law and canon law. One of these laws dealt with the enslavement of Beneventans, instituting new measures to prevent men from selling individuals from the Principality as slaves overseas, especially to pagans:

The authority of divine law testifies, “If anyone leads another into captivity, he himself should go [forth] into captivity.” Thus far, this cruel country endures destruction on its border to such an extent that [its men] sell indifferently even its inhabitants to Pagan races across the sea. Therefore we impart, as a judgment to the present case, that if anyone sells a man outside the province in a secret manner or by any other means, he should compensate him thusly, just as to those who sell within [the province]; but still in such a way that the person of the seller is sold beyond the sea. But if [the seller] is extremely poor, having nothing, let them proceed with the

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397 *Chron. S. Sophiae*, I.25 (756): “…decrevimus…ut prebere sacramenta ad parte Maurici abbati, ut iurare quinque monaci eius…”

398 *Chron. Vult.*, doc. 79 (899): “…liceat eum, suosque posteros, cui a parte ipsius monasterii cellis ipsis cum suis pertinentiis paruerit datos, hoc secundum consuetudinem terre istius cum quinque scarniones, servos de ipsas suas ecclesias per sancta Dei evangelia satisfacere….” And see also: *Chron. Vult.*, doc. 77 (897).

399 *Chron. Vult.*, doc. 61 (839): “…preberet sacramentum a parte monasterii secundum legem Romanam sibi quinta persona.”
compensation, which is above: his person should go for sale across the sea, as above.\textsuperscript{400}

This particular law specifically cites the authority of divine law (\textit{auctoritas divinae legis}) to justify the decision to punish those who sold Beneventans into slavery outside the Principality. Using a passage from the \textit{Book of Revelation}, which states that a man who enslaves another should himself be enslaved, Arichis condemns those who sell Beneventan inhabitants, especially to Pagans.\textsuperscript{401} This judgment essentially modifies a law of King Liutprand that stated that if a freeman was sold outside of the country then the seller should pay as composition his \textit{wergild} as if he had killed him.\textsuperscript{402} For Arichis, the seller should not simply pay a financial penalty rather he should pay with his own freedom – he too should be enslaved overseas. Here the authority of the Bible allowed the prince to modify Liutprand’s prior punishment and to demonstrate that he was a moral, Christian prince, who looked out for the welfare of his people. Indeed Arichis was not repealing slavery in the Principality, which was essential for the economy, rather he was protecting Beneventans from ending up enslaved by a Pagan or losing their slaves to the enemy. The law appealed directly to aristocratic landowners, who had likely seen a decline in slavery in Benevento during Arichis’ reign because the Principality was on the defensive against the Carolingians.\textsuperscript{403} Slaves were not being brought into Benevento, and with trade slowing, the slave population within it had in turn decreased significantly. Arichis, like other aristocratic landowners, needed both Beneventan slaves and freemen to remain inside the Principality to maintain the economy and the standing army.\textsuperscript{404}

Another of Arichis’ laws used the memory of a Beneventan duke from the old ducal ruling line to lend authority to a law that overturned the legality of manumission precepts. The law demanded that freed slaves be returned back to their former state of servitude if their deeds dated to before the reign of Duke Gisulf II of Benevento (743-749):

\textsuperscript{400} \textit{Capitula Arichis}, n. 13: “Divinae legis auctoritas communans testatur: "Si quis in captivitatem duxerit, in captivitatem vadat". Hactenus adeo haec patria crudelis limine perniciem perpetitur, ut etiam transmarinis paganitatis gentibus eius habitatores indifferenter vendant. Propertia presenti iudicio sententia damus, ut si quis hominem furtiva arte vel quolibet modo extra provinciam vendiderit, sic eum componat, sicut his, qui infra venundant; ita tamen, ut venditoris persona ultra mare venundetur. Si vero pauperrimus fuerit nichil habens, unde compositione procedant, quod superest: persona eius, ut supra, trans mare venalis vadant.”

\textsuperscript{401} \textit{Revelations/Apoc.} (13.10)

\textsuperscript{402} \textit{Leges Liutprand}, n. 48: “Si quis liberum hominem foris provincia vindederit, componat wrigild eius, tamquam si eum occidisset.”

\textsuperscript{403} As noted by Martin, \textit{La Pouille}, p. 175.

\textsuperscript{404} Ibid, loc. cit.
If a freeman, or freedman, shows a precept of his condition of freedom written at a
time before the return of Lord Gisulf from beyond the Po and it appears false
without doubt […] therefore, if [this freeman or freedman] is able to prove that it
was written at that time which we mentioned above, and that he had remained in
this condition of freedom, we judge with certainty that whichever of those surviving
in this condition of freedom, whether men or women, be returned to their former
state of servitude. But the sons or daughters of those who were born of a freeborn
wife should remain free with their mother.405

The meaning of this law is confused, as a fragment appears missing. But the law seems to declare
that even if a former slave or descendant of a former slave could prove his freedom by presenting
a written precept of manumission, he/she must return to the previous state of enslavement if the
document was dated before 743, unless he/she is the child of a freeborn mother. This effectively
annulled older precepts of manumission from the ducal period. Martin has suggested that this
may have had something to do with the problematic period of ducal succession in the 730s and
740s wherein the emancipation of slaves grew in popularity.406 And Arichis’ law was likely
aimed at reversing these measures to increase the slave population in Benevento – something of
great importance to the Beneventan economy, as noted above. To reverse a common tradition in
Benevento and in the Lombard Kingdom, Arichis recalled the “return of Lord Gisulf from
beyond the Po.” The year of this event, 743, was a critical moment in the history of the Duchy of
Benevento, because Gisulf II, the heir to the old Beneventan ruling line, had returned from the
Lombard capital in Pavia where he stayed as a youth with King Liutprand. His return to
Benevento marked the ducal dynasty’s triumphant return after a ten-year period during which two
rulers had usurped the Beneventan throne and the Lombard King was forced to intervene.
Arichis’ recollection of this event and his association of the new law with the old ducal family
helped to add legitimacy to its controversial measures.

405 Capitula Arichis, n. 9: “Si quis liberorum seu libertinorum ostenderit praeceptum libertatis quondam scriptum
ante reversionem domini gisolfi de tras pado et falsum procul dubio apparuert [.....] Propterea si manifestare potuerit
illis diebus scriptum fuisse, quos praediximus, in libertate permansisse, ita profecto censemus, ut quodquod ex tali,
libertate superstites sunt, sive homines sive mulieres, in pristinam servitutem revertantur. Filii vero vel filiae eorum,
qui de ingenuis uxoribus procreati sunt, libertatem cum matribus permaneant.”
406 Martin, La Pouille, p. 175. For more on the ducal succession see: S. Gasparri, I duchi Longobardi (Rome, 1978),
pp. 92-95.
Women, children, and the domestic family

A large portion of Arichis’ new legislation portrayed the prince as a protector of the domestic family and the rights of women and children. These laws have a similar construction as Arichis’ laws on property and also utilize past legislative authorities to justify the new legislation. King Liutprand’s legislation served as a major locus of authority for many of these laws and Arichis even adopted a similar tone in his own laws as Liutprand, in which the legislator’s understanding of morality and piety were used to justify the measures being enforced.

Arichis’ use of Liutprand’s legislation can be seen in a law that allowed women, particularly daughters and sisters, to be compensated for the deaths of their father or brother:

If the father of a daughter, not having a brother, or the brother of a sister, are killed, it is thus pleasing to us by the judgment of reason that just as they ought to possess in the property of the father, or the brother, by law according to inheritance, so too should those same [individuals] exact the payment from the murders by inheritance.

This particular law incorporated three of Liutprand’s earlier laws. The first of these decreed that if a Lombard died without legitimate sons but was survived by daughters, these daughters should succeed as heirs to the inheritance of their father or mother. He followed this with another law that stated if one left unmarried sisters or daughters upon death and there were no sons, these women should also succeed as heirs to one’s inheritance. Finally, Liutprand issued a third law describing under what circumstances the inheritance of paternal property could be given to daughters. Although his previous law allowed daughters to be heirs of their father’s property as long as male sons did not exist, Liutprand decreed that if a freeman was killed, the nearest male relatives should receive the composition for the murder, not the daughters.

Arichis affirmed some aspects of Liutprand’s laws on inheritance, while overturning others. Daughters and sisters could still inherit their father’s property in the absence of a male heir, as they had in the Lombard Kingdom, but now both daughters as well as sisters could inherit the payment for the composition of the murder of their father or brother. This is substantially different than Liutprand’s third abovementioned law, which stated that women could not receive

407 Capitula Arichis, nos. 2, 3, 5, 6, 7, 8, 12, 14, and 16. This is pointed out by: Martin, La Pouille, p. 171.
408 Capitula Arichis, n. 5: “Si pater filiae non habentis germanum, aut germanus sorori, occisi fuerint, ita nobis rationis iudicio complacuit, ut sicut in rebus patris, vel germani, secundum lege haereditates possessurae sunt, ita et occissorum compositiones haereditarie sibimedipsae exigant.”
409 Leges Liutprand, n. 1.
410 Ibid, n. 4.
the payment because, as a female, they were incapable of raising the feud (faida).\textsuperscript{412} Arichis’ construction of the law as an amalgamation of three separate laws from Liutprand’s legislation, allowed the prince to access the legal authority of Liutprand at the same time as overturning an aspect of one of Liutprand’s other laws.

A second example from Arichis’ legislation, this time regarding the testimony of children, repurposed several of Liutprand’s earlier laws concerning the legal age of adulthood and the treatment of minors. Liutprand issued eight laws regarding the matter, which ranged from the age when property could be legally alienated, donated, gifted, or pledged, the division of property amongst relatives, a child’s involvement in lawsuits, marriage, sexual relations, and impoverished children.\textsuperscript{413} In all of these cases, Liutprand attempted to protect minors from mistreatment and poor decision-making due to their young age. Arichis’ seventh law reflects the same underlying concern found in Liutprand’s laws. He decreed: “We also establish that an adolescent before the age of 18 should not be able to be condemned by the manifestation [testimony] of his mouth alone.”\textsuperscript{414} Here, as in the legislation of King Liutprand, we not only see protection being afforded to minors under the age of 18, but also the implication that a minor possessed immunity in situations involving adults. As in Liutprand’s laws, a youth was not considered capable of making mature decisions in a court of law.

Arichis’ legislation also sought to protect heirs from harassment over a deceased father’s debts – a matter that had been dealt with several times in Lombard law. In 643, Rothari decreed that if a man tried to collect a debt from a son after his father had died, and if the son denied the fact that there was a debt in the first place, he should swear an oath that his father was not a debtor and defend himself in combat.\textsuperscript{415} In 724 Liutprand issued a similar law to Rothari, however, his law dealt specifically with creditores and the father was indeed a debtor. Liutprand decreed that if a man sold all his property or gave it to his creditors to pay for debts, and after his death his son acquired property, these same creditors could not force the son to give them the property that he had inherited. If the son was accused by his father’s creditors, he should swear

\textsuperscript{412} Ibid, loc. cit: “…eo quod femineo sexu esse provatur, non possunt faiadam ipsam levare.”

\textsuperscript{413} Ibid, nos. 19, 58, 74, 75, 99, 117, 129, 149.

\textsuperscript{414} Capitula Arichis, n. 7: “Et hoc constituimus, adolescentem ante X et octo anno etatis non posse solius ori sui manifestationem condempnari.”

\textsuperscript{415} Edict of Rothari, n. 365.
an oath that he had not hidden or committed anything from the property of his father or mother.\textsuperscript{416}

Arichis’ legislation on the issue of a son’s inheritability of paternal debts incorporated elements from both Rothari and Liutprand’s legislation in order to create a new law that protected heirs from harassment:

If anyone accuses a son after the death of his father, as happens, by saying that some kind of recompense for whatever debt had given him cause, or perhaps when the father was alive, as overseer concerning such matters, he took something by force, to the extent that evidence was not able to be produced and also the son responded that he had not known such things; [the son] should therefore swear an oath that he had not neglected to inquire after the matter nor found any evidence of these things for which he was accused.\textsuperscript{417}

In this law, we see a similar situation involving a son, a dead father, and those seeking money or property from the son’s possessions or inheritance. While all three laws require an oath to be sworn by the son, Arichis’ version, echoing that of Liutprand, included the detail that the son must swear that he had no knowledge of the money or property owed to the accuser. Furthermore, the son’s oath must state that he had not hidden anything regarding the matter. But the key difference between Arichis’ law and Lombard law concerns the specifics of the ‘debt’ owed by the father. The claimant in Arichis’ law states that the father had promised him something in exchange for business or the father had taken property by force so that no evidence of the transaction existed. These accusers are not necessarily creditores, but could be business partners or fellow landowners who knew and/or did business with the father and were owed money. Arichis’ law was therefore aimed to prevent challenges brought forward by a greater variety of people.

The legislation of Rothari and Liutprand was also re-issued to support Arichis’ eighth law, particularly regarding the protection of the nuclear family and widows from being disinherited by illegitimate heirs:

No man having a legitimate wife can through trickery make whatever donation he wishes to his sons or daughters who were born from another illicit union while the legitimate wife is living: especially in so far as those born of an incestuous union

\textsuperscript{416} Leges Liutprand, n. 57.
\textsuperscript{417} Capitula Arichis, n. 3: “Si quis filium post mortem patris eius pulsaverit, ut asolet, dicendo quod ei aliquid praemii nomine pro qualibet causam dedisset, aut forsitan, dum pater eius adviveret, per vim aliquid attulisset, de his praepositus causis, ostensio duntaxat fieri non potest nee non et ipse filius responderit, nequaquam talia scisset; idcirco iuratus dicat, quod nec non neglexisset perquirere nec de ipsis rebus, unde pulsatus est, aliquid signum apud se repperisset.”
Illicit and incestuous affairs as well as illegitimate children were issues that both Rothari and Liutprand had taken up in their legislation. In his Edict, Rothari stated that freeborn, illegitimate sons could receive one-third of their father’s property as inheritance. Liutprand, on the other hand, declared that children born of an illegitimate union could retain property given by legitimate brothers but could not be established by their father as heirs by formal or informal acts. Moreover, no child born of an illegal marriage, that is “a marriage with a step-mother (matrinia), or step-daughter (filiastra), or with a relative (cognata) who was the wife of a brother or the sister of a wife” could be a legitimate heir. Liutprand’s definition of an incestuous relationship involving matrinia, filiastra, and cognata originated from Rothari’s Edict. Yet Liutprand took things a step further stating that no man should marry the widows of his cousin on either his mother or father’s side, nor his godmother or goddaughter. Liutprand’s increased relations with Rome during the 720s most likely inspired his concern over consanguinity, a topic dealt with in canon law. Indeed, he explicitly stated in the aforementioned law that “the Pope at Rome, who is head of the church of God and of priests throughout all the world, has exhorted us through a letter that we not permit such unions to be contracted in any way.”

In his own law, Arichis overturned Rothari’s inheritance law, while enforcing Liutprand’s laws and canon law, so that he could provide protection to the legitimate wife. In Arichis and

418 Ibid, n. 8: “Nullus homo habens uxor legitimam, filiis vel filiabus, qui ex altera inlicita coniuge procreantur, legitima vivente per quolibet ingenium aliquid donacione facere posse: maxime duntaxat, qui de incesto coitu nascentur ex nuverca, id est matrinia, aut previgna, id est filiastra, vel cognata, que est uxor fratris, aut ex germane uxoris vel etiam ex consobrina generantur, omnimodo prohibeamus, nullo quolibet argumento, quod cogitari vel dici himana versutia potest, his donationem facere posse, qui hoc facinus contraxit.”
419 Edict of Rothari, nos. 154-155.
420 Leges Liutprand, n. 105.
421 Ibid, n. 32: “De his, qui de inlicito matrimonio nati sunt, vel nascentur, id est de matrinia, filiastra vel cognata, quod est uxor fratris aut soror uxoris….”
422 Ibid, n. 185.
423 Ibid, nos. 33, 34.
Liutprand’s legislation, marriages with stepmothers, stepdaughters, and close relatives were deemed morally unacceptable and children born from these incestuous affairs could still not retain any of their father’s property. One clear difference, however, between the two was that Arichis legislated to protect the lawful wife, so that if she survived her husband, she could retain property before any illegitimate children. This meant children from all types of illegitimate unions (incestuous or not) should not inherit until after the death of the legitimate wife, if at all. This was different than Liutprand’s law that allowed brothers to give property inherited from their father to illegitimate children while the wife still lived. Here once again Arichis’ law is constructed in a way that allowed him to cite the authority of Rothari and Liutprand and employ similar language as well, while overturning aspects of their laws.

Arichis also used a similar language of morality in his legislation as Liutprand had previously, particularly in laws regarding women, chastity, and the maintenance of the domestic family unit.426 By doing this, Arichis presented himself as a resolutely Christian ruler who sought order and morality in his realm. One of Arichis’ two laws that dealt with these topics safeguarded women – again widows – who chastely preserved the bed of their dead husbands. Arichis decreed that if a widow remained celibate and did not remarry, she should be provided with rights of donation to holy places even if her children disagreed with her decision:

Any woman, owning her own property, who chastely preserves the bed of her deceased husband and wishes to declare anything of her property on behalf of her soul, which her children do not consent, we decree this thusly: if she has two children, she is allowed to give a third of her property; if she has three children, a seventh of her property; if she has four, a ninth of her property; but if she has more children, it should be divided proportionally according to the number [of children], as appropriate.427

The ability for a woman to alienate one-third of her property on behalf of her soul was the subject of a law of King Liutprand regarding other celibate women – nuns. According to Liutprand, if a woman took the veil and had children previously, she was allowed to take one-third of her

427 Capitula Arichis, n. 14: “Quaecumque mulier propria res habens mortui mariti lectum caste servaverit et de rebus suis aliquid pro anima sua iudicare voluerit, quae [filii] eius minime consenserint, sicque prospexisimus: si duos filios habuerit, tertiam partem de rebus suis disponere liceat; si quidem tres, septimam partem; si quattuor habuerit, nonam; si vero amplius, per hanc numerum ratiocinationem, ut contigerit, sorte dividantur.”
property with her to give to the monastery.\textsuperscript{428} Arichis like Liutprand championed women leading celibate and morally-sound lives and encouraged the donation of property for the purpose of salvation, regardless of their children’s demands. But both legislators were careful to limit the property to be donated in order to protect the children and the domestic family unit. The difference between Arichis and Liutprand’s legislation was that Arichis placed chaste widows in the same category as widows who became nuns.

The idea of the chaste widow preserving the marriage bed was prevalent in the late eighth century when Arichis promulgated his legislation. For example, a man named Serbulo of Lucca willed half of his property’s usufruct to his wife in 773 as long as she “guards my bed and observes marital fidelity to me.”\textsuperscript{429} King Aistulf in a law from 755, encouraged widows not to remarry. He decreed that if a widow chose to remarry, the usufruct she might receive from her deceased husband would be given to her husband’s heirs or the children.\textsuperscript{430} There were clearly incentives to preserving the marital bed for women. Arichis seems to promote this same idea by awarding the woman the right to donate property on behalf of her soul if she remained chaste. This granting of privileges and the encouragement of widows to not remarry or become a nun helped to prevent the breakdown of the nuclear family unit and stem possible conflicts over inheritance.

Another subject of Arichis’ legislation with similar moral connotations to his law on chaste widows dealt with female monasticism and the behaviour of nuns, and once again he employed the past legislation of Liutprand to justify and lend authority to his decree. Arichis was particularly concerned with nuns returning to secular life, engaging in sexual relations, and becoming a nun for the wrong reasons. These same concerns can also be found throughout King Liutprand’s legislation.\textsuperscript{431} In 723 Liutprand legislated that if a nun returned to secular life and married, including those nuns who were unconsecrated and remained at home, she would lose all her property and that property would be confiscated by the palace.\textsuperscript{432} For Liutprand, one of the major problems with nuns entering the secular world again was that they would engage in sexual acts, especially if a priest had not consecrated them:

\textsuperscript{428} \textit{Leges Liutprand}, n. 101. If the woman had no children she could give half of the property to the monastery.
\textsuperscript{429} Skinner, \textit{Women in Medieval Italian Society}, p. 46. Serbulo’s will can be found in \textit{CDL} II, n. 281 (773): “meum lectum custodierit et de me fidem maritalis observaverit.” Translation can be found in idem, loc. cit.
\textsuperscript{430} Ibid, p. 47; \textit{Leges Aistulf}, n. 14.
\textsuperscript{431} For Liutprand’s laws regarding monastic women see: \textit{Leges Liutprand}, nos. 30, 76, 95, 100 all deal with moral behavior; n. 101 deals with property disbursement.
\textsuperscript{432} Ibid, n. 30.
...those women who take the veil or who are dedicated to God by their relatives or who choose for themselves to adopt the religious habit of monastic garb: even though these women have not been consecrated by a priest, it seems just to us on account of the love of God, that they continue in that habit in every way. Nor may men say, ‘Since they have not been consecrated, if they fornicate, they have no guilt.’ But, as we ordered above, those who have accepted such a habit by taking the veil and assuming the holy garb of Mary the Mother of God shall not presume in any way to return thereafter to a secular life or habit.\footnote{433}

In another law, he decreed that it was very likely that female slaves who became nuns would return to secular life, as they would likely be seduced and seized by men with a “sinful nature.”\footnote{434} Liutprand instituted that women should wait one year before taking religious orders and could only enter monastic life with the permission of the king.\footnote{435} And, they should not enter a monastery in secret.\footnote{436}

The lengthiest and perhaps the most detailed of Arichis’ laws expressed an anxiety similar to Liutprand’s over nuns, particularly veiled, unconsecrated widows, engaging in secular and sexual affairs, and he used the same language of morality to reprimand their ‘sins’:

It is enough that an infamous and illicit custom has increased in these times in which little women with deceased husbands, freed from marital authority, enjoy freedom of their own free will unrestrained. They take up the habit of a nun in the secret of their house, lest they endure the force of a marriage; indeed they are thought to be entirely safe by themselves, if they are not subjected to marital rule. And it is done in such a way that under the pretext of religion, abandoning all fear, they pursue without restraint anything that delights the soul. In fact they hasten toward pleasures, pursue banquets, guzzle down wine, frequent baths, and the more they are able, the more they abuse the habit in weakness and the delights of clothing. In these circumstances, if ever they appear in the streets, they adorn their faces, whiten [powder] their hands, and inflame their lust, so that they mix desire with enjoyment; often also they appear to be beautiful and seek without shame to be seen and, let it be said briefly, they loosen the reins of the soul to all debauchery and desire. Therefore, without doubt, also indulging in this, with the tinder of life

\footnote{433}{Ibid, loc. cit: “De his feminis, quae velamen sancte religionis suscipiunt, aut quae a parentibus suis deo vovintur, aut ipsae se elegunt, religionis habitu aut vestem monastiga induere vedentur, quamquam a sacerdote consegrate non sint, sic nobis iustum paruit esse pro dei amore, ut in ipso habitu in omnibus perseverent, nec sit excusatio mali hominibus dicendo: "Quod sacrate non sunt, ideo, si copolantur, culpa non habent." Sed, ut supra premisemus: quae talem signum super se, id est velamen et veste sancte dei genetrices mariae, quocumque genio in se suscipiunt, et postea ad saecularem vitam vel habitu transire nullatinus presumat.” Translation see: K.F. Drew, \textit{The Lombard laws}, p. 159.}
\footnote{434}{Ibid, n. 95.}
\footnote{435}{Ibid, n. 100.}
\footnote{436}{Ibid, loc. cit. This law was justified by the fact that a woman was considered to be easily influenced by those who held her \textit{mundium} (power of guardianship over the woman’s affairs) to accept the monastic habit after her husband’s death, but “once the desires of the flesh return, she may fall into adultery and behave as neither a nun nor lay woman should.”}
set ablaze, the incentives of the flesh consumes them to such a degree that they surrender to the prostitution of not only one but also, a thing which is wicked to say, of many; and lest the belly swell, it would not be easy to prove. We, contesting in every way such a pestilence which ought to be detested, decree: that whomever is bound in kinship to a maiden or widow who took the veil of the holy religion and within the course of a year pronounced broadly that they be sent forth into a monastery, as he wished or was able to do, and afterward, if they are exposed in a crime of dishonor, he should pay his wergild to the palace; and the prince of that time should send her back into the monastery with that wergild and her own possessions.\textsuperscript{437}

For his new law, Arichis reissued several of the abovementioned laws of Liutprand. We see the same moral language including words insinuating lust, seduction, sin, and illicit sexual encounters in relation to nuns. Both legislators feared that nuns would be lured back to secular life (and its corollary, sexual activity), and this mixing of the spiritual and secular worlds should be eliminated. Arichis affirmed Liutprand’s prior assertion that women should not take religious orders in secret, should wait one year before entering a monastery, and should avoid returning to secular life. In both cases the payment for the crime was paid to the palace. Thus, in Liutprand’s laws, women had their property confiscated by the palace, and in Arichis’ law the male kin of the woman had his \textit{wergild} paid to the palace and it along with the woman’s possessions were then given to the monastery. Here, Arichis made male kinsmen liable for their female relations’ transgressions. The payment of the \textit{wergild} (the value of a man’s life according to his social status) by the male guardian demonstrates the severity of the crime and the boundaries of Arichis’ moral rectitude and religious piety.

\textsuperscript{437} \textit{Capitula Arichis}, n. 12: “Satis infamis et inlicita consuetudo temporibus istis hinolevit, dum quaedam muliercule defunctis viris, maritalis dominaturae solutae, licentius proprii arbitrii libertatem fruantur. Abitum sanctimonialis in secrete domi suscipiunt, ne vim nuptialem perpatiantur, quippe tuta sibi cuncta fore arbitrantur, si coniugalis dominatui non subiciantur. Sicque fecit, ut sub optentu religionis demta omni formidine, quicquid animo delectantur, licentius assequantur. Namque deliciis affluunt, commessionsionibus student, potibis vineis ingurgitantur, lavacra frequentant et, quanto magis assequi possunt, tanto eodem habitu in mollite delectationemque vestimentorum habituntur. Igitur, si quando in plateas processurae sunt, facies polliunt, manus candidant, incendunt lividinem, ut vescentibus incendia misceant: saepe etiam formosus videre atque videri impudentius appetunt et, ut brebiter dicat, ad ommem lasciviam voluntatemque animi frena relaxant. Hoc quoque procul dubio luxuriante vitae fomite succensa exurunt eas carnis incentiba adeo, ut non solum unius, set, quod dicit nefas est, plurimorum prostitutionibus clanculo substernantur; et nisi uter utimumerit, non facile comprobatur. Talem itaque pestem execrandam modis omnibus contestantes instituimus: ut quivislivet affinitate iunctus innuptae vel viduae, [quae] velamen sanctae religionis induerunt, et intra anni circulum eas, quatenus voluerit vel potuerit, in monasterium trudi dilataverit, propterea, si stupri crimine detectae fuerint, conponat guiderigild suum in palatium; princeps videlicet eiusdem temporis cum ipso guiderigild rebusque propriis retrudat eas in monasterium.”
The emphasis of Arichis’ law on widows who became nuns ‘in secret’ hoping to avoid remarriage may also be in part a response to contemporary trends in Italy. There was an increasing occurrence of women who took religious orders without being consecrated by a priest, a popular trend in Lombard Italy for widows after the deaths of their husbands.\textsuperscript{438} In doing this, women could live at home and generally had more freedom by not being under the ecclesiastical control.\textsuperscript{439} But Arichis’ concern with wayward nuns may have been related to the fact that many monasteries in Benevento were under the jurisdiction of the palace, and according to canon law, unconsecrated nuns were also under the protection of the ruler.\textsuperscript{440} In Benevento, as we will see in the next chapter, many offenses or disputes against religious foundations and their monks or nuns were directed at and dealt with by the duke or prince at court.\textsuperscript{441} The ruler was in a sense responsible for the well-being and sanctity of these institutions, and his image as a ruler was closely tied to their maintenance. Wayward nuns were thus a sign of a weak ruler as well as a weak society.\textsuperscript{442} The Beneventan poet and historian Paul the Deacon, for example, who spent much time in Arichis’ court, understood the presence of unchaste religious officials or even accusations of their sinful behaviour as emblematic of a sickly society.\textsuperscript{443} Immoral nuns, whether consecrated or unconsecrated, engaging in the secular world were visual representations of sin and perversion as well as an ineffective ruler.

\textit{The church}

Besides legislation regarding monastic matters, Arichis also promulgated several laws pertaining to the Beneventan church. These laws portray the prince as an active defender of the church’s interests and a protector of church property and church officials. Here again Lombard law is used to reinforce new laws. Two of Arichis’ laws encouraged \textit{pro anima} donations to churches, one of


\textsuperscript{439} Ibid, p. 47.


\textsuperscript{441} See Chapter 3 of this dissertation.

\textsuperscript{442} In the eighth century many believed that the chastity of religious figures was somehow connected to the stability of Lombard society: On this see: Balzaretti, ‘Sexuality in late Lombard Italy,’ p. 12.

\textsuperscript{443} Ibid, loc. cit.
the important factors in land mobility. The first law, as we saw above, limited the amount of property a chaste widow could donate, while still encouraging the practice. The second gave Beneventan heirs the right to donate their property while protecting their inheritance rights. This law stated that:

If someone, inspired on behalf of his soul, assigns his own property to venerable places, and is not reputed as a stranger or enemy to his relatives, as is considered in law to be wicked, but is an oath-helper, if the opportunity is incumbent, he should be considered in every way to be the heir of those next in line.445

In this law, Arichis clearly encourages heirs to make donations to holy places on behalf of their soul as long as they were on good terms with their relatives. The emphasis on the amicable relationship between the potential donor and his family ‘according to the law’ is most likely referring to a law in the Edict of Rothari, which designated that one’s oath-helpers (sacramentales) were to be those most nearly related to the accuser. But, these relatives could lose their status if they “committed some grave injustice against that [family member] – such as striking him, consenting to his death, or transferring his property to someone else.” According to Rothari, “such persons cannot be oath-helpers even though they are near relatives on account of the fact that they are enemies to or estranged from [the accuser].” Here Arichis directly cites the authority of Rothari’s Edict while promulgating his new law encouraging pro anima donations.

Arichis also made provisions to protect members of the church, particularly those associated with the palace. Another of his laws, modeled indirectly on a law of Liutprand, instituted a compensation value (wergild) for monks, priests, deacons, and other lesser ecclesiastical officials both inside and outside the palace:

The old jurists have avoided to decree on several crimes, since they believed these could not occur, and have left errors to posterity. Since evil has been increasing, these crimes are now believed to be possible and also these deeds are visible, a thing which is wicked to say. And until now, because religious people are

444 Martin, La Pouille, p. 174.
445 Capitula Arichis, n. 16: “Si quispiam rem propriam inspiratus pro anima sua locis venerabilibus decrevit, non reputetur extraneus vel inimicus parentibus, sicut in lege nefas scriptum est, sed sit sacramentalis, si oportunitas incumbit, et heredes proximorum modis omnibus habeatur.”
446 Edict of Rothari, n. 360: “…Et ille, qui pulsat et wadia suscipit, proximioris sacramentalis, qui nascendo sunt, debet nominare: tantum est excepto illo, qui gravem inimicitiam cum ipso, qui pulsat, commissam habet, id est si ei plaga fecit, aut in mortem consensit, aut res suas alii thingavit: ipse non potest esse sacramentales, quamvis proximus sit, eo quod inimicus aut extraneus inventur esse.” For translation see: Drew, The Lombard laws, pp. 122-123.
447 Ibid, loc. cit.
considered persons both unarmed and worthy of veneration in all respects, no law of composition established by a judicial reckoning has become evident concerning the homicide of religious people. Even if perhaps it had happened once, and either was omitted under the pretense of legal neglect or a forgotten ruling, or it was judged as it pleased each, or by a fixed ruling of censores. Therefore, as if it satisfied all persons at once in the fairest manner, we sanction, that is we decree: that if anyone hereafter kills a monk, priest, or deacon holding the first rank, he should pay a settlement of 200 solidi or more up to 300, as it pleases the prince of the country. Concerning those remaining persons of inferior rank, who serve in the palace, a composition of 200 solidi should be paid. As for the remaining ecclesiastics, who live outside the palace, a composition of 150 solidi, just as the laymen who perform military service as exercitales.\footnote{448} In this law, Arichis’ mentioning of the Roman office of the censor, who supposedly made previous rulings on similar issues, is particularly interesting. The censor was a Roman magistracy responsible for maintaining the census as well as supervising and policing public morality. According to Cicero they were also involved in taxation, and ranked Roman citizens based on their fortunes, ages, and ranks.\footnote{449} But the position had largely lost its importance during the Late Republican and early Imperial periods in Roman history.\footnote{450} As it is used in Benevento, the term is clearly an anachronism that appears nowhere else in Lombard law and is rare in Roman law.\footnote{451} Indeed the Roman laws that survive mention only the census and not the office of the censor.\footnote{452} While the source of this citation is unknown, Arichis appears to be citing a recognized authority other than Lombard law, most likely because the censor was connected both to morality and determining rank in Roman society – two matters that Arichis was addressing in his law. But Arichis’ law also depended heavily on elements from the legislation of Liutprand as well. The composition payments for the homicides of ecclesiastical officials are modeled directly on those

\footnote{448} Capitula Arichis, n. 4: “Nonnulla flagitiorum veteres iurisperiti, dum fieri posse non erederent, decernere praecaventes, postteritati erronea relinquere vestigia. Ad nunc crevescentibus malis et fieri posse creduntur et, quod dictum nephas est, facta videntur. Actenus religiosorum homicidia, eo quod quoniam aut inermi genus aut in omnibus venerandum habetur, nullius conpositionis experta lex iudicali calculo claruit. Et si quondam forsitan contigisset, aut sub ostentu legalis neglegentiae vel oblitae rationis obmittebatur aut certe censorum opinione aut illud, ut cuique libitum erat, decernebatur. Ideo, sicut omnibus simul aequissime placuit, sancimus, id est precepimus: ut, si quis deinceps occiderit monachum vel presbyterum aut diaconum primatum tenentem, conponat solidi CC vel superius, ut principi patriae placuerit, usque trecentos. De caeteris vero personis inferiis gradus, quae in palatio deserviunt, ducentorum solidorum compositio praeventi. De reliquis autem ecclesiasticis, qui extra palatum deagunt, CL, sicut de laicis, qui exercitalibus militans armae.”

\footnote{449} Cicero, De legibus, III.3.


\footnote{451} No Beneventan document mentions the office of the censor. For common offices see: See: Poupardin, Les institutions politiques, pp. 50-59.

\footnote{452} These laws are from Ulpian, Paul and Papinianus, which are persevered in Justinian’s Digest. See: The digest of Justinian, eds. T. Mommsen, P. Krueger, and A. Watson (Philadelphia, 1985), n. 50.15.1-8.
required by Liutprand regarding the homicide of secular officials. Liutprand legislated that a “lesser person” who is an exercitalis should have a wergild of 150 solidi and someone of “the first class” (primus) should have a wergild of 300 solidi.\footnote{Leges Liuprand, n. 62: “Consuitudo enim est, ut minima persona, qui exercitalis homo esse invenitur, centum quinquaginta solidos conponatur, et qui primus est, trecentos solidos.”} He goes on to decree that anyone who kills gasinds (lay officials inside the palace), even the lowest of that rank (minimissimus), should pay 200 solidi as composition because they serve the king.\footnote{Ibid, loc. cit: “De gasindis vero nostris volumus, ut quicumque minimissimus in tali ordine occisis fuerit, pro eo quod nobis deservire vedetur, ducentos solidos fiat conpositus.”} The price could increase up to 300 solidi depending on the quality of the victim.

When we compare Arichis’ law to Liutprand’s, we can see similar compensations for victims of certain stature. Clergy outside of the palace were comparable to a certain class of laity outside the palace (exercitales) with a wergild of 150 solidi. Lesser religious officials who serve inside the palace were equivalent to the laity inside the palace (gasinds) with a wergild of 200 solidi. Finally clergy of rank inside the palace were comparable to laity of first rank inside the palace with a wergild of up to 300 solidi. Arichis applies Liutprand’s accepted legal model of compensation for secular officials to religious officials, which suggests that religious officials of rank and even those of lesser rank were important figureheads at the Beneventan court, comparable to secular officials. As Martin has noted, the clergy was by this time fully integrated into Beneventan society as members of a class according to the political power they wielded.\footnote{Martin, La Pouille, pp. 236-237.} They were an established presence in and around the palace.

Yet oddly, bishops (praesules or episcopi) are not mentioned in this law. Martin noted that bishops were too few in number in the Principality to account for an established ordo.\footnote{Ibid, p. 236.} They are generally absent from our records; the one exception being Bishop David II, whose epitaph we discussed in the last chapter.\footnote{See Chapter 1, pp. 56-58.} Palmieri, on the other hand, argues that there were bishops in the Principality of Benevento, but Arichis simply ignored their authority in a legal sense, perpetuating a ‘legal custom’ instituted by the Lombard kings before him.\footnote{Palmieri, “Duchi, Principi, e Vescovi,” p. 77.} Indeed, Arichis’ law regarding the wergild of church officials does appear to claim legal jurisdiction over particular officials, even affixing more value onto those who had a closer relationships with the palace. Arichis also claimed jurisdiction over the creation of a Christian moral agenda, setting out
to curb immoral Christian behaviour in his legislation, a job usually taken up by the bishop. Nowhere do we see a bishop preaching moral guidelines, and this duty seems to fall to the prince. Perhaps this is further evidence of the limited power of bishops in Benevento.

There is, however, one law in Arichis’ legislation that shows the prince respecting the jurisdictional rights of the bishop in regards to the abuse of church property. In this law he decreed that:

If anyone buries a corpse in a reckless manner in a basilica without the permission of the bishop or guardian of the church, for this reason we judge that: he pay a composition of 40 solidi to the rectors of that holy place; concerning the corpse, it should be agreed by those persons as they wish.

Here Arichis is portrayed once again as protector of the church but leaves the decision regarding the corpse up to the bishop or the priest in charge of the building. He clearly respects the fact that this crime was an injury upon the church and therefore fell under the jurisdiction of members of the church. Indeed, it had less to do with the palace than with issues regarding immoral nuns and the homicide of religious officials associated with the palace. The 40 solidi fine imposed on the guilty party is likely a reference to a law in the Edict of Rothari, which also dealt with a case wherein a layman abused church property. Rothari’s law stated that if a bondsman took refuge in a church, the bishop must return the man. If the man was found guilty, he then had to pay 40 solidi compensation to the church for having caused injury.

Conclusion

The construction of Arichis’ seventeen laws allowed the new prince to express his authority in two important ways. Every law contained a nod to the past, whether it was by re-using or re-issuing a previous law from the Edict of Rothari, the legislation of Liutprand, Roman law, or divine/canon law, or by referencing historical authority figures like Duke Gisulf II and the Roman censores. This recognition of the Beneventan past served to add legitimacy to the new legislation, which sometimes overturned laws or introduced new solutions or punishments. This framework allowed Arichis to present his laws as having been vetted by antiquity and

459 Martin, La Pouille, p. 171.
460 Capitula Arichis, n. 17: “Si quis hominum causa temerario absque permisso pontificis vel custodum ecclesiasticorum mortuum in basilica sepelierit, hac ratione perpendimus: componat sol. quadraginta eiusdem venerabili loci rectoribus; de sepulto quidem supradictis personis, ut libet, conveniatur.”
461 Edict of Rothari, n. 272.
communicated a message of continuity to a Beneventan audience. Secondly, the moralizing language and focus of Arichis’ laws on issues of the impoverished, the weak (children and widows), and the church, portrayed the prince as a pious Christian ruler who sought order and morality amongst his people so that they could achieve salvation. This image was not unlike the royal ideology of the Frankish court at the time, which we discussed in the last chapter, and it is possible that Arichis was expressing his ability to rule to Charlemagne, whose hegemony continued to threaten Beneventan sovereignty during the period.

Part II: The *edictum* and *capitula* of Adelchis, 866

After the reign of Arichis, Beneventan princes did not issue laws again until the rule of Prince Adelchis in 866. Unlike Arichis’ legislation, Adelchis explicitly declared his decision to imitate the legal traditions of the Lombard Kingdom, and his legislation was formatted to demonstrate this, with a legal prologue attached to a set of eight laws. But while Adelchis claimed inheritance from the Lombard kings, his prologue emphasized in particular his connection to the legitimate and God-given authority of Arichis II, the first prince and legislator of Benevento. It was indeed Arichis that Adelchis was emulating (*sequentestarechis...exemplum, ad imitationem eius quaedam instituere providimus capitula*). Adelchis’ *capitula*, however, were more innovative than the *capitula* of Arichis, who essentially re-issued and modified pertinent laws from the past, and Adelchis often recognized old Lombard legislation as valid, particularly that of Rothari and Liutprand, while simultaneously reversed or amended it in order to address contemporary concerns. Adelchis indeed was legislating in more uncertain times than Arichis, with the Principality under constant threat of raids from the Emirate of Bari and the looming arrival of the Frankish ruler Emperor Louis II and his army to assist in reconquering the city of Bari. Because of this, his legislation communicated a message of justice for victims and sought to rally the Beneventan people behind his rule.

*The Prologue*

Adelchis emphasized in his legal prologue that he was not just issuing his own *capitula*, but rather he had attached Arichis’ previous *capitula* to his own laws in order to form an *edictum*.

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462 These conclusions have roots in those of Martin, *La Pouille*, p. 176.
463 *Capitula Adelchis*, prologue.
The prologue drew strong links between his rule and that of Arichis and the Lombard kings and positioned Benevento as a legitimate polity in contrast to the illegitimate rule of Charlemagne and the Franks. Like the epigraphy from his reign, which we examined in the last chapter, Adelchis’ prologue expressed the authority of his and his family’s rule in Benevento by placing a particular emphasis on divine sanction and his legitimate inheritance:

When it pleased him, the Almighty, who arranges all things, once placed the kingdom of Italy under our people [gens], the Lombards. And with their kings happily ruling, the inspirer of all good deigned to instill in their hearts how the decrees of law should be ratified by a common council, which the public should obey, and how the entire people [gens], living lawfully and not exceeding the limits of the established law, should not dare to commit any injurious deed against one another. And so these same kings, as they were capable by heavenly authority to decree these things, desired to leave behind a scriptum written prudently and humbly, so that succeeding kings would perhaps notice anything superfluous in their edicts, fix them with pumice stone, and not hesitate to add anything less than what was right for the circumstances of the time. And so the matter was carefully executed in this way by whomever the kings were, who ruled afterward, just as is seen in the statutes of these kings.

With the glory of that same most famous people [gens] continuing then, suddenly the Gallic people [gens] invaded the first rank [primatum] and capital of this Kingdom. At this time Desiderius held the scepter of the Lombards, whose son-in-law was then Charlemagne, King of the Franks. Envious of [Desiderius’] throne and plotting against him, [Charlemagne] did not hesitate to act cunningly and with deceit. Indeed, after he had captured [Desiderius] and took him prisoner, [Charlemagne] placed the kingdom of Italy and the people [gens] of the Lombards under his command. And when the arrangement of the Creator was decided thusly and that same people [gens] had been reduced to a small number, Duke Arichis, catholic and magnificent in all things, then ruled the Duchy of Benevento. He ruled those remaining with nobility and honour, in imitation of the ancestors of his race, and following in the footsteps of the kings took care to diligently amend and establish certain capitula in his decrees pertaining to the salvation and justice of his country, which are without doubt beneficial and thus retained [and] inserted in the body of this edict [edictum]. And so after a long time it pleased the heavenly Piety to entrust to us the duchy of those remaining people, who are at present greatly oppressed by the hostility of many races, which do not cease to terrorize and put to flight our citizens, burning and spoiling many of our villages and towns. And although these things increase in our time – on account of which we grieve a great deal – at the same time the wickedness of those of our country, amongst whom one always plots against the other, exceeding the ancient statutes of the law and desiring to frequently harm his neighbor in whatever way, also begins to abound – about which our mind is continually saddened. Therefore, until we manage to correct and curtail such behaviors, following the illustrious example of the most excellent Duke Arichis, we made provisions to institute certain capitula in imitation of him suitable for the eradication of the wickedness of certain men.
For that reason, after speaking together in this our Beneventan palace with lord Aio, our brother, venerable bishop, and with many counts and remaining magnates, in the twelfth year of our leadership [ducatum], the month of March and the fifth indiction, we take care to establish with solicitude these same capitula, by means of which the unjust should curb wickedness and restrain from iniquity. Without doubt we commanded these things inserted in the pages of this edict to be preserved in perpetual right.\footnote{Capitula Adelchis, prologue: “Omnipotens universitatis dispositor quondam, ut ei placuit, italae regnum genti nostrae langobardorum subdidit. Quorum quidem regibus feliciter regnantis inspirator bonorum omnium in eorum dignatus est pectoribus serere, quemadmodum legis decreta communi concilio sancirent, quibus subditus populus cunctaque gens illa legaliter vivens nullusque metas statutae legis excedens adversus alterum nichil sinistrum auderet perficer. Idem vero reges, sicut celitus illa decernere valuerunt, ut prudenter atque humiliter scriptum reliquere voluerunt, ut sequentes reges, quae superflua in eorum edictis forsan aspirent, pumice frangerent, et quaeque minus, quam oportuerit, forent pro tempore qualitate adicere non refugerent. Quod ita caute factum a quibusdam est regibus postea regnantibus, veluti in eorum statutis cognoscitur. Eiusdem vero famosae gentis tunc gloria permanente subito gallorum gens primam et capud regni illius inuasit. Eo quoque tempore desiderius langobardorum scribebatur genti, cuius gener eodem tempore erat carolus francorum rex, qui sedi eius invidens et insidiemies contra eundem subdole et callide aegre agere non refugiet. Quo quidem capto atque in custodia posito regnum italae gentemque langobardorum suo imperio subdidit. Sicque decreta dispositione conditoris, eadem gente ad minima decidente, ducatum tunc beneventi gubernabat arechis dux per omnia catholi cus atque magnificus; qui imitator existens maiorum suae gentis reliquias rex nobiliter et honorifice, et sequens vestigia regum quaedam capitula in suis decretis sullerter corrigerre seu statuere curavit ad salvationem et iustitiam suae patriae pertinientia, quae utilia nempe sunt et inserta in edicti corpore retinentur. Longo tum post tempore ad nos quoque ducatum ipsius reliquierant gentis supernae pietati perdurare placuit, quos iam infestatio multarum gentium valde opprimat, quae nostras concives corrigere et dissipare non desinunt, plurimas nostrorum villas oppidaque cremantes et disperdentes. Et licet ista nostro excreverint tempore, quibus multum mestificamur, simul et habundare nequitia quorumdam caepit nostratium, quibus unus contra alterum semper molitur insidias, statuta antiqua legis excedens, cupiensque frequenter quocumque modo suo nocere proximo: de quibus desinender animus noster contristatur. Propiterea, dumalia recidere et corrigerre tractaremus, sequentes praephati arechis excellentissimus ducis aegregium exemplum, ad imitationem eius quaedam instituere providimus capitula ad amputandos quorumdam nequitiis congra. Ideo communi habito eloquio, in hoc nostro beneventano palatio cum domino adone, fratre nostro, venerabili episcopo, seu cum comitibus caeterisque nostris magnitibus, anno ducatus nostri duodecimo, mense martio et indictione quinta, eadem capitula statuere sollicita curavisimus, quibus omnis iniquus suam malitiam et iniquitate retundare et refrenare debeat. Quae nimium in edicti paginis inserere praecepeimus perpetuo iure retinenda.”}

In his prologue, Adelchis positioned his rule and legislation firmly in line with Arichis, the founding father of the Principality, whom he then linked to the memory of the Lombard kings. According to the prologue, all of these rulers were divinely-chosen and divinely-inspired in their legislative tradition.\footnote{Azzara, ‘Introduzione al testo,’ p. lvii.} The opening line recalls that the “Almighty placed the kingdom of Italy” under Lombard rule and then bestowed the “decrees of law” onto their kings. These kings then, by heavenly authority, added to the laws over time, until the Creator (conditor) bestowed the rule of a small remainder of Lombards to Arichis, ruler of Benevento, who “in imitation of his ancestors” issued additional capitula, which amended prior laws and established new ones. The “heavenly Piety then entrusted to [Adelchis] the duchy,” which the prologue warns was at present plagued from the inside by its own citizens’ offenses and terrorized (conterere) and oppressed
(opprimit) from the outside by many hostile races. Adelchis claims his decision to legislate was a response to these threats and one that “followed the illustrious example of the most excellent Duke Arichis.” In addition, he noted that he had approved his laws with his brother Aio, Bishop of Benevento, and the local lords.

Added to this narrative of royal inheritance, enemy oppression, and Adelchis’ God-given right to rule and to legislate is the memory of the fall of the Lombard Kingdom at the hands of Charlemagne and the Franks. Here the prologue contrasts especially the actions and character of Charlemagne with those of Arichis. Charlemagne is remembered as the son-in-law (gener) of the Lombard King Desiderius, who was envious (invidens sedi eius) of Desiderius’ throne and therefore plotted against him (insidians contra eumdem), eventually imprisoning him and subduing his kingdom. The prologue remarks that the Frankish king acted cunningly and with deceit (subdole et callide agere) in this matter. Arichis, on the other hand, is contrasted as “catholic and magnificent in all things” (per omnia catholicus atque magnificus) and ruling with nobility and honour (rexit nobiliter et honorifice) “in imitation of the ancestors of his race, and following in the footsteps of the kings.” In other words, Arichis was the good son-in-law of Desiderius, whereas Charlemagne was the bad son-in-law. This is confirmed by the prologue’s remembrance that God had chosen to bestow the right to govern the Lombard people to Arichis and not to Charlemagne, whose claim over Lombard territory was illegitimate and against God’s will.

Adelchis’ prologue therefore expressed his authority in two important ways. First he linked his rule and legislation to the memory of Arichis II, who was portrayed as ruling and legislating over the Beneventans and Lombard people by divine right. By linking his rule to Arichis, Adelchis expressed a similar right to rule and legitimacy to his authority, demonstrated by his own act of legislation, an indication that he too “followed in the footsteps of kings”. His publication of these laws alongside Arichis’ previous capitula added further authority to his own capitula, as the legislation was seen as one cohesive legislative body – a Beneventan edictum. Secondly, by explicitly contrasting Arichis and Charlemagne, the prologue implicitly drew comparisons between Adelchis, presented as Arichis’ heir, and the current Frankish ruler Emperor Louis II, the heir of Charlemagne. The prologue’s delegitimization of Charlemagne’s claims served to minimize the contemporary Frankish claims over the former Lombard Kingdom and over Benevento.
This image of Adelchis as a legitimate heir and ruler over the descendants of an embattled group of Lombard survivors who had been tricked by Frankish plots was an idealized reflection of the current crisis and instability Benevento faced in 866, when Adelchis promulgated his edictum. By the mid-ninth century southern Italy was divided, unstable, and under constant threat from warfare, and Adelchis was on the defensive from both internal and external threats. The second son of Prince Radelchis, Adelchis had inherited the throne a mere five years after the Beneventan civil war had ended at the behest of the Carolingian Emperor Louis II, who intervened in 849. With the drafting of the Divisio treaty, which concluded the war, the Principality’s territory was divided in half to accommodate the rival claims of Siconulf in Salerno. When Adelchis succeeded his brother Radelgarius in 854, he ruled over a divided and war-torn community and as we saw in the last chapter, he and Radelgarius both instituted a policy of pacifism to garner the support of their subjects. However, as Erchempert reflected, Adelchis met with dissension early in his reign and “…day by day [Adelchis] was lead more to ruin than to prosperity by his lords.” By 860, a succession crisis in neighbouring Salerno and Capua, which had erupted after the death of Siconulf and led to a power struggle amongst local aristocratic families, forced Adelchis to end his isolationist agenda, and he sent his three eldest sons into battle to help resolve the matter. Another destabilizing force in the region came from the nearby Emirate of Bari, a former ally of the Beneventans during the civil war. Erchempert recalled that soon after the civil war ended, the Beneventans lost control over that city and the mercenary armies who had settled there began to plunder Apulia and threaten Benevento and Salerno. In 862, the Emir of Bari, Sawdân (857-865), allegedly “cruelly destroyed the entire region of Benevento by fire, sword and captivity, so that nothing breathing remained there” and Adelchis was forced to “confirm peace with him through forced payments and pledges.” As the raids grew increasingly brazen, Erchempert reports that Adelchis and other rulers from the surrounding polities petitioned Emperor Louis II for military aid in 865, and Louis responded in

466 Erchempert, ch. 20: “Interea obiit Radelgarius Benevento; cui successit germanus eius nomine Adelchis, vir quippe mitissimus et amabilis cunctis, tantaque mansuetudinis, ut etiam ab exteris diligeretur. Set, quod peius, provincia in multis divisa ad exitium magis quam ad salutem de die in diem a dominatoribus ducebatur.”
468 Ibid, ch. 20: “Per idem tempus Agareni Varim incolentes coeperunt devastantes stirpitis depredare totam Apuliam Calabriumque ac pedententim Salernum ac Beneventum depopulare initiarunt.”
469 Ibid, ch. 29: “Inter haec Saugdan, nequissimus ac sceleratissimus rex Hismahelitum, totam terram Beneventanamigne gladiis et captivitate crudeliter devastabat, ita ut non remaneret in ea halitus…Unde factum est, ut Adelgisum Beneventi principem, coactata pensione et obsidibus, pacem eo firmaret.”
person with a considerable Frankish army at his command in June of 866 – that is three months after Adelchis promulgated his legislation.\(^{470}\)

The anticipated arrival of Louis II in southern Italy was likely the prime stimulus behind Adelchis’ legislation. Benevento had been under the hegemony of the Carolingian Empire since 787 and as soon as Louis arrived, Adelchis would once again have to submit to Frankish authority. Like Arichis almost a century before, Adelchis’ capitula may have been in part a statement to the Carolingian ruler that Benevento was a legitimate polity whose ruler, by divine right, instilled law and order among his subjects. In other words, Benevento did not require Frankish intervention when it came to governing their domestic affairs. Adelchis’ celebration in his legal prologue of the memory of Arichis as a legitimate ruler, whom God granted the rule of the Lombards, and his admonishment of Charlemagne as an illegitimate, envious ruler, who acted against God’s command, certainly sent a strong message to the Franks concerning his right to rule over the Beneventan people. It also likely served as a means for Adelchis to rally the support of the local Beneventan aristocracy behind his family’s claim to the Beneventan throne and against the potential influence of Louis II.

**The Capitula**

As far as his capitula were concerned, Adelchis generally emulated Arichis when constructing his laws, re-using and re-issuing previous Lombard legislation, especially the Edict of Rothari and the legislation of King Liutprand, in order to justify his decision to overturn or establish newer legislation. Like Arichis, Adelchis also incorporated other legal authorities to likewise strengthen his amendments and validate his legal authority in Benevento, incorporating Roman law and other local customs traditionally practiced in the area. A few of Adelchis’ capitula, however, relied more on the prince’s moral determination of what was just and fair than on the authority of older law. Together Adelchis’ capitula communicated an image of the prince as a benevolent ruler concerned primarily about justice for his victimized subjects and throughout the legislation he references the complications that resulted from the ongoing raids and war experienced by many Beneventans as well as other issues aristocrats faced, such as the decreasing credibility of privately-drafted documents. Adelchis appears less concerned with expressing his

authority alongside his religious piety, like Arichis, and more focused on his ability to judge matters fairly and to regulate an orderly society.

**The destruction and standardization of lay documents**

More than half of Adelchis’ laws are concerned with the use and composition of legal documents, in particular *munimina* (abbreviated property deeds), *morgengarbe* (or morning gift) documents, and *breves* (notices). These were all documents that would have concerned lay property owners and were typically composed outside of the prince’s authority by non-affiliated scribes. Adelchis does not legislate regarding the charters and precepts that were drafted by palace notaries in the royal chancery, which we will discuss more in the next chapter, and he seems instead interested in standardizing the composition of lay documents composed outside his authority.

One issue addressed by Adelchis’ legislation was the destruction of these types of documents. According to a law of Adelchis, *munimina*, which were likely abbreviated copies of contracts between two lay parties that outlined proprietorship of landed properties, were being lost to fire and plundering when houses, castles, and their archives were destroyed. The destruction presented a serious judicial problem for the prince since, as we will see in the next chapter, property deeds like *munimina* were important proofs to demonstrate ownership during disputes at court. The issue had first arisen in the *Divisio* peace treaty of 851, which concluded the Beneventan civil war between Prince Radelchis and his adversary Siconulf. In one of its clauses, the two princes agreed that if a dispute arose between their citizens and documents had been lost, the landowners could prove their ownership by either displaying another written proof or by engaging in a duel:

All men who are under your power, and have lost the aforementioned deeds (*munimina*) in whatever way, if there is contention over the goods…and if they are able to prove either by written proof (*consignatio*) or by duel that up until that time when war had arisen between us and you, they legally and rightly had ownership, they should have it as before without the unwarranted opposition of whomever.

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471 No original *munimina* survive. The only evidence for the formatting of this type of document in Benevento is preserved in a twelfth-century manuscript compilation from the monastery of Casauria, which was on the frontier between the Kingdom of Italy and the Principality of Benevento. On this see: M. Costambeys, ‘The laity, the clergy, the scribes and their archives: the documentary record of eighth- and ninth-century Italy,’ in *Documentary Culture*, eds. Brown, Costambeys, Innes, and Kosto, pp. 231-258, at pp. 242-243.

472 *Divisio ducatus*, n. 18: “Et omnes homines, qui sub tua potestate sunt, et quocumque modo habent praedicta munimina sua perdita, si contentio fuerit de rebus aut servis aut ancillis seu aldionibus eorum, si aut per consignationem aut per pugnam adprobare potuerint, quod usque ad ipsum tempus quo barbaricum exortum est inter
The requirement of a *consignatio* in this clause, which was probably an official document with a seal on it, may have been inspired by late eighth-century *formulae* from the Frankish Kingdom, which permitted landowners to petition the king to confirm their property in a *pancarta* after their archives had been destroyed.⁴⁷³ These new official documents from the king then served as replacements for the lost property deeds. The Carolingian Emperor Louis II had indeed aided Radelchis and Siconulf in drafting their *Divisio* treaty, and perhaps he or more likely his advisors, influenced measures like this.

Adelchis’ law negated this requirement of presenting an official document in place of the lost document but kept the duel option, which was a traditional Lombard practice. He also added that if a *munimen* was destroyed, an oath confirming the prior existence and then destruction of the document by the landowner and his relatives could act as an alternative substitute:

If anyone has and possesses a house or any property by means of a *munimen* and afterward lost it by fire or plundering, and some *causator* said that this same house, or property, ought to legally belong to him, the owner with his relatives should swear an oath that he had a valid deed concerning the same property, or house, but had lost it by fire, assault, or plundering. If he who made the complaint concerning these things chose beforehand to prove his will by means of a duel, he alone who possessed that, whatever property it may be, should swear an oath and proceed in such a way toward battle. Indeed it ought to be considered and truly believed that it is possible that many have lost or will lose their deeds, as it was described, when castles and villages were burnt by pagans and burnt and destroyed just as often through our defense of them: therefore it seems unfair that having lost the deed under such circumstances someone should lose that which rightly belongs to him, if therein he cannot show the deed.⁴⁷⁴

In this law Adelchis sandwiched old and new legislation between his conciliatory commentary, which lamented the plight of the accused and encouraged the *causator* to opt out of a duel. His

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⁴⁷³ This guideline is found in Carolingian *formulae*. On this see: W. Brown, 'When documents are destroyed or lost: lay people and archives in the early middle Ages', EME 11.4 (2004): 337-366, at p. 346.

⁴⁷⁴ *Capitula Adelchis*, n. 7: “Si casam, vel quacumque rem, aliquis per munimen habuerit et possederit et illud munimen per ignem aut depredationem postea amiserit et causator quicumque dixerit, quoniam eadem casa, vel res, quam possidet, ei debet pertinere legaliter: preveat sacramentum idem possessor cum parentibus, quod de eadem rem, vel casa, veracia habuisset munimina, sed ea per igne aut azalatione seu depredationem perdidisset. Si vero his, qui quaerellam movit, prius elegerit illi velle per pugnam approbare, solus iuret, qui ipsam teneri, quaeque munimen fuerit res, et sic ad pugna pergatur. Etenim considerandum est et veraciter credendum, fieri potuisse, ut multi sua munimina, velut dictum est, amiserit et amitteret, dum et oppida et villae plurimae a paganis crematae sunt et nostris exigentibus meritis saepius cremantur et disperduntur: ideoque iniquum videtur, ut talibus accidentis amisso munimen aliquis id perdat, si munimen inde non ostenderit, quod iure ei competit habere.”
amendment, which allowed the owner and relatives of property owners to take an oath as a substitute proof during a dispute case, is introduced first in the law. This modification is then followed by a re-issuing of an older law from Rothari’s Edict, which mandated that if one was accused of possessing moveable and immovable property illegally, he could swear an oath and engage in combat in his defense.\textsuperscript{475} This duel option was also suggested in the \textit{Divisio} pact of 851, outlined above. In his own law, Adelchis confirmed that this traditional oath-and-duel option was still legitimate if the \textit{causator} preferred to dispute in that manner; however, his recommendation of an oath was an alternative to this. By constructing the law in a way that presented the modification as an alternative to an established norm and by declaring both his amendment and the original law as legally valid, Adelchis lent authority to his new decree. Taking an oath to verify a written document also appears to have been customary in Beneventan legal proceedings during this period. This can be seen in four court cases from eighth- and ninth-century Benevento, discussed in the next chapter, wherein the presiding judge asked both parties to swear oaths with their oath-takers after one or both parties had shown or mentioned documents as evidence of ownership.\textsuperscript{476} During these cases, the oath was seen as an appropriate means to verify the authenticity of documents and property claims if they were problematic in some way. Swearing an oath with oath-takers also, as we noted above, appears to have been considered a practice of Roman law (\textit{legem Romanam}), according to an 839 court case, and a custom of Benevento (\textit{consuetudinem terre}) by 899.\textsuperscript{477} Thus, Adelchis may have also been referencing these other older legal authorities in his law in addition to Lombard law. However, Adelchis’ more vague requirement of the possessor and his relatives (\textit{possessor cum parentibus}) taking the oath was less specific than the custom, which required five individuals to serve as oath-takers.

A second type of document, which also appears to have been affected by the period’s unrest, was the \textit{morgengab} document (or a written instrument recording the property given to a wife by her husband after their wedding). Adelchis issued a law regarding these documents, but instead of encouraging oath-taking from relatives regarding the specifics of a woman’s \textit{morgengab}, he simply negated the need for the document altogether:

\textsuperscript{475} \textit{Edict of Rothari}, n. 228.
\textsuperscript{476} \textit{Chron. S. Sophiae}, I.25 (756); \textit{Chron. Vult.}, doc. 61 (839); doc. 77 (897); doc. 69 (899).
\textsuperscript{477} \textit{Chron. Vult.}, doc. 61 (839): “...preberet sacramentum a parte monasterii secundum legem Romanam sibi quinta persona”; \textit{Chron. Vult.} doc. 79 (899): “...liceat eum, suosque posteros, cui a parte ipsius monasterii cellis ipsis cum suis pertinentencis paruerit datos, hoc secundum consuetudinem terre istius cum quinque scariones, servos de ipsas suas ecclesias per sancta Dei evangelia satisfacere....”
If it is clear and evident that a woman, whomever she may be, had legally married according to custom, received the fourth or eighth committed to her by her husband and [then] lost it during the confusion of the time, or if indeed, as it is accustomed to happen many times, the same fourth or eighth had not been written down, the nearest relative to the husband or anyone else should not presume in any way to contest the fourth or eighth rightfully belonging to this same woman. If anyone puts forward a further dispute concerning these things, his complaint should obtain no reward, since it seems wicked and reprehensible that any women should lose that which they retained from their husbands through neglect or chance.⁴⁷⁸

The bestowing of a *morgengab* was a traditional Lombard practice, which was outlined in several earlier laws of kings Rothari, Liutprand, and Aistulf.⁴⁷⁹ Liutprand issued a law that stated that if a Lombard wished to give his wife a *morgengab*, he should affirm the gift in public by means of a written instrument confirmed by witnesses, and the gift could not be more than one-fourth of his property.⁴⁸⁰ Adelchis’ law clearly upheld Liutprand’s provision of the one-fourth allotment and confirmed that the traditional Lombard ‘custom’ of the *morgengab* was still valid in the Principality. He also acknowledged under normal circumstances, *morgengarbs* agreements would be written down as Liutprand’s law required. However, Adelchis’ new regulation effectively negated the need for the document during dispute cases by making all claims against a woman’s morning gift by her relatives an illegal offence. The construction of this law is very similar to the abovementioned *munimina* law whereby Adelchis confirmed the validity of a traditional Lombard practice, while providing a loophole for extraordinary instances. Once again he provides moralizing commentary condemning the “wicked and reprehensible” acts of individuals against the weak as justification for the measure.

The destruction of documents that stemmed from the period’s raiding and warfare were only part of a general decline in the authority of written legal proofs. As the ninth century

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⁴⁷⁸ *Capitula Adelchis*, n. 3: “Si clarum manifestatumque fuerit qualibet foeminam consuete et legaliter habuisset maritum et quartam seu octabam habuisset ab eo sibi factam eamque perturbatione temporis perdidisse quomnodocumque, vel si etiam, ut accidere solet multotiens, quartam eadem vel octaba non fuerit scripta, propinquis mariti vel quilibet alter eadem quartam vel octaba idem mulieri rite competentem contrare minime praesumat. De quibus si ulterius altercationem quisquam proposuerit, eius quereeam nullum optineat fructum, quoniam iniquum et reprehensibilem videtur, ut, quod onmes de suis retinent viris, aliquantae mulieres per incuria vel aliqua accidentia ammittant.”


⁴⁸⁰ *Leges Liutprand*, n. 7.
progressed, evidence suggests that certain documents were losing their credibility in a court of law and steps were being taken to counteract this. For example, one trend we see in charter-based evidence is an increase in the number of witnesses subscribing their names to the documents to authorize the contents. This suggests that more and more people were required to lend their authority to charters and deeds. According to Adelchis’ legislation, this trend of mass subscribing only created more problems regarding a document’s credibility, because many subscribers were ignorant of the transaction that they were supposedly agreeing to or witnessing:

If anyone signs himself as a witness with his own hands onto whatever deed [munimen] concerning any affairs pertaining to him, we establish that afterwards, from that point on, he can in no way take back his plea; for he ought to inquire with great concern and know what it is that he was asked to sign.

In the Beneventan legal system, ignorant witnesses not only had the potential to affect the legitimacy of the transaction and the document in court, but it also made these witnesses culpable if the document was later deemed a forgery by a judge. Adelchis was certainly aware of the implications of this problem in a court setting along with the fact that many of those that subscribed to documents in this period were titled officials, who represented the palace or the church. His law was likely in part aimed to prevent future discord during dispute cases.

But another of Adelchis’ laws suggests that the prince was especially concerned about lay legal documents like munimina because they were composed outside of his authority by unaffiliated scribes. A second law discussing munimina and also breves (or notices), which Adelchis claims were being written by random individuals who could write, demonstrates the prince’s desire to standardize these types of unofficial lay documents:

Until now it seemed an inconvenient custom that whomever wished could write a notice [brevis], if he knew how, whenever the opportunity arises. But from this time forward we decree that only notaries [notarii] can write a notice in addition to other deeds [muniminia] as well. And henceforth, anyone who shows notices without the subscript of a notary, this document will be invalid; because we have

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481 This is especially evident in charters found in CDC, vol. 1. As Martin has noted witness subscriptions had increased in number by the ninth century. See: J.-M. Martin, ‘Le juge et l’acte notarié en Italie méridionale du VIIIe au Xe siècle’, in Scrittura e produzione documentaria nel mezzogiorno longobardo. Atti del convegno, eds. G. Vitolo and F. Mottola (Badia di Cava, 1991), pp. 287-300, at pp. 294-295.

482 Capitula Adelchis, n. 4. “Si quis se testem in quocumque munimine propriis manibus subscriperit de rebus quibuslibet forsitan facto ad se pertinentibus, statuimus, ut postea nullo modo inde valeat movere causationem; devet enim sollice perquirere et scire, quid sit illut, ubi rogatur subscribere.”
discovered that many of these notices are false, and such a thing, God willing, we wish will not happen again.\footnote{Capitula Adelchis, n. 8. “Inconveniens usque modo consuetudo exitit, ut quisquis voluisset, si nosset, scribere brevem, undecumque opportunitas exegisset. Amodo autem decernimus, ut soli notarii brevem scribant, sicut et cetera munimina. Et quiscunque deinceps brebis fuerint absque notarii subscriptionem ostensus, nullam retinet firmitatem; quoniam multos ex illis deprehendimus fuisse falsos, quod deo opitulante cupimus, ut ulterius non fiat.”}

In this law Adelchis allots the drafting of \textit{breves} and \textit{munimina} to a designated official – the \textit{notarius}. This standardization was a move away from what was required in Lombard legislation. In fact, no law in the Lombard legal corpus mentioned the requirement of a \textit{notarius} (notary) and only one law required a specific official to write a particular document – a \textit{scriba publicus} (public scribe) – for charters of sale.\footnote{Leges Ratchis, n. 8.}

\footnote{Everett, \textit{Literacy in Lombard Italy}, pp. 201-202.}

\footnote{On this change see: Chapter 3 of this dissertation, pp. 165-166. And on Beneventan notaries and scribes, more generally, and the difficulties in distinguishing between two in this period see: P. Bertolini, \textit{Actum Beneventi. Documentazione e notariato nell’Italia meridionale longobarda (secoli VIII-IX)}(Milan, 2002); and F. Magistrale, ‘La documentazione privata nei ducati di Spoleto e di Benevento caratteri e scrittori,’ in \textit{I Longobardi dei ducati}, vol. 1, pp. 507-544, at pp. 525-544.}

We know that official notaries did exist in the Lombard Kingdom and were often associated with the royal court.\footnote{By a notarius: Chron. Vult. doc. 53 (797); By a non-titled individual: Chron. Vult. doc. 38 (801).}

\footnote{By a notarius: Chron. Vult. doc. 53 (797); By a non-titled individual: Chron. Vult. doc. 38 (801).}

It is likely that \textit{notarii} in the Principality of Benevento would also have been associated with or at least awarded their title by the authority of the Beneventan palace. In the eighth century, there is evidence that individuals with the title of \textit{notarius} were officials in the Beneventan ducal chancery, which we will discuss in the next chapter. These notarial officials continued to work for the Beneventan palace in the Principality, although the organization of the royal chancery appears to have changed over the course of the ninth century.\footnote{By a non-titled individual: Chron. Vult. doc. 38 (801).}

\footnote{On this change see: Chapter 3 of this dissertation, pp. 165-166. And on Beneventan notaries and scribes, more generally, and the difficulties in distinguishing between two in this period see: P. Bertolini, \textit{Actum Beneventi. Documentazione e notariato nell’Italia meridionale longobarda (secoli VIII-IX)}(Milan, 2002); and F. Magistrale, ‘La documentazione privata nei ducati di Spoleto e di Benevento caratteri e scrittori,’ in \textit{I Longobardi dei ducati}, vol. 1, pp. 507-544, at pp. 525-544.}

\footnote{By a notarius: Chron. Vult. doc. 53 (797); By a non-titled individual: Chron. Vult. doc. 38 (801).}

Surviving evidence suggests that Beneventan princes, laymen, and monastic parties took full advantage of the notarial services of the chancery, and every extant precept issued in the name of Beneventan princes were written by an individual with the title of \textit{notarius}. The vast majority of private charters of sale, confirmation, and oblation written for monasteries and the laity that survive from the period were also primarily drafted by \textit{notarii}. However, evidence for \textit{breves} and \textit{munimina} – the two types of documents that Adelchis was particularly concerned with in this law – do not have a high survival rate and it is impossible to trace notarial involvement in their production. Of the two \textit{breves} that were copied down in a later cartulary, one from 797 was written by a \textit{notarius}, the other from 801 was not.\footnote{By a non-titled individual: Chron. Vult. doc. 38 (801).}

\footnote{On this change see: Chapter 3 of this dissertation, pp. 165-166. And on Beneventan notaries and scribes, more generally, and the difficulties in distinguishing between two in this period see: P. Bertolini, \textit{Actum Beneventi. Documentazione e notariato nell’Italia meridionale longobarda (secoli VIII-IX)}(Milan, 2002); and F. Magistrale, ‘La documentazione privata nei ducati di Spoleto e di Benevento caratteri e scrittori,’ in \textit{I Longobardi dei ducati}, vol. 1, pp. 507-544, at pp. 525-544.}

Our evidence is therefore inconclusive. The abbreviated nature of the \textit{brevis} would have made the document problematic in a court of law, as it lacked the typical elements that would authenticate a document, like witness...
signatures. However, in the northern and central parts of the Lombard Kingdom, these documents were often used as proofs in dispute cases without issue.\footnote{Costambeys, ‘The laity, the clergy, the scribes and their archives,’ p. 246.}

Adelchis’ concern over the composition of lay legal documents by unaffiliated scribes was likely a consequence of trends in northern and central Italy during the period, wherein laymen began to dominate the task of drafting private charters, often distinguishing themselves from their clerical counterparts.\footnote{Everett, \textit{Literacy in Lombard Italy}, pp. 200-201; Costambeys, ‘The laity, the clergy, the scribes and their archives,’ p. 234.} As Costambeys has pointed out “the laicization of the Italian charter scribe,” while an “uneven and drawn out” process, appears to have reached a turning point around the year 840 in part as a consequence of the Frankish conquest but also because of general trends behind “the proliferation and professionalization of legal writing”.\footnote{Costambeys, ‘The laity, the clergy, the scribes and their archives,’ pp. 234-236, quote at p. 236.} The implications of this increase in lay scribes in the Kingdom of Italy on documentary trends in Benevento is unknown, but we should expect some crossover and influence, especially as Frankish intervention in Benevento peaked during the mid ninth century. Adelchis’ law to standardize lay legal documents in particular by requiring that they be marked by the subscript of a notary was not just practical for aiding in the authentication of documents during legal proceedings, but it also was a statement by the prince regarding his own legal authority. If Beneventan \textit{notarii} were associated with the palace or if the palace had authorized them to practice, then Adelchis’ law effectively required all landowners to look to the authority of the Beneventan palace for their transactions.

\textbf{Oaths and duels}

While some of Adelchis’ laws essentially decommissioned certain aspects of Lombard legislation by providing new alternatives that were more in line with current conditions, others actively and explicitly enforced the older aspects of the legislation of the Lombard Kingdom. In particular, Adelchis confirmed the use of traditional judicial proofs such as oaths and dueling to settle conflicts. These laws that looked especially to Rothari’s Edict of 643, which was by this time over two hundred years old, echo the idea presented by Adelchis in his legal prologue that Benevento was the heir to ancient Lombard traditions.
In one law, for example, Adelchis re-enforced the traditional practice of oath-taking as a means to end conflict and provide a surety for a man’s claims as well as reiterating the legal validity of the legislation contained in Rothari’s Edict in Benevento:

If anyone is injured by someone, and both a judge has observed that the injury was recently committed and the adversary has denied that he committed the injury, the injured should swear an oath that he is absolutely certain about the statement he made: that the [accused] inflicted that injury upon him, which is visible; afterwards, the unjust [guilty] shall render justice to him without any refusal according to the tenor of the edict.\footnote{Capitula Adelchis, n. 2: “Si quis a quocumque fuarit plagatus et plagam iudex praesentaliter factam aspexerit et adversarius illam ei egisse negaverit, preveat sacramentum plagatus, quod certius ipse, super quem proclamavit, illam ei fecerit, quam ostenderit, plagam; postea vero improbus persolvat illi iuxta edicti tenore iustitiam absque tergiversatione aliqua.”}

In this law, Adelchis re-issued numerous laws of the Lombard Kingdom and confirmed the traditional proof of oath-swearimg. Adelchis’ statement that justice should be rendered ‘according to the tenor of the edict’ refers to the Edict of Rothari and its many laws that instituted punishment for physical injuries.\footnote{Edict of Rothari, nos. 43-74.} For example, Rothari legislated that if one wounds another in a fight, the accused should pay him three \textit{solidi} as compensation.\footnote{Ibid, n. 44.} Or if one cuts off another’s nose, the accused should pay half his \textit{wergild}.\footnote{Ibid, n. 49.} Adelchis implies that these laws, a little over thirty in number, and their compensation values for injuries were all still relevant to the Beneventan justice system.

This law also enforced the practice of oath-taking, which was strongly encouraged by the earlier legislation of kings Rothari, Grimoald, and Liutprand, as well as by the legislation of Arichis.\footnote{Ibid, nos. 195-197, 213, 227-228, 230-232, 248, 264, 266, 269, 339, 342, 348, 359, 362-365; Leges Grimoald, nos. 3-4, 7; Leges Liutprand, nos. 8, 10, 15, 28, 43, 50, 57, 61, 68, 70, 72, 78-79, 90, 93, 96, 118, 121, 144, 151; Capitula Arichis, nos. 1, 3.} And as we mentioned above, swearing oaths with oath-takers during legal proceedings was also a customary practice in Benevento, at least during property disputes at court, and we have evidence that they were ordered in cases of both the eighth and ninth centuries.\footnote{See supra fn. 476.} However, here Adelchis recommends the oath outside the context of a property dispute, so it is possible that he was intentionally re-issuing traditional Lombard law instead of the judicial custom.

Another of Adelchis’ laws also emphasized the authority of the oath in addition to enforcing the other traditional legal proof of Rothari’s Edict – dueling or trial by combat:
If anyone swears an oath and the judge is absolutely certain that he had sworn falsely, or rumor has that he had sworn falsely [and] if the accuser then moves forward on charges that he had thence sworn falsely, according to the ruling of the judge, he should prove to him by means of a duel that he had sworn falsely; and afterward he who swore the oath should render justice to him, if he falls, according to the tenor of the edict. 497

Once again Adelchis promoted the use of oaths in court proceedings and explicitly referenced Lombard law. By decreeing that a man should face death or injury in a duel if he lied during an oath, Adelchis re-enforced a traditional Lombard practice of conflict resolution recommended throughout the legislation of kings Rothari, Grimoald, and Liutprand. 498 The practice of dueling, however, had lost favour by the end of the eighth century and was not implemented in the later legislation of the Lombard kings Ratchis and Aistulf or even in Prince Arichis’ legislation. 499 Adelchis’ law revived essentially an antiquated legal proof, perhaps as a way to add authenticity to his legislation and legal authority by looking to the distant Lombard past. His reference again to the ‘tenor of the edict’ refers this time to a law of Liutprand on perjury, which stated that if a man swore a false oath and it was proven, he should lose the property for which he swore falsely and the other party should gain possession of it. The man should also pay half his wergild as composition to the party to whom he swore falsely. 500

Slavery

Lombard legislation was also referenced in a law of Adelchis regarding slavery, but here he overturned the past measures in favour of his own newer regulation, which he justified using the same moralizing commentary as he did with his laws on the destruction of documents. In his law regarding a slave marrying a free woman, Adelchis dismissed two laws of Rothari and Liutprand in order to prevent what he termed a pessima consuetudo and perversitas from potentially impoverishing landowners:

If a slave [belonging to whomever] takes a free woman as his wife, who under law belongs to the palace, then this would certainly be the worst affair in that

497 Capitula Adelchis, n. 6: “Si quis iuraverit et cognitum fuerit certius iudici, quod periurasset, aut famam habuerit periurandi, si calumniator intentionem proposuerit, quod tunc periurasset, ex iudicio iudicis per pugnam ei approbet, quod iurasset fallaciter; et postea ipse, qui iuravit, persolvat ei iustitiam, si ceciderit, iuxta edicti tenorem.”
498 Edict of Rothari, nos. 9, 164-166, 198, 202, 213, 228, 365, 368; Leges Grimoald, n. 4; Leges Liutprand, nos. 11, 56, 68, 71-72, 118, 121.
500 Leges Liutprand, n. 144.
[whichever lord] wishes can demand these persons. But, henceforth and hereafter we decree that such perversity has no place. Only he who possessed the slave first shall possess them both always, even if the palace never sought them. For it could be possible that his lord possesses only he, whom, if on that occasion he loses, he [himself] would become a pauper. Whether he possesses one or many servants, and this occurrence happened [to] one or however many of them, his lord, as it is decreed, shall possess in perpetuity him along with her, whom he took as his wife, and their children. And if anyone presumes thereafter to foolishly request those at the palace, the petition [will] remain void.\textsuperscript{501}

Both Rothari and Liutprand legislated regarding marriages between a free woman (\textit{libera mulier}) and a slave (\textit{servus}). Rothari decreed that if a free woman married a slave, the slave should lose his life and the relatives could punish the woman however they saw fit.\textsuperscript{502} Liutprand later legislated that if a free woman took a slave as her husband, and her relatives did not take vengeance within a year, she should become a palace slave. The male slave should be handed over to a public official.\textsuperscript{503} Adelchis’ law acknowledged both of these older laws, but based on the interests of Beneventan landowners, he overturned their measures. The execution of the male slave and the enslavement of the female to the palace both had the potential to impoverish the former slave-owner and put even more strain on the economy. Adelchis’ law, like Arichis’ prior laws on slavery, acted to enforce the institution in Benevento at the benefit of the slave-owner.

\textbf{Conclusion}

Adelchis constructed his legislation in such a way that he was able to utilize the legitimate authority of both Arichis II, the founding father of Benevento, and the Lombard kings, especially Rothari, the first Lombard legislator, in order to promote his own right to rule and to overturn or amend legislation that was conflicting with the contemporary concerns of his people. His prologue situated his rule and legislation firmly within a tradition that was divinely-inspired and thus legitimate, and the modifications outlined in his \textit{capitula} were always presented as alternatives to traditional Lombard and Beneventan norms that were instituted because of the

\textsuperscript{501} \textit{Capitula Adelchis}, n. 1: “Si cuiuscumque servus liberam sibi uxorem tulerit, qui ad palatium iuxta legem pertinebat, utique pessima extitit consuetudo, ut eas personas, quisquis vellet, expeteret. Amodo autem et deinceps statuimus, ut tanta perversitas nullum habeat locum, sed ipse solummodo eos habeat semper, cuius primum ille fuerat servus, etiam si illos a palatio nunquam repetant[ur]. Nam potest fieri, ut ipsum solum habeat dominus suus, quem, si hac occasione amiserit, efficie tur pauperrimus. Sed seu unum sive plures habuerit famulos, et in uno quolibet eorum istud acciderit, dominus suus, uti decretum est, eum cum illa, quam sibi uxorem tulerit, possideat perpetim cum filiis eorum. Et si quis temerarius eos ad palatio petere deinceps prae sumperit, petitio illius cassa permaneant.”

\textsuperscript{502} \textit{Edict of Rothari}, n. 221.

\textsuperscript{503} \textit{Leges Liutprand}, n. 24.
prince’s benevolence, goodwill, and wish for justice and order amongst his people. By enforcing and framing his laws around earlier, more traditional laws and practices of the Lombard Kingdom, Adelchis moved to express his royal authority at a time when it was under considerable pressure from Benevento’s Carolingian overlords. The looming arrival of Emperor Louis II to Benevento and the ongoing instability that threatened to undermine his rule locally certainly impacted his decision to legislate and to present his new regulations as he did, framed by the legitimate Lombard and Beneventan past.

Conclusion: Beneventan legislation
As we have seen in this chapter, in developing their own legislative programs, both Arichis and Adelchis made extensive use of legal authorities from the Beneventan past to justify their new legislation, whether it was the legislation of the Lombard kings, Roman law, divine law, or local custom. Both Arichis and Adelchis drew heavily from the original Lombard Edict of Rothari as well as the legislation of King Liutprand, and this “imitation of their ancestors” allowed the two princes to access the authority once vested in the Lombard kings. However, neither prince was actively trying to revive the Kingdom in their legislation, and for the most part, their use of Lombard law served as a legitimating framework from which they could then overturn or implement newer measures, more relevant to contemporary concerns. Both princes were attempting to create a distinctly Beneventan law for the Principality. For Arichis, legislating during a period when Benevento had transformed from a Lombard duchy to an independent Principality, it was critical for him to demonstrate continuity to his subjects and the Principality’s legitimacy to other rulers. His legislation expressed his legal authority especially in terms of his religious piety, demonstrating that he ruled over an orderly, Christian community, in which the weak, the poor, and unarmed members of the church were protected, and those who sinned were rightly punished. Adelchis’ legislation, on the other hand, composed during a time of even greater instability, emphasized the prince’s desire for justice for his people, whom he reiterated again and again were being victimized by others. Adelchis’ legislation directed the attention of his subjects onto his benevolence and reminded them that they descended from a gens that had previously been victimized by the Carolingians – a warning that his authority, divinely-bestowed and merciful, was more legitimate than that of the soon-to-arrive Emperor Louis II. These two expressions of Beneventan legal authority then were important not just for maintaining order in
society, but for demonstrating to other authorities, especially the Franks, whose hegemony
loomed in both instances, that Benevento was a legitimate polity with its own laws, its own
traditions, and its own unique past.
Chapter 3: Precepts and Charters

Introduction

This chapter will investigate precepts (*precepta*) and charters (*cartulae*) drafted in the Duchy and Principality of Benevento. More specifically, we will consider how these documents were or were not used to validate claims of past property ownership during disputes and how attitudes toward the authority of these written proofs changed over the course of the eighth and ninth centuries.

Precepts (*precepta*) were documents issued by the order of the Beneventan ruler and were drafted by official notaries in the ducal and later princely chancery.⁵⁰⁴ They outlined the details of property transactions such as donations, confirmations, and concessions that occurred at the Beneventan court. In contrast, charters (*cartulae*), although occasionally issued by the Beneventan ruler, were more often private documents written by a *notarius* outside the palace environment. They recorded legal or contractual transactions such as the sale of land, property donations, or confirmation of *morgengarbe* agreements or the granting of manumission.⁵⁰⁵ Together, charters and precepts represented physical evidence for property transactions, and their legitimacy in disputes was premised upon their authenticity, the correctness of their form, and crucially, the authority of the Beneventan dukes/princes or the notaries and other witnesses who authorized the document. However, this did not mean that the legitimacy invested in these texts and in the claims of those who possessed them went unchallenged. An analysis of dispute cases, as recorded in official notices of judgment (*notitiae iudicati*) from the period, reveals that the authority of precepts and charters could be undermined by oral testimony that successfully positioned a claim further back in time.⁵⁰⁶

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⁵⁰⁴ On the basic contents and formatting of Beneventan precepts see: Poupardin, ‘Études sur la diplomatique des princes,’ at pp. 118-136; F. Bartoloni, ‘I diplomi dei principi longobardi di Benevento, di Capua e di Salerno nella tradizione beneventana,’ in *Studi di paleografia, diplomatica, storia e araldica In onore di Cesare Mannaressi* (Milan, 1953), pp. 287-301; CDL IV/2, introduction by Zielinski; and Bertolini, *Actum Beneventi*.


⁵⁰⁶ *Notitiae iudicati* were essentially dispute charters, in that they were given to disputants after a judgment had been made and could be used in a future dispute case, as we see in *Chron. S. Sophiae* III.30 (742).
Oral testimony became pre-eminent during Beneventan dispute proceedings for two reasons. In the ducal period it was very common for multiple claimants to produce seemingly legitimate sets of documentation proving their ownership of the same land. Thus, judges were forced to consider extra-documentary evidence such as oaths, witness testimony, and Lombard and customary law, to resolve disputes. On the other hand in the principate period, many precepts and charters were lost or destroyed as the region was destabilized by war. Thus oral testimony became a critical medium for expressing property ownership and for determining the outcome of disputes because documents did not exist. But interestingly, precepts and charters remained authoritative even though they no longer existed. They became symbols, whose existence was evoked orally during testimony but whose content could only be proven by the memory of a disputant and his or her patronage network. Taken together, in the Duchy and especially the Principality of Benevento, the physical document mattered less than the ability of the claimants to legitimize its contents through the support of their allies at court. Moreover, the antiquity of one’s claim and the ability to tie it to an identifiable past, to specific rulers, abbots, or to well-regarded members of the community, was the key to winning property disputes, whether supported by documents or not.

Context and Background

The state of our evidence and issues of preservation

There is evidence of one hundred and forty-seven precepts and ninety-eight charters issued in the Duchy and Principality of Benevento during the eighth and ninth centuries. Fifty-three were ducal precepts issued by the Duke of Benevento, twenty-one were charters from the Duchy of Benevento, ninety-four were royal precepts issued by the Prince of Benevento, and seventy-seven were charters from the Principality of Benevento. Of these documents, only thirty, mostly ninth-century charters, survive in their original form in southern Italian archives. The vast majority

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507 This number includes documents that are now lost but are mentioned as having been issued in other documents and is based on the findings of the Regesti dei documenti, eds. Martin, Cuozzo, Gasparri, and Villani. Not included are forgeries identified by the collection’s editors and documents from the Principality of Salerno (post-839) or from the palace of Benevento during the interim period of 892-97 when Benevento was under Byzantine and Spoletan rule. However, the number does include charters drafted during the interim period.

508 There are no original charters or precepts from the eighth century. Ninth-century originals are located in the archives of SS. Trinità di Cava, Montecassino, and the cathedral of Benevento. There are a total of 137 originals from southern Italy as a whole from the period of this study, and Beneventan documents make up about 22% of this total. It is believed that many Beneventan charters and precepts were written on parchment and most likely were
of Beneventan precepts and charters are preserved instead as copies in the pages of eleventh- and twelfth-century monastic cartulary-chronicles and cartularies – two of which were compiled at the monastery of Montecassino, namely the *Chronica monasterii Casinensis* (c. 1099-1139) and the *Registrum Petri Diaconi* (c. 1130s), another for the abbey of S. Sofia (the *Chronicon S. Sophiae* (c. 1098-1119)) and one for the monastery of S. Vincenzo al Volturno (the *Chronicon Vulturnense* (c. 1119-1124)).

The preservation of Beneventan charters and precepts in these cartulary-chronicles raises a number of methodological and interpretive problems for historians. As is more fully considered in Appendix I of this dissertation, the authors of these monastic cartulary-chronicles largely copied documents that discussed the property claims of their respective monasteries. This means that our evidence is skewed toward monastic property transactions, although a few secular transactions are documented. Moreover, while some of the cartularies and cartulary-chronicles of the period may have been compiled to prove a monastery’s property rights, others were likely composed to aid in the construction of an institutional memory at a particular monastery. In such cases, the finer details of the documents, like the *invocatio* and witness signatures, were less important than the basic memory of the transaction contained in the document. Another obstacle is that the cartulary-chronicles contain references to a number of obvious forgeries and

destroyed by warfare and natural disasters in the region. For this see: Poupardin, *Études sur la diplomatie des princes,* at p. 118. For loss of episcopal and church records in the region see: Loud, *The Medieval Records*; Also of interest: H. Zielinski, ‘The transmission of Lombard documents (to 774),’ in *Charters, Cartularies and Archives: The Preservation and Transmission of Documents in the Medieval West,* eds. A. Winroth and A.J. Kosto (Toronto, 2002), pp. 33-42. All of these cartulary-chronicles are discussed in detail in Appendix I of this dissertation.


other documents of dubious authenticity.\textsuperscript{513} These were likely produced in order to ‘prove’ property rights or as a response to the widespread destruction of original documents which occurred in the ninth century.\textsuperscript{514}

The historian using evidence from these monastic cartulary-chronicles must attempt to determine the authenticity of the copied documents through their representation in the cartulary-chronicles, whose authors may well have actively selected which documents were copied down. Indeed, although some charters and precepts appear to be complete, others are abridged or are included in fragmentary form as part of a larger narrative.\textsuperscript{515} Even the seemingly complete documents must be vigorously scrutinized. The nature of their preservation inside cartulary-chronicles makes it difficult to know the degree to which we can accept their invocationes, subscriptiones, and witness and notarial signatures, which are critical components for authenticating documents. And in some cases, it is impossible to reconstruct the format, content, and even the genre of the original documents as they appear in the chronicles. Indeed, there are also over 80 miscellaneous documents that have been labeled ‘instrumenti’ by the recent editors of the Regesti dei documenti dell’Italia meridionale, because of the incomplete nature of their preservation.\textsuperscript{516} These could potentially be charters or precepts, but the copying process has made it difficult to identify their original form.

Because of the abovementioned issues, this chapter will rely primarily on evidence from the Chronicon S. Sophiae, because its authors preserved documents in their entirety, making it much easier to determine their authenticity. We will also use evidence from the Chronicon Vulturnense, but with greater caution because its copies sometimes lack or have incorrect invocations and witness subscriptions. The cartulary and cartulary-chronicle from Montecassino will also be used, but mainly in support of other evidence.

Precepts, charters, and Beneventan patronage networks

Before we examine how precepts and charters were used in dispute cases at the Beneventan court, it is important to understand how and why these documents were issued and what gave

\textsuperscript{513} For more details on forgery in southern Italian cartulary-chronicles see: Appendix I. \\
\textsuperscript{515} This is common in the Chron. m. Casin. and the Reg. Pet. Diac. \\
\textsuperscript{516} Regesti dei documenti, pp. 10-11.
them the authority to prove property rights. As we will see, these documents recorded not just the
details of the property but also the names of individuals, such as dukes, princes, palace officials,
notaries, and aristocratic witnesses, all of whom added legitimacy to the property transaction and
the document.

The Beneventan court and its patronage network
In both the Duchy and Principality of Benevento, the court centered upon the figure of the
Beneventan ruler – the duke and then the prince. Typically the court met in the city of Benevento,
usually in its palace complex (palatium). But in the late eighth and early ninth centuries, the court
also met in the city of Salerno, or else it was itinerant, following the prince around Beneventan
territory. In the ducal period, the duke, although subject to the Lombard king, possessed
considerable judicial, economic, and administrative power. This was due primarily to a simple
fact of geography. The Beneventan court was relatively far away from the royal court situated in
Pavia in northern Italy. Thus, the duke acted semi-autonomously, sometimes even exercising
functions normally reserved for royalty such as minting coins, judging legal cases, and
appointing his own gastaldi (or local administrators). The duke’s assumption of royal
prerogatives meant that politics, justice, and prestige in Benevento greatly depended on the
favour of the duke rather than the Lombard king. Beneventan aristocrats and landowners,
therefore, participated more actively in the local ducal network of patronage and alliance than
their northern counterparts did in their respective networks. Obtaining patronage provided
ducal fideles with increased access to office-holding, property acquisition, and social mobility,
which were important markers of authority in Lombard Italy. This fact is demonstrated by the

517 Salerno also had a palace complex, built in the late eighth century. Most precepts record the acts of property
concession and confirmation occurring in the Beneventan palace or more vaguely in the city of Benevento: “Actum
in Beneventanum palatium” or “Actum Beneventanum.” But the court sometimes assembled outside Benevento, and
had the potential for mobility, following the ruler as he travelled throughout his territory. Disputes cases, for
example, were sometimes judged by the duke outside the palace, such as Chron. S. Sophiae III.30 (742).
518 Gastaldi typically answered only to the Lombard king, but in the Duchy of Benevento they answered to the duke
alone. For more on this see: Collavini, ‘Duchi e società locali nei ducati,’ pp. 144-145, 152; and for northern
examples of gastaldi: C.G. Mor, ‘I gastaldi con potere ducale nell’ordinamento pubblico longobardo,’ Atti del I
Congresso internazionale di Studi Longobardi (Spoleto, 27-30 settembre 1951) (Spoleto, 1952) pp. 409-415. For
more on the minting of coins: A. Arslan, ‘Emissione e circolazione della moneta nei ducati di Spoleto e Benevento,’
519 Wickham, Framing the Early Middle Ages, p. 217.
520 For more on fideles at the Beneventan court during the ducal and principate periods: J.-M. Martin, ‘Éléments
préféodaux dans les principautés de Bénévent et de Capoue (fin du VIIIe siècle – début du XIe siècle): modalités de
precepts from this period, which reveal that the aristocratic families that successfully formed patronage links with the duke possessed considerable wealth and landed property.\textsuperscript{521}

Relationships between the aristocracy and the Beneventan duke (and later prince) were generally confirmed formally at court through acts of property concession or confirmation, with the ruler often donating land, goods, and slaves from his fisc to his fideles.\textsuperscript{522} These transactions were recorded in precepts drafted by the palace chancery, but the ruler also oversaw/confirmed property exchanges between other parties as well. And as we will see in our analysis below, it was not uncommon for third parties to make a formal request to initiate a property transaction on behalf of other aristocrats. The exchange, and the role of the third party, would subsequently be preserved in an official precept.

The aristocrats that frequently participated in these property exchanges at court were palace officials of rank, the most important of which were the treasurer (thesaurarius), responsible for the ducal and later royal fisc, and the legal secretary (referendarius), who headed the palace chancery. Other officials included ceremonial officials (vestararii, scaffardi, sartorii, stolesaiz, etc.), administrative officials (duddi, vicedomini, gastalds, cubiculari, etc.), notaries (notarii), and judges (iudices).\textsuperscript{523} Service within the palace allowed access to the court’s patronage network and it was through this network that an individual could express his place within the hierarchy of Beneventan society.

Members of the Beneventan church and local monasteries also gathered at court and participated in its affairs. Just like their secular counterparts, many religious leaders were involved in property exchange at court, acting on behalf of their monasteries or churches during the proceedings and/or serving as intermediaries for others by making formal requests to the ruler to oversee the transactions. Indeed, the court’s patronage gave church and monastic leaders the


\textsuperscript{522} C. Brühl, ‘Zentral- und Finanzverwaltung im Franken und im Langobardenreich,’ in I Problemi dell’ Occidente nel secolo VIII. Settimane del CISAM XX (Spoleto, 1973), vol I, pp. 61-94, at pp. 81-86; But more recently: Gasparri, ‘Il ducato e principato,’ pp. 105-107.

\textsuperscript{523} Collavini, ‘Duchi e società locali,’ pp. 151-154; E. Cuozzo, ‘Potere e ricchezza del Duca-Principe di Benevento,’ in I Longobardi dei ducati, vol. 1, pp. 567-590, at pp. 570-571. It was not uncommon for one individual to have multiple titles. The titles of referendarius and duddus were often connected in the ducal period. Grimoald IV, before becoming prince, was both a thesaurarius and a stolesaiz. A powerful aristocrat named Rofrit (†836/839) was at one time a thesaurarius, referendarius, and a gastald.
same opportunity as other landowners to procure concessions from the ruler and from other
wealthy aristocrats, many of whom donated extensively to local religious institutions.524

Precepts in the ducal period (700-774)

An important record of property exchanges at court was the precept (praeeptum or preceptum),
which was written in the ducal and later princely chancery and which recorded the details of the
property exchanged, the names of the participants, and the names of the witnesses. The precept
always concluded with an official subscriptio at the bottom of the document, which recorded the
names of those responsible for drafting it.

Our earliest evidence for a chancery in the Duchy of Benevento dates to 715 during the
reign of Duke Romuald II (706?-732), although it was surely operating earlier than this.525 At its
most basic level, the chancery consisted of two palace officials: a referendarius, the legal
secretary who received the order to draft the document from the duke, and a notarius, the scribe
responsible for writing the document under the supervision of the referendarius.526 Both officials
included their name in the chancery subscriptio. The referendarius was usually a local lay
aristocrat who had an additional administrative title such as dduddus, vicedominus, or gastaldus,
but he occasionally held just the one title.527 Referendarii only served one Beneventan duke,
while notaries appear to have been in the service of multiple dukes of Benevento, showing
considerable continuity within the ducal chancery.528 An outline of the chancery hierarchy can be
reconstructed from the basic subscriptio used in ducal precepts: “ex iussione nominate potestati
dictavi ego X referendarius tibi X notario scribendum.” The referendarius, commanded by the
duke, dictated that which was to be written to the notary, who then produced the document. Yet
the chancery did not always function in this idealized way. Sometimes the notarius produced

524 Martin, La Pouille, pp. 183-189; Di Muro, Territorio e società nella Langobardia minor; idem, Economia e
mercato, pp. 31-46.
525 Chron. S. Sophiae, III.2 (715). For the operation of the Beneventan ducal chancery before 715 see: D.A.
Bullough, ‘The writing-office of the dukes of Spoleto in the eighth century,’ The Study of Medieval Records: Essays
in Honour of Kathleen Major (Oxford, 1971), pp. 1-21. For more on Beneventan notaries in this period and in the
ninth century see especially: Bertolini, Actum Beneventi.
526 See Zielinski’s introduction in CDL IV/2, pp. 35-36.
527 This is particularly true in the duchy of Benevento during the first half of the eighth century: For dduddus see:
Chron. S. Sophiae III.2 (715), II. 8 (742), II.13 (743), II.7 (744), II.6 (745), III.26 (749), III.25 (752), VI.33 (752-
755), III.10 (752-756). For vicedominus see: Chron. S. Sophiae, III.1 (720), II.4 (721), I.22 (722), II.3 (723), II.12
(723), II.1 (724), III.31 (724), II.2 (726). For gastald see: Chron. S. Sophiae, III.5 (751).
528 For more see Zielinski’s introduction in CDL IV/2, pp. 40, 42, 46-48.
documents for the duke without the involvement of the \textit{referendarius}.\footnote{As in the case of the notary Gratianus, for more see: Ibid, pp. 37-39.} This was particularly true during times of political unrest, such as during the reign of Duke Godescalc (740-742/3)\footnote{As in the case of the notary Probus, first noted by: A. Chroust, \textit{Untersuchungen über die langobardischen Königs- und Herzogs- Urkunden} (Graz, 1888), p. 103.} or the early years of Duchess Scaniperga’s regency (751-756), or when there appears to have been a vacancy in the position of \textit{referendarius}.\footnote{As noted by Zielinski in his introduction in CDL IV/2, intro, p. 44.} Evidence also suggests that the palace employed more than one notary\footnote{\textit{Chron. S. Sophiae}, III.3 (746), \textit{Reg. Pet. Diac.}, doc. 174 (747).} and that at one point two sets of \textit{referendarii} and \textit{notarii} were working simultaneously.\footnote{See Zielinski’s observations on the two \textit{referendarii/notarii} groupings during the reign of Gisulf II (i.e. Adefusus/Aldichis/Godepert and Ermenari/Gratianus) in the introduction to CDL IV/2, pp. 42-43.} When more than one \textit{notarius} was employed, one \textit{notarius} typically acted as the intermediary between the duke and the other \textit{notarius}, basically being a substitute for the \textit{referendarius}.\footnote{\textit{Chron. S. Sophiae} III.3 (746), \textit{Reg. Pet. Diac.} doc. 174 (747); Poupardin, ‘Études sur la diplomatique des princes,’ pp. 126-127.}

All Beneventan precepts that we have evidence for deal with property exchange and property possession, including both movable and immovable goods. Our evidence for the ducal period suggests that Beneventan dukes were particularly concerned with property matters that involved their palace officials (both ceremonial and administrative) and certain monasteries, which were placed under the protection of the palace. While the majority of our precepts focus on monastic property, a small portion involve the laity, particularly lay officials receiving land, slaves, and goods by order of the palace.\footnote{For concession to \textit{vestiarius} see: \textit{Chron. S. Sophiae}, III.1 (720); For \textit{thesaurarius} see: \textit{Chron. S. Sophiae}, III.26 (749); For \textit{sartorius} (\textit{sarturus}) see: \textit{Chron. S. Sophiae}, III.11 (757); For \textit{scaffardus} see: \textit{Chron. S. Sophiae}, VI.33 (752-755); For \textit{iudex} see: \textit{Chron. S. Sophiae}, III.5 (751). For \textit{gastaldus} see: \textit{Chron. S. Sophiae} III.1 (720), III.5 (751); For \textit{stolesaz} see: \textit{Chron. S. Sophiae}, III.11 (757), III.29 (764); For \textit{marphais} see: \textit{Chron. S. Sophiae}, III.25 (752); For \textit{vicedominus} see: \textit{Chron. S. Sophiae}, III.5 (751); For \textit{duddus} see: \textit{Chron. S. Sophiae}, III.2 (715); For \textit{referendarius} see: \textit{Chron. S. Sophiae} III.2 (715).\textit{Duddus may have}}
720 Duke Romuald II conceded a *condoma* (farm land) and the family inhabiting it to his *vestararius* Ursus at the request of the *gastaldus* Audelahis.\(^{537}\) Later in 751, Duke Gisulf II was asked by the *vicedominus* Toto and the *gastaldus* Pitrulus to confirm a concession of property to the *iudex* Aloin.\(^ {538}\) In both cases, the duke acted based on the request of administrative officials and gave his authority to the transaction. The written word (i.e. the *precepta*) served as one way the duke and his lay officials could develop and bolster relationships between themselves and with other lay officials.

There is one precept, however, that shows the duke acting on his own behalf when conceding property to a member of the laity. In 740, during the first year of his controversial reign, Duke Godescalc ordered that a precept be drawn up to record the concession of a slave and his family to Aufrid, son of the deceased *thesaurarius* Ursus.\(^ {539}\) It is possible that Godescalc may either have been rewarding the loyalty of the former *thesaurarius* Ursus by gifting property to Ursus’ successor Aufrid, or perhaps he was attempting to gain the man’s loyalty through the transaction. There are probably many more precepts like this that do not survive due to their secular nature, in which palace and lay officials benefited from their service or loyalty to the duke.

Surviving precepts also reveal that Beneventan dukes were very involved in donations made to monastic institutions.\(^ {540}\) During the period covered by this study, large Beneventan monasteries, particularly Montecassino and S. Vincenzo al Volturno, acquired extensive patrimonies from generous dukes and aristocrats and were powerful landowners in their own right.\(^ {541}\) Beneventan rulers also founded their own private churches and monasteries – the most important of which in this period was S. Sofia in the city of Benevento.\(^ {542}\) To these institutions,

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been the same position as the *vicedominus* or *thesaurarius*. See: *CDL* IV, p. 13. But it appears to have been typically paired with the position of *referendarius*.

\(^{537}\) *Chron. S. Sophiae* III.1 (720).

\(^{538}\) Ibid, III.5 (751).

\(^{539}\) Ibid, III.9 (740). Godescalc did not have the approval of King Liutprand and some suggest he was elected duke by a separatist faction who had allegiances to Rome. This would lead only a few years later to his dramatic downfall as Liutprand advanced on Benevento to restore Benevento’s loyalty. For more see: Paul the Deacon, *HL*, 6.56. Also: J.T. Hallenbeck, ‘Pavia and Rome: The Lombard Monarchy and the Papacy in the eighth century,’ *Transactions of the American Philosophical Society* 72.4 (1982), pp. 1-186, at pp. 35, 39-40.

\(^{540}\) *Chron. S. Sophiae*, II.4 (721), I.22 (722), II.3 (723), II.12 (723), II.1.1 (724), II.2 (726), I.8 (742), I.23 (742), I.24 (743), II.11 (744), II.7 (744), II.6 (745), II.9 (745), II.10 (751), III.10 (752-756).

\(^{541}\) For Montecassino: Fabiani, *La Terra di San Benedetto*; Bloch, *Monte Cassino in the Middle Ages*; for San Vincenzo: Del Treppo, ‘La vita economica e sociale,’ and Wickham, ‘Monastic lands and monastic patrons.’

\(^{542}\) For more on S. Sofia see: Delogu, *Mito di una città*, pp. 16-36.
rulers donated land, property, and other local monasteries and churches of particular socio-economic importance.\textsuperscript{543}

Other smaller monasteries also formed relationships with the court. Rulers acted not just as patrons but also as legal protectors who possessed considerable influence over how monastic property was administered. In the 720s and 740s, almost all the precepts issued by Dukes Romuald II and his son Gisulf II were directed at monastic institutions.\textsuperscript{544} Many of these were focused on the monasteries of S. Sofia in Ponticello (located outside the walls of the city of Benevento) and also SS. Maria et Petrus in Massano.\textsuperscript{545} It appears that Romuald II and Gisulf II did not use the property donated to these institutions as part of a ‘geo-political’ strategy in the creation of an eigenkloster as we see later with Arichis and his palace church of S. Sofia in the city of Benevento and with King Desiderius and S. Salvatore at Brescia in the north.\textsuperscript{546} Yet a special relationship did develop between Beneventan dukes and these two monasteries. In seven surviving precepts, the Beneventan duke confirmed or conceded land by means of a precept which mandated that the property was not only immune from episcopal interference but was directly under the protection of the palace. In these cases, abbots were often permitted the potestas to do as they wished with the property conceded to them or confirmed by the duke so long as the duke kept the monastery and its possessions under his audientia/obedientia (jurisdiction, obedience). In other examples, the monastery promised to return the property to the duke after the abbot’s death.\textsuperscript{547} For example in 723, Romuald II ordered that the abbot of S. Sofia in Ponticello was to have freedom from the bishop to govern the monastery’s property. However, the monastery and its property were to remain under the obedientia of the palace.\textsuperscript{548} This was stressed in a separate precept of 724 and again in a precept of 726, but with

\textsuperscript{543} For Arichis II’s donations and their economic importance see: Di Muro, \textit{Economia e mercato}, pp. 51-56.


\textsuperscript{545} As noted in CDL IV, intro, pp. 19-20. S. Sofia in Ponticello and Abbot Zacharias: Romuald II: \textit{Chron. S. Sophiae}, II.4 (721), I.22 (722), II.3 (723), II.12 (723), II.1 (724) II.2 (726); Gisulf II: \textit{Chron. S. Sophiae}, II.8 (742), I.23 (742), I.24 (743), II.11 (744), II. 7 (744), II.6 (745), II.9 (745), III.4 (748), II.10 (751); SS. Maria e Petri in Massano: Romuald II: \textit{Chron. S. Sophiae}, II.14 (719); Gisulf II: \textit{Chron. S. Sophiae}, II.13 (743).

\textsuperscript{546} Wickham, ‘Monastic Lands and Monastic Patrons’, at p. 145.


\textsuperscript{548} \textit{Chron. S. Sophiae}, II.3 (723).
“obedientia” changed to “palatii iudicem” (judgment of the palace). Romuald’s son, Duke Gisulf II maintained a similar policy. In 742, he confirmed the status of S. Sofia in Ponticello’s property, placing it under the audientia of the palace. In 743 he also freed the monastery SS. Maria et Petrus in Massano from the jurisdiction of all bishops as long as the property and its possessions remained “under the dispositio of [his] palace.” He even mandated that future abbots be chosen only by his ordinatio. In other words, while monasteries gained immunity from bishops and were shielded from the interference of gastaldi, actionarii (administrative officials), and iudices, they did not have complete authority over their property. Dukes were careful not to fully alienate certain property to monasteries and precepts were one way to guarantee a duke’s control over moveable and immovable property donated to these institutions.

**Precepts in the principate period (774-899)**

Precepts continued to be issued by order of the Beneventan ruler after the Duchy of Benevento became a Principality in November of 774. The new royal chancery, however, was reorganized and the duties of certain officials transformed to suit the new circumstances. One clear change is the removal of the referendarius, who was the dicator and head of the ducal chancery, from his duties overseeing the composition of precepts. The first hint of this change can be seen in 764 in a change to the formulaic subscriptio appended to precepts, which seems to downgrade the importance of the referendarius. While the typical referendarius/notarius hierarchy was clearly still in place at this point in time, the notarius now acted in the first person instead of the referendarius. Five years later in 769, we find only the notarius Ermerissus participating in the drafting of precepts: “ex iussus nominate potestatis scripsi ego Ermerissus notarius.” It appears that sometime between 764 and 769 the office of the referendarius was no longer involved in drafting precepts. Arichis’ precepts from November 774, when he became prince, and all those issued from the princely chancery afterwards up to 899, end with a subscriptio that mentions only

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549 Ibid, II.1 (724), II.2 (726).
550 Ibid, II.13 (743).
551 Ibid, loc. cit.
552 Ibid, I.23 (742), I.24 (743), II.20 (747), II.19 (747), III.5 (751).
554 As noted above, whereas ducal precepts typically ended with the subscriptio “ex iussione nominate potestatis dictavi ego referendarius X tibi notario X scribendum”, by 764 it had changed to “ex iussione nominate potestatis per referendario X scripsi ego X notarius.” See: Chron. S. Sophiae, III.29 (764).
555 Chron. S. Sophiae, III.23 (769).
the authority of the notary: “ex iussione et dictatu nominate potestatis scripsi ego X notarius.” This suggests that in the Principality the notarius functioned directly under the prince. The title referendarius, however, did not disappear from the palace in the ninth century. We know of a referendarius during the reigns of princes Grimoald III (806-817), Sico (817-832), Sicard (832-839), and Radelchis (839-851), but the title disappears sometime after 847.

Besides this change in the chancery organization, there is limited evidence concerning how it functioned in the Principality until the tenth century, that is, after Benevento had been conquered by Capuan rulers. But it seems clear that the office of the notarius continued to function throughout the ninth century, and we see a great number of notarii writing precepts for the palace. The number of different names of notaries that appear on our documents suggests either that the position was more or less ad hoc, or that there was a large organized group of notarii associated with the palace.

There is no significant change in the number of precepts issued by the palace in the late eighth and early ninth centuries, although it is possible to detect a gradual decrease in their numbers during the political uncertainty of the late ninth century. There are noticeable peaks in the overall number of precepts drafted under Arichis II in the 770s and in the 830s under Sicard. Most of those issued by Arichis were directed at his own private royal foundation of S. Sofia, to which he conceded numerous monasteries and churches dependent on the palace. Arichis’ relationship with S. Sofia in Benevento was unlike that of Dukes Romuald II and his son Gisulf II’s with S. Sofia in Ponticello. With S. Sofia in Benevento, Arichis was clearly founding an eigenkloster (or a proprietary monastery) and his precepts served to consolidate the palace’s property directly under the monastery’s (and in turn his own) authority. He appears to have been free to do as he wished with properties that were considered to be under the protection of the palace.

Beneventan princes also appear to have been free to concede the property of individuals convicted of crimes, those who abandoned their property during their exile, and those who died

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557 Poupardin, ‘Études sur la diplomatie des princes,’ p. 128. Perhaps it was this group of notaries that Prince Adelchis’ law discussed in the last chapter, requiring only official notarii to write notices (breves) and deeds (munimina), was referring to. See Capitula Adelchis, n. 8 and Chapter 2 of this dissertation, pp. 147-149. For more on notarii in the Lombard north see supra fn. 478.
without heirs by means of a precept as well. This occurs numerous times in the precepts of the Principality – a trend not common in our records from the Duchy. Prince Arichis, for example, made numerous offerings of confiscated property via precepts during his donations of November of 774 to S. Sofia. He donated several pieces of property from those convicted of stealing from the palace, those who had fled, and those convicted of writing false charters. Prince Sicard extended this policy to include abandoned or confiscated property as well. And by the end of the civil war in Benevento (839-849) and the beginning of the Muslim raids, which continued throughout most of the ninth century, property, particularly movable property such as slaves and their families, began to be referred to as being deserted or abandoned and men were dying without heirs. At this point, it appears that princes were coping with the situation by donating the property to their own monastic institutions or to their fideles, which allowed their patronage network to continue to function throughout periods of instability and economic depression. These donations were, however, always done at the request of another – either a layman or a member of the church. Indeed, precepts from the Principality always show the prince acting on behalf of others rather than donating property on his own behalf. Similar to what we saw in the ducal period, requests were made by palace officials (such as the thesaurarius, the referendarius, gastaldi, and counts), church members (such as abbots, bishops, and deacons), or the ruler’s fideles. However, unlike the ducal period, the prince’s family members such as his wife and sons also became involved in the process of land donation. This was particularly true for Prince Radelchis, whose wife Caretruda and sons, Ursus and Radelgarius, each requested that land be donated in their name. The act of requesting a land exchange from the Beneventan prince, allowed these aristocratic families to define their position of authority in the court hierarchy, the details of which were then preserved in the preceptum.

558 For example see: *Chron. S. Sophiae*, I, 1, [17] (774) and I, 1, [25] (774).
559 Ibid, I, 1, [38] (774).
561 Ibid, III.14 (832); III.32 (833); III.13 (833-836); III.12 (838).
562 Ibid, II.16 (840); III.21 (867); III.20 (881).
563 Ibid, III.22 (862); I.30 (881); I.31 (881).
564 Ibid, III.35 (839); III.36 (840); III.33 (841); III.16 (845).
Charters in the ducal period (700-774)

While we have evidence for a large number of precepts from both the Duchy and Principality of Benevento, charters (cartulae) survive in much smaller numbers. Most ducal charters that we have evidence for date to the period of Arichis II’s reign (758-774). These documents were typically written by lay officials with the title of notarius and were dated based on the reign of the Beneventan duke. Among those issued before Arich’s reign, there are two hybrid ‘precept-charters,’ as modern scholars refer to them, which have elements of both a precept and a charter. These texts were authorized by the palace and composed by the ducal chancery but dealt with legal transactions that occurred between private parties not connected to the palace. It appears that during these transactions the landowners made personal requests to the duke to have him affix his seal to their charter to add extra authenticity to the document. For example, in 719 a man named Iubinianus and his wife Donula donated property to SS. Maria et Petrus in Massano under the supervision of Romuald II, and after the ceremony Romuald agreed to stamp the precept with his ring to authenticate the document. Abbot Zacharias of S. Sofia in Ponticello also conceded land under the consilium of the duke, in this case Duke Gisulf II, and likewise requested that it be stamped (anulum sui effigii preciperet, quod et affectum est). We should note that the two monasteries involved in these charters, SS. Maria et Petrus in Massasno and S. Sofia in Ponticello, were both under the protection of the ducal palace, as noted above, and this may be why the duke was involved in the transaction and these documents have such a unique format.

Of the charters that date to the reign of Arichis as duke, most are either charters of offering or charters of sale. This could be evidence that Arichis encouraged the sale and donation of property amongst landowners and monasteries more than other dukes before him or that the stability his reign resulted in increased land exchange. As we saw in the last chapter, many of Arichis’ laws from 774-787 emphasized the ruler’s desire to regulate property donation and sale

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566 For the names of these notarii see Magistrale, ‘La documentazione privata,’ p. 529 and fn. 174.
568 Chron. S. Sophiae, II.14 (719).
569 Ibid, III.4 (748).
in the 770s/780s. Unfortunately with so few examples of charters from this period, it is difficult to draw any firm conclusions.

**Charters in the principate period (774-899)**

Charters have a higher survival rate from the Principality than the ducal period, particularly before the Beneventan civil war in the period between 774 and 839. From these examples, the importance of the social network in the drafting of these documents can be observed. A large number of charters are associated with the reigns of princes Grimoald III and Grimoald IV. During this period, there is a sharp increase in the number of charters of offering that survive. This type of charter is less common during the reigns of Sico and Sicard, where instead there was an increase in the number of charters of sale. The survival of so many charters of offering and sale are probably a consequence of their preservation in monastic cartulary-chronicles. But after Sicard’s death and the aftermath of the Beneventan civil war (839-849), there was a significant decrease in charter production of both types. It is possible that the unstable environment of the later ninth century discouraged landowners from donating or selling land.

Several private charters from the pre-civil war Principality of Benevento also survive from the region around Salerno in the archive of Cava, including a charter of _morgengarb_, which recorded a morning gift agreement, several charters of sale, and other charters detailing transactions between private individuals. These documents were almost always composed by an official _notarius_ and several also conclude with public oaths (_sacramenta_) sworn between the parties. Like precepts, private charters also mobilized and reflected the networks of patronage in the Principality. For instance, all of the charters from this Cava group contain numerous witness signatures from other landowners, their family members (sons or daughters), and some were even witnessed by church members (priests, clerics, and deacons), _sculdaheises_ (local judges), and even individuals who held the title of _notarius_ but who were not responsible for that particular document. Martin has noted that the number of signatures on charters in southern

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570 See Chapter 2, pp. 118-123.
571 On charters from the Principality see: Magistrale, ‘La documentazione privata,’ pp. 530-544.
572 Ibid, p. 531.
573 CDC, vol. 1, nos. 1-9, 12-18.
574 Ibid, n. 2 (798); “per sacramenta nos au nostri hereditibus satisfaciamus tivi au tui hereditibus.” See also: nos. 8 (819), 12 (822), 14 (824), 15 (826).
575 For a breakdown of the names and identities of _notarii_ see: Magistrale, ‘La documentazione privata,’ pp. 537-539 and fn. 211. For _sculdaheises_: CDC, vol. 1, nos. 1 (792), 4 (801); for clerics: CDC, vol. 1, nos. 3 (799), 12 (822); for
Italy increased over the course of the ninth century, perhaps evidence that more and more signatures were required to authenticate documents.\(^{576}\) For those issued during the period covered by this study in the Cava collection, the number of signatures, which generally numbered around 6-8 in the early ninth century, increased to around 10-12 during the period immediately before the Beneventan civil war. Regardless of the motivations behind this increase in *subscriptiones* on charters during the principate period, the fact that so many named members of the community gathered to witness documents and oaths between individuals is demonstrative of the importance of memorializing specific names in one’s social network and the events that occurred during the transaction. These memories were vital proofs during property disputes, as was the memory of the witnesses who subscribed to the documents and their recollection of the procedures undertaken during the transaction, as we will see in the next section.

**Precepts, charters, and property disputes – evidence from the *notitiae iudicati***

For Beneventan landowners, precepts, charters, and other written documents like *munimina* and *breves*, were considered legitimate legal proofs of property ownership. Evidence for this can be seen in property dispute cases from the period, during which disputants used these documents in an attempt to bolster the authority of their claims. We only have evidence for 18 judicial cases in Benevento during the eighth and ninth centuries, and all deal with cases of monastic property, in which the monastery won the dispute.\(^{577}\) Like the precepts and charters examined above, evidence for Beneventan dispute cases survives primarily in the pages of eleventh and twelfth-century monastic cartulary-chronicles. Only eight cases were copied down in the form of notices of judgment (or *notitiae iudicati*), which were official documents issued from the chancery by order of the dukes and princes of Benevento detailing their judgments for dispute proceedings. Five of these date to the ducal period (742, 746, 756, 762, and 766) and three to the principate period (839, 897, and 899).\(^{578}\) In addition to these *notitiae*, ten disputes are briefly mentioned in documents from the period or in the narrative of the cartulary-chronicles, but little detail about

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\(^{576}\) Martin, 'Le juge et l’acte notarié,' pp. 294-295.

\(^{577}\) As a point of comparison, there are at least 150 disputes recorded in northern Italy during the same period. See: Wickham, 'Land Disputes and their Social Framework.'

the dispute is provided.\footnote{Seven of these ten cases were held during the ducal period (two circa 706-732, two circa 749-56, two circa 751-4, and one 768-774) and another three during the principality (two circa 856-876/8 and one circa 883). Duchy: \textit{Chron. S. Sophiae}, III.30 (742), II.9 (745), III.3 (746); \textit{Chron. Vult}, doc. 10, 11, 12; \textit{Chron. S. Sophiae}, I. 1 [22] (774). Principality: \textit{Chron. m. Casin.}, I. 39.} Our evidence is therefore limited to small windows of time, specifically the 740s-760s, the late 830s, and the late 890s. Additional legislative evidence from the Beneventan legislation, discussed in the last chapter, and from peace treaties (\textit{pacta}) of the period can also aid in our understanding of property disputes during the early Principality. These texts presuppose the legal framework in which written proofs would have been used and give us valuable information on the authority invested in these documents, particularly during lay disputes.

Surviving evidence suggests that most Beneventan dispute cases involving monastic property were settled at the court or at least arbitrated by the Beneventan ruler until the later ninth century, at which point designated \textit{iudices} (judges) can be seen assuming the judicial duties of the prince. This meant that the court was not just a place to acquire property through donation and exchange, but it was a place to maintain and assert one’s authority over that property. During the ducal period, this involved presenting your precepts and charters to the judge and having them read as an authoritative proof of property rights. But, as documents became more common amongst disputants, particularly in the eighth century, judges often turned to the testimony of the disputing parties and their recollection of the history of the property and/or individuals of good repute associated with that property, to help them reach a conclusion. Alternatively, they turned to the legal authority of oaths and law. By the ninth century, when documents were being lost or destroyed in the warfare of the period, the act of referencing the existence of documents or recalling the historical past of property ownership or of rulers and/or other notable individuals involved in the donation or sale became critical to demonstrating legitimate authority both in the past and in the present.

\textit{Document, disputes, and remembering the past in the ducal period (700-774)}

\textit{Legal proceedings at the Beneventan ducal court}

Beneventan dukes, who acted as chief judicators in dispute cases in the duchy, had little oversight from the Lombard kings, yet they worked within a similar legal system.\footnote{In the Lombard north, the legal system included the king, who acted as chief judicator and presided over a royal court in the capital of Pavia, which was responsible for cases involving capital offences and appeals from lower courts.} In the majority of
Beneventan cases, the duke acted alone when pronouncing judgments and had no recourse to other legal authorities, such as iudices, who participated only occasionally during disputes, usually as investigators.581 The only period when a Lombard king had greater involvement in Beneventan judicial affairs was during the reign of Beneventan Duke Liutprand (749-758). At this time, King Aistulf not only judged a property dispute case between a Beneventan landowner and a local Beneventan monastery at the royal court, but also sent one of his royal missi to Benevento to assist in the legal proceedings at the ducal court.582 But this was the single exception.

Beneventan dispute cases, at least those that might involve monasteries, had many similarities to legal proceedings of the northern parts of the Lombard Kingdom. The dukes formulated their judgments based on their interpretation of law collections, primarily Lombard legislation but also canon acts.583 At least two notitiae record that actual codices of the Lombard Edict and collections of canon law were consulted by dukes to justify their final rulings.584 The proceedings also followed the procedural norms of disputes held in the Lombard Kingdom, with disputes commencing when a complaint concerning an offense was brought forward to the court by one of the two parties involved in the lawsuit. Both disputants came before the head iudex courts; iudices, who were in charge of cases within their civitas (or seat of ducal power); and finally, local judges called sculdaheises and other officials with legal expertise, centini and locopositi, who worked under the iudices within smaller regional units of their respective civitas. For more on judicial proceedings in the Lombard north see: Wickham, EMI, pp. 41-42.; S. Gasparri, 'Il regno longobardo in Italia. Struttura e funzionamento di uno stato altomedievale,' in Langobardia, eds. S. Gasparri and P. Cammarosano (Udine, 1990), pp. 237-305; F. Bougard, La justice dans le Royaume d'Italie de la fin du VIIIe siècle au début du XIe siècle (Rome, 1995); P. Delogu, 'Lombard and Carolingian Italy', in The New Cambridge Medieval History, vol. II c. 700-900, ed. R. McKitterick, (Cambridge, 1995), pp. 290-319; Everett, Literacy in Lombard Italy, pp. 190-193. The one exception to this organization besides Benevento would be the Duchy of Spoleto, whose legal proceedings operated more like those in Benevento.

Martin, 'Le juge et l’acte notarié,' pp. 289-290; Taviani-Carozzi, La principauté de Salerne, vol. 1, p. 562. Officials such as a gastald were present in the Beneventan court twice, acting as an investigator for the duke in one case and an advocate for a defendant in another. See: Chron. S. Sophiae, III.30 (742); Chron. Vult., doc. 69 (766) respectively. Other judicial officials such as iudices were present in two cases. In a 742 case tried under Duke Godescalc, iudices provided assistance in identifying the veracity of charters being presented to the court. The duke, however, never consulted them when deciding the verdict in the case. See: Chron. S. Sophiae, III.30 (742) for the case and also Chron. S. Sophiae, I.25 (756). There is some evidence, at least in the 740s and 750s, that iudices were still important officials in the Duchy of Benevento, however, the evidence of their function remains vague. Perhaps these officials were responsible for lesser civil cases. For evidence of iudices: Chron. S. Sophiae, I.23 (742); Reg. Pet. Dia., doc. 173 (743); Chron. S. Sophiae, II.7 (744); Reg. Pet. Dia., n. 172 (745); Chron. S. Sophiae, III.5 (751).

581 For the dispute case tried under King Aistulf see: Chron. Vult., doc. 69 (766). For royal missi see: Chron. S. Sophiae, I.25 (756).

582 Martin, 'Le juge et l’acte notarié,' p. 290. For the use of canon law in Italy see: P. Landau, 'Kanonessammlungen in der Lombardei im frühen und hohen Mittelalter,' Atti dell’I1 congresso internazionale di studi sull’alto medioevo. Milano, 26-30 Ottobre 1987 (Spoleto, 1989), vol. 1, pp. 425-454; and for more on the beginnings of the use of canon law in the Lombard kingdom and in Lombard legislation, particularly during the reign of King Liutprand, see: Everett, 'How territorial was Lombard Law?', pp. 351-355.

Chron. S. Sophiae, III.3 (746), II.15 (762).
(which in our cases was the Beneventan duke), at which point the accuser stated his or her grievance against the accused, which is referred to as the *intentio*. Further testimony could then be given by each party and legal proofs were presented as evidence. These proofs could involve the testimony of material witnesses of good repute, the swearing of an oath with the aid of oath-helpers (typically relatives or free men familiar with the defendant), and/or the use of written documents. Written proofs, including charters, precepts, and deeds (*cartulae, precepta, or munimina*), gained in popularity as proofs in the Lombard north by the eighth century, while the more traditional proofs of oath-taking and witness testimony were gradually phased out. However, just north of Benevento, in the Duchy of Spoleto, there was a continued emphasis on witness testimony as proofs. Written documents were used as proofs by at least one party in every Beneventan dispute for which we have evidence in the eighth century. However, the oral testimony of the disputing parties remained important, as did older proofs like oaths, which were used as a means to determine the authenticity of both testimony and documents. But by the 760s, documents appear so ubiquitous that parties began to have more than one written proof to show the judge.

Various types of documents were used as evidence in Beneventan dispute cases. The *offertio*, as the disputants call it, or the primary record of an offering made by a layman or woman to a monastery, was typically put forward by monastic parties. In most cases these were simply precepts of concession (*precepta concessionis*) but in one case the *offertio* appears to be a private charter of offering. In addition, *cartulae libertatis* (charters of manumission) were used by disputants, primarily by lay parties during manumission disputes. Most disputants, both monastic and lay parties, typically used precepts (*precepta concessionis* or *precepta confirmationis*), which recorded land concessions and confirmations by Beneventan dukes and in one case, a Lombard king.

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586 Wickham, 'Land Disputes and Their Social Framework', pp. 238-239.
588 See for example the two cases from this period: *Chron. S. Sophiae* II.15 (762), *Chron. Vult*, doc. 69 (766).
589 For *offertiones*: *Chron. S. Sophiae*, III.3 (746); I.25 (756), II.15 (762); *Chron. Vult*, doc. 69 (766).
590 *Cartulae libertatis*: see: *Chron. S. Sophiae*, III.30 (742).
591 *Precepta concessionis* and *confirmationis* see: *Chron. S. Sophiae*, III.30 (742); II.15 (762); *Chron. Vult.*, doc. 69 (766) has a documents issued by the Lombard king.
Written proofs were normally presented by the disputant and examined by the Beneventan duke who was presiding over the case. If the duke was not satisfied, an inquiry into the authenticity and legality of the contents of the documents was conducted. The legislation of kings Liutprand and Ratchis decreed that charters were expected to conform to certain norms. They had to be written by knowledgeable scribes according to ‘Lombard or Roman law’, and if it was a charter of sale, it had to be written by a public scribe or signed by a witness and clearly detail the specifics of that sale. The investigative phase of Beneventan property disputes sometimes resulted in documents being declared invalid or fraudulent. But more often than not, both sets of written proofs were deemed legally valid. The existence of two sets of legally admissible documents that conflicted meant that the duke had to rely more on the details of the disputants’ testimony or on the legitimacy of other legal authorities, such as law, and practices, such as oath-taking.

**Ducal dispute cases (700-774): displaying documents**

One of the most common details emphasized by Beneventan disputants in their testimony was the names of particular ruler(s), aristocrats, and/or abbots, which could serve to add authenticity and antiquity to their claim of property ownership. The success of this strategy of remembering (or name dropping) is demonstrated in the earliest preserved *notitia iudicati*. In 742 a case was brought forward to Duke Godescalc by a group of former slaves living in Saccione. The men claimed they were manumitted from their master Wadulfus and had received goods and land from which to live by the late Duke Romuald II. They had documents to prove their case including charters of manumission (*cartulae libertatis*) and precepts of concession (*precepta*

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592 This was typical to property disputes in the Lombard Kingdom: Wickham, 'Land Disputes and Their Social Framework', p. 240.
593 This happened in all but one case in Benevento. As a point of comparison, in northern Italy only 50% of documents were read or read aloud. See: S.H. Brunsch, 'The authority of documents in early-medieval Italian pleas,' in *Aspects of Power and Authority in the Middle Ages*, eds. B. Bolton and C. Meek (Turnhout, 2008), pp. 277-289, at p. 280.
594 Leges Liutprand, no. 91; Leges Ratchis, no. 8.
595 *Chron. S. Sophiae* III.30 (742); I.1 [38] (744); I.1 [56] (774), CSS I.1 [20] (774), I.12 (774), I.1 [47] (774), I.18, (774) I.1 [24] (774), I.1 [8] (774). See also *Chron. S. Sophiae*, III.9 (740), which details a forgery judgment in which the widow of a cellararius named Fridichis presented a false preceptum during a dispute. She claimed ownership over property, which was in fact rightfully granted to an abbot named Zacharias. The duke presiding over the court, Gisulf II, confiscated the land and returned it to Zacharias with a charter of confirmation. There is no mention of the punishment for the widow or the scribe responsible for the charter’s composition.
concessionis) issued by Romuald II, which detailed their freedom and property holdings. Their opponent Deusdedit, the abbot of the monastery of S. Iohannis, argued that the goods and land were also conceded to him by Duke Romuald II, whom he noted was of bonae memoriae. Deusdedit also mentioned the particulars of the property in question as well as the names of two other aristocrats, specifically Tindo, Wadulfus’ brother, regarding the extent of the grazing pasture, and a certain Rodperto, son of Radulfus, who had participated in an earlier dispute case between Deusdedit and the men, which had been judged by Romuald II in Deusdedit’s favour. Deusdedit then showed his preceptum and a iudicatum (likely a notice of judgment) which verified his testimony. After examining (examinata fuiisset) and reading (relegere) all the documents put forward during testimony, Duke Godescalc began questioning the men’s version of events. He sent the gastald Crissus and his vesterarius Potion to investigate the matter further, and upon their return and failure to verify the men’s documents, Godescalc concluded that the former slave’s charters and precepts were in fact forgeries, and abbot Deusdedit won his case. In this example, Deusdedit’s detailed testimony in which he named specific land boundaries, individuals of good repute and past events such as a prior court case, motivated Godescalc to question the men’s claims, which were more vague, and order an investigation into the authenticity of their documents, resulting in their authority being dismissed.

Another case from 746, this time judged by Duke Gisulf II, demonstrates a similar emphasis by disputants on recalling past figures and the importance placed on the timeline of property ownership. The case was brought forward by Theodoracus, abbot of the monastery of S. Peter in Quintodecimo, against a priest named Benedictus. The property in question was a church, also called S. Peter, built in Quintodecimo. Theodoracus claimed that Benedictus had offered the church to his monastery during the tempore of Duchess Theoderada (687-?), and that this had been confirmed in a precept issued by her. Therefore, he argued that “by law” (per legem) his monastery should have authority over the church. Benedict confirmed the abbot’s claim that the offering took place but noted that it was held per calciaria (here likely an annuity of some kind) and before this it had been subject to the monastery of S. Maria in Quintodecimo. Therefore “by law” (per legem) it should continue to belong to that monastery and not to Theodoracus’ monastery. As both men had referenced possessing the church “by law” in their testimony, Duke Gisulf consulted canon law to formulate his verdict, and in the end he ruled in

597 Chon. S. Sophiae, III.3 (746).
favour of Benedictus. Gisulf decreed that according to the precepts of the canons (secundum precepta canuni) a church could not be seized from another (ecclesia una ab altera non raperentur). However, in the notitiae recording his judgment, Gisulf made it quite clear that he knew for certain that the church belonged to S. Maria before even consulting the canons (cognoscentes certam veritatem quod ipse Sancto Petro ad Sancta Maria adprotenuit). This was likely because Benedictus had positioned S. Maria’s claim over the church further back in time than Theodoracus had. Benedictus’ testimony, which Gisulf judged as true (certam veritatem), helped to convince the judge of the antiquity of S. Maria’s claim and overturn the abbot’s legitimate preceptum of Theodorada.

Beneventan dukes were not always convinced by a disputant’s recollection of the history of property ownership, especially when the document they put forward as a proof lacked sufficient evidence of known individuals connected to the transaction. In a case from 756, the duke requested that the traditional legal custom of oath-taking be performed by both parties in order to help determine a verdict in the case. The dispute was brought forward by a nun named Eglidi and her male guardians (her nepotes, the priest Comis and Elisseus) to the court of Duke Liutprand against an abbot of the monastery of SS. Archangelus et Benedictus in Senedochio named Mauricius. The nun accused the abbot of illegally (contra rationem) holding the property and goods of a church named S. Nazarius, which she recalled had been built by her genitor from its foundations (nos eam edificavimus a fondamentis) and which by law (per legem) belonged to her family. Mauricius responded that “it was true” (veritas est) that Egildi’s family had built the church, but afterward she and her sister Gentile had offered it and its associated goods to his monastery. He even had the offertio confirming that transaction in his hands (ecce offertio quem nobis exinde fecistes). Duke Liutprand ordered the offertio read in his presence (fecimus legere ipsa offertionem in nostris praesentibus) and asked who had written the charter and if it had been done in Egildi and Gentile’s presence or not. His inquiry into the document did not satisfy him enough to judge in favour of the abbot’s claim. Without a sufficient proof from either party, the duke ordered an oath to be sworn by Mauricius with five monks, followed by Eglidi and her representatives. Eglidi refused to comply with the oath (Egildi una cum nepoti sui minime voluerunt ea [sacramenta] suscepere), and so following Lombard law, Liutprand judged in favour of Mauricius, who did swear the oath. This ruling followed Rothari’s Edict, which stated

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598 Chron. S. Sophiae, I.25 (756).
that if oaths were required, both parties should swear them with the aid of oath-helpers, and if one party or his oath-helpers refused, the oath would be considered broken and the case would be judged in favour of the opposing party.599 The case therefore depended not on Mauricius’ charter of offering, which was deemed problematic, but on a traditional oath. However, Duke Liutprand’s inquest into the scribe who wrote the charter and whether the charter had any witnesses, demonstrates that the case could have been concluded with further testimony had such witnesses been brought forward. The charter appears to have lacked specific names and thus lacked authority, and we have to wonder why Liutprand did not press the issue further and why he did not permit Egildi more time to gather enough oath-helpers for her to take the required oath. In the end, the memories provided by both Abbot Mauricius and Egildi in their testimonies could not be verified by other members in their patronage networks, and the Duke had to rely on other legal measures to authenticate testimony.

By the later ducal period, disputants began matching each other in the specifics of their testimony, in the antiquity of their claims, and in the authority of their written documents, forcing the duke to depend especially on specific legal authorities to break the impasse. In a 766 case, for example, in which both parties had similar testimony and similar legitimate documents, Duke Arichis II drafted a conciliatory cartula convenientiae (or charter of agreement) in which both parties were awarded a settlement upon which they had both agreed.600 In another case from earlier in 762 Arichis turned to the authority of specific legal authorities when forming and justifying his verdict.601

The 762 case was brought forward by Abbot Mauricius of S. Benedictus, who disputed the freedom of a group of descendants of former slaves of his monastery, now living freely in Prata. Mauricius testified that the individuals’ parents were previously slaves and (as part of a condoma) had been offered to his monastery by Duchess Theodorada, whom he proclaimed was bonae recordationis, and her son Duke Gisulf I (689-706?). A previous abbot named Zacharias, according to Mauricius, eventually manumitted the slaves against canon law (contra canonicam regulam). When Mauricius became abbot, he attempted to reclaim ownership of the descendants of those freed slaves and their families. The accused individuals responded to Mauricius’

599 Edictum Rothari, nos. 359, 363.
601 Chron. S. Sophiae, II.15 (762).
testimony that their parents had indeed been slaves and had been gifted to the monastery by Theoderada and Gisulf I, but that Abbot Zacharias had freed them, an act they claimed was confirmed by precepts of Gisulf II, whom they declared was gloriaissime memorie, and Duke Godescalc. They also reiterated that their parents had been freed “by law” (per legem). Mauricius then repeated his testimony that the manumission was against the law and that he had the original precept of offering that detailed their parents’ enslavement in his hands (secundum offertionem istam quam ecce per manibus teneo).

Here Mauricius not only called upon the memory of former Beneventan rulers, but also emphasized the specific authority of canon law (sanctorum Patrum institutione seu canonicam sanctionem), while the descendants of the former slaves chose to reference the most glorious memory of Duke Gisulf II and Duke Godescalc. When Arichis began reading Mauricius’ offertio and the groups’ precepta of Gisulf II and Godesclac, he noted that the precepta of the men had also included a confirmation of the precept by Duchess Scaniperga and Duke Liutprand. Interestingly, the group opted not to mention the involvement of these two rulers in their testimony, likely because the memory of Duke Liutprand and his mother would have been considered problematic by 762. Only four years before Liutprand had rebelled against Arichis’ father-in-law King Desiderius and his ousting was the reason why Arichis had been installed on the Beneventan ducal throne.

The testimony of both Mauricius and the descendants made use of every defence strategy from prior Beneventan ducal disputes, recalling the specifics behind the history of ownership, the names of rulers and individuals of good repute who served as authoritative reference points, and even called upon the authority of particular legal traditions as evidence. Arichis’ verdict, perhaps not surprisingly, responded using a similar emphasis upon the past and justifying his decision by giving a detailed reading of relevant laws, whose legislators he explicitly named: the capitula sanctorum apostolorum seu Nicino nec non et Anquiritano atque Silvestri pape urbis Romae and the edictum gentis nostre Langobardorum, in particular bonae recordationes dominus Liutprand rex. Unlike Gisulf II’s ruling in the 746 case, which also used canon law as a reference point,

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602 Chron. S. Sophiae, II.15 (762): “et per legem qualiter liberi constituti sumus in nostra libertate permanere debemus.”
603 Chron. S. Sophiae, II.15 (762): For canon law Arichis was quoted as saying: “Quorum capitula sciscitantes ita continenis invenimus in sanctorum apostolorum seu Nicino nec non et Anquiritano atque Silvestri pape urbis Rome concilis ut nullus episcoporum, presbyterorum, diaconorum et clericorum qui sanitis et venerabilibus locis preessent res ecclesie distraherent aut alienare presumant, et qui presumerent a proprio gradu disciderent.” And for Lombard
Arichis focused particularly on the authorities he cited and the reasons for his ruling in favour of abbot Mauricius. In this case, with both sets of documents valid and of equal authority, Arichis had to depend on other authorities, this time legislators, to make his final ruling.

Thus, the use of charters, precepts, and other written proofs during monastic property disputes did not always result in a victory. Documents were only as authoritative as the names and dates written on them. The evolution of the testimony of Beneventan disputants over the course of the eighth century demonstrates that these landowners believed that recalling the names of specific rulers, aristocrats, and abbots, and emphasizing their good reputation added authority to their claims. Similarly important was placing ownership within a legitimate historical narrative that stretched back in time and noting that it was possessed “by law,” the more specific the better. Detailed testimony could sometimes undermine the authority of written proofs during court proceedings, or at least stimulate an investigation into the document’s authenticity, during which they could potentially be declared invalid or forged. By the 760s, when both disputants had multiple sets of legitimate documents on hand, the duke had to turn to other proofs and other authorities from the past to verify the testimony of disputants. The traditions of law and customary legal practices like oath-taking helped to justify rulings.

Documents, disputes, and remembering the past in the principate period (774-899)

When the Duchy of Benevento became an independent Principality, Arichis, who declared himself the first prince of Benevento, maintained the Beneventan court much as he had during the ducal period. As we saw in the last chapter, the seventeen laws he issued during his reign preserved and maintained many legal traditions from Lombard law, canon law, and Roman law – all traditions practiced in the ducal period in Benevento. It is likely that the judicial system functioned in much the same way as it had in the ducal period, with the prince acting as the chief judicator. Unfortunately, we have little evidence for judicial proceedings during Arichis’ reign as prince or for the next three Beneventan princes thereafter: Grimoald III, Grimoald IV, and Sico. There is, however, a treaty of 787 orchestrated by Arichis, which hints that written proofs, in this case charters of sale (cartulae emptionis), continued to be seen as authoritative during lay dispute

law: “Quod sciscitantes invenimus qualiter bone recordationes domnus Liutprand rex instituit ut precepta que facta anterior essent statuimus firmiores et stabiliores esse, sicut volumus ut nostra precepta simper roborem opteneant.” The law being: Leges Liutprand, n. 73.


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cases. And according to Sicard’s 836 pact between Benevento and Naples, one of the disputing parties was encouraged to bring an official epistolae from either a prince or a iudex to authenticate ownership if a dispute arose over property. This suggests that by the end of the eighth century and into the ninth century, written proofs were still considered to be authoritative in proving ownership claims.

**Dispute cases of the early principate (774-849): looking to the distant past**

The only notitiae iudicati for the early principate period, however, reveals a possible shift at the Beneventan court away from written proofs as the focus of the proceedings and onto the testimony of the disputants and witness testimony. In this case from 839, the two parties used similar strategies to argue for their ownership of a piece of property, placing particular weight on the narrative of the history of property ownership and on holding the property by law, with one calling upon the authority of canon law and the other upon customary law. Both disputants advanced advocates on their behalf, who argued for them during the proceedings and who offered counter-arguments during the intentio, demonstrating again that this portion of the proceedings

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605 Pactum Liburia n. 9. “Si quis langobardus habet comparatas terras in liburia, et cartulas emptionis exinde ostenderit, et pars neapolitanorum intentionem inde miserit, iuret a parte langobardorum tres homines de sex hominibus, quales pars neapolitanorum quesierint, dicentes per sacramentum: “quia ista cartulae veraces sunt.”

606 Pactum Sicardi, n. 8. “De iustitia autem ita stetit, ut si quiscumque homo causam habuerit pro qualibet re, ut vadat semel et bis cum epistola principis vel iudicis sui…”

607 The date of this case has been rightly called into question by Zielinski in CDL IV/2, pp. 157-159. He dates the case to the reign of Arichis, specially to 764, in part due to the chancery subscriptio on the notitia which reads: “ex iussione suprascripte potestatis dictavi ego Guldemari referendarius tibi Barbato notario scribendum.” Zielinski believes the referendarius/notarius duo mentioned in the subscriptio are in fact Gaydemarius/Beato, who are known to have worked in the chancery under Arichis as duke. The invocatio of the notitia also reads “summus dux gentis Longobardorum” which is not found on any other document related to Sicard. Indeed, neither the subscriptio nor the invocatio can be from a ninth-century document. Clearly, something is amiss. Zielinski argues that when the notitia was copied into the Chron. Vult., the twelfth-century scribe mistakenly or intentionally added Sicard’s name to the document, where it once read Arichis. However, it is indeed just as likely that the copier intentionally added a false eighth-century invocatio and subscriptio to a ninth-century notitiae to give it more authority. Sicard’s reign indeed was considered much less legitimate than Arichis’ reign by later chroniclers – one would expect the scribe to change the name of Sicard for Arichis instead. It is also possible that the notitia is a complete forgery from the twelfth century. The jury is still out on this one, but even with Zielinski’s claims, the editors of the Regesti dei documenti still date the notitia to 839, likely believing the invocatio and subscriptio to be a spurious addition of the twelfth-century scribe. This conclusion makes sense if we look at the actual content of the notitia, which is radically different than the other two notitiae from Arichis’ reign (namely Chron. S. Sophiae, II.15 (762) and Chron. Vult., doc. 69 (766), which we examined above). In the 839 case, the judge never requests that documents be shown to prove ownership and completely ignores Lombard and/or canon law. As we have already seen in this chapter, such actions were not the norm of judicial proceedings in the Duchy of Benevento. The two notitiae from Arichis’ reign, record that in both cases the duke demanded that documents be shown in court. In the 762 case, Arichis also based his judgment directly on canon and Lombard law, even reading from codices of both. For him to do the complete opposite two years later, as is claimed by Zielinski, seems out of character. I am therefore using a ninth-century date for this case.
was considered critical in the defense of their property rights. The ruler was relatively unconcerned with the written proof mentioned by one disputant and no investigation occurred regarding its contents or its authenticity. Instead witnesses for each party were brought forward to testify to the veracity of the statements made by the disputants.

This 839 case was brought forward by the archipresbiter Iustus, a representative for the Bishop of Benevento Hermerissus (839-?), against the monastery of S. Maria in Locosano, represented by a rahilpors named Theodericus and a prepositus of the monastery named Teutpert. During his testimony, Iustus claimed that a church named S. Felice, which had baptismal fonts and canons, should be subject to the bishop of Benevento and the Beneventan church. He argued that S. Felice had been under episcopal jurisdiction since time of Duke Gisulf (II) and the most reverend Bishop Munoald, and that the priests Guatichis and Iohannes, both ordained in S. Felice, had remained subject to the dominio of the bishop just as all other priests overseeing baptismal churches in the Beneventan diocese. Moreover, Bishop Munoald, bonae memoriae, had ordained a certain abbot Garohin there at the request of Duke Gisulf (II), and Garohin had always obeyed the bishop until the time when Abbess Albileopa suggested to Duchess Scaniperga and Duke Liutprand that they concede S. Felice to the monastery of S. Maria by a precept (per suum preceptum). According to Iustus, there were even witnesses (testes) who knew of the obedience of S. Felice’s priests to the bishop.

Representatives for the monastery of S. Maria countered Iustus’ testimony. They began their account by recalling that since the very foundation of S. Felice (a nova fundamenta), the first priest Guetichis (sc. Guatichis) had been made by S. Felice’s founder, Magno, to obey the palace alone (Magno fecit obaudire Guetichis presbiterum soli palatio). While Magno was alive, he had apparently placed the church and the priest under the palace’s authority (dominio), and after Magno’s death, Guatichis continued to obey the palace and not the bishop (nam minime habuit dominium episcopi). Moreover, Bishop Iohannes of Benevento, bonae recordationis, recognized the integrity (bonitatem) of Guatichis and gave him four other churches (S. Nicandrus, S. Angelus, S. Potitus, and another church), which were all in the bishop’s parocie of Quintodecimo, to manage (contradidit…ad regendum). As far as these churches were concerned,

608 Chron. Vult., doc. 61 (839). The title of rahilpors is probably intended to be rathelfer, namely a consiliarius of some type. See: CDL IV/2, p. 159 at fn. 1. For more on this case see also Chapter 4 of this dissertation, pp. 222-223.
609 Chron. Vult., doc. 61 (839): “...., et sunt testes qui cogniti sunt, quod ipsa basilica semper episcopo obaudivit usque in tempore, quod vobis ipsa basilica data fuit.”
Guatichis obeyed the bishop, but when it came to S. Felice, Guatichis obeyed the palace. Guatichis’ successor, the presbiter Iohannes, also oversaw all the aforementioned churches, until he lost control over the four churches in Quintodecimo in a court dispute (in iudicio) with a presbiter named Pando. Iohannes, it was reiterated, again only obeyed the palace (solummodo obediens palatio fuit) when it came to S. Felice, just as Magno and Guatichis before him. After Iohannes’ death, Duke Gisulf II, gloriose memorie, established Guerohin (sc. Garohin) as abbot there, and he too obeyed the palace. It was at this point, the representative claimed, that Duchess Scaniiperga and Duke Liutprand conceded S. Felice and all that belonged to it to the monastery of S. Maria in Locosano by a precept (per suum preceptum) so that the rulers could rid themselves of their crimes (pro suis facinoribus expellendis). From that time forward until the present (ab eo tempore usque nunc), they argued, S. Maria possessed S. Felice and “idonea persona esse noscuntur certa veritate, eo quod iamphata ecclesia semper palatio obaudivit.” In sum, this longwinded account extended the history of S. Felice’s ownership back to its foundation and attempted to correct Iustus’ version of events by providing a more specific and detailed narrative.

The testimony portion of the proceedings, however, did not end at this point. The bishop’s advocate Iustus argued back that according to canon law (instituta patrum canonica ratione) every baptismal church was subject to the bishop: therefore, the church of S. Felice, which contains baptismal fonts, can in no way be owned by a monastery. Responding to this, Theodericus and Teutpert reminded the judge, Prince Sicard, that many other donations like S. Felice had been made by princes and bishops against canon law and the edicts of the Lombards according to the usus huius nostre provincie. Indeed, if one judged based on the canons (ad canones iudicare vult) then the holy seat of Siponto, which had been donated by Duke Romuald (II), bone recordationis, to the sancti nostri Bishop Barbatus and the Beneventan church by a precept of concession (per suum preceptum), would have its own bishop. Prince Sicard then related in the notitia that he immediately asked Iustus if what the representatives of S. Maria said was true, and that according to canon law, the seat of Siponto should have its own bishop. Iustus responded that the donation by Romuald had indeed been in violation of the canons.

The notitia iudicati recalls that Sicard looked into the disputants’ claims. He heard from witnesses on behalf of the bishop’s claim, five of which are named, who verified that Guatichis had always obeyed the bishop, and then witnesses for the monastery of S. Maria, four of which are named, who confirmed that the priests had always obeyed the palace. All of the witnesses
appear to be laymen without titles with the exception of one priest, who testified for the bishop. Sicard notes that he considered this witness testimony and also the fact the precept had been issued by Scaniperga and Liutprand according to custom (*huius provincie per usus*). Sicard then requested assurances, by giving the *wadia* (or a material pledge or surety) of Iustus to the monastery’s *prepositus* Teupert (*pro ampliorem definitionem fecimus dare guadium*) and requiring Teutpert to swear an oath according to *legem Romanam* with five persons confirming his testimony. Sicard ruled in favor of the monastery of S. Maria in Locosano.

The *notitia*’s account of the 839 case reveals that legal proceedings had taken on a new form in the Principality of Benevento. Greater emphasis was placed on the *intentio* portion of the proceedings, with disputants giving detailed histories concerning the ownership of the property in dispute. While the bishop’s advocate provided a straightforward narrative of the bishop’s jurisdiction over the church of S. Felice, the representatives for the monastery of S. Maria were able to undermine the bishop’s account in their testimony by extending the timeline of their claim further back to the church’s foundation under Magno through to the present and by highlighting specific events related to the individuals named in their opponent’s testimony, particularly in regards to the priests Guatichis and Iohannes and their dealings with bishops, the palace, and other churches and priests in Quintodecimo. The recollection of specific events in the past added an air of authenticity to the monastery’s version and effectively filled in the gaps of Iustus’ account. Moreover, while the bishop’s advocate championed specific institutes in canon law, the monastery recalled the seventh-century donation of the seat of Siponto to the Bishop Barbatus of Benevento, rhetorically challenging the validity of the Beneventan church’s claim over Siponto based on canon law rather than customary law. Sicard’s reaction reveals that this technique had been effective, at least in so far as it caused Sicard to question the use of canon law.

A second change can be seen in the investigative part of the proceedings when proofs were presented. While the precept of Duchess Scaniperga and Duke Liutprand is mentioned by both parties and was an important proof that placed S. Felice under the jurisdiction of the monastery of S. Maria, it was never brought forward during the dispute nor were its contents and authenticity considered by the judge. Instead, each disputant provided multiple witnesses to testify and validate their claims, likely because the crux of this case was not on the precept but whether or not the church had been subject to the palace or the bishop from its very foundation. This use of witness testimony rather than written proofs is quite different from ducal dispute
cases, where documents were typically read over and investigated as a starting point for the investigation.

Sicard’s verdict and request for more formal procedures to be undertaken also reveals changing attitudes in the Principality toward resolving disputes and the role of written authority in accomplishing this. Before giving his verdict, Sicard requested that a wadia of Iustus, the bishop’s advocate, be given to the monastery of S. Maria’s prepositus Teutpert and an oath sworn by Teutpert with five individuals, which he claimed was according to Roman law. The giving of a wadia (or a material pledge or surety) is extremely rare for a Beneventan dispute case. Indeed, this case is the only Beneventan example of this procedure being performed that survives.\footnote{For more on the term wadia, which is closely related to the Roman stipulatio, and its use in Lombard Italy see: Everett, \textit{Literacy in Lombard Italy}, p. 121.} However, the wadia played a critical role in northern Italo-Lombard dispute cases in both the Lombard Kingdom and the Frankish-ruled Kingdom of Italy, and it was a procedure mandated throughout Lombard law, found in Rothari’s Edict and the legislation of Liutprand and Ratchis.\footnote{\textit{Edict of Rothari}, nos. 360, 361, 362, 366; \textit{Leges Liutprand}, nos. 8, 15, 36, 37, 38, 39, 40, 61, 96, 128; \textit{Leges Ratchis}, prologue, and nos. 5, 8; On the importance of wadia for northern cases: Wickham, 'Land Disputes and their Social Framework,' p. 233.} Its use here, although unusual, is perhaps evidence that Beneventan dispute cases had become more formal in this period. The use of advocates for disputants during the \textit{intentio} portion, the testimony of multiple witnesses during the investigation portion, and the interaction between the advocates and the judge, in this case Prince Sicard, also hints at a more formalized process. Sicard’s request that Teutpert swear an oath with five men was not new in Benevento, and had helped to resolve the 756 dispute case between Egildi and Abbot Mauricius. However, the notation that this was required especially by Roman law (\textit{secundum legem Romanam}) is novel and this definition of this particular type of oath again formalizes what was probably a customary practice in Benevento by connecting it to a specific legal authority of the past.

Sicard’s verdict, however, is much less formal than the procedures he required the disputants to undertake. Unlike cases in the ducal period where we see Beneventan dukes consulting and quoting from codices of Lombard law and canon law when formulating their verdict, Sicard based his decision on Beneventan custom and clearly disregarded both canon and Lombard legislation.\footnote{Martin, \textit{La Pouille}, pp. 241-242; V. Ramseyer, \textit{The Transformation of a Religious Landscape: Medieval Southern Italy, 850-1150} (Ithaca, 2006), pp. 84-85.} Even though Iustus championed the authority of canon law during his \textit{intentio}, the monastery’s challenge of canonical regulations in favour of more customary
practices and its remembrance that “princes and bishops [of Benevento], putting into oblivion both canon law and the edicts of our own Lombard people, have always judged [our possession] to be the custom of our state,” \textsuperscript{613} apparently inspired the prince to ignore regulations from ecclesiastical councils, which mandated that all baptismal churches were under the jurisdiction of the bishop. Sicard ruled in favour of S. Maria in Locosano. In this case, local conventions had more authority than both canon law and Lombard legislation. This is certainly in contrast with verdict of the ducal period, but it demonstrates just how important the antiquity of acts and ideas were to the Beneventan court. While Lombard law and the institutes of the canons had finite dates attached to them, customary practices could potentially be traced back to the beginnings of the \textit{provincia} and perhaps even further back than that. In this 839 case, the idea of the distant past was crucial in determining the legitimacy of claims to property ownership and for providing authority to their testimony and to the prince’s verdict.

\textit{Legal proceedings at the Beneventan court in the later ninth century}

By the mid-ninth century, the increasing power of the Beneventan aristocracy as well as the instability of the region exacerbated by ongoing warfare brought many changes to both the judicial system and to how participants used the authority of precepts and charters and the past. As Jean-Marie Martin and Paolo Delogu have shown, the judicial functions of the prince began to slowly be delegated to qualified individuals from the aristocracy over the course of the mid to late ninth century. \textsuperscript{614} While the prince still presided over dispute cases, his duties were clearly relegated to the background. Here again we see the formalization of dispute cases in Benevento, now with qualified officials and advocates functioning under the authority of the prince. Judges maintained their own local courts and local \textit{gastaldi} assumed the title of \textit{iudex}, whereby they acted as primary judges, made independent judgments in cases, and advocated for disputing parties. \textsuperscript{615} \textit{Scariones} (agents or stewards) of monasteries were used as oath-helpers for abbots and monks, and bishops, abbots, and other nobles such as \textit{gastaldi} and \textit{optimates} began assisting


\textsuperscript{615} See: \textit{Chron. m. Casin.} I.39, where all three cases were tried in the court of individual judges. Also: Martin, ‘Le juge et l’acte notarié,’ p. 291. For the new title, \textit{gastald} and \textit{iudex} see: \textit{Chron. Vult.}, doc. 77 (897); Martin, ‘Le juge et l’acte notarié,’ pp. 290-291, Delogu, ‘La giustizia nell’Italia meridionale,’ pp. 263-264.
judges and defendants in the judicial process. But despite the involvement of legal experts and the assistance of other aristocrats, the Beneventan judicial court was not modeled on the comital courts of Carolingian Italy. Indeed, we do not see the vast array of officials and lesser officials such as schuldhais, locoposti, adstantes, clerics, and scabini working in consultation with the judge as we do in the northern Kingdom. Pledges (wadiae), while used in the abovementioned 839 case, were not used in monastic property disputes at the Beneventan court afterward. The Principality of Benevento, it seems, evolved along different lines.

During this later period, the Beneventan civil war and the pillaging of Beneventan territory by marauding mercenaries thereafter began to cause landowners to lose their precepts, charters, and especially title deeds (munimina), when monasteries, their archives, and entire villages, were burnt and destroyed. This caused many disputants to come to court empty-handed and unable to prove their ownership of property. As we saw in the last chapter, this prompted rulers like Prince Radelchis and Adelchis to issues new regulations and alternatives, such as other official sealed documents (consignationes), oaths, and duels, in order to remedy the issue. The investigative phase of written proofs, which was an important element of ducal disputes, therefore, began to be replaced by more traditional proofs; however, the lost precept or charter still remained an important symbol of authority during the dispute. Much like what Warren Brown observed with the use of witness testimony to prove the existence of lost documents in late eighth-century Francia, the authority of written proofs in Benevento began operating “in a grey zone between written and symbolic communication.” Without the specific memories recorded in a document – or rather which ducal/royal authority issued it, who witnessed the transaction, and when the transaction occurred – Beneventan landowners began to depend more and more on memory and the recollection of the past during their testimony. And

616 See in particular: Chron. Vult, doc. 77 (897), 79 (899).
619 Indeed, both the monasteries of Montecassino and S. Vincenzo al Volturno suffered this very fate. See: Erchempert, ch. 29, and Chron. S. B. Casin., ch. 18. Legal provisions seem to suggest that documents were kept in lay archives at the time, which we see in the Frankish realm as well, as suggested by Brown, ‘When documents are destroyed or lost.’ For lay archives in early medieval Italy see: Il Museo diplomatico dell’Archivio di Stato Di Milano, Vol. I, Pt. 1, ed. A.R. Natale (Milan, 1968), nos. 5, 6, 8, 12, 15, 16, 18, 19, 20, 21, 25, 29, 33, 35, 39, 43, 77; Also: Bougard, La justice dans le Royaume d’Italie, pp. 168–170; and discussion in Costambeys, ‘The laity, the clergy, the scribes and their archives,’ pp. 254-258.
620 Divisio ducatus, n. 18; Capitula Adelchis, n. 7; For more on this: Chapter 2 of this dissertation, pp. 140-146.
621 Brown ‘When documents are destroyed or lost,’ p. 364.
because of legislation like Adelchis’ law of 866, which permitted leniency for lost documents, some disputants began to incorporate their tale of misfortune, or rather the memory of how they came to lose their precepts or charter, into their intentio. Other disputants referenced the existence of particular documents in their testimony, while presenting other lesser documents during the investigative phase of the trial. But like the 839 court case, disputants aimed first and foremost to attach an authentic narrative and timeline to the history of their claim.

Dispute cases of the late principate: lost documents and disrupted memories
This symbolic use of the authority of precepts and charters by a disputant can be seen during an 897 dispute case. The proceedings began when a complaint was brought forward by Maio, the abbot of S. Vincenzo al Volturno (872-901), before Prince Radelchis II and Empress Adeltruda.622 The case was eventually handed over to the gastald and iudex Lodoicus and eight local aristocrats, who assisted the judge in the proceedings.623 Maio, assisted by an advocate, claimed that a certain cleric named Bernard, son of Bernard, had entered the monastery of S. Maria in Castagneto irregularly (malo ordine) and thereafter unlawfully (contra racionem) held the monastery and its land. Maio demanded that Bernard quit his claim to the property. Bernard and his palace-appointed representative denied Maio’s accusations. Bernard claimed he had been given the monastery as a benefice by the Beneventan palace (a parte palacii ei in beneficio datum esset), which gave him the right to enter the monastery, possess its lands, and administer it. Maio immediately rejected Bernard’s claims, stating that the monastery of S. Maria was legally subject (legibus pertinuisset) to S. Vincenzo. Bernard countered that this was not true, as it had always been subject to the palace before he had received it (semper sub dominacione palacii fuisset). Maio then recalled that the monastery of S. Maria had been built by Duchess Theoderada and that it had subsequently been donated by her and her son Duke Gisulf I to S. Vincenzo. Moreover, Maio claimed that every Beneventan ruler and emperor had confirmed this in precepts of concession (postea a singulis principibus, seu ab imperatoribus, qui interfuerunt, per precepta concessum abuisset). After Theoderada and Gisulf had offered S. Maria to S. Vincenzo, Maio stated that his monastery had held it until the time of Prince Adelchis (usque in tempore domni

622 Empress Ageltruda was the sister of Radelchis II and helped restore him to the throne in 897. She appears to have co-ruled with him for part of this second reign (897-899).
Adelchis principis) and had done so without objection of the palace (absque contradiccione palacii). The judge inquired whether Maio possessed these precepta, and if so could he display them. Maio did not have the requested precepta, but he did present a charter of offering (chartula offercionis) to the judge that was subsequently read by him. Bernard meanwhile continued to deny Maio’s claims (reponderunt ut non esset veritas). But he had no documentation of his benefice from the palace, and when the judge offered Bernard the opportunity to put forward witnesses who could testify on his behalf that he had possessed the property for thirty years or more, Bernard confessed that no one could authenticate his claim. The judge then ordered Maio to swear an oath with the aid of five scariones, according to the custom of the land, that his claims were true, and the monastery of S. Vincenzo regained possession of the monastery of S. Maria and its property.

This 897 case demonstrates the ongoing issue of lost documents in the Principality, the court’s attempt to provide disputants with alternative ways to prove the authority of their claims, and the disputants’ ability to use the new leniency to their advantage. Maio’s intentio testimony built a strong case for S. Vincenzo’s ownership of the monastery of S. Maria by providing a detailed history of the property from the monastery’s seventh-century foundation under Duchess Theoderada up until the time of Prince Adelchis’ reign in the ninth century (854-878). Onto this history he attached his monastery’s claim along with a timeline of documentary evidence, mentioning the existence of multiple precepts of concession that had been issued by both rulers and emperors over the years and the original donation by Theodorada and her son Duke Gisulf I. Bernard’s testimony concerning his ownership of the property was, on the other hand, quite vague, and while he claimed he had received it as a benefice from the palace, he did not name any rulers or any documents, and therefore, his testimony did not prove that he had owned it for more than the thirty-year ownership requirement of Lombard law. Abbot Maio’s testimony, on the other hand, did prove thirty-year ownership, even without the numerous precepts, which he claimed, proved his case. Indeed he did not possess those documents, and gave instead a charter of offering to the judge during the investigative phase of the trial, the details of which are not noted in the notitiae iudicati. It is very likely that Maio’s precepts, if they had actually ever existed, were lost during the fire which destroyed his monastery of S. Vincenzo al Volturno in 881, which, as we will see in a case below, devastated part or all of the monastery’s archives. As

624 On the 30-year ownership requirement in Lombard law that was confirmed in Capitula Arichis, n. 15, see Chapter 2 of this dissertation, pp. 115-116.
far as the judge was concerned, Maio’s mere mention of the existence of these precepts and the single charter of offering was sufficient enough in combination with an oath to authenticate his version of the monastery’s ownership, proving that it had possessed the property for more than 30 years. The judge nevertheless allowed Bernard the opportunity to put forward witnesses from his patronage network to counter Maio’s evidence. Unfortunately for him, he could not.

When this case was heard in 897, Maio was an experienced defender of S. Vincenzo’s property holdings, and his previous experience in various courts likely helped him craft an effective strategy in proving S. Vincenzo’s ownership without proper documentation. From 779 to 873, records reveal the abbots of S. Vincenzo were in and out of Carolingian courts in an effort to control the local labour force in their local territory of Val Trita, which had been disrupted after the fall of the Lombard Kingdom in 774 and continued to be unstable afterward.\(^{625}\) With a grant of judicial immunity from Charlemagne in 787, the abbots of S. Vincenzo began to effectively exercise their seigniorial authority over groups of local freemen, by forcing judgments at court that declared those who did not own land be of servile status.\(^ {626}\) Abbot Maio was involved in one such dispute in 872, which he brought forward to the court of Emperor Louis II. In this case, Maio claimed that a group of wicked men (pravos et iniquos homines) had cleverly and deceitfully (subdole et ingeniose) seized some of his monastery’s servos, ancillas, and other goods, and he demanded that they be returned to S. Vincenzo’s authority.\(^ {627}\) In the end, it was not the wicked men who received judgment by the court, rather the fifty-eight local men and women whom Maio identified as being servi of his monastery. During the proceedings, they all claimed they were liberi when questioned by the judge, but after failing to present documents or witnesses to prove their freedom, the judge declared them all servi of S. Vincenzo.

Maio’s claims at the court of Prince Radelchis II in 897, however, were not aimed at the local servile labour force as was the case in 872, and his objective was to instead reclaim property that S. Vincenzo had lost after the monastery’s sack in 881. However, he appears to have used

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\(^{627}\) I placiti, n. 72 (872).
similar tactics in the 897 case as he had in 872, by demonizing the actions of his opponent and taking advantage of the new court dynamics to prove his claims. Maio clearly benefited from the recent leniency awarded to Beneventan disputants for lost documents. While he did not possess the necessary precepts to prove S. Vincenzo’s claims to a thirty-year period, which he may indeed have lost in the 881 sack, he was still able to symbolically reference them and the associated rulers during his testimony and in turn access their historical authority as an effective proof.

The sack of S. Vincenzo in 881 and its destruction by fire not only put the monastery in a difficult position when property disputes arose, due to the loss of its archive, but also many who stored their documents there.628 This can be seen in an 899 judgment made by Prince Radelchis II, where the disputant’s memory of how he lost his documents became the crux of his testimony. The case was brought forward by Adelpert, a provost for the monastery of S. Peter, in an attempt to prove that he owned certain property and goods, which had formerly belonged to the monastery of S. Vincenzo.629 Due to the problematic preservation of the notitia iudicati, it is not clear if there was a second party claiming the property or if Adelpert simply brought the dispute forward on his own in order to clarify his ownership rights.630 During his testimony, he related to the judge that certain property had been conceded to him by the monastery of S. Vincenzo, which was confirmed in a series of munimina. However, those documents, which had been kept in the archive of S. Vincenzo, had since been lost, burnt in a fire when the monastery had been sacked by pagans (ab nefanda Paganorum, here a reference to Muslim raiding parties).631 Radelchis II’s verdict suggests that the prince felt there were other documents that could have proven this claim besides munimina, such as an offertio and/or a preceptum from the palace, however he still ruled in the provost’s favour.632 Clearly Adelpert’s memory of his written proofs

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628 On the fire see also: Chron. Vult. doc. 74 (885): “…quoniam supradictum monasterium nostrum iudicio Dei a Sarracenis captum, atque igne crematum seu destructum esse dinoscitur…” and also Chron. Vult, doc. 79 (899).
629 Chron. Vult, doc. 79 (899).
630 A similar type of one-sided ‘undefended’ dispute (called an investitura salva querela) began occurring in northern Italy, first in 874 and again in 896, in which the disputant sought to be formally invested of certain property rights, which could then be challenged by the other party within a certain period of time. See for example I placiti, nos. 77, 101, 102; Bougard, La justice dans le royaume d’Italie, pp. 314-319; Costambeys, ‘Disputes and documents,’ pp. 135-136. They became extremely common after 900 in the Kingdom of Italy.
631 Ibid, loc. cit.: “…et munimina, per quibus rem ipsam, et familias datas, seu acquisitas aberet pars de ipse celi, fuissent in ipso monasterio Sancti Vincencii, et quando ipsum cenobium ab illa nefanda Paganorum gente comprehensum, atque crematum fuit [sic tota illa munimina perdita fuerunt].”
632 Ibid, loc. cit.: “…decrevimus…ad partem de ipse celle, quas nominatus Adelpertus tenere videtur, concedere, ut quicquid usque in illum diem per offerciones, au per precepta a parte palaci, vel possessionem seu per alia munimina legalia, seu per obligacionem, vel per definitas causas possidere visi fuerint…”
and his associated tale of misfortune connected to a specific event in the past was enough to convince Radelchis II of the authority of the provost’s claim. Radelchis requested that Adelpert undertake what he referred to as a Beneventan custom or consuetudo terre istius, namely that an oath should be sworn with five scariones (in this case monks from Adelpert’s monastery), and Adelpert had his property rights confirmed.633 This oath with five oath-takers was identical to the one Sicard requested by the prepositus of the monastery of S. Maria in Locosano to perform in the 839 case and Maio in 897.

Conclusion: Beneventan precepts and charters

As we have seen in this chapter, the authority of precepts and charters were only as effective as the memory of the patronage network they preserved, whose names, reputation, and antiquity served to strengthen the transaction’s authority across time. When it came to precepts and charters, it was the authority of who issued the document and who at court or in the community had witnessed the transaction that provided legitimacy for a property claim during a dispute. However, simply possessing a precept or a charter in Benevento did not guarantee one’s claims, and surviving notitiae iudicati reveal that many charters and precepts were disputed because the document was composed incorrectly or deemed fraudulent, or because the memory of witnesses simply recalled an older claim to the property, which they supported with a detailed history of ownership. In the Duchy and especially the Principality of Benevento, it was not the document itself that mattered; it was its ability to prove the antiquity of one’s claim. This could be achieved by a precept or charter, if it contained the right names and dates, but if it did not, a disputant’s testimony, memory, and reference to past authority figures or events could convince a judge to question the authority of the document. When both parties brought seemingly legitimate documents with them, judges were forced to rely more on other proofs and other legal authorities to reach a conclusion. During such cases, accurately remembering the history of the property and the associated rulers and leaders who lent their authority to one’s claims was critical. This referencing of the past continued into the ninth century, when documents became lost or destroyed and the region was destabilized by war. Precepts and charters eventually became intangible symbols of authority, which could be recalled in testimony and then validated by one’s

memory of past events or figures and/or by the authority of Beneventan customs or legal
traditions. A proper defense depended less on the physical document, which was often absent at
court, and more on one’s ability to connect claims of property to an identifiable past, to specific
rulers or abbots, or to witnesses, who could be directly connected to the present.
Chapter 4: Beneventan hagiography

Introduction

This chapter will investigate three examples of Beneventan court hagiography that date to the ninth century: namely, the anonymous Translatio SS. Januarii, Festi et Desiderii (BHL 4140), the anonymous Vita Barbati (BHL973), and the anonymous Translatio S. Bartholomaei (BHL 1010/1011). While scholars often interpret these texts as evidence for a rise in Beneventan episcopal authority at the expense of a deteriorating secular authority, the aim of this chapter is to demonstrate that the relationship between the bishop of Benevento and the Beneventan prince was more complicated than this, with episcopal authority shifting alongside the period’s dramatic political developments and functioning interdependently with secular authority. This is clearly demonstrated in the hagiography of the period, which promoted idealized portraits of the sacred past in order to influence the present and future dynamic between the bishop and the prince.

Previous analyses of Beneventan hagiography have argued that ninth-century Beneventan hagiography provides evidence of a significant increase in the autonomy of the bishops of Benevento in the period. This argument has also been extended to help explain the bishop’s increasingly friendly relationship with Rome, which culminated with the see of Benevento attaining archdiocese status in 969 and the Principality itself eventually being placed under papal authority and protection in the eleventh century. Both of these approaches agree that the trajectory of Beneventan episcopal independence was clearly upward, increasing in order to fill the void left by the erosion of Beneventan secular power, which occurred in this period due to the Beneventan civil war, Muslim raiding in the second half of the ninth century, political assassinations, and foreign occupation. However, this notion that the power and influence of the bishops of Benevento grew at the expense of the princes is derived solely from analyses of the

636 Kelly, The Beneventan Chant, argued that as the Beneventan church detached its authority from the Beneventan prince, it increased its ties with Rome, as evidenced by the suppression of Beneventan chant and the eventual domination of Roman chant; P. Oldfield, Sanctity and Pilgrimage in Medieval Southern Italy, 1000-1200 (Cambridge, 2014), at p. 25, argues along similar lines.
Vita Barbati. The Vita Barbati does indeed showcase a strong bishop who often seems to function without recourse to secular authority. But, as will be argued below, when read in context with the two other contemporary hagiographic works of the period, a clear progression in the growth of episcopal autonomy in the ninth century cannot be identified.

In contrast, this chapter will argue that the relationship between episcopal and princely authority in this period was complex, shifting alongside alliances amongst the Beneventan aristocracy and the church and changing in relation to political circumstances. Indeed, it was two political coups – the assumption of the throne by Sico in 817 and the rise of Radelchis in 839 – that provided the immediate context for the creation of Beneventan hagiography. A close examination of the Translatio Januarii, the Vita Barbati, and the Translatio Bartholomaei together reveals that Beneventan hagiographers used the divine memory of saints and/or their holy relics along with events of the Beneventan historical past in order to highlight the important role of the Beneventan church and its leader, the bishop of Benevento, in the maintenance of the cults of the patron saints and in the religious life of the Beneventan people. The texts served as idealized portraits of the past intended to persuade and educate, imagining old traditions and hierarchies for new Beneventan cults in order to legitimate change in the present. Hagiographic texts, then, are emblematic of an attempt by the Beneventan church to promote episcopal authority at the Beneventan court; whether or not this attempt was realized in actuality is another question. In these texts, and in reality, expressions of episcopal authority were closely bound together with those of the prince, especially when it came to spiritual matters, and we should remember that the two leaders were working together and not as competing authorities for the spiritual welfare of the Beneventan people. These texts represented one way the Beneventan church navigated the contested and rapidly changing political situation of the present, while taking advantage of opportunities associated with the rise of new political regimes.

In order to understand better the role hagiographic texts played in expressing episcopal authority and its use of historical memory in this process, this chapter will begin with a brief overview of the development of the genre of hagiography and the cult of saints at the Beneventan court in the eighth century. This will be followed by a discussion of the evolving relationship between episcopal and secular authority in the Duchy and Principality of Benevento before the advent of Sican rule in 817. Finally, the three texts will be considered in chronological order
with each section providing a brief synopsis of the text and a discussion of problems associated with dating and identifying the author of the work.

**Hagiography and the cult of saints before the Sician Dynasty (817-839)**

The term ‘hagiography’ covers a number of subgenres of Christian writing about holy people. The two most important were the martyr passion (the passio) and the saint’s life (the vita). By the early medieval period, the vita had emerged as the preeminent form of hagiographical writing in the Latin west, with the memory of the dramatic deeds of saints serving as a tool to teach sacred truths to an illiterate audience and to inspire them to imitate the demonstrated paradigms.\(^637\) The vita, and the the genre of hagiography more generally, therefore, was in part intended to persuade – it did not merely praise the piety and holiness of the individual saint; rather it implicitly argued for a society based on the principles embodied by holy individuals.\(^638\) Thus, the hagiographic genre functioned as a model for how a Christian society ought to be organized, at least according to the hagiographer.

The persuasive nature of hagiography meant that it could be appropriated to various ideological uses. As scholars have shown over the past few decades, a primary aspect of the vita during the early medieval period was to aid communities and/or individuals in asserting claims to political and religious authority.\(^639\) This was especially true in Italy, where the episcopal jurisdictions and social hierarchies of many cities were disrupted by the devastation of the Gothic Wars (535-554) and the arrival of the Lombards in 568 CE.\(^640\) For many Italian bishops and local

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elites in the sixth through the early eighth centuries, the story of sacred holy men, typically former local bishops and martyrs, helped to encourage a sense of community in their fractured cities and helped them to reinforce territorial and spiritual primacy over contested regions during the chaos of the period. These saints also became inextricably linked to the urban centres and communities in which they lived and embodied the identity of the city, serving as a symbol of civic pride. Moreover, the saint was seen as a patron, protecting his/her people and providing them with political and spiritual legitimacy.

This model of the civic patron saint, however, was more typical in the northern and central cities of the Lombard Kingdom and neighbouring regions in Italy than it was in the southern Lombard Duchy of Benevento. One explanation for this difference is that the influence of bishops in southern Italy was limited in comparison to their northern counterparts – partly a consequence of the damage suffered by southern dioceses in the sixth century, which left the diocesan network in southern Italy hopelessly fractured. In addition, some scholars have suggested that paganism persisted well into the seventh century in the Duchy of Benevento, particularly amongst the Lombard aristocracy, who largely resided in the city of Benevento. If this is accurate, it would have divided the community between the Christian locals and non-Christian Lombards, a fact that would have made it difficult, if not impossible, for the bishop to participate in the administration of the city.

The limited influence of the southern Italian bishop in civic affairs may explain why the genre of hagiography did not flourish in the city of Benevento as it had in other Lombard cities during the seventh and eighth centuries. It is perhaps telling that the only hagiographic work from

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641 Everett, 'The Hagiography of Lombard Italy.'
this early period to survive from Beneventan territory, the *Liber de apparitione S. Michaelis in monte Gargano*, was tied to the urban centre at Siponto, which had both an influential bishop and a rare, but important holy religious site located at nearby Monte Gargano.\(^{645}\) The jurisdicational rights of the Sipontan diocese were in dispute throughout the early medieval period, with the bishop of Benevento claiming that the see of Siponto was placed under his authority by the Beneventan ruler in the seventh century along with the care of the religious shrine of the archangel Michael, a popular pilgrimage site amongst Christians at the time.\(^{646}\) The *Liber* may have been composed as a response to this jurisdicational conflict.\(^{647}\)

Another difference between the city of Benevento and other Lombard cities in the north was that Benevento lacked a unique local patron saint. Two different cults were worshipped by members of the Beneventan court in the seventh and eighth centuries – the cult of the archangel Michael and the cult of the Virgin Mary.\(^{648}\) Neither of these developed into a formal civic cult that represented the identity of the city, and both were claimed as patrons by other neighbouring centres of authority.\(^{649}\) Moreover, there were no local martyrdom sites for these holy figures, no

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646. For more on the development and importance of the cult of Michael in Europe see recent essays collected in *Culto e santuari di san Michele*, eds. Bouet, Otranto, and Vauchez; also: Arnold, *The footprints of Michael the Archangel*.

647. Everett, ‘The *Liber de Apparitione*.’

648. There is some, albeit problematic, evidence for other cults in the city of Benevento at the time. The Beneventan Duchess Theoderada, wife of Duke Romuald I (671-687), was said to have translated the relics of saint Sabinus in the seventh century in the later *Vita et Translatione S. Sabini episcopi canusini*; however, there is no other evidence for this cult. For the text see the AA.SS. version: *Historia vitae inventionis translationis Sancti Sabini episcopi* (BHL 7443) in AA.SS. *Febr.* II, pp. 324-329; and MGH SRL, pp. 585-589. For more on the legend see: A. Campione, ‘La *vita* di Sabino vescovo di Canosa: un *exemplum* diagiografia longobarda,’ in *Bizantini, Longobardi e Arabi in Puglia nell’alto medioevo* (Spoleto, 2012), pp. 365-403, at pp. 385-389. There may have been a relic cult dedicated to saint Massimo in the early eighth century, but evidence for the cult in the city is also not conclusive. Tradition stated that Massimo’s relics were translated to the city of Benevento in 715 from Nola. See: G. Luongo, ‘Alla ricerca del sacro. Le traslazioni dei santi in epoca altomedievale,’ in *Il ritorno di Paolino. 80° dalla traslazione a Nola. Atti, documenti, testimonianze letterarie*, ed. A. Ruggiero (Naples-Rome, 1990), pp. 17-39, at p. 35; but Remondini argues that the translation occurred under Sico and Bishop Ursus in 832. See: G. Remondini, *Della Nolana ecclesiastica storia* (Naples, 1747), vol. 1, p. 573.

unique relics, and no designated shrines within the city boundaries for the community to gather around. The Marian cult, which arrived in Benevento through pontifical missionary activities of the seventh century, became closely associated with the Beneventan episcopacy. Both the cathedral of Benevento and the cathedral of Salerno were dedicated to Mary, as were numerous other churches in the area. But while the bishop of Benevento promoted the veneration of the Virgin, evidence suggests that the Beneventan court elite gravitated instead toward the cult of the archangel Michael, a figure celebrated for his fierceness as a warrior and for his intercession on behalf of mankind. The cult of Michael was popularized in Benevento around the time he emerged as the patron saint of the Lombard kings in the seventh century, and as we saw in Chapter 1, Beneventan dukes and its aristocracy were generous patrons of the Gargano shrine in Siponto.

The mid to late eighth century also saw the translation of numerous relics into the capital city of Benevento from all around southern Italy. In 760, Arichis II translated to the city the relics of the twelve brothers (duodecim frates) from the southern towns of Potenza, Venosa, Velia, and Sontia. And in 768/774 he moved what he believed were the relics of Mercurius of Caesarea

650 While the cult appears to have been part of Beneventan worship by the 670-680s, contemporary evidence for its existence is nevertheless very limited and circumstantial. On this see: Palmieri, ‘Duchi, principi e vescovi,’ at p. 71, fn. 78. For the Marian cult in Beneventan territory in the seventh century see: G.P. Bognetti, ‘Santa Maria Foris Portas di Castelseprio e la storia religiosa dei Longobardi,’ in L’età longobarda, vol. 2, pp. 13-673, at pp. 520-521, 547-548. Also: Palmieri, ‘Duchi, principi e vescovi,’ pp. 70-72. The Vita Barbati describes Mary as an intercessor during the seventh-century episcopate of Barbatus (610?-682), and the later tenth-century Chronicon Salernitanum portrays Mary as an important military patron for Beneventan leaders during this same period. See: Vita Barbati, ch. 1, 6, and 9; Chron. Salernitanum, ch. 26, but see also for continuance of the cult in later centuries Chron. Salernitanum, ch. 42, 72, and 158. In the eighth century Bishop David II of Benevento (781/2-796) noted Mary’s significance to the Beneventan diocese in a sermon celebrating the Marian feast. The sermon was likely composed for the anniversary of the consecration of the Beneventan cathedral. For it see: H. Barré, ‘La Fête mariale du 18 Décembre à Bénévent au VIIIe siècle,’ Ephemerides Mariologicae 6 (Madrid, 1956): 451-461, at pp. 458-461.

651 For more on aristocratic and ducal patronage of the Gargano shrine, see: Chapter 1 of this dissertation, pp. 27-29. The shrine was also visited by Beneventan Duchess Adelperra in 787/88 and in the early ninth century Prince Grimoald IV had an image of the Archangel engraved on the back of his coins. For Adelperra’s pilgrimage see: ‘Codex Carolinus,’ ep. 80, pp. 611-613; For Grimoald IV’s use of Michael on his coins see: P. Grierson and M. Blackburn, European Coinage: Volume 1: The Early Middle Ages (5th to 10th centuries) (Cambridge, 1986), p. 71.

652 This relic translation is recalled in later passio and translatio texts. For the various versions see: V. Giovardi, Acta Passionis et Translationis Sanctorvm Martyrum Mercurii ac Duodecim Fratrum (Rome, 1730). Also an eleventh-century verse by Alfanus of Salerno is edited in Waitz’s MGH edition: ‘Translatio duodecim martyrum,’ in MGH SRL, pp. 574-576; The twelve brothers included: Felix, Donatus, Arontius, Honoratus, Fortunatus, Sabinianus, Septimius, Januarius, Felix, Vitalis, Satyrus, and Repositus, who were originally from Hadrumentum (today Sousse, Tunisia). They were martyred either during the Valerian persecution of 258, or under Diocletian in the early
from nearby Quintodecimo (formerly Aeclanum) to the city of Benevento. The establishment of these cults, however, must be seen as part of a larger program of centralization initiated by Arichis. In order to establish his new position in Benevento – a duchy which served as the frontier between the Lombard Kingdom and Byzantine polities and included many former Byzantine regions along its periphery – Arichis attempted to consolidate both the secular and the religious spheres of Beneventan society under his own control, in part through an ambitious building program, which saw the construction of several churches and monasteries. The most important of these projects was his private church, S. Sofia, and it was into this church that all of the relics translated by Arichis were interred. These translations represent the concentration of the holy in Arichis’ own church and by extension, in the city of Benevento. Arichis had physically taken control of these local cults, which demonstrated his own power, and may have encouraged communities outside the city of Benevento to view Arichis’ capital as the new locus of religious authority.


654 Delehaye has argued the relics originally belonged to a local saint Mercurius. See: H. Delehaye, ‘La translatio sancti Mercurii ad Beneventanum,’ Mélanges d’hagiographie grecque et latine (Brussels, 1966), pp. 189-195. Whether this is true or not, Arichis clearly believed the relics of Mercurius in Quintodecimo were those of the martyr from Caesarea. It is not clear whether this is an invention of Arichis or he misunderstood. Quintodecimo, which is today known as Mirabella Eclano, was located 15 miles south of city centre of Benevento along the Appian way. For a brief synopsis of the location see: G. Pescatori, ‘Città e centri demici dell’Hirpinia: Abellinum, Aeclanum, Aequum Tuticum, Compusa,’ in Le Città campane fra tarda antichità e alto medioevo, ed. G. Vitolo (Salerno, 2005), pp. 282-311, at pp. 288-292, esp. pp. 291-292. Evidence reveals that by the early eighth century, the monasteries surrounding Quintodecimo had gained considerable economic and religious importance as a result of ducal and papal intervention. See, for instance, E. Cuozzo, ‘Le diocese di Aeclanum, Quintodecimo e Frigento,’ Rassegna Storica Irpina 7-10/1 (1993-1994): 15-35 at pp. 16-18. By 715-724 a monastery dedicated to Peter was important enough that Pope Gregory II (715-731) placed it under the authority of the Church of Rome and gave its monks the freedom to choose their own abbot. Beneventan dukes, perhaps as a response, began to establish relations with other monastic institutions nearby, particularly S. Sofia ad Ponticellum (which was located next to a major bridge along the Appian Way). See: Chron. S. Sophiae, II, 1, II, 6. On the monastery and its relationship with Gregory II, see MGH Capit. episc., vol. 2, eds. R. Pokorny, M. Stratmann, and W.-D. Runge (Hannover, 1995), pp. 468-469, IV. See also: Chron. Vult., doc. 32.

655 For more on Arichis’ program of piety, see: Gasparri, ‘Il ducato e principato di Benevento,’ pp. 109-110.

656 There is some debate as to who began construction on S. Sofia. O. Bertolini has pointed out that a tradition exists in which Duke Gisulf II (742-751) actually began the building project. See: O. Bertolini, ‘Gli ‘Annales Beneventani,‘ Bull. dell’Ist. Stor. Ital. 42 (1923): 1-163, at pp. 74 and 110. This tradition is attested in Leo Marsicanus’ eleventh-century portion of the Chron. m. Casin. in which S. Sofia is called an ecclesiam and by the twelfth-century Annales Benev. in which S. Sofia is called a monasterium (in codices 2 and 3). See: Chron. m. Casin., I, 6, p. 584, I, and Annales Benev. under the year 787. For a discussion of the debate see: Bloch, Monte Cassino in the Middle Ages, vol. 1, pp. 265-268. Whatever the case, Arichis appears to have at least been responsible for the construction of the female convent and perhaps the addition of a ducal chapel. Most importantly here is that Arichis clearly claimed responsibility for the building project. For example, several of the 774 endowment charters begin with: “…offero in ecclesia S. Sophie, quam a fundamentis edificavi pro redemptione anime mee seu per salvatio gentis nostræ et patriæ” and another formulaic phrase used in twenty of these same endowment charters of 774: “ipsum monasterium S. Sophie, quam a fundamentis edificavi.”
of religious authority in the region. These translations may also have subtly challenged the power of the Byzantine Empire, which was very much a threat to Arichis’ influence in southern Italy at the time. Interestingly, the civitates from which the relics of the twelve brothers were taken were all in formerly-contested territory that had previously been controlled by the Byzantine Empire. Mercurius of Caesarea was also the military patron saint of the Byzantine emperor, and Arichis’ assumption of these prestigious relics allowed him to claim the legitimacy and authority invested by the saint in the emperors and demonstrate his right to rule to his Byzantine neighbours. Indeed, relics were extremely important within the Byzantine religious and political culture of the period. Because saints were believed to be spiritual intermediaries between heaven and earth, having direct access to their relics meant access to a saint’s virtus, a force that produced miracles in times of peace and granted special protection in times of war. Rulers who discovered and possessed certain relics were thought to be favoured by the saint to

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657 Some scholars refer to these cults as ‘national’ cults, because of the centralizing efforts of Arichis to form a more united duchy/principality at the time. For this idea see: Delogu, Mito di una città meridionale, pp. 25, 35-56. Also: J. Gay, L’Italie méridionale et L’Empire byzantin depuis l’avènement de Basile I jusqu’à la prise de Bari par les Normands (867-1071) (New York, 1904), vol. 1, p. 29.


659 Belting, ‘Studien,’ pp. 149-160, esp. pp. 156-160; a later narrative developed where Mercurius’ relics were left by Emperor Constans II during his failed invasion of southern Italy. On the invasion see: Paul, HL, V; and for the later hagiographic works associated with Mercurius, see: Giovardi, Acta Passionis et Translationis.

660 Bozóky, La politique des reliques, pp. 74-119.


whom the relics belonged and therefore blessed by God, bestowing sacrality and thus authority to a ruler and his dynasty.\textsuperscript{663}

But even with the introduction of these relics to the city of Benevento in the late eighth century, there is no definitive evidence of civic cults forming around them or a hagiographic tradition developing at the Beneventan court during the period.\textsuperscript{664} It is very possible that if hagiographic texts were produced, they simply do not survive, and that later versions of translationes and passiones about Mercurius and the twelve brothers were based on older texts or traditions that have been lost.\textsuperscript{665} But the absence could also be related to the fact that Arichis had

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\textsuperscript{665} See the works listed above. Many Beneventan hagiographic works that date to the eleventh, twelfth, and thirteenth centuries discuss eighth- and ninth-century relic translations (ex. the \textit{Translatio S. Mercurii} (BHL5936), the
no pressing need to introduce these cults to members of his court. His assumption of the cults would have been more important to express to the communities from which the relics were stolen and to the Byzantine Empire, rather than to the Beneventan court. There is indeed little evidence that the relic cults became popular with the local elite in the city of Benevento, and by the 780s the Beneventan court had moved to the city of Salerno, while the relics stayed in the city of Benevento. This move also may explain the cults’ lack of popularity amongst members of the court.

Another reason why a hagiographic tradition did not develop could be that during the period when the relics were translated, c. 760-774, the hagiographic subgenre often associated with relic translations – the translatio – had not yet been fully developed. Unlike a vita, which recounts the life of a saint, the translatio focuses specifically on the movement of a saint’s relics from one location to another and on miracles performed by that saint during the discovery (inventio), translation (translatio), arrival (adventus), and re-burial (depositio) of the relics. While the translatio subgenre has roots in vitae from the Merovingian period, which recalled the movement of relics as part of a larger narrative, it was not until the early ninth century that the translatio developed into an identifiable genre separate from the vita. This new development was primarily a result of the sudden influx of relics from Rome to Francia, beginning in the mid eighth century and continuing into the early ninth century, along with the fascination of Carolingian political and religious leaders with the antiquity and relics of Roman saints.

Translatio Beneventum Duodecim fratrum (BHL 2302), the Translatio S. Heliani (BHL3799), and the Translatio S. Marciani Frigentini (BHL 5263b). For more on these see: Vuolo, ‘Agiografia beneventana.’

Although their feast days appear to have been part of the liturgical calendar in the period. On this see: Kelly, The Beneventan Chant.


For the use of a translatio narrative in Merovingian vitae: Heinzelmman, Translationsberichte, pp. 66-77. The translatio also has roots in the imperial adventus narratives. For more on this see: P. Brown, Relics and social status in the age of Gregory of Tours (Reading, 1977), pp. 20-21. Also: idem, The Cult of saints, pp. 98-101.


Einhard’s *Translatio et miracula ss. Marcellini et Petri*, which dates to around the year 830 and recounts the collection of relics from Rome and their journey north to Einhard’s church in Seligenstadt, is often described as the first true example of the *translatio* genre.

While Einhard’s text was influential in the Frankish north, it is unclear what influence it had, if any, on hagiographers from Benevento. The two Beneventan *translationes* — the *Translatio Januarii* and the *Translatio Bartholomaei*, which we will examine below — were both roughly contemporary to Einhard’s *translatio*, but they have very different emphases. For example, the Beneventan *translationes* often related the relic translations to the memory of one major historical event, especially a military battle or conflict, and/or a particular secular ruler.

Einhard’s *translatio* certainly commented on the political circumstances of the time; however, the relic translation was not dependent on a particular historical occurrence. The focus of Beneventan hagiographers on the historical narrative would certainly have complemented the other literary works written in Benevento in the late eighth century such as Paul the Deacon’s *Historia Romana* and *Historia Langobardorum* and is also reflected in the *Liber de apparitione S. Michaelis*, which recalls a battle as part of its narrative. It is thus difficult to say whether the *translatio* developed organically in Benevento or if its hagiographers had Frankish examples to model their works on.

**Beneventan episcopal and secular authority before and after the Sician coup**

The production of new hagiographical works associated with the court of Benevento in the early ninth century was in part the result of changing political circumstances and shifts in the relative influence of the two most important cities in the Principality, Benevento and Salerno. In earlier

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673 The *Translatio Januarii* recounted Sico’s siege of Naples c. 830/831 and the *Translatio Bartholomaei* the Arab raid on the island in the late 830s.

674 This is not to say that Frankish hagiography is devoid of a historical narrative. The ninth-century Frankish *Translatio S. Viti*, for example, has a similar historical focus as our Beneventan examples. But, it reads much more like a chronicle, recalling the chronology of political events and happenings in the region and then placing the relic translation in this context, and it also postdates the *Translatio Januarii* by several years. For the text see: ‘Historia translationis Viti (836), auctore monacho Corbeiensi,’ MGH SS, vol. 2, pp. 576-585. Also: *Translatio Sancti Viti martyris*, ed. and trans. I. Schmale-Ott (Münster, 1979). And comments by Caroli, ‘Bringing saints to cities,’ at pp. 267-271.
centuries, the bishop of Benevento had little influence at court, and his episcopal jurisdiction was undefined and often dependent on the secular ruler. The church of the city of Benevento was, of course, a suffragan of Rome.\textsuperscript{675} However political tensions between the Lombard Kingdom and Rome significantly reduced interactions between the bishops of Rome and Benevento for much of the eighth century.\textsuperscript{676} Benevento’s secular leaders were wary of Roman interference in the ecclesiastical politics of the Duchy, especially in regards to the bishop’s granting of immunities to Beneventan monasteries. As we saw in Chapter 3, this concern eventually resulted in the promulgation of legal clauses in ducal precepts, which limited the bishops’ jurisdiction over particular monastic property by granting the monasteries immunity from episcopal interference and placing them directly under the protection of the ducal palace.\textsuperscript{677} Toward the end of the eighth century, Arichis also began promulgating legislation that further undermined episcopal authority, issuing, as we saw in Chapter 2, a law regarding religious homicide that not only encouraged lesser church members to seek a relationship with the palace to ensure greater protection from violence but also positioned the prince as an arbiter for all ecclesiastics, regardless of association – typically a function of the bishop.\textsuperscript{678} Other laws in Arichis’ legislation endeavoured to curb immoral acts based on the prince’s understanding of Christian morality and “divine law,” once again assuming authority that was typically invested in the figure of the

\textsuperscript{675} Benevento was part of the original episcopal jurisdiction of the bishops of Rome, called the Italia Suburbicaria. For more on this see: A.H.M. Jones, The Later Roman Empire, 284-602 (Baltimore, 1964), vol. 1, p. 884. And also K. Sessa, The Formation of Papal Authority in Late Antique Italy: Roman Bishops and the Domestic Sphere (Cambridge, 2014), pp. 28-30. All the churches in Benevento (and southern Italy in general) were technically dependants of Rome and their bishops were supposed to be consecrated in Rome. This jurisdiction became obviously problematic after the Lombard invasion in the sixth century, which disrupted diocesan networks. This may be why Beneventan bishops were sometimes given the title electus, indicating that they were chosen but never made it to Rome to be ordained. On this idea see: Westerbergh, Chronicon Salernitanum, p. 286. For more on Italia Suburbicaria after the collapse of imperial rule in the West see: G. Otranto, ‘Linee per la ricostruzione delle origini cristiane e della formazione delle diocesi nell’Italia Meridionale,’ in Sicilia e Italia suburbicaria tra IV e VIII secolo. Atti del Convegno di Studi (Catania, 24-27 ottobre 1989), eds. S. Pricoco, F.R. Nervo, and T. Sardella (Rubbettino, 1991), pp. 45-79.

\textsuperscript{676} The estrangement between Rome and the Beneventan church can be seen in Bishop David II’s (781/2-796) sermon on the Marian feast, in which the bishop anticipated confusion arising from the feast’s divergence from the customs of the Roman church: Barré, ‘La Fête mariale,’ p. 469: “Et quia a multis nescitur quid apud nos Hodie colitur, ut item cunctis pateat nullique sit incognitum, rationabiliter breviterque intandum est. Unde si quis interroget advena, cuius sit festivitas huius diei que colitur, cum intra sanctam romanam non colatur ecclesiam, vera et digna nec negetur responsio.” These customs extended to the liturgy and liturgical chant, which both appear unique to the Beneventan region before their suppression during the Gregorian reform. For more see: Kelly, The Beneventan Chant.

\textsuperscript{677} This can be seen in several eighth-century charters that show the Bishop of Rome granting immunities to Beneventan monasteries, and the dukes responding with precepts. On this see Chapter 3 of this dissertation: pp. 160-161. For the precepts see: Chron. S. Sophiae, II.3 (723), II.1 (724), II.2 (726), II.8 (742), II.13 (743), II.7 (744), II.6 (745).

\textsuperscript{678} Capitula Arichis, n. 4.
bishop. Not to mention, Arichis also controlled the cults for the new patron saints of the Duchy, not only locating and translating the relics himself but also placing them inside the altar of his private church, S. Sofia, over which the bishop had no jurisdiction.

The influence of the Beneventan rulers over religious institutions and even the religious life of their people, along with the episcopal office’s estrangement from Rome, compelled the bishop of Benevento to depend heavily on the patronage of the secular ruler to administer his patrimony and to exercise influence at court. Indeed, Beneventan bishops were closely allied to secular rulers, sometimes serving as diplomatic ambassadors for the dukes, most notably Bishop David II, who assisted Arichis during treaty negotiations with Charlemagne in 787. David’s important political role, which likely also included tutoring Arichis’ heir Romuald, eventually earned him some independence after Arichis’ death in 787. Charlemagne, who declared hegemony over Benevento that year, issued a privilege to David and the Beneventan church, promising it immunity from royal interference. While Carolingian authority could not be guaranteed in the Principality, David still retained some of the aforementioned privileges even after Prince Grimoald III broke from Carolingian hegemony in 791. A charter from 795, for example, shows David acting completely independent of the prince in a case involving ecclesiastical jurisdiction, even to the point of using his own ring to authorize the documents (anulo sancte nostre ecclesie).

But David’s achievement was tied directly to his personal loyalty to Arichis, Charlemagne, and Grimoald III, and after David’s death in 796, it appears his successors failed to maintain the support of the prince. This favour instead appears to have been assumed by the bishop of Salerno, who clearly overshadowed the bishop of the city of Benevento at court in the

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679 *Capitula Arichis*, n. 8, 12, 13, 14, 16, 17, all have elements of immoral behaviour, which, according to Arichis, necessitated legislation. *Capitula 13* even quotes the ‘authority of divine law’ (*divinae legis auctoritas*). For the limitations of the bishop on morality see comments by: Martin, *La Pouille*, p. 171.

680 S. Sofia was a private church and thus exempt from the Bishop of Benevento, as noted in Kelly, *The Beneventan Chant*, p. 13. According to Kelly, Arichis also “established a special group of clergy [at S. Sofia] to assure the regular performance of the liturgy,” meaning the Bishop of Benevento had very limited influence within the walls of S. Sofia.


682 David’s close relationship to Arichis’ son Romuald is demonstrated in the latter’s epitaph written by David in 787. In the final verse, David openly mourns the youth. This epitaph is discussed in detail in Chapter 1 of this dissertation, pp. 44-48.

683 For the privilege see: MGH *Dipl. Kar.*, vol. 1, n. 156 (787), p. 211-212.

684 *Chron. Vult.*, doc. 33.

685 Lepore, ‘L’Église de Bénévent,’ p. 54; Palmieri, ‘Duchi, principi e vescovi,’ p. 77.
early ninth century. One of the most influential bishops of Salerno during this period was Peter I (c. 806-817), who according to the *Chronicon Salernitanum* was a *cognatus* of Prince Grimoald IV. Peter is one of the first bishops who managed cults of the saints independent of the Beneventan prince in the capital city, and he is tied to multiple relic translations to the city of Salerno during the early ninth century. According to the *Chronicon*, Peter was previously a bishop of Canosa before he was forced to flee following an Arab raid on the city. During his flight, he brought the relics of the martyrs Fortunatus, Gaius, and Antes with him, because the Canosian community feared that their patron saints would abandon them. Peter eventually re-interred these relics in Salerno in the marble altar of a church dedicated to John the Baptist, which he had constructed at his own expense (*de suo sumptu*). The *Chronicon* also relates that after this, Peter translated even more relics, including those of Quingesius and Cirinus from Faiano, near the city of Salerno, to S. John the Baptist. And Peter is also credited in a later *Vita* with moving the relics of Sabinus of Canosa.

Peter’s ability to act independent of the prince in translating relics and supervising the cults in the capital city of Salerno was probably a consequence of his kinship with the Beneventan ruler and his time as an Apulian bishop. It is possible that Grimoald IV not only aided in his relative’s promotion to the episcopal office but also granted the bishop certain privileges for his continued loyalty – one of which may have been the ability to translate lesser relics to a private church. It is also possible that Peter imported the expectation that bishops should play a prominent role in the care and movement of relics from Canosa to his new post in

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686 *Canusium* is now modern-day Canosa di Puglia in Apulia and was located about 70 km (43.5 mi) northwest of Bari along the Via Appia Traiana at the time.

687 *Chron. Salernitanum*, ch. 97. Peter was interestingly not the only nobleman to build his own church and translate relics to it in Benevento. The first and only other example was a *gastald* named Gualtarius, who translated the relics of saint Helianus from Constantinople possibly to a church he constructed in Benevento in 763. See the ‘Translatio S. Heliani.’ Also: Vuolo, ‘Agiografia Beneventana,’ pp. 213-215.

688 *Chron. Salernitanum*, ch. 97.

689 *Historia vitae inventionis translationis Sancti Sabini episcopi*. For the dating of this text to the ninth century see: Martin, ‘Les modèles paléochrétiens,’ pp. 71-72. Also his arguments in: idem, ‘Note sur la ‘Vie’ de saint Sabin de Canosa et le prince de Bénévent Grimoald IV’ *Vetera Christianorum* 24 (1987): 399-405; and Campione, ‘La vita di Sabino.’ But see Paoli’s analysis: Paoli, ‘Tradizioni agiografiche,’ pp. 312-315. Paoli has dated it much later to the Norman period. Most problematic with dating the text to the early ninth century is the fact that it was dedicated to the Bishop of Rome and written at his request, perhaps by the Bishop of Salerno, who features prominently in the work. The relationship between the Beneventan princes and Rome during this period was still strained and complicated by Benevento’s desire to be independent from the Carolingians, who were close allies of the Roman bishop. The diocese of Salerno was nonetheless within the pope’s jurisdiction, so it is possible that the text was intended to be a rapprochement under Leo III (795-816), who was less hostile toward the Beneventans than his predecessor Hadrian I. The *Chronicon Salernitanum* fails to note the translation of Sabinus’ relics to Canosa, yet notes several other minor ones by Peter I for which no contemporary hagiography survives.

690 On the specifics of these lesser relic translations: *Chron. Salernitanum*, ch. 97.
Salerno. Apulia, where the city of Canosa was situated, had a long tradition of local relic cults, many of which Arichis had relocated to S. Sofia. While it is difficult to know the intention behind Peter’s promotion of relic cults in Salerno, it was probably related to the influx of Apulian refugees who had fled with him from Canosa. Grimoald IV was also an unpopular leader and the sack of Canosa by Arab raiders must have highlighted his ineffectiveness as a ruler and protector of his people. Perhaps Grimoald permitted or even encouraged new cults to develop in Salerno as a means of preventing unrest in the city where he held court.

While we have a considerable amount of information about Peter I and one of his predecessors Bishop Rodpert, who built a family tomb for the Arichians in the cathedral of Salerno, we know nothing about the bishops of Benevento during this same period. It is not until some three decades after the death of the influential Bishop David II that a new bishop of Benevento is even named in surviving documentation. This suggests that either David’s immediate successor(s) lacked the necessary influence at court for their names to be recorded in documents or perhaps that the seat was left vacant for over thirty years. This decline of the Beneventan episcopate was likely the result of Arichis’ decision to move the Beneventan court from the city of Benevento to Salerno in the 780s. The bishop of Salerno’s sheer proximity to the court gave him a clear advantage over his Beneventan counterpart. The city of Salerno also became a key stronghold for the Arichian family, whose family tomb was located in the city’s cathedral under the watchful eyes of the bishops of Salerno.

In 817, however, aristocratic intrigue led to the assassination of Grimoald IV and saw a new ruling family – the Sicians – seize the Beneventan throne. With the fall of the Arichian family and the advent of the Sician family, a new opportunity arose for the bishops of the city of Benevento to re-establish their influence at court. Because the city of Salerno was so closely associated with Arichian rule, unsurprisingly, the Sicians turned to the original capital city of Benevento and its bishop for support in consolidating their rule. Sico chose to focus much of his resources on refurbishing the cathedral of Benevento, where he had his own family tomb

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691 For more on the cult of saints in Apulia see: Martin, ‘Les modèles paléochrétiens’; and Head, ‘Discontinuity and Discovery.’
692 This is the conclusion of the author of the Chronicon Salernitanum, ch. 97.
693 Grimoald IV survived one assassination attempt at Vietri (now Vietri sul Mare) just outside the city of Salerno, and was eventually murdered in 817. See: Erchempert, ch. 7.
694 Chron. Salernitanum, ch. 17.
695 This evidence comes from the Translatio Januarii, which connects a certain Guttus with the title of praesul of Benevento. No other documentation from or about Gutto’s time as bishop survives.
constructed, and on military campaigns against Naples. These two princely acts underline the major events recounted in our first hagiographic text, the *Translatio Januarii* – namely Sico’s siege of Naples in c.830/831 and his translation of Januarius’ relics from that city to Benevento soon after.

Part I: Beneventan hagiography under the Sicians (817-839)

Whether Sico had planned to translate the relics of Januarius, whom he believed was the first bishop of Benevento, before his siege of Naples is unclear, but when the opportunity arose, he acted quickly, stealing Januarius’ relics from a Neapolitan church and naming the former patron saint of Naples as Benevento’s and his family’s new guardian. The relics were then deposited in the cathedral of Benevento, the seat of the bishops of Benevento. While Sico’s decision to house the relics in the Beneventan cathedral was likely influenced by financial pressures, a desire to separate Januarius from the relics of Arichis’ patron saints housed in S. Sofia, and the fact that Januarius was a former bishop of Benevento, it nevertheless had massive implications for the influence of the bishop of Benevento at the Beneventan court, who now became the primary caretaker and guardian of the Principality’s patron saint.

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696 Januarius was first referred as the bishop of Naples (not of Benevento) in a 432 letter of Uranius, bishop of Nola, calling him “episcopus simul et martyr, Neapolitanae urbis illustrat ecclesiam.” See: Uranius Nolanius, ‘Epistola ‘De Vita et Obitu Paulini Nolan’ [Ex Surio]’ *PL*, vol. 53, col. 859-866B, at col. 861, sec. 3. The source that connects Januarius to Benevento is the *Acta Bononensia* (BHL 4132), which is based on an anonymous *passio* for the saint dating to the sixth century or later. It states that Januarius was the bishop of Benevento, however, after Januarius’ execution in Pozzuoli, his relics were claimed by the Neapolitans. The citizens of Benevento claimed instead the bodies of Januarius’ fellow martyrs, the clerics Festus and Desiderius. For the *passio* see: D. Mallardo, ‘S. Gennaro e compagni nei più antichi testi e monumenti,’ *Rendiconti della R. Accademia di archeologia, lettere e belle arti* 20 (1940): 161-267, at pp. 253-259. The conflict between Naples and Benevento over Januarius’ patronage of and historical connection to their city continues to this day.

697 For more on the theft of relics in the medieval period see: Geary, *Furta Sacra*. Januarius appears to have been known to the Beneventan elite before his relics were brought back to Benevento by Sico. There is evidence that Arichis made a donation to the church of Januarius in Naples during the time of Neapolitan Bishop Stephen II (766-794). See: Iohannis, ‘Gesta episcoporum Neapolitanorum,’ at p. 426, 1.34-36: “Sub codem quoque antistite Arechis Beneventanus princeps inter multa alia optulit in ecclesia sancti Januarii per praecepti seriem locum qui Planuria nominatur cum omnibus rebus et super altare ipsius ecclesiae pretiosissimum cooperuit mantum.” This was perhaps as much a gesture of diplomacy as devotion. For more see: T. Granier, ‘Napolitains et Lombards aux IXe-Xe siècles. De la guerre des peuples à la “guerre des saints” en Italie du Sud,’ in *Mélanges de l’École française de Rome - Moyen Âge*, 58.2 (1996): 403-450, at pp. 423-424.
The Translatio SS. Januarii, Festi, et Desiderii

There are two contemporary Beneventan accounts of the translation of Januarius’ relics under Prince Sico: the 832 epitaph of Sico and the Translatio SS. Januarii, Festi, et Desiderii. Sico’s epitaph, which we examined in Chapter 1, attributed to the prince the translation and the construction of the shrine of Januarius, noting that after defeating the Neapolitans in battle: “[Sico] then carried off [the relics of] Januarius,/ formerly a powerful athlete [of God] placed upon the [episcopal] seat of Benevento./After filling [Januarius’] shrines with silver and gold forged anew,/ [Sico] handed over the lifeless body so that it could rest in those places.” The Translatio Januarii, however, remembered the event slightly differently, recalling that both Prince Sico and Bishop Gutto of Benevento (826?-831?) participated in the translation process. Sico is said to have discovered and moved the relics, parading them away from Naples, whereupon Gutto took over the procession and carried them safely back to Benevento.

The fact that the epitaph’s account of the translation highlights the actions of the prince, whereas the narrative of the Translatio divides its attention between the prince and the bishop, should not surprise us given the objectives of these two texts. As we saw in Chapter 1, the epitaph sought to establish a relationship between the prince and the saint, thereby demonstrating God’s sanction of Sico and by extension the Sician family’s legitimacy and right to rule in Benevento. The Translatio, on the other hand, was intended to introduce the cult to a Beneventan audience and to endorse the friendly relationship between the prince and the bishop, in which the bishop played a supporting role in the cult of the patron saint.

Dating, content, and authorship

The Translatio SS. Januarii, Festi, et Desiderii (referred to hereafter as TSJ) recounted the events and miracles surrounding the translations of three sets of relics; those of the third-century martyred-bishop Januarius from an area just outside the city walls of Naples to the cathedral of Benevento, as well as Januarius’ martyred-companions, the clerics Festus and Desiderius, from

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698 The translation is not recalled in Erchempert’s Historia, likely because it would have contradicted Erchempert’s claim that the Sicians were blasphemous and had incurred God’s wrath. The tenth-century Chronicum Salernitanum mentions the translation but the author wrongly places Bishop Gutto’s successor Ursus at the siege of Naples: idem, ch. 57. The Chronicon also does not recall the bishop’s involvement in the relic translation: “et ipse princeps Sico Ianuariique sancti martiris corpus de basilica ubi per longa temporum spacia requievit elevans, et cum magno tripudio Beneventum regreditur.”

locations within the city of Benevento to the cathedral of Benevento. The earliest manuscript containing the TSJ survives from the eleventh or possibly the twelfth century. However, the original text was likely composed around the year 831 or shortly afterward, but certainly before 839. This date is based upon several clues including the estimated date for the main impetus behind Januarius’ relic translation, a Beneventan siege of Naples c. 830/831 by Prince Sico. Additional evidence can be gleaned from comments by the anonymous hagiographer, who wrote down the account of the miracles performed by Januarius the day after the depositio ceremony (mirabilia...sequenti die...referamus); the author reports that he had heard about the miracles from a priest, since he was apparently too sick at that time to witness them himself (quoniam huc usque fessi sumus). This is important because according to the TSJ, a number of important events occurred before the relics were formally placed in the cathedral. These include a procession from Naples to the city of Benevento, the translation of the other relics discussed in the narrative (namely those of Festus and Desiderius), and the delay of the depositio ceremony in

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700 The Acta Sanctorum edition is collated from two editions by A. Caracciolo, De sacris ecclesiae Neapolitanae monumentis (Naples, 1645), pp. 245-248, and N.C. Falcone, L’intera storia della famiglia, vita, miracoli, traslazioni e culto del glorioso martire San Gennaro vescovo di Benevento, cittadino e principal protettore di Napoli (Naples, 1713), pp. 189-193, and several manuscripts: unspecified ones from Naples and the Vaticano Latino 6074, ff. 166-168v (see: A. Poncelet, Catalogus codicum hagiographorum latinorum Bibliothecae Vaticanae (Bruxellis, 1910), p. 168), which is a passionary/lectionary that appears to be the oldest manuscript, dating to around the eleventh or twelfth century. The Acta Sanctorum does not take account of another manuscript from the Biblioteca Capitolare di Benevento, Codex 1, ff. 195va-200rb (See: J. Mallet and A. Thibaut, Les manuscrits en écriture bénéventaine de la Bibliothèque capitulaire de Bénévent (Paris, 1984), vol. 1, p. 119), which dates somewhere between the eleventh and thirteenth centuries.

701 Scholars Galdi, Vuolo, and Granier all argue for an early ninth-century date for the text with Galdi and Granier placing a composition date close to 831, based on a possible date for Sico’s siege of Naples, an event which forms the backbone of the text. See: Galdi, ‘Quam si urbem,’ p. 223; Vuolo, ‘Agiografia beneventana,’ p. 223, fn. 76; T Granier, ‘San Gennaro e Compagni nelle fonti dei secoli X-XII,’ in San Gennaro nel XVII Centenario del martirio (305-2005), Naples, 21-23 septembre 2005, ed. G. Luongo (Naples, 2007), pp. 251-274, at p. 261. Granier has cautiously suggested that the Neapolitan texts such as the Homilia of Januarius (BHL 4138) and the Miracula of Agrippino (BHL 147-177) may have been a Neapolitan response to the Translatio text. See: idem, pp. 260-261, 263. For a possible 831 date for this particular siege of Naples see: Granier, ‘Trasferimenti di reliquie,’ p. 34; Galdi, ‘Quam si urbem,’ p. 224. The only contemporary source to give an actual date for a single successful siege of Naples by Prince Sico is the Annales Benev., which note that Sico was “princeps in Neapolites” in the year 830. See: Annales Benev. for the year 830. (NB: this mentioning is in codices 1 and 2, not 3 of the Annales Benev).

702 Translatio Januarii, ch. 10: “Mirabilia igitur, quae per suum Martyrem, postquam reductus est, Dominus fecit, sequenti die, quoniam huc usque fessi sumus, propitiantem Domino Jesu, annuente Martyre ejus, quaeque a Religioso ipsius ecclesiae audivi, referamus.”

703 The second half of the relic procession outside Naples included the bishop, a group of clergy, several ferrymen/wagoners (portitores), and at least one horse, who becomes lost before miraculously being recovered. The distance between Naples and Benevento by foot in the period averaged 147 km (91 miles). This trip required a route along the Via Domiziana north to Sinuessa and then eastward along the Via Appia to Benevento. By the ninth century, however, the Via Domiziana had become unusable, having been badly damaged in 455 by Gaiseric, and was dangerous because it could not be properly regulated. This and the ongoing war with Naples, may explain why the group carrying the relics risked an alternate route, which crossed the river Vifercula (perhaps a tributary of the Volturin?) with the help of ferrymen/porters. See idem, ch. 6.
the cathedral, which the hagiographer attributed to the fact that the marble altar, which was to house the relics, was still under construction when the relics first arrived.\(^{705}\) While the date for the *depositio* ceremony is not recorded, the hagiographer does note that Prince Sico was present, although there is no mention of Gutto. This would mean that the latest it must have occurred was in 832, the year Sico died.\(^{706}\) Bishop Gutto appears to have died by 831, but there is no clear indication by the hagiographer whether the bishop was dead or alive when the text was composed.\(^{707}\) While the hagiographer may well have written an initial version of the story shortly after the *depositio* ceremony, this need not have been the full account of what we now know as the *TSJ*, which may well have been edited and rewritten after 831/2. Considering the *TSJ*'s positive portrayal of Prince Sico, whose name was later vilified along with his son Sicard’s by the Radelchian dynasty and authors like Erchempert in the second half of the ninth century, the full version of the text must pre-date the rise of Prince Radelchis to the Beneventan throne in the year 839.\(^{708}\) This places a composition date for the complete *TSJ* between 831 and 839, likely toward the earlier part of this window, when the cult of Januarius was being established.

The *TSJ* begins during a siege of Naples by the Beneventan forces of Sico. One night a certain Neapolitan woman had a vision in which saint Januarius declared that he wished to leave Naples and go to Benevento (*Beneventum, plebs enim mea est*). Januarius explained to the woman that although he had interceded for the city of Naples in the past as their patron, he could no longer bear their evil (*mala*) or the perjury they committed over his tomb (*super tumulum meum tot perjuria perpetrent*). Soon after this vision, Prince Sico and his men located the relics of Januarius and decided to move them to Benevento. The people of Naples lamented the loss of their patron saint, but the wondrous phenomena, which occurred as the relics were carried away, affirmed that this was indeed the will of the saint. After the procession, headed by Sico, his army, and clerics, departed, the relics were eventually handed over to the Beneventan Bishop Gutto and a few clergymen, who continued toward the city of Benevento with the help of some ferrymen, while the prince returned to the battle. During this time, various

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\(^{705}\) According to the text, Januarius’ relics remained in the church of S. Festus in Benevento until the altar was finished in the cathedral. See: *Translatio Januarii*, ch. 7: ‘…cum Martyre suo ingressi sunt, quem in basilica sui beatissimi diaconi Festi posuerunt, donec illi summum cum honore locus in sua sede pararetur.’

\(^{706}\) For the presence of Sico at the *depositio*: *Translatio Januarii*, ch. 9-10.

\(^{707}\) An entry in the *Annales Benev.* claims that Gutto’s successor Ursus was elected as bishop in 831. See: *Annales Benev.* for the year 831. Ursus is only mentioned in one version of the *Annales*, codex 3, not 1 and 2. We have little evidence for the episcopacy of Gutto, and even the date associated with his election has to be inferred.

\(^{708}\) For more on the vilification of Sico see Chapter 1 of this dissertation.
miracles occurred. The relics produced sweet smells; a horse was lost and then miraculously found; and the weight of those carrying the relics was lightened to quicken travel time across the river *Vifercula*. Once in Benevento, the relics stayed a short time in the church of S. Festus until the completion of the marble altar in the cathedral of Benevento. Meanwhile, Bishop Gutto moved the relics of Januarius’ martyred companions Desiderius and Festus and reunited them with those of Januarius. Afterward, the Beneventan people gathered as the relics were deposited in the cathedral and Prince Sico placed his lavish golden crown on the altar as a gift. Directly after the ceremony, many miracles were reported, which the author briefly recounts.

The details of the *TSJ* together with its date of composition provide some clues as to the possible identity of the anonymous author and the circumstances under which the text was commissioned. The author’s commentary suggests that he was part of or associated with the Beneventan clergy during the time of the relic translations. This is demonstrated firstly by the author’s familiarity with Bishop Gutto, whom the author claims he accompanied (*itineris comes fui*) during the relic procession toward Benevento alongside other clerics (*clerici*) and ferrymen (*portitores*).\(^{709}\) While the author reports that he did not make the entire journey from Naples, he joined the group before they crossed the river *Vifercula* (likely a former tributary of the Volturno river), perhaps evidence that his post did not allow him to travel for long periods. That the miracles of the saint were revealed to the author so soon after they had supposedly occurred following the *depositio* ceremony also adds further supports the idea that he held a post in the Beneventan church.\(^{710}\) Moreover, his confession that he did not personally witness Januarius’ miracles because he had been too ill implies that he normally would have been present in the cathedral during the day and at night when the miracles occurred.\(^{711}\) Finally, considering the Latinity needed to compose the work, it is also possible that the author was in some way involved in the school connected to the Beneventan cathedral at the time.\(^{712}\)

It is possible that the hagiographer was simply a pupil or *magister* at the cathedral school. But the circumstantial evidence about the hagiographer found in the text and the author’s advanced Latinity suggest that the author could have been a man named Ursus (831?-839?), who

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\(^{709}\) *Translatio Januarii*, ch. 4, 6, at ch. 6: “Quo tempore simul cum praesule eiusdem Martyris itineris comes fui.”

\(^{710}\) Galdi notes that the author had important insider knowledge of events occurring in the cathedral: Galdi, ‘Quam si urbem,’ p. 232.

\(^{711}\) *Translatio Januarii*, ch. 10.

\(^{712}\) For more on a Beneventan cathedral school see: Cicco, ‘La Scuola cattedrale.’ Also see the remarks of Fioretti, ‘L’eredità di un maestro,’ at pp. 308-318.
eventually succeeded Gutto as Bishop of Benevento c. 831. We know little of Ursus’ life before he became bishop, but a letter written to him during his episcopacy by the Frankish monk Hildemar (†c. 850s) demonstrates that Ursus was more than capable of composing a work like the TSJ before or during his time in office. In this letter, Hildemar raises topics such as the art of reading (de ratione bene legendi) and the intricacies of Latin grammar, including punctuation and accents, all of which suggests that he understood Ursus to be a skilled and learned grammarian. This correspondence with Hildemar also illustrates Ursus’ connection with the Frankish north, where, as we mentioned above, the translatio genre was gaining in popularity. In addition, the Adbreviatio artis grammaticae, a grammatical manual attributed to Ursus, further highlights the bishop’s Latinity and his interest in pedagogy, perhaps as a magister. If he was a magister, his post must have been within the cathedral school at Benevento. Taken together, Ursus’ involvement in the Beneventan church, his strong connection to learning as expressed by his composition of a grammar manual, his correspondence with an influential Frankish monk, and his likely involvement in the cathedral school, make it very probable that he either wrote or was in some other way involved in the composition of the TSJ. Indeed, during his time as bishop, Ursus was very interested in the acquisition of relics, particularly those of bishop-saints, and he is


714 Around the time of Ursus’ episcopacy, grammar and Latinity were topics of conversation, especially at monasteries, like nearby Montecassino, which also had its own school. Paul the Deacon, part of the literary circle at Charlemagne’s and Arichis’ courts before retiring to Montecassino, was an important part of the development of Montecassino’s school, which is suggested by the survival of his eighth-century work Ars Donati, a reproduction of Donatus’ Ars Minor with additional commentary. For more on the emphasis on classical grammar and grammar schools in this period see: D’Angelo, ‘La letteratura alle corti longobarde,’ pp. 713-719. For more on the Ars Donati see: Paul the Deacon, Ars Donati quam Paulus Diaconus exposuit, ed. A. Amelli (Montecassino, 1899). Also: A. Lentini, Ilderico e la sua ‘Ars grammatica’ (Montecassino, 1975), pp. 121-122, 198-199. More contemporary to Bishop Ursus, however, was Hilderic of Montecassino, who wrote the ninth-century Ars Grammatica, a grammatical manual intended for post-elementary learning. For more on Hilderic and the Ars Grammatica see: Lentini, Ilderico.

often credited with aiding Sico’s successor Prince Sicard in the translation of numerous sets of relics between 833 and 839.\textsuperscript{716}

\textit{Textual analysis}

A closer look at the construction of the \textit{TSJ} reveals that the text was informed by three main ideas: the endorsement of the Beneventan prince as a legitimate secular and spiritual ruler of the Principality, the celebration of the working relationship between the prince and the bishop of Benevento in the spiritual administration of the Beneventan people, and the affirmation of the bishop’s new supporting role in the Principality’s cult of the saints. To emphasize these ideas, the hagiographer looked to the recent past, emphasizing specific memories of the translation event when recounting the story.

The \textit{inventio} portion of the \textit{TSJ} narrative, which concerned the discovery of Januarius’ relics in Naples, portrays Sico as an important secular and spiritual leader of the Beneventan people. Beginning with a celebration of the prince’s successful siege of the city of Naples, the hagiographer recalls how Januarius had chosen to return to Benevento and allowed Sico to find and translate his relics. This was confirmed in a woman’s vision and by the miraculous events that occurred when the prince and his \textit{fideles} moved the relics from their original resting place.\textsuperscript{717} According to the \textit{TSJ}, Sico began the relic procession from a location just outside the city walls of Naples, leading a large crowd of people, comprised of the soldiers of his army, members of the Beneventan clergy, and Bishop Gutto.\textsuperscript{718} The hagiographer notes that Sico’s army made such a loud ruckus during the initial relic procession that the “voices of the clerics” singing hymns “could not be discerned” – an indication that the entire crowd, both secular and ecclesiastical in nature, approved of their ruler and his new choice of patron, Januarius.\textsuperscript{719} Sico was recalled as

\textsuperscript{716} Ursus is said to have participated in the translation of the relics of Bishop Marcian between c. 833-839 from Frigento, Felicity and her seven sons between c. 833-839 from Nola and Alife, Trofimena in c. 838/839 from Amalfi, Bishop Deodatus in 839 from Nola, and the Apostle Bartholomew in 839 from Lipari.

\textsuperscript{717} \textit{Translatio Januarii}, ch. 1-3.

\textsuperscript{718} Ibid, ch. 4: ‘Interea pontifex, et omnes cleri cum reverendissimo Gucti praesule inter densissima agmina cum hymnis et lampadibus sanctissima ossa ferebant, se clericorum voces discerni non poterant propter agminum clangorem; suum namque Patrem se recepisse gaudebant.’ Note that \textit{pontifex} is likely a scribal error for \textit{princeps} in ch. 4, as noted by Falcone, \textit{L’intera istoria}, p. 190, as this would indicate two bishops (a \textit{pontifex} and the \textit{praesul} Gutto, who is included separately in the grouping. The mentioning of a \textit{pontifex} could also simply be a mistake by the scribe or the hagiographer, who was trying to incorporate, as my supervisor Prof. Everett reminded me, a standard phrase in hagiography of this period: ‘pontifex et omnes cleri.’

\textsuperscript{719} Paoli argues that the hagiographer’s description of the \textit{adventus} of the relic procession is indicative of a ‘Germanic tradition’ to publically legitimate a ruler. See: Paoli, ‘Tradizioni agiografiche,’ pp. 300-301.
openly rejoicing “that he had returned to his people the father [sc. Januarius], whom none of the preceding princes had been able to bring back. On that account he gave unending thanks that Christ had granted miracles to him during his reign.”720 Here Sico demonstrates his superiority to his royal predecessors and the founding dynasty of the Principality – the Arichians – bolstering the idea that Sico, who ascended the throne from an office-holding position rather than by royal inheritance, was a legitimate Beneventan ruler. This same passage also served to emphasize the prince’s piety and endorsed the idea that it was the prince’s duty to ensure his people’s salvation by returning their patron saint to them. Such praise for Sico’s ability and right to rule used an ideology very similar to that used during Arichis’ reign, positioning the secular ruler as an influential spiritual leader. Finally, close to the end of the TSJ, Sico received the highest praise for constructing a magnificent marble altar to house the relics of Januarius in the cathedral of Benevento and for bestowing his own bejewelled crown as a gift to the saint during the depositio ceremony.721 The description of the expenditure of royal funds on religious construction projects again follows along the lines of his predecessors’ policies, and the author draws attention to Sico’s generosity and piety once more.

A second idea stressed in the TSJ is that the working relationship between the prince and the bishop of Benevento in the spiritual administration of the Principality was beneficial to the salvation of its people. This is best demonstrated by the hagiographer’s recollection of the division of labour between the two men during the relic translation. After the procession, led by Sico, reached the outskirts of the Neapolitan territorial border, Bishop Gutto took over leadership responsibilities from the prince, who had more pressing military concerns in Naples, and he successfully escorted the relics safely to Benevento. However, it should be noted that the hagiographer described the prince’s interactions with the relics differently than the bishop’s. For example, Gutto’s interactions with Januarius’ relics were associated with specific miracles. While Sico witnessed wondrous phenomena when moving the relics, the bishop was aided by several miracles during his journey, which the hagiographer recalled in detail. Initially the group lost a horse that was accompanying them, but thanks to the saint, it was miraculously found. While crossing the river Vifercula, the bishop and his clerics lost sight of the porters/ferrymen carrying

720 Translatio Januarii, ch. 4: ‘Princeps…laetaturque, quod Patrem sibi suisque reduceret quem nullus potuit praecedentium principum revocare. Idcirco immensas retulit grates, quod suo in tempore illi Christus miranda concessisset.’
721 Translatio Januarii, ch. 7, 9.
the relics. This event culminated with the bishop, “seized in a stupor of the mind” exclaiming: “Where are the [relics] we have been following?!” The relics soon reappeared, and the hagiographer remarked that the saint had performed yet another miracle, alleviating the burden of the ferrymen to quicken travel time to Benevento. This particular passage demonstrated not only that it was the saint’s will to return to Benevento but that the bishop of Benevento could function alongside the prince as an effective spiritual leader, particularly when it came to his role in the cult of the saints.

This idea was also emphasized in the *TSJ*’s account of the *depositio* ceremony. Even though Januarius’ relics arrived in the city of Benevento, likely within a few weeks of leaving Naples, their burial in the cathedral altar was postponed until the prince returned from Naples and construction of the marble altar was finished. The hagiographer remembered that:

The entire city gathered at that building [sc. the cathedral of Benevento], and the most eminent Prince Sico, who with his own hands lifted from his head a crown, distinguished with the best gold and the most precious gems, placed [that crown] upon the altar of the blessed martyr Januarius, which that [prince] and also the bishop commissioned to be made with the best gold, the most beautiful gems, and various images all over every part.

This particular passage is a fitting conclusion for the relic translation demonstrating a harmonious, working relationship between prince and bishop in the spiritual affairs of the Principality. The prince’s direction of the *depositio* ceremony, which was, it should be recalled, taking place in the cathedral – the seat of the bishop of Benevento – reaffirmed his important role in the spiritual hierarchy of the Principality. The prince’s crown was his gift to give the patron saint, and Sico personally placed it upon the altar without the assistance of the bishop. Yet the hagiographer also credits the bishop in assisting the prince in commissioning the grand marble altar where the relics were interred (*ipse [princeps] simul cum praesule...[altarum] fieri mandavit*). This passage along with others in the *TSJ* served to validate the notion that the bishop of Benevento could also play an important role in the maintenance of the cult of saints. It was the

722 Ibid, ch. 6: ‘Illico Praesul venerabilis in stupore mentis raptus, ait, Ubi, inquit, est, quod [corpus] sequebamur?’
723 Ibid, loc. cit. The ferrymen told the bishop that they had forgotten that they were carrying the relics because it was as if they were ‘carrying nothing’: ‘…sine pondere, quasi nihil portantes.’ The other miracle during the journey occurred in ch. 5 when the saint returned a lost horse to the group.
724 Ibid, ch. 8: ‘Omnis civitas ad illam aedificationem confluxit, etiam excellentissimus princeps Sico, qui coronam auro optimo, excellentemque gemmis pretiosissimis de capite suis manibus deposuit, et super altarium beati Januarii martyris locavit, quod ipse simul cum praesule auro optimo, gemmis pulcherrimis, figuris variis undique per totum fieri mandavit.’
prince and the bishop, together, who administered the spiritual affairs of the Principality. According to the hagiographer, after the depositio ceremony numerous miracles began occurring in the cathedral – evidence that the saint was satisfied with the location of his relics in the cathedral – the seat of the bishop of Benevento.725

Gutto is also depicted as an effective colleague to the prince when performing duties related to the cult, especially in moving the relics of Januarius’ martyred companions, the clerics Festus and Desiderius. The hagiographer recalled that Gutto led many of the Beneventan community to a site where the relics were buried, whereupon he personally dug them up and reunited them with Januarius’ relics.726 Here Gutto performed tasks, which were typically associated with the prince: locating the relics, heading the relic procession, and successfully translating them from one point to another. But the relics of Festus and Desiderius were clearly considered lesser relics to those of Januarius, who is given the title of pater in the text, and they were not intended to be patron saints. Thus the hagiographer was not directly comparing the role of the bishop to that of the prince in the cult of the patron saints; instead it emphasized that the bishop of Benevento could function in a supporting role in the cult’s maintenance.

The hagiographer of the TSJ therefore looked to the recent past using a traditional ideological lens in order to promote the idea that the Beneventan prince and the Bishop of Benevento could and should work together in maintaining the cult of the new patron saint. The hagiographer’s endorsement of the prince as a legitimate political and spiritual leader continued the traditions that had been established under Arichian rule, which saw the secular ruler providing for his people’s salvation through divine favour. However, the text’s promotion of the bishop of Benevento as a prominent supporting figure in the Principality’s cult of the patron saint clearly introduced non-traditional ideas, laying the groundwork for new expressions of episcopal aspirations in future hagiographic works.

The Vita Barbati
The next hagiographic work associated with the Beneventan court and the rule of the Sician family is the Vita Barbati (referred to hereafter as the Vita). Like the Translatio Januarii, the Vita, produced during or slightly after the reign of Sico’s successor Prince Sicard, celebrates a

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725 Ibid, ch. 10-14.
726 Ibid, ch. 8-9.
former bishop of Benevento. But whereas the TSJ focused on the movement of the saint’s relics to the city and the establishment of the cult in Benevento, the Vita narrates the life and deeds of a saint, who lived in the seventh century. This focus on the distant past rather than recent historical events and contemporary figures allowed the Vita’s hagiographer room to challenge the existing relationship between the bishop and the prince. By evoking the memory of an ancient bishop and his prominent position in the city’s administration during Benevento’s formative Lombard period, the hagiographer implicitly argues for the pre-eminence of the bishop of Benevento in the spiritual affairs of the city in his own period. Moreover, the hagiographer presents a clear hierarchy within the ecclesiastical province of Benevento, emphasizing in particular that the see of Siponto, within which the shrine of the archangel Michael was located, was subject to the authority of the bishop of Benevento and had been since it was gifted to saint Barbatus by Duke Romuald. This seventh-century donation of Siponto to the bishop of Benevento remained a hotly-contested issue in the ninth century and many in the Sipontian community believed they should have their own bishop.

As a whole, the Vita sought to redefine and reaffirm the boundaries between the church and the secular authorities and within the diocese of Benevento itself in order to justify the authority of the bishop of Benevento. However, as our analysis will demonstrate, the broad jurisdictional authority of the bishop depicted in the Vita was aspirational and not indicative of real historical developments in the ninth century. The period when this text was written was not a time when Beneventan episcopal authority increased in the face of a deteriorating secular authority, as some have argued, rather it was a moment when episcopal jurisdiction was being effectively limited and challenged by a dominant ruler. The Vita represents the didactic response of the Beneventan church, which attempted to persuade an audience, which likely included the prince, to respect the bishop’s ‘traditional’ duties and jurisdiction.

**Dating, content, and authorship**

The earliest surviving copy of the Vita can be found in a manuscript that dates to around 1000, although parts of the Vita were utilized in two texts of the tenth century. This places the composition date of the text earlier than the date of the oldest manuscript in which it survives. But the Vita’s use of passages from Paul the Deacon’s Historia Langobardorum verbatim means

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727 Martin, ‘À propos de la Vita de Barbatus,’ p. 139.
that it cannot pre-date the *HL*’s own composition date of c. 790. The *Vita* was therefore written sometime between the early ninth and tenth centuries. In 1934 Menè dated the *Vita* somewhere between 840 and 850 based on that period’s literary culture and the text’s Latin and rhetorical style. However, Martin’s classic study on the *Vita* took a more cautious stance, arguing that the version of the *Vita* that survives expanded on an earlier original ninth-century version and was produced in the late ninth or early tenth century. Lepore has also argued that the *Vita* should be dated to the later ninth century, possibly around the time of Beneventan Bishop Peter (887–914), who played an active part during the Byzantine siege of Benevento in the last decade of the ninth century. Lepore noted the similarities between the *Vita*’s portrayal of the bishop as saviour of the city during the seventh-century Byzantine siege of Benevento and the state of the Beneventan episcopate and Principality in the later ninth century. Paoli, however, argues that the text was more likely from the tenth century based on one of the passages’ striking similarities to a false privilege of the Roman Bishop Vitalian (657–672), which was possibly forged in the tenth century. According to Paoli, similarities with the *Vita* can also be found in authentic documents of bishops Marinus II (942–946), John XII (955–964), and John XIII (965–972), and Emperor Otto I (936–973), all of which confirmed this same false privilege of Vitalian between 943 and 969. Paoli believes the section that deals with the gifting of Siponto to the Bishop of Benevento depends on the wording of this false privilege. On this basis, the *Vita*, as it survives, must date to the tenth century. However, the most recent study by Vuolo, nevertheless, concludes that the *Vita* was likely composed around the early decades of the ninth century, coinciding with the formation of a group of bishops that aimed to assert their autonomy against princely power.

It is certainly debatable whether the existing version of the *Vita* is of a ninth- or tenth-century origin. However, it seems likely that what survives either has elements of an original


729 Martin, ‘À propos de la *Vita de Barbatus*,’ pp. 143-144, 160.

730 Lepore, ‘L’Église de Bénévent,’ at p. 56.


ninth-century version as Martin suggests, or, as Menè and Vuolo argue, the version as we have it is simply an original version produced in the early ninth century. Martin’s conclusion that the sections dealing with the Byzantine siege of Benevento and the donation of Siponto are from an earlier ninth-century version is possible.\footnote{Martin, ‘À propos de la \textit{Vita de Barbatus},’ p. 160.} The donation of Siponto and the episcopacy of Barbatus were indeed topics of conversation in the early ninth century.\footnote{The extent of the tradition behind the annexation of the diocese of Siponto is noted in: Vuolo, ‘Agiografia Beneventana,’ p. 219.} They were even brought up, as we saw in chapter 3, in the 839 Beneventan property dispute between the monastery of S. Maria in Locosano and Bishop Hermerissus, and ended up playing a role during the proceedings of that case.\footnote{As discussed in Martin, ‘À propos de la \textit{Vita de Barbatus},’ p. 140.} This suggests that monastic parties, at least, were well versed in Barbatus’ role in the Sipontan donation by 839, and it seems altogether possible that Barbatus’ story had circulated in written form as a \textit{Vita} by this point. But in addition to the two-abovementioned sections signalled by Martin, there are also other parts of the \textit{Vita} that fit well within the context of Sician rule and its immediate aftermath. Vuolo’s suggestion that the entire \textit{Vita} as we have it was composed during the reign of Sico’s heir, Prince Sicard (832-839) also seems likely, although there is limited evidence supporting his claim that the bishops of Benevento were pursuing an active program to establish their autonomy from secular authority in this period.\footnote{Vuolo, ‘Agiografia Beneventana,’ p. 224; idem, ‘Ancora a proposito de ‘Vita Barbati,’’ p. 13.} As we will see, episcopal authority and jurisdiction at the Beneventan court were instead under direct threat by Prince Sicard in this period, and the \textit{Vita} was more likely intended as an episcopal response to the actions of the prince rather than a declaration of the bishop’s autonomy from him.

The narrative of the \textit{Vita} begins by detailing Barbatus’ early work as a priest in Benevento during the reign of Beneventan duke Romuald I (662-687). The author relates that during this time, the people within the city of Benevento were Christian. However, many retained elements of their former pagan practices, especially those associated with their warrior ancestors, such as worshiping a viper statue and performing a battle ritual near a sacred tree. In response, Barbatus performed miracles and preached to the Beneventans, casting out demons from the possessed and healing through the use of baptismal waters. But the people still refused to abandon their pagan rituals. This refusal prompted God to compel the Byzantine Emperor Constans II (641-668), who was busily ravaging southern Italy at this time, to besiege the city of
Benevento. Duke Romuald and his men engaged the Byzantine army but were soundly defeated, and the duke and the citizens of Benevento then prepared to open the gates and perish in battle. Barbatus, however, told them that if they converted fully to Christianity, God would save them. Romuald agreed and in thanks made Barbatus the Bishop of Benevento. After Barbatus successfully prayed to the Virgin Mary for intercession, Constans soon departed and Barbatus chopped down the sacred tree. At the request of Barbatus, Romuald then placed the see of Siponto under the authority of the new bishop. Romuald, however, soon lapsed into paganism and began worshipping the viper statue. In response, Barbatus asked Romuald’s wife, Theodorada, who had not erred, to bring the statue of the viper to him. She obeyed, and Barbatus had the statue melted down into a Eucharist chalice and bowl. Romuald, upon returning from his hunting trip, immediately confessed his sins. Barbatus continued to serve the Beneventan people until his death.

The Vita’s strong emphasis on the jurisdiction of the bishop of Benevento and its possible early ninth-century composition date suggests that, like the TSJ, the text may have been authored by, or more likely influenced by, Bishop Ursus, the famous grammarian and possible magister at the cathedral school. His advanced Latinity, as we discussed above, and interest in both pedagogy and the relics of bishop-saints, supports this argument, along with his actions regarding the see of Siponto during his own episcopacy, as we will see below. The hagiographer certainly appears involved in some way with the Beneventan cathedral school, having had direct access to a source like the Historia Langobardorum. It also very possible that Ursus’ successor Bishop Hermerissus was somehow involved with the text’s production. While Ursus appears to have had a positive relationship with Prince Sicard during his episcopacy, translating numerous relics alongside the ruler, Hermerissus met with princely opposition, particularly in the court case he lost in 839 to S. Maria in Locosano, which we discussed in the last chapter. This case, judged by Sicard, during which Barbatus is mentioned by name, may have caused the bishop to respond with the Vita, which called upon the ruler to reflect on the importance of working with the bishop of Benevento, especially during a time of war, rather than against him.

Bishop Ursus, who succeeded Gutto in c.831, benefited from his close relationship with the Sician family and he appears to have maintained a working alliance with the Beneventan rulers throughout his time in office. This continued after Sico died in 832 and his son Sicard

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succeeded to the throne. Like his father, Sicard pursued a similar expansionist military campaign and had an interest in relic collection. Ursus appears to have aided Sicard in all of his relic translations between the years 833 and 839, including the relics of Deodatus from Nola, Marcian from Frigento, Bartholomew from Lipari, Trofemina from Amalfi, and Felicity and her sons from Nola and Alife. These relics were all interred in the cathedral of Benevento, just as Januarius’ relics had been several years before.

During this period, Ursus faced several challenges concerning churches and property that were technically subject to the bishop of Benevento but whose boundaries continued to remain contested or vague. Scholars have characterized this period as one marked by a definitive shift in which the bishops of Benevento not only became more aware of their duties but also attempted to redefine the jurisdictional boundaries of their diocese. The evidence for this so-called ‘episcopal awakening’ is however very limited, and the attempts by Ursus and especially his successor Hermerissus to assert/re-assert their authority beyond the city centre of Benevento appear to have been both short-lived and unsuccessful. This can be seen in the 839 court case, which we discussed in detail in the last chapter, in which Bishop Hermerissus tried to claim jurisdiction over a subject church of the monastery of S. Maria in Locosano, called S. Felice. The case hinged on whether the bishop could claim dominium over a baptismal church, if that church had been formerly under the control of the palace and then donated by the palace to a monastery. The notice of judgment recording the case suggests that S. Felice was in one of the bishop of Benevento’s parrocia. The bishop’s advocate noted that according to the institutes of the canons all churches with baptismal fonts were by law subject to the bishop’s authority. The advocates for the monastery, however, countered that S. Felice had never obeyed the bishop since its foundation and was under the authority of the palace (palatio obaudivit, obediens palatio) until Duchess Scaniperga and Duke Liutprand donated it to the monastery under the established customs of Benevento (usus huius nostre provincie). The monastery’s advocates then reminded

739 According to Erchempert, Sicard had ruled with his father for several years before the latter’s death, a process that may have eased Sicard’s transition and curb rebellion from aristocratic factions. Erchempert, ch. 12. Co-ruling appears to have occurred previously in Benevento only under Arichis II with his son Romuald, before the latter died unexpectedly, according to the Epitaph of Grimoald, v. 3-4, and the Chron. Salernitanum, ch. 22.
740 These translations have later hagiographic traditions associated with them. For more on these see: Vuolo, ‘Agioografia Beneventana.’
742 Chron. Vult., doc. 61 (839).
743 Ibid, loc. cit.: “…presbiteri, qui ibidem in Sancto Felice fuerunt ordinati, in dominio episcopii permanserint, sicuti et alii presbiteri tenentes plebes, subjicte sancte nostre Beneventane ecclesie…”
Sicard, who was judging the case, that canon law (and Lombard law) had been violated numerous times in the past by Beneventan rulers regarding similar donations, especially the seventh-century donation of the see of Siponto to Bishop Barbatus by Duke Romuald. If canon law were obeyed, they argued, Siponto would have its own bishop.\footnote{Ibid, loc. cit.}

The examples of Barbatus and the donation of the see of Siponto were not chosen at random by the monastic advocates in the 839 case. The see of Siponto, which housed the pilgrimage shrine and major Lombard religious site of the archangel Michael at Gargano, was a large source of revenue for the bishop of Benevento and remained a contested area even in the ninth century. One of Ursus’ major building projects was a large castellum built near the shrine of Michael at Gargano in Siponto.\footnote{This construction by Ursus is mentioned in a precept of Pandulf Ironhead (which still exists) from 978 which can be found edited in: Italia Sacra ed. F. Ughelli (Rome, 1662), vol. 8, pp. 91-101. Also: F. Ughelli and N. Coleti, Italia Sacra (Venice, 1717-1722), vol. 8, pp. 66-67. Recently J.-M. Martin, E. Cuozzo, S. Gasparri, and M. Villani have questioned the validity of the information contained in the precept, particularly the fact that Ursus is primarily responsible for the castellum. They believe that it would have been impossible for the bishop to build such a fortress in the early ninth century without “an explicit and limited concession of ius munitionis.” This does not mean that the formula included in the 978 precept was necessarily incorrect or that the prince himself built the castellum. See: Regesti dei documenti, pp. 338-339, n. 662, nota.}

This construction of a castellum suggests that the site needed protection, but from whom? Perhaps it was intended to defend against attacks by the Byzantines. However, relations were relatively peaceful between the Byzantines and the Beneventans in this period. Another possibility is that the castellum was a reaction to unrest in the Sipontan area.\footnote{Also built around this time was a castrum 40km (25 miles) directly north of Monte S’Angelo in Cagnano Varano near Lake Varano (although we do not know by whom). See: Martin and Noyé, ‘Guerre, fortifications et habitats,’ p. 231. The fortifications on the north and south coasts of the peninsula may suggest protection against invasion by sea (possibly from the Byzantines), but we do not know this for sure. For peaceful relations between the Byzantines and Beneventans in the 830s see: idem, pp. 230-231 and 235-236.}

The castellum may have served as a visual representation of both Beneventan secular and episcopal control over the nearby church and sanctuary. While there is no surviving evidence from the early ninth century of direct conflict – military or legal – in Siponto, the one hagiographic work from the region, the Liber de Apparitione Sancti Michaelis demonstrates the Sipontan community’s conviction that it should have its own bishop and decide its own customs free from outside interference in regards to its patron Michael.\footnote{‘Liber de apparitione S. Michaelis,’ ch. 4: in which archangel himself orders the bishop of Siponto to celebrate mass in his shrine and that the people would join in according to their custom: “…Domini Michael episcopo Sepontino…inquit…’Et te quidem cras ibi missas celebrante, populus iuxta morem communicet.’…”}

This sentiment surely persisted into the ninth century.
The validity of the seventh-century donation of Siponto to Bishop Barbatus was clearly a bone of contention for the bishops of Benevento. Whether it directly impacted on the outcome of the 839 case is hard to say. But Sicard ruled in favour of the monastery. At its core, the 839 case was a conflict between custom and canon law, and thereby between the secular authority of the prince and the religious authority of the bishop of Benevento. As Martin has suggested, Sicard did not wish to concede that canon law, employed by the bishop (and the Bishop of Rome), overruled customary law as determined by the Beneventan ruler. The case then reinforced the established spiritual hierarchy of the Principality and the prince’s authority and marked the limits of the episcopal jurisdiction of the bishop of Benevento.

Textual analysis

It is very possible that the Vita was written in the context of the ongoing debate over the limits of Beneventan episcopal jurisdiction. Sicard’s verdict in the 839 case certainly challenged the bishop of Benevento’s already limited authority, denying him oversight even over a baptismal church in his own diocese. The court case also directly called into question the legal validity of the seventh-century donation of the see of Siponto to Barbatus and the bishops of Benevento. The Vita responds to both of these issues, using the historical figure of Barbatus to demonstrate the critical role that the bishop of Benevento could – indeed should – have in the religious affairs of Benevento. Emphasizing that the city could only survive if the secular ruler partnered with the bishop and respected the bishop’s spiritual mandate and leadership, as a son would his father, the hagiographer highlighted the ‘correct’ dynamic between ruler and bishop and the proper jurisdiction of the bishop, particularly over the see of Siponto.

The importance of the bishop as a spiritual leader can be seen by examining a major tension throughout the Vita: the Beneventan aristocracy’s adherence to pagan ceremonies and Barbatus’ vocal opposition. According to the hagiographer, the Beneventans believed these ancient rituals would aid them in warfare:

But those men [the Langobardi], blinded by the insanity of wild beasts and considering nothing else except the practice of wars, confessed that the most useful form of worship [cultum] was related to the law of their ancestors [legis maiorum],

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748 Martin, La Pouille, pp. 241-242.
749 Vita Barbati, ch. 1.
whom they asserted were very warlike in nature. For that reason they completely renounced the warnings of the man of God [sc. Barbatus].

In this passage, the hagiographer reflects upon the efficacy of ancient Lombard traditions, which as we have seen in this dissertation, the Beneventan princes continued to harken back to as a source of their authority and legitimacy, especially in the early days of the Principality. The Vita’s emphasis on the passion for warfare among the Langobardi of Benevento would not have been lost on the Vita’s audience, who may have served in the Sician regime’s many military campaigns in Naples, Sorrento, and Amalfi and/or who were immersed in an ideology of ‘Lombardness’, which dominated the Beneventan court at various points in the late eighth and early ninth centuries. Sico’s own epitaph (832), which was displayed in the atrium of the cathedral of Benevento, promoted these very ideas: Sico “sprung from a lineage of kings,” “more noble and powerful than his ancestors,” “stemmed from the tall race of the Lombards (gente Bardorum),” and was a “defender of the fatherland,” who overthrew the Greeks in “every battle” so as to preserve the “mighty decrees of the Lombards (Bardorum fortia iussa).” But unlike the epitaph, which used Lombard warrior ancestry to add legitimacy to the figure of the prince, the hagiographer’s mentioning of the Lombard war cult of Benevento – cultum legis maiorum – served to delegitimize the court community’s reliance on the tradition. This is evident during the Vita’s account of the Byzantine siege of Benevento by Emperor Constans II. The hagiographer recalled that Duke Romuald, fearless (inperterritus) and aided by several of the strongest Lombard aristocrats (validissimis Langobardis), fought valiantly (fortiter resistens) against the Byzantines, but ultimately was outnumbered and overpowered.

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751 While the hagiographer discusses the Beneventan duke in the Vita, in another passage he calls the duke a prince (princeps), perhaps evidence that he was trying to draw comparisons between the ancient dukes and the contemporary princes. Vita Barbati, ch. 5: “Cumque se iam prephatus princeps eiusque concives…”

752 Sico, as mentioned above sieged Naples in 830/831; but this was one of numerous battles with the polity according to Erchempert, ch. 10. Sicard took up his father’s assault against Naples, placing the city under siege in 836. And while a five-year treaty was signed, Sicard quickly broke the terms and continued to fight the Neapolitans throughout his reign. For the treaty see: Pactum Sicardi. Sicard also attacked the Byzantine polities of Sorrento and Amalfi, capturing the latter by sea in 838.

753 For the Epitaph of Sico: see Chapter 1 of this dissertation, pp. 65-66, at v. 23, 39-42.

754 Vita Barbati, ch. 4: “In qua urbe Romualt, de quo supra retulimus, cum paucis sed validissimis inerat Langobardis…Circumdata namque urbe terribiliter atque inaudite, capiendi eam novis certaminibus per plurimum temporis pugnaverunt. At contra Romuald, ut erat magnanimis inperterritus, eis foriter resistens, nunc ex muri, nunc per improvisam interruptionem plurimam uorum hostium partem adtrivit…Sed prephatus augustus quanto plus sibi attentius cernebat obsistere, tanto eis ferventissime nova certamina obiciebat.”
war ‘cult’ of the Lombards headed by the Beneventan ruler is shown to be ineffective. Romuald’s final order that the gates of the city should be opened so that both men and women would “perish in combat,” is depicted as another needless sacrifice, especially after Barbatus revealed that they could simply re-convert to Christianity and be saved. Romuald’s inability to protect his people, even after mimicking his Lombard warrior ancestors, and his eventual deference to a “man of God” provided evidence that no secular leader could achieve the victory of salvation on the battlefield without the aid of a spiritual leader.

The ability of the Beneventan ruler to attain salvation for his people on his own is further cast into doubt when, during a crucial moment in the Vita, Barbatus invited Romuald to meet their intercessor and patron, the Virgin Mary, who had provided aid against the Byzantines. According to the Vita, when Romuald entered the church of the Virgin Mary with Barbatus, he became so terrified that almost unconscious, he threw himself to the ground. Barbatus, unfazed, comforted Romuald and helped him to his feet. Unlike the TSJ, the hagiographer of the Vita depicts the Beneventan ruler as being incapable of accessing the divine without the aid of the bishop.

However, the Vita also highlighted that the Beneventan ruler remained a crucial figure in the spiritual welfare of his people, and his participation in and adherence to correct worship, as designated by the bishop, was necessary for his people’s salvation. Thus, the hagiographer was not campaigning for an independent bishop, who acted autonomous from the ruler. This is demonstrated by Barbatus’ actions after the battle, when he was forced to intervene to stop Romuald’s secret worship of the viper statue. The ruler’s actions, according to the hagiographer, reflected upon his people’s salvation, and Barbatus went to great lengths to correct Romuald. Here, once again, we are presented with an image of the prince and bishop working together for their people’s spiritual welfare, but in this particular episode, the prince deferred to the bishop’s authority when it came to matters of spiritual practice.

In another interesting passage of the Vita, the hagiographer explicitly defined what he believed the correct relationship between the ruler and bishop should be in Beneventan society. In

755 Ibid, ch. 5-6: “Cumque se iam prephatus princeps eiusque concives undique artatos aspicerent, ita ut extra murum egredi non valerent et frequenter saevissimis preliis lacesserentur, funditusque ab eis spe salutis esset ablata, decreverunt, ut urbis patefierent portae et egressi uterque sexus unanimes interirent pugnando.”
756 Ibid, ch. 6: “…uterque subeuntes murum, visa Dei gentrice, in faciem decidit princeps, nimio pavore territus [et pene] examinis solo consternatus iacebat. Quem vir Dei Barbatus confortans, a terra levavit.”
a public statement before the citizens of Benevento, Romuald is said to have not only gifted to Barbatius wealth and the title of præsul but to have asked Barbatius to act as a father to him: “I also concede that you [Barbatius] be made bishop of this city [sc. Benevento] so that you might deign to care for me just as a good father would.”758 This declaration by Romuald certainly challenged – indeed inverted - the traditional hierarchy that had been established in the Principality and endorsed in texts like the TSJ, wherein the bishop was subservient companion to the prince. Instead, the memory recalled in the Vita promoted a patriarchal relationship between bishop and ruler with the bishop as the father and the ruler as the son. This implied that like any good son, the secular ruler would defer to his father, the bishop, and by creating a familial relationship between the two figures, the hagiographer could apply to the bishop a sense of paternal authority.

While much of the Vita deals with episcopal authority within the walls of the city, it also made a point to emphasize that the bishop’s jurisdiction also extended into the diocese of Siponto, which contained the shrine of the archangel Michael at Gargano. The hagiographer includes precise details of the donation of the see of Siponto and Gargano to the bishop of Benevento, recounting that Barbatius was given possession of the area by a precept of Romuald.759 Barbatius requested as a benefice (beneficium) from Romuald that the duke: “[p]lace the shrine of the blessed archangel Michael, which is situated in Gargano, and all which is under the sovereignty of the bishopric of Siponto under the jurisdiction of the see of the most blessed mother of God, where I now preside unworthily.”760 Romuald agreed and, according to the Vita, conceded the property “through a precept just as is custom” (sicut mos est, per preceptum...concessit.) 761 This passage is of interest because it contains the necessary components, which, as we saw in the last chapter, validated a ducal precept: a public petition to the ruler, the ruler agreeing to the concession, and the drawing up of a written document. As we saw, ducal precepts were important proofs during property disputes, and the older the claim (whether the actual document existed at present or not), the better chance a party had at retaining

758 Ibid, ch. 6.: “…civitatis huius te presulem effici concedo, ut mei curam velud optimus pater habere digneris.”
759 Ibid, ch. 7: “Ilico princeps viri Dei consensit petitionibus, eo ordine ut fati sumus, sicut mos est, per preceptum genitricis Dei sedi universa concessit.” The importance of the phrase per praeceptum is first pointed out by Everett, ‘The Liber de Apparitione,’ at p. 385.
760 Vita Barbati, ch. 7: “…unum impende beneficium, ut beati Michahelis archangeli domum, quae in Gargano sita est, et omnia quae sub ditione Sepontini episcopatus sunt ad sedem beatissimae genitricis Dei, ubi nunc indigne presum, in omnibus subdas.”
761 Ibid, loc. cit.
ownership over the property in question. What is interesting is that a precept is not mentioned by the monastic advocates in the 839 court case when they dismissed the legality of the donation of Siponto. Perhaps the hagiographer’s emphasis that a preceptum of Romuald had existed at one time and was drafted according to custom was a means to add authenticity to the bishop of Benevento’s current claims over the see of Siponto.

It seems likely that the bishop of Benevento was involved in some way in the composition of the Vita in order to address the increasing tensions over episcopal jurisdiction that arose during disputes like the 839 court case against S. Maria in Locosano. The text served to encourage the Beneventan prince to have a greater deference toward the spiritual authority of the bishop of Benevento, particularly in its promotion of a father-son dynamic between the two figures, by recalling a historical paradigm of a legitimate past. The Vita therefore does not call for the complete separation of episcopal and secular authority in the spiritual administration of the city of Benevento, rather it supported a working, interdependent relationship between the two men, in which the bishop mandated correct spiritual practice. According to the Vita, when such a relationship was realized, the salvation of the Beneventan people and the city of Benevento was guaranteed. Here it is important to remember that the Vita’s expression of episcopal authority was merely a hagiographic trope intended to persuade. It is by no means evidence that episcopal authority or autonomy had been realized.

Part II: Beneventan hagiography under the Radelchians (839-892)

The final hagiographic work associated with Beneventan court in the ninth century demonstrates how shifts within the Principality’s web of alliances and political conflicts could affect the cult of the patron saints and the bishop’s role in it, and how malleable the memory of the recent past could be. This last text, the Translatio Bartholomaei (hereafter referred to as the TSB) recounted the events surrounding the 838/839 translation of the relics of the first-century apostle Bartholomew from the island of Lipari to the city of Benevento. 762 While evidence suggests that Prince Sicard and possibly Bishop Ursus were involved in moving the relics of Bartholomew, both men were dead by the time the relics were eventually interred in the cathedral of Benevento.

762 It is possible that the relics were brought to Benevento as early as 838 according to all 3 codices of the Annales Benev. See: Annales Benev. for the year 838.
in October of 839. Sicard was assassinated by a faction of the Beneventan aristocracy and his treasurer Radelchis (839-851), a man with no royal ancestry, was elected to the throne. Sicard’s heir and brother, Siconulf, backed by a large faction subsequently challenged Radelchis’ claim to the throne and a civil war soon erupted. Bartholomew’s relics, having been brought to Benevento by Sicard, presented an obvious problem for the hagiographer of the TSB and for the new prince-elect Radelchis. Obviously Radelchis wished to delegitimize his Sician rivals in order to legitimate his own claim to the throne. Yet because Bartholomew was an apostle and a disciple of Christ, his relics were the most prestigious the city of Benevento possessed and his cult could not be neglected. The relics, which were interred in a special oratory in the cathedral of Benevento, were also important for the Beneventan church and the bishop of Benevento, and they too had a stake in promoting the cult. Not surprisingly, the TSB is thus a very different text than its hagiographic predecessors. Instead of highlighting the relationship between the Beneventan prince and bishop like the TSJ and the Vita, the TSB omits these two figures entirely, promoting only the cult. In doing so, the hagiographer could placate the new royal family, who presumably did not wish to endorse Bartholomew’s divine favour of Sician rule, while still introducing Bartholomew’s cult to the public and ensuring the bishop of Benevento had continued influence over such spiritual affairs.

The Translatio S. Bartholomaei

Dating, content, and authorship

Five variations of the translatio story recalling the movement of Bartholomew’s relics from Lipari to Benevento survive in later manuscripts, of which four appear to have been based on ninth-century originals: BHL 1006, BHL 1007, BHL 1010, and BHL 1011. The first two, BHL 1006 and BHL 1007, date to the later ninth century. BHL 1006 dates to c. 870-879 and is authored by Anastasius Bibliothecarius, who was the archivist of the Roman Church from 867-

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763 Sicard’s successor, Prince Radelchis, is listed as princeps in a charter dated to October of 839, the point when the relics of Bartholomew were interred. See: Chron. S. Sophiae, III.34 (839); and Bishop Hermerissus was in office by March of 839, according to the above-mentioned court case against S. Maria: Chron. Vult., doc. 61 (839).

This version of Bartholomew’s relic translation was an addendum onto his Latin translation of a Greek encomium about Bartholomew by Theodore the Studite (759-826), which had been requested by then Beneventan Bishop Aio (pre-866-885). According to the letter Anastasius wrote to Bishop Aio, the latter had personally asked Anastasius for the works, suggesting an increasing interest in the life and history of Bartholomew during the 870s in Benevento. It is possible that Aio was researching Bartholomew at the time in order to promote the apostle’s relic cult in Benevento, as there is little evidence to suggest that Bartholomew’s local shrine was popular after the relics were interred in 839. This late ninth-century Beneventan interest in Bartholomew is confirmed by another variation of the translation story from the same period, BHL 1007, which was authored by Abbot Bertharius (856-883) of the nearby monastery of Montecassino. Bertharius had also translated Theodore’s encomium from Greek into Latin and likewise added on a description of how the relics ended up in Benevento. The recent editor of the TSB, Ulla Westerbergh, noted that Bertharius used only a ‘slightly different wording’ than Anastasius had in his version.

In addition to these two late ninth-century variations of the TSB, there are two other variations, BHL 1010 and BHL 1011, which Westerbergh dates to the ninth century and argues likely represent the oldest copies of an original version now lost, which pre-dated both Anastasius and Bertharius’ shorter versions. This original version, according to Westerbergh,

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765 This dating window is based on the composition date for the letter Anastasius wrote to Bishop Aio of Benevento to which he attached his encomium translation and translatio.
766 Theodorus’ encomium recalled the movement of the apostle’s relics from Armenia to Lipari and associated miracles. For the most recent edition of this text see: ibid, pp. 72-129. The encomium and Anastasius’ translatio addendum were first edited in the seventeenth century by d’Archery, whose edition was then copied into the PL, 129, col. 729-738.
769 Bertharius’ version of Theodore’s encomium is BHL1005 and Westerbergh argues that the translation has similarities to Anastasius’ translation. See: Westerbergh, Anastasius Bibliothecarius, p. XII.
770 Ibid, loc. cit.
771 Ibid, p. 49. BHL 1010 is based on a variation from the tenth-century MS Paris, Bibliothèque Nationale de France, Latin 17002; and BHL 1011 is based on two MSS from the eleventh or twelfth centuries: Rome, Biblioteca Vallicelliana I and Rome, Biblioteca Vallicelliana XXV. BHL 1010 and BHL 1011 have only slight differences from each other, which do not affect the overall content and plot.
was probably written shortly after the relics were interred in the cathedral in October of 839, typically the point when a *translatio* would be composed to commemorate the occasion and to facilitate the establishment of the new cult in the community. But as Westerbergh points out, the hagiographer’s claim that those who had witnessed Bartholomew’s miracles in Benevento were still alive when the text was written could place the composition date within a decade after 839. Thus, a conservative date for the original version of the *TSB* would be sometime between the early 840s, just after the *depositio* ceremony, and the 850s, taking into consideration the hagiographer’s aforementioned comments. This timeframe falls during the height of Radelchian rule in Benevento.

The major difference between this original version and the two later ninth-century variations of Anastasius and Bertharius is that the latter two are much shorter and lack the miracle collection that is appended to the end of both BHL 1010 and 1011. Westerbergh argues that this miracle collection is evidence of the antiquity of BHL 1010 and 1011, as these miracles would have been more important for the period when Bartholomew’s cult was first being introduced to the community in 839. Whether Anastasius or Bertharius had a copy of the original version is hard to say. The fact that there are two variations which were composed only a few decades after the original version and that the bishop of Benevento was seeking out information about Bartholomew’s cult from the Roman archivist suggests that the original version of the *TSB* may have been lost to the Beneventan church by the time of Aio’s episcopacy. As we will see, this apparent loss of the hagiographical record for Bartholomew from Benevento may have been the result of contemporary political circumstances and dynastic change, which disrupted the *depositio* of the relics and the popularization of Bartholomew’s cult in Benevento.

The *TSB* begins on the island of Lipari, which is located in the Tyrrhenian Sea just north of Sicily. The author relates that the Saracens (Saraceni) had recently destroyed and depopulated the island, and while doing so, broke into Bartholomew’s tomb and scattered the bones all around the island in different locations. One day the apostle appeared in a vision to an unnamed Greek monk, who was the custodian of the island’s church, telling him to go and collect his bones. With the help of Bartholomew, the monk found all the bones and placed them in a vase. Sometime

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772 Ibid, pp. 49, 52.
773 *Translatio Bartholomaei*, p. 17: “Possumus namque veracius et nomina eorum, in quibus praedictae virtutes divinitus sunt operatae, divere et ubi habitant innotescere…quia omnes vivunt…Sed quia qui praesto sunt…etiam et illos noscunt, in quibus peracta sunt…”
774 Westerbergh, *Anastasius Bibliothecarius*, p. 49.
later, the Lombards (Langobardi), who were hunting down the Saracens, anchored their ship off the island. They discovered the monk and the body of Bartholomew and took the relics with them. The Saracens surrounded the ship, so that the Lombards could not escape, but then a dense fog encircled them and the Lombard’s ship was led to safety. On the way, a seriously ill sailor prayed to the apostle and was cured. On October 25th, 839, the Lombards reached their destination and led the body of Bartholomew with great honour into the city of Benevento. Before the bones could be placed in the altar, however, many miracles of healing occurred. Those healed included men and women, both young and old, and several clerics.

Textual analysis

Compared to the other two hagiographic works of the ninth century from Benevento, in which the prince and bishop feature prominently, the TSB’s omission of these two figures from the narrative is striking. Instead, the hagiographer credited an anonymous Greek monk and a group of unknown Lombard sailors with moving the relics of Bartholomew to the city of Benevento. This is interesting because most later sources specifically mention that at the very least Prince Sicard was involved in the translation, if not Bishop Ursus as well. The tenth-century Chronicon Salernitanum, for example, recalls that Sicard had “ordered the body of the blessed apostle Bartholomew be brought from the island of Lipari to Benevento with great pomp.” A later translatio account of Bartholomew’s relic translation dated to the eleventh century also mentions Prince Sicard in its account and even claims that Bishop Ursus oversaw the depositio of the relics in the cathedral in a newly built oratory, which he and the prince had commissioned. Leo Marsicanus’ eleventh-century portion of the Chronica m. Casinensis also identified Prince Sicard as the mastermind behind Bartholomew’s relic translation.

The omission of Sicard and Ursus from the narrative of the TSB, however, makes sense in the context of Radelchian rule in Benevento, the period when the text was likely composed. A main reason for the collapse of Sician rule in Benevento was because Sicard had alienated many
Beneventan noble families in his quest to maintain power. Sicard was, by early medieval standards, a successful ruler, and he surpassed even his father Sico in the number of military conquests he achieved and relics he collected. Sicard engaged in successful campaigns against Naples and the neighbouring Byzantine polities of Sorrento and Amalfi, capturing the latter by sea in 838. He also brought back the relics of Amalfi’s patron saint Trofemina and found the relics of Bartholomew, whose status as an apostle made his relics particularly prized. Yet even with such successes, the two major chronicles for the period always recall Sicard’s deeds alongside the misfortunes of others, particularly aristocratic and monastic landowners. Erchempert, writing c. 890, remarked that “because of the inconstancy of [his] character, [Sicard] began to pursue the people entrusted to him with bestial voracity and savagely tear [them] to pieces,” bringing about “many sacrilegious and blasphemous deeds.” These misdeeds, according to Erchempert, included condemning his brother Siconulf and many important Beneventan aristocrats to exile, imprisoning and/or executing other nobles and even religious leaders, including two very influential abbots, Deusdedit and Alfanus, and dispossession of many aristocratic families, commoners, monasteries, and churches of their property and lands. The Chronicon Salernitanum also denounced Sicard’s character and his treatment of his own fideles. Sicard’s execution of abbot Alfanus was, according to the Chronicon, precipitated by a false oath, which the prince swore alongside respected members of the Beneventan church and even confirmed in writing (scriptam paginam). The prince is portrayed as deceitful and unrepentant, and is also remembered in the same text for his impious acts with the wives of Beneventan aristocrats, such as his rape of the virtuous wife of Nannigone, one of his loyal fideles, and his permittance of another noble man’s wife to be ridden around the camp naked on horseback because her husband had seen the Princess’ bare feet. The chronicler remarked at Sicard’s assassination and his wife’s disgrace thereafter that “it was rightly done; for in life [they] had inflicted so much misfortune on others; and it was necessary that at some time they should suffer a greater evil themselves.”

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778 Erchempert, ch. 12: “…Sicardus…coepitque populum sibi commissum ex levitate animi beluina voracitate insequi ac crudeliter laniare…multa sacrilega ac blasima patrabat.”
780 Chron. Salernitanum, ch. 69, 71.
781 Ibid, ch. 66-67, 76.
782 Ibid, ch. 76: “Et merito; per vim illa [Adelchisa] suumque virum [Sicard] multa incomoditatem aliorum intulerunt; necesse fuit, ut quandoque et ipsi peiora horum perciperent.”
This negative portrayal of Sicard in both Erchempert’s *Historia* and the *Chronicon Salernitanum* was part of a long tradition of negative propaganda against the rival Sician family on behalf of the Radelchian dynasty.\(^{783}\) Sicard’s absence from the *TSB* can also be understood as an attempt by the hagiographer to appease Radelchian rulers by discrediting and effectively delegitimizing a member of the rival Sician family. As we discussed above with Arichis II’s use of relics in the eighth century, a ruler’s prestige and legitimacy was particularly enhanced if he was understood to have the divine favour of a patron saint. This divine favour was demonstrated through the discovery and possession of that saint’s relics. The Sician family had used the cult of the patron saints to support their own claims to the throne with Sico investing considerable resources into Januarius’ cult and Sicard spending the majority of his own reign “wander[ing] the islands of the Tyrrhenian Sea and everywhere in Italy in order to translate however many bodies of saints he could find with honour to Benevento.”\(^{784}\) Sicard’s own relic collection, which included the relics of the apostle Bartholomew, Amalfi’s patron saint Trofimena, Bishop Deodatus of Nola, Bishop Marcian of Frigento, and Felicity and her seven sons, surpassed even Prince Arichis’ collection in S. Sofia. As long as the relics were associated with the Sician legacy, Radelchis’ rival Siconulf could potentially benefit from the legitimacy they conferred.

Thus, the hagiographer of the *TSB* may have avoided celebrating the role of Siconulf’s brother, Sicard, in Bartholomew’s relic translation because the Sician family was still a threat to the Radelchian claim to the throne. Even former Sician supporters like Bishop Ursus may well have been considered enemies by the Radelchians. The *Chronicon Salernitanum* recalls that soon after his election, Radelchis banished numerous allies of the previous dynasty, as was “the custom with princes and kings.”\(^{785}\) One of these men, as we saw in Chapter 1, was Dauferius Mutus (also known as Balbus), who was a strong Sician supporter and father-in-law to the two most powerful men of the former regime, Prince Sicard and his closest advisor and treasurer Rofrit. Dauferius and many other Sician allies turned on Radelchis during the civil war. Erchempert reported that soon after Dauferius and his four sons left Benevento, all unanimously

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\(^{783}\) Erchempert was indeed pro-Radelchian and made his dislike of the Sicians obvious: see esp. Erchempert, ch. 12. The Salernitan chronicler was the great-great grandson of one of abbot Alfanus’ exiled followers: *Chron. Salernitanum*, ch. 68. Thus, he was also not exactly neutral in his depiction of Sicard but is much more removed from the period.


\(^{785}\) *Chron. Salernitanum*, ch. 77.
recognized Sicard’s brother Siconulf as their lord and aided him in conquering the city of Salerno. Even Adelmarius, whom Radelchis sent to regain the loyalty of Dauferius’ sons, deserted Radelchis and allied with the Sicians. Erchempert lamented, “never had such dissension occurred in Benevento since the Lombards had first arrived there.”

The TSB, whether it was written during or directly after the civil war, was informed by the divisive nature of that war and the Radelchian family’s quest to delegitimize the claims and deeds of the Sicians and their allies, most of whom had turned against them. By omitting Sicard’s name and that of his ally Bishop Ursus, the hagiographer essentially erased the divine connection between Sicard and the Sician family and the apostle Bartholomew. But what is interesting is that the Radelchians chose not to promote Bartholomew’s cult in conjunction with their own rule, focusing instead on Januarius’ cult. As we saw in Chapter 1, Radelchis’ successor Radelgarius claimed Januarius as his own patron in his 854 epitaph, with the poet requesting that Januarius now become Radelgarius’ guardian in heaven. This is symbolic of the Radelchian dynasty officially assuming control over the cult and the Beneventan throne from the rival Sician dynasty. If Januarius was the guardian of Radelgarius in heaven, then he would surely abandon the Sician heirs and be the guardian of Radelgarius’ successor and brother Prince Adelchis on earth – the man who likely commissioned the epitaph. A similar idea is also expressed in the c. 870 epitaph of Caretruda, Radelchis’ wife, which read: “O Martyr Januarius famous throughout the whole world,/ Speak to God a word, atone for her sins.” Here again Januarius acts as a divine intercessor for the Radelchians, and the combination of this appeal with the epitaph’s strong expression of the family’s legitimate patrilineal succession in Benevento communicated that Januarius had abandoned the Sicians in favour of the legitimate rule of Radelchis and his heirs.

Of all the saints translated under the Sicians, Januarius was the most popular and most important local saint, particularly to the bishop of Benevento. It would have been difficult to suppress the cult and more beneficial for the Radelchians to simply assume control over the cult.

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786 Erchempert, ch. 14.
787 Ibid, loc. cit.
788 Ibid, loc. cit.: “…factaque tune talis dissensio, qualis numquam fuit in Beneventum ex eo quo Langobardi in ea ingressi sunt.”
789 Epitaph of Radelgarius, v. 31-34: “O Martyr cuncto Ianuari splendide mundo,/Fac, rogo, prosit ei hac recubisse domo./Hunc, sacer alme, Deo tu commendare precando,/Obsecro, ne cesses, esto tutela sibi.” The epitaph is discussed in detail in: Chapter 1 of this dissertation, pp. 94-103.
790 Epitaph of Caretruda, v. 27-28: “O mundum martyr Ianuari clare per omnem,/Pro culpis huius fer pia verbo Deo…”
791 For more on Caretruda’s epitaph see: Chapter 1 of this dissertation, pp. 104-108.
of their rivals and the legitimacy it conferred. As for the other relic cults established by the Sicians, there is little evidence that the Radelchian rulers were interested in promoting them. Bartholomew’s cult, which was prestigious in the Christian world, was never firmly established in Benevento during the ninth century, perhaps because of the regime change and the civil war. Radelchis’ son, Aio, who became Bishop of Benevento, probably not long after Radelchis was elected but certainly before 866, eventually expressed some interest in Bartholomew toward the 870s, as we mentioned above, as did his contemporary Abbot Bertharius of Montecassino. This could be evidence that the TSB had not become part of the liturgy at the Beneventan cathedral and that the text was not successful in promoting the cult. Indeed, it was not until the following centuries, that the Beneventan community began to actively participate in Bartholomew’s cult.

The TSB then was likely an attempt by the Beneventan church and perhaps the bishop of Benevento in the 840s or 850s to retain their influence and authority over the new cult of Bartholomew, whose relics were housed in the cathedral of Benevento. By erasing the problematic figures of Sicard and Ursus from the memory of the translation event, the hagiographer could appeal directly to the new ruling family, the Radelchians, and potentially garner their support in the cult’s promotion. And by demonstrating that miracles had occurred around Bartholomew’s relics when they reached the cathedral of Benevento, the hagiographer could broadcast the spiritual importance of the apostle’s cult to the Beneventan public, and the bishop of Benevento could maintain his position of authority within the Principality’s cult of saints. Whether or not this attempt was successful is another question.

Conclusion: Beneventan hagiography

As we have seen in this chapter, the relationship between episcopal and princely authority in Benevento was impacted in the ninth century by the rise of two new ruling families – the Sicians and the Radelchians. The expression of episcopal authority in the three hagiographic texts of this period was therefore contingent on these dynastic changes, adapting to address the new circumstances. Each text had its own unique objectives and used the historical memory of a saint or saintly relics in different ways to express that authority. The Translatio Januarii, for example,

792 After Bishop Hermerissus is mentioned in the 839 court case tried under Sicard, there are no contemporary documents which mention the name of the succeeding bishops of Benevento until Aio, who is named in the prologue of his brother Adelchis’ legislation of 866. See: Capitula Adelchis, prologue.
remembered the events surrounding the relic translation of Januarius, Festus, and Desiderius, and the division of labour during that process in such a way that it both endorsed the traditional hierarchical relationship between the prince and bishop, while simultaneously promoted a new position of authority for the bishop within that hierarchy. By celebrating the legitimacy of the prince as both a secular and religious leader and by highlighting a harmonious, working relationship between the bishop of Benevento and the prince in the spiritual affairs of the Principality, the hagiographer was able to quietly validate the bishop’s new role in maintaining the cult of the patron saints – a role that had been acquired during the advancement of the Sician family. Legitimating Sico’s authority helped the bishop of Benevento assert his own authority and influence at court. The *Vita Barbati*, which was likely produced during or immediately after the reign of Prince Sicard, imagined an ideal past in which the bishop of Benevento was a pre-eminent spiritual leader of Benevento to which the prince deferred regarding matters of spiritual practice. While the text still promoted a working, interdependent relationship between the two rulers in the salvation of the Beneventan people, it used historical examples to demarcate the ‘traditional’ limits of that relationship and of the bishop’s jurisdiction – two issues that were being debated during the period. By outlining these limits in the ancient context of Barbatus and Romuald, they could be expressed as authentic and established Beneventan customs of the past. But while the *Vita Barbati* argued for a redefinition of the Beneventan spiritual hierarchy, the text itself is not evidence for actual change; rather, it is evidence of an aspiration for change. Finally, the *Translatio Bartholomaei*, probably written during or after the Beneventan civil war, used the process of forgetting in order to maintain the bishop’s authority in the cult of the saints. Rather than evoking the memory of the bishop or the prince in the relic translation, the hagiographer was selective in his recollection erasing them from the story in order to appeal to the new political dynasty – the Radelchians. By delegitimizing their rival’s relationship with Bartholomew’s relics, the text could encourage the promotion of the cult and the bishop of Benevento could maintain his role within the cult of the patron saints.
Conclusion

This dissertation investigated how members of the Beneventan court community mobilized historical memory and the written word during the eighth and ninth centuries in order to express authority, whether it was a claim to legitimate political leadership, a validation of property rights such as the ownership of land, or a confirmation of personal and familial authority within the court’s network of patronage. Rulers, palace officials, the aristocracy, landowners, bishops, and members of the Beneventan church and local monasteries, all looked to the past in order to understand, to justify, or to challenge their social, political, and religious order in the present. But this understanding of the Beneventan past, preserved and transmitted in texts, was flexible, shifting alongside the many dramatic political changes that occurred in the region. Moreover, the history that Beneventan men and women evoked was varied, sometimes they recalled a local history, while other times they commemorated the biblical past or the glories of classical Rome. At other times, Beneventan rulers compared themselves with former Byzantine emperors or Frankish and Lombard kings of a glorious past. As we have seen, this thematic and temporal diversity of Beneventan history as it was used in our written texts and inscriptions was the product of the instability of the period, which saw numerous invasions, political upheaval, and civil war, conservatism amongst the court community, Benevento’s experience as a frontier polity, and the development of a lay literary culture amongst its elite, all of which inspired the Beneventan court community to seek continuity with the past and order in the present by creatively re-using and repurposing older traditions and texts for newer contexts.

In our examination of epigraphy in Chapter 1, we saw how three rulings families, the Arichians, the Sicians, and the Radelchians, used a language of legitimacy rooted in the past in their inscriptions and epitaphs in order to express their respective family’s right to rule. This language of legitimacy was often constructed to address contemporary political and social change, and the memories that were evoked in support of it shifted over time. Indeed, each ruling dynasty looked to a different past. Some recalled specific events or ancestors, while others reused content from older epigraphic and literary works, intentionally repurposing old ideologies to suit a new expression of authority. Taken together, the histories evoked in Beneventan epigraphy were tremendously diverse and drew upon biblical figures and events, the glory days of the Roman principate, the history of the Lombard Kingdom, and even the recent Beneventan past, its rulers, and its historic events. Beneventan royal authority was also often expressed in familial
terms, and a ruler’s authority depended not just on his own character and deeds but also on those of his family, both in the present and in the past.

Our analysis of Beneventan legislation in Chapter 2 also demonstrated a similar royal emphasis on continuity with an authentic past when expressing new claims of authority at court. In order to create a distinctly Beneventan law suited to contemporary circumstances, Arichis and Adelchis re-used and repurposed older legal traditions and customs from the past, such as Lombard law, canon law, Roman law, and local customs, in order to construct new laws. The antiquity of these older legal traditions provided a framework of authenticity that allowed Arichis and Adelchis’ newer legislation to be recognized and accepted by the Beneventan people and by Frankish rulers, whose hegemony threatened to undermine both of their rules. Arichis, who ruled following the collapse of the Lombard Kingdom in 774, crafted his legislation in a way that demonstrated to the Frankish (and now Lombard) King Charlemagne that the new Principality of Benevento was an orderly and Christian society with its own traditions, and that he was its appropriate ruler. To a Beneventan audience, his laws demonstrated continuity with the traditions of the defunct Duchy of Benevento, by reissuing prior laws with seemingly minor amendments. The 866 edictum of Adelchis was also in part a response to the threat of Frankish hegemony, in this case that of Emperor Louis II, who arrived to help re-conquer Muslim Bari, which Adelchis had so far failed to defeat. Adelchis’ laws have a conciliatory tone to them, re-enforcing older, more traditional laws while aiming to appease landowners and victims of warfare by providing alternative measures. The prologue to Adelchis’ laws also functioned to position his authority within an authentic genealogy of legitimate rule in Benevento, evoking the historical memory of the Principality, whose legitimacy was linked back to the Lombard kings, to Arichis, and then to Adelchis, and sanctioned by divine will.

Memory was also intimately tied to property claims in Benevento. As we saw in Chapter 3, precepts and charters were often used to prove these particular claims based upon the antiquity of the transaction they recorded and the names of the dukes/princes or the notaries and other witnesses of one’s social network that authorized the documents. Our analysis of property dispute cases, however, revealed that the written authority of precepts and charters could be undermined by oral testimony that successfully positioned a claim further back in time than the one contained in the document. In the ducal period it was very common for multiple claimants to produce seemingly legitimate sets of documentation proving their ownership of the same land. Thus,
judges were forced to consider extra-documentary evidence such as oaths, witness testimony, and Lombard and customary law, to resolve disputes. On the other hand in the principate period, because many precepts and charters were lost or destroyed as the region was destabilized by war, oral testimony became critical to property defense. Yet precepts and charters, despite the fact that they did not exist in physical form, nonetheless, continued to serve as symbols of authority during legal proceedings. Disputants referred to these texts in their testimonies, although the contents of these precepts and charters could only be validated by the process of remembering by a disputant and his or her patronage network. In the Duchy and especially the Principality of Benevento, the document itself was less important than the antiquity of one’s claim and the ability to tie that claim to an identifiable historical past, to specific rulers, abbots, or to well-regarded members of the community.

And finally in Chapter 4, we saw how Beneventan hagiographers used the divine memory of saints and/or their holy relics along with events of the historical past in order to highlight the authority of the bishop of Benevento and the Beneventan church in the maintenance of the cults of saints and of the religious life of the Beneventan people. These hagiographic texts were idealized portraits of the past intended to persuade and educate, creating old traditions and hierarchies for new Beneventan cults in order to legitimate change in the present social order. This then helped to promote the jurisdictional authority of the bishop of Benevento, which had been severely limited by the ruler for much of the period, and to help the Beneventan church navigate the contested and rapidly changing political situation of the present while taking advantage of opportunities associated with the rise of new political regimes. Once again, expressions of authority were historically contingent and changed in relation to dynastic change. Each hagiographical text, therefore, used the memory of a saint or saintly relics and reflected upon the relationship between princely and episcopal authorities in different ways in order to respond to contemporary concerns.

Taken together, our analysis reveals that the mobilization of historical memory and the written word by members of the Beneventan court to express and legitimate their authority was a process that was constantly evolving and changing over the course of the eighth and ninth centuries, often in response to the region’s dramatic changes. Beneventan historical memory was complex and adaptable, reflecting a community that was influenced by many different historical narratives and many different centres of authority. This process of remembering, reflecting upon,
and reconstructing a multitude of pasts in order to establish and justify a new society in the present demonstrates that the court community of the Duchy and Principality of Benevento was more than a just a Lombard or former-Lombard duchy, it was a dynamic frontier society, whose history was defined in part by its relationship and allegiance to the Lombard capital, but also by its interaction, exchange, and confrontation with its neighbours in southern Italy and by local phenomena originating from within the court.
Table 1: List of Beneventan rulers (571-899 CE)

NB: * = claim not sufficiently supported by other sources or conflicts with other source material (see associated citations); A= assassination; B= killed in battle; D= forcibly deposed.

<table>
<thead>
<tr>
<th>REIGN</th>
<th>CAUSE OF DEATH</th>
<th>TITLE</th>
<th>RULER</th>
<th>DYNASTY</th>
<th>RELATION TO PREDECESSOR</th>
<th>RELATION TO DYNASTIC FOUNDER</th>
<th>EXTERNAL AFFILIATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>571? - 591</td>
<td>Duke</td>
<td>Zotto</td>
<td>Lombard military dux</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>591 - 641</td>
<td>Duke</td>
<td>Arichis I</td>
<td>Arichian I</td>
<td>Unknown</td>
<td>Founder</td>
<td>Duchy of Friuli, King Agilulf</td>
<td></td>
</tr>
<tr>
<td>641 - 642</td>
<td>B</td>
<td>Duke</td>
<td>Aio I</td>
<td>Arichian I</td>
<td>Son</td>
<td>Son</td>
<td></td>
</tr>
<tr>
<td>642 - 647</td>
<td>B</td>
<td>Duke</td>
<td>Radoald</td>
<td>Arichian I</td>
<td>Adopted brother, but blood relation</td>
<td>Adopted Son</td>
<td>Duchy of Friuli</td>
</tr>
<tr>
<td>647 - 662</td>
<td>A</td>
<td>Duke</td>
<td>Grimoald I</td>
<td>Arichian I / Grimoaldian</td>
<td>Brother</td>
<td>Adopted Son / Founder</td>
<td>Duchy of Friuli</td>
</tr>
</tbody>
</table>

793 Paul the Deacon, *HL*, III.33 notes Zotto’s reign lasted twenty years. It is difficult to know when this timeframe begins, but certainly by 571 the duchy of Benevento appears to have been established. See: Wickham, *EMI*, p. 30.

794 Gregory the Great, *Epist.* II, 46, notes that Arichis I was duke in 591.

795 Paul the Deacon, *HL*, IV.18: puts Arichis I’s origins (ortus) in Cividale and notes Arichis I educated (educarat) the sons of Duke Gisulf II of Friuli (591-611), who was a blood relation of his (consanguineus erat). Paul is likely referring to Radoald and Grimoald, who escaped an Avar attack in 610 and eventually ended up in Benevento, whereupon Arichis I adopted them. In Book IV.39, Paul implies Arichis I was their former tutor (quondam paedagogum).

796 Ibid, IV.18: claims that King Agilulf sent him to Benevento (missus successit).

797 Ibid, IV.44: recalls Aio reigning for one year and five months

798 Ibid, IV.18: recalls Radoald’s father, Duke Gisulf II of Friuli, being a blood relation (consanguineous) of Duke Arichis I. This would make Aio a blood relation to both of his successors, Radoald and Grimoald I.

799 Ibid, IV.39: “filiorum loco sunt habiti”; IV.43: claims Aio had gone mad after drinking poison and Arichis I thought Radoald and Grimoald would be better able to rule than Aio (effectively claiming them as legitimate heirs): “…sciens filium suum Aionem non recti esse sensus…commendavit eisque dixit, quod melius eos regere isti quam Aio suus filius posset.”

800 Ibid, IV.37, 39.

801 Also King of the Lombards (662-671)
<table>
<thead>
<tr>
<th>Year</th>
<th>Role</th>
<th>Name</th>
<th>Relationship</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>662-687</td>
<td>Duke</td>
<td>Romuald I</td>
<td>Arichian I/Grimoaldian Son</td>
<td>Adopted Grandson/Son</td>
</tr>
<tr>
<td>687-689</td>
<td>Duke</td>
<td>Grimoald II</td>
<td>Arichian I/Grimoaldian Son</td>
<td>Adopted gr. Grandson/Grandson</td>
</tr>
<tr>
<td>687-?</td>
<td>Duchess</td>
<td>Theoderada</td>
<td>Regent for Grimoald II and Gisulf I Wife/Mother</td>
<td>Duchy of Friuli(^{804})</td>
</tr>
<tr>
<td>706?-732</td>
<td>Duke</td>
<td>Romuald II</td>
<td>Arichian I/Grimoaldian Son</td>
<td>Adopted gr. gr. Grandson/Grandson</td>
</tr>
<tr>
<td>732-733</td>
<td>A</td>
<td>Duke(^{806})</td>
<td>Audelais</td>
<td>Usurper</td>
</tr>
<tr>
<td>733-740</td>
<td>Duke</td>
<td>Gregory</td>
<td>Acting regent for Gisulf II Royal appointment</td>
<td>King Liutprand(^{807})</td>
</tr>
<tr>
<td>740-742/3</td>
<td>D/A</td>
<td>Duke</td>
<td>Godescalc</td>
<td>Usurper(^{808})</td>
</tr>
</tbody>
</table>

\(^{802}\) Paul the Deacon, *HL*, IV.39; 43.  
\(^{803}\) Ibid, IV.37, 39.  
\(^{804}\) Ibid, V.25: Theoderada was the daughter of Duke Lupus of Friuli (660/663-666) and was married off by King Grimoald after Lupus’ death.  
\(^{805}\) Ibid VI.50: notes that Romuald II married Gumperga, King Liutprand’s niece.  
\(^{806}\) Ibid, VI.55 does not name Gisulf’s usurper directly. Audelais is, however, named in the Cassinese catalogue of Beneventan dukes and princes from *cod. Vat. Lat. 5001*, as reigning for 2 years. See: ‘Catalogus Regum Langobardorum et Ducum Beneventanorum,’ at p. 494.  
\(^{807}\) Paul the Deacon, *HL*, VI.55.  
\(^{808}\) Ibid, VI.56: indicates that Godescalc was possibly elected to the dukedom by a Beneventan faction but did not have approval from the Lombard king, leading to his deposition and assassination by Beneventans loyal to Gisulf: “Godescalcus dux effectus, annis tribus Beneventanis, praefuit…” See: idem, VI.57.
<table>
<thead>
<tr>
<th>Year</th>
<th>Role</th>
<th>Name</th>
<th>Relationship</th>
<th>Royal Appointment</th>
<th>Adoption</th>
<th>King</th>
</tr>
</thead>
<tbody>
<tr>
<td>742/3-751</td>
<td>Duke</td>
<td>Gisulf II</td>
<td>Arichian I /Grimoaldian</td>
<td>Adopted</td>
<td></td>
<td>Liutprand</td>
</tr>
<tr>
<td>751-756</td>
<td>Duchess</td>
<td>Scauniperga</td>
<td>Regent for Liutprand</td>
<td>Wife / Mother</td>
<td></td>
<td>Liutprand</td>
</tr>
<tr>
<td>751-758</td>
<td>Duke</td>
<td>Liutprand</td>
<td>Arichian I /Grimoaldian</td>
<td>Son</td>
<td>Adopted</td>
<td>Liutprand</td>
</tr>
<tr>
<td>758-774</td>
<td>Duke</td>
<td>Arichis II</td>
<td>Arichian I* /Grimoaldian/#/Arichian II</td>
<td>Unknown</td>
<td>Unknown</td>
<td>Desiderius</td>
</tr>
<tr>
<td>774-787</td>
<td>Prince</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Duchy of Friuli</td>
</tr>
<tr>
<td>787-788</td>
<td>Regent/Duchess</td>
<td>Adelperga</td>
<td></td>
<td></td>
<td></td>
<td>Desiderius</td>
</tr>
<tr>
<td>787-806</td>
<td>Prince</td>
<td>Grimoald III</td>
<td>Arichian I* /Grimoaldian/#/Arichian II</td>
<td>Son</td>
<td>Unknown</td>
<td></td>
</tr>
<tr>
<td>806-817</td>
<td>Prince</td>
<td>Grimoald IV</td>
<td>Arichian I* /Grimoaldian/#/Arichian II*</td>
<td>Cousin</td>
<td></td>
<td>Nephew*</td>
</tr>
</tbody>
</table>

809 Ibid VI.50: notes that Gisulf II’s mother is Gumperga, King Liutprand’s niece; VI.55 notes that King Liutprand raised Gisulf II after his father’s death until he was old enough to rule, and VI.58 recalls King Liutprand installing Gisulf as duke of Benevento.

810 Ibid, VI.55: mentions King Liutprand arranged the marriage between Scauniperga, “of noble stock”, and Gisulf II.

811 Possibly a grandson/descendant of the third son of Duke Romuald I, also named Arichis, as speculated by T. Stasser, Où sont les femmes?, p. 12. However, there is no direct evidence of this suggestion.

812 There is no direct evidence connecting Arichis II to Friuli besides the commonality of his name in that duchy.

813 Adelperga’s regency is noted in two letters in ‘Codex Carolinus’ Appendix 2, pp. 655-657, (c. 22 January 788); and Appendix 1, pp. 654-655.

814 Chron. Vult., p. 354: mentions that Grimoald IV was a exadelphos of Grimoald III.

815 Erchempert, ch. 7.
<table>
<thead>
<tr>
<th>Era</th>
<th>Role</th>
<th>Name</th>
<th>Title</th>
<th>Relationship</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>817-832</td>
<td>Prince</td>
<td>Sico</td>
<td>Arian II*</td>
<td>Son</td>
<td>Founder of Northern Italy, Duke of Friuli</td>
</tr>
<tr>
<td>832-839</td>
<td>A</td>
<td>Prince Sicard</td>
<td>Arian II*</td>
<td>Son</td>
<td>Adopted Son of Prince Sico</td>
</tr>
<tr>
<td>839-851</td>
<td>Prince</td>
<td>Radelchis</td>
<td>Radelchian</td>
<td>Treasurer*</td>
<td>Founder</td>
</tr>
<tr>
<td>851-854</td>
<td>Prince</td>
<td>Radelgarius</td>
<td>Radelchian</td>
<td>Son</td>
<td>Son</td>
</tr>
<tr>
<td>854-878</td>
<td>A</td>
<td>Prince Adelchis</td>
<td>Radelchian</td>
<td>Brother</td>
<td>Son</td>
</tr>
<tr>
<td>867-871</td>
<td>Emperor</td>
<td>Louis II</td>
<td>Carolingian</td>
<td></td>
<td>Carolingian Emperor</td>
</tr>
<tr>
<td>878-881</td>
<td>D</td>
<td>Prince Gaideris</td>
<td>Radelchian</td>
<td>Nephew</td>
<td>Grandson</td>
</tr>
<tr>
<td>881-884/5</td>
<td>D</td>
<td>Prince Radelchis II</td>
<td>Radelchian</td>
<td>Cousin</td>
<td>Grandson</td>
</tr>
<tr>
<td>884/5-891</td>
<td>Prince</td>
<td>Aio II</td>
<td>Radelchian</td>
<td>Brother</td>
<td>Grandson</td>
</tr>
<tr>
<td>891-892</td>
<td>D</td>
<td>Prince Ursus</td>
<td>Radelchian</td>
<td>Son</td>
<td>grandson</td>
</tr>
<tr>
<td>892-895</td>
<td>Strategos</td>
<td>Symbaticius</td>
<td></td>
<td></td>
<td>Byzantine Empire, theme of Longobardia</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(Sabbaticius/Simbaticius)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

817 Ibid, v. 5; *Chron. Salernitanum*, chp. 42.
819 Erchempert, ch. 14.
820 As noted on contemporary coins.
<table>
<thead>
<tr>
<th>895-897</th>
<th>A</th>
<th>Count/Prince</th>
<th>Guy (Guido)</th>
<th></th>
<th>Spoleto, Kingdom of Italy, Holy Roman Empire</th>
</tr>
</thead>
<tbody>
<tr>
<td>897-899/900</td>
<td>D</td>
<td>Prince</td>
<td>Radelchis II</td>
<td>Radelchian</td>
<td>Familial relation through sister’s marriage</td>
</tr>
<tr>
<td>897-?</td>
<td>Empress/Co-Ruler (^{822})</td>
<td>Ageltruda</td>
<td>Radelchian</td>
<td>Familial relation through marriage</td>
<td>Granddaughter</td>
</tr>
<tr>
<td>900-912</td>
<td>Prince</td>
<td>Atenolf I</td>
<td>Capuan</td>
<td>Family relation <em>cognatus</em> (^{824})</td>
<td>Principality of Capua</td>
</tr>
</tbody>
</table>

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\(^{822}\) ‘Catalogus Regum Langobardorum et Ducum Beneventanorum,’ p. 494-495: notes that Empress Ageltruda restored her brother Radelchis to the throne: “Radelchis, fratrem suum, Benevento principatum restituit.”

\(^{823}\) Ageltruda appears as co-ruler in a Beneventan property dispute: *Chron. Vult.*, doc. 77 (897).

\(^{824}\) *Chron. Salernitanum*, ch. 161.
Appendix 1: Southern Italian cartulary-chronicles

As we saw in Chapter 3, there are three southern Italian cartulary-chronicles and one cartulary that contain copies of precepts and charters written in Benevento in the eighth and ninth centuries. Of these, two were written for the monastery of Montecassino: the *Chronica monasterii Casinensis* (c. 1099-1139) and the *Registrum Petri Diaconi* (c.1130s). The other two cartulary-chronicles were written for the abbey of S. Sofia (the *Chronicon S. Sophiae* (c. 1098-1119)) and the monastery of S. Vincenzo al Volturno (*Chronicon Vulturnense* (c. 1119-1124)). This appendix will provide more detail about these compilations and will discuss the motivations behind their composition and the methods of their preservation of Beneventan precepts and charters for the period of this study.

While relatively rare in most regions of Medieval Europe, monastic cartulary-chronicles became popular in central and southern Italy during the twelfth century. Composed in standalone manuscripts and sometimes with accompanying illustrations, cartulary-chronicles took on properties of both a cartulary and a chronicle and were thus comprised of a set of copied documents which detailed a monastery’s possessions interspersed with a historical narrative that recounted the history of the monastery, the successes of the monastery’s abbots and monks, the monastery’s involvement with other religious and secular institutions, and occasionally miracle stories of the monastery’s patron saint.

By the time cartulary-chronicles were written in the early twelfth century, the political map of southern Italy had been significantly redrawn. Benevento was no longer under Lombard rule but was instead a papal city bordered by Norman rulers and eventually a Norman *regno* – a

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825 For modern editions see: *Chron. m. casin.* and *Reg. Pet. Diac.* Also for the *Registrum*: H. Hoffmann, 'Chronik und Urkunde in Montecassino,' *Quellen und Forschungen aus italienischen Archiven und Bibliotheken* 51 (1972): 93-206, at pp. 96-146.

826 For the modern edition see: *Chron. S. Sophiae* and *Chron. Vult.* While it is unclear whether the authors of these two texts were familiar with each other’s works, a connection has been drawn between the *Chron. m. Casin,* the *Chronicon Farfense* and the *Chron. Vult.* has been made. See: A. Pratesi, 'Il Chronicon Vulturense del monaco Giovanni,' in *San Vincenzo al Volturno (atti del I Convegno di studi sul Medioevo meridionale)*, ed. F. Avagliano (Montecassino, 1985), pp. 221-231, at p. 227.


828 For more on illustrations in these cartularies see: B. Resl, 'Illustration and Persuasion in Southern Italian Cartularies (C.1100),' in *Strategies of Writing: Studies on Text and Trust in the Middle Ages*, eds. P. Schulte, M. Mostert, and I. van Renswoude (Turnhout, 2008), pp. 95-110.
unified kingdom in southern Italy created by Count Roger II of Sicily around 1127-30. This redrawing of political boundaries meant that many Beneventan monasteries found themselves situated in liminal positions bounded by heavily-contested property of both political and religious importance. As Loud has pointed out, “The churches and monasteries of the city of Benevento were… situated in a papal city…But the bulk of [their] property was located in the regno…At periods when relations between king and pope were difficult this posed obvious problems.” This encouraged the region’s large land-holding monasteries, such as Montecassino, S. Sofia, and S. Vincenzo al Volturno, to record the details of their property rights and in turn their own history in case conflict arose from past acquisitions. Also, these monasteries continued to acquire new property during this period, sometimes through the piety of new rulers, and this too brought with it the possibility of disputed claims.

Southern Italian monastic cartulary-chronicles could then have been compiled to bolster the monastery’s property claims during these disputes, possibly with the codex itself acting as a monumental authoritative legal proof. But as Geary and Bouchard have pointed out in their discussions of cartularies in France, there is no evidence that cartularies were lugged to disputes as charters would be; not to mention, the original document would certainly have held more authority than the copy found in the cartularies. The same appears to be true for Italy. Perhaps then these cartulary-chronicles were simply used as reference points, consulted by the monks prior to disputes to see what the monastery owned and to remind themselves of the circumstances under which the property came to the monastery.

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832 There is in fact no evidence that the copies of documents and the cartulary-chronicles which contained them were ever used during a property dispute. See: Geary, *Phantoms of remembrance*, at p. 83; Bouchard, ‘Monastic cartularies: organizing eternity,’ p. 25. See also her more recent discussion in idem, *Rewriting saints and ancestors. Memory and forgetting in France, 500-1200* (Philadelphia, 2014), pp. 22-37.
Another reason behind the compilation of these codices may also have been a desire to preserve a monastery’s institutional memory and to consolidate the monastery’s property-holdings within the communal memory of the monks.\footnote{On memory construction in monasteries after periods of disruption see: Pohl, ‘History in fragments’; idem, \textit{Werkstätte der Erinnerung}; Bouchard, ‘Monastic cartularies: organizing eternity’; Sennis, ‘”Omnia tollit aetas,”’ and idem, ‘The Power of Time.’} Indeed, both Montecassino and S. Vincenzo were destroyed during raids of the later ninth century and then rebuilt, and S. Vincenzo’s archives appear to have been burnt in the fire, at least according to a plaintiff in the 899 property dispute we discussed in Chapter 3.\footnote{\textit{Chron. Vult.}, doc. 79 (899).} Cartulary-chronicles then could serve to record down the institutional memory of the monks for posterity and to remember what had been lost.

The cartulary-chronicles and the chronicle: a closer look

\textit{Chronica m. Casinensis (c.1099-1139)}

The \textit{Chronica m. Casinensis} is a cartulary-chronicle that was written at the monastery of Montecassino over a forty-year period, starting in 1099 and continuing up to 1139. Montecassino, the largest and most influential of southern Italy’s monasteries, was located in an enclave in northern Beneventan territory in what is today the province of Lazio but had property that extended all over Italy. The \textit{Chronica} preserved the details of the monastery’s properties as well as its history, including information on the achievements of the monastery’s abbots, their building projects, and various miracle stories of saint Benedict, Montecassino’s patron saint. For the eighth and ninth centuries, the \textit{Chronica} contains summaries of 59 documents of which 11 date to the eighth century and 48 to the ninth century.\footnote{\textit{Regesti dei documenti}, pp. 16-19.} A large proportion of the documents it preserves for the period of this study feature land transactions involving Beneventan territory, however, some deal with the territory of the later Lombard principalities of Salerno and Capua.

Scholars have identified three authors under whose direction the text was composed: Leo Marsicanus, Guido, and Peter the Deacon. Leo Marsicanus, the abbey’s \textit{bibliothecarius} and representative during property-dispute litigation, before becoming Bishop of Ostia, started his part of the cartulary-chronicle in the sixth century during the life and times of saint Benedict and...
ended it in the year 1075.\textsuperscript{836} After Leo’s death in 1115/17, a fellow monk named Guido is believed to have continued the chronicle to 1127, followed by his pupil and later \textit{bibliothecarius}, Peter the Deacon, who continued the chronicle to 1139 and subsequently revised the entire text sometime around the middle of the twelfth century.\textsuperscript{837}

Some scholars argue that the contemporary abbot of Montecassino, Desiderius (1058-1087) (later Bishop of Rome Victor III), commissioned Leo to write his portion of the \textit{Chronica}, but Leo very well may have taken up the project on his own behalf. During his abbacy, Desiderius had successfully extended the monastery’s landed wealth, rebuilt structures in the monastic complex, and enriched the monastery with significant amounts of treasure.\textsuperscript{838} Throughout the next four decades when the \textit{Chronica} was composed, Montecassino also continued Desiderius’ program of reclaiming property that had been alienated after Montecassino was destroyed in a raid of 883. It is possible that the cartulary-chronicle was compiled to aid in this process and demonstrates ownership over these and other former properties. But there is also a strong possibility that the \textit{Chronica} was composed to preserve some sense of continuity in the communal memory of the monks between the former abbey and its possessions before its destruction in 883 and the newly founded abbey and its newly acquired possessions.\textsuperscript{839}

While Leo’s portion of the text, which contains the eighth- and ninth-century documents from the Duchy and Principality of Benevento, is considered the most trustworthy of the three portions of the \textit{Chronica}, there are several problems associated with using the charters and precepts it preserves.\textsuperscript{840} The \textit{Chronica} is more narrative-based than other cartulary-chronicles,
and it incorporates documents by means of a summary or interpolation of their contents. Because of this adaptation, a great deal of information is missing, such as exact dates and details concerning the specifics of the transaction and witnesses and notary signatures. Without these it is not only extremely difficult to reconstruct the format and contents of the original documents, but to trust their validity. The fact that the documents were copied down in summary and without witness signatures may be evidence that the *Chronica* was intended for internal use only and not for property disputes, where witness signatures would have been important evidence of ownership. In the end, the *Chronica* only provides historians with a general idea of land transactions of the eighth and ninth centuries.

**Registrum Petri Diaconi (c.1130s)**

Sometime around the early 1130s, Peter the Deacon, the third author of the *Chronica m. Casinensis* and the monastery’s later *bibliothecarius*, put together a new cartulary for Montecassino, referred to today as the *Registrum Petri Diaconi*. For the eighth and ninth centuries, the *Registrum* contains copies of 89 documents and of these 33 date to the eighth century and 56 to the ninth century. Like the *Chronica m. Casinensis*, the *Registrum* contains copies of documents concerning land transactions that deal with the Duchy and Principality of Benevento as well as those of the later principalities of Salerno and Capua and the Kingdom of Italy. It also contains copies of documents concerning the southern Byzantine states of Gaeta and Amalfi. Formulated as a cartulary, the *Registrum* was perhaps meant to act as a companion to the more narrative-based *Chronica*. It may have been compiled, as some scholars argue, to aid in the lay and ecclesiastical disputes involving Montecassino during the early twelfth century. Indeed, many documents appear to have been copied true to form including *subscriptiones*, unlike the *Chronica*. But again there are many documents copied down as simple summaries and interpolations of the originals, and this should again make us question whether the *Registrum*, and its companion *Chronica*, were meant for external use outside the monastery.

The main problem with using the eighth- and ninth-century documents in the *Registrum* is that the author, Peter the Deacon, was a notorious forger and the *Registrum* contains a great deal

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841 *Regesti dei documenti*, p. 19.
of identifiably false documents.\textsuperscript{843} In total, 21 of the documents from this period are forgeries (about 23\% total) and 7 are dubious (about 8\% total).\textsuperscript{844} Of the four cartularies that contain Beneventan evidence the \textit{Registrum} has the highest percentage of forged documents, mostly later documents, and it must be used with caution.

\textit{Chronicon S. Sophiae (c.1098-1119)}

The \textit{Chronicon S. Sophiae} (cod. Vat. lat. 4939) is perhaps our best source for Beneventan charter and diplomatic evidence for the period. It was composed for the Beneventan abbey of S. Sofia, which until the tenth century was a female monastery located in the city of Benevento and an eigenkloster of the Beneventan rulers, particularly Duke/Prince Arichis II. The \textit{Chronicon S. Sophiae} contains primarily copies of documents related to the property of the abbey (but not always) from as early as the eighth century down to the year 1119. For the eighth and ninth centuries, the \textit{Chronicon S. Sophiae} contains 219 documents, the majority of which deal directly with the Duchy, Principality, and former Principality of Benevento. Of these, 165 are from the eighth century and 54 are from the ninth century.\textsuperscript{845} Unlike the \textit{Chronica m. Casinensis}, the text contains very little narrative and like the \textit{Registrum} has instead an extensive cartulary. The \textit{Chronicon S. Sophiae} begins with a brief set of annals (the \textit{Annales Beneventani}) followed by a short canonical collection, a catalog of the dukes and princes of Benevento, and a lengthy cartulary (\textit{Liber Preceptorum}).\textsuperscript{846}

The \textit{Chronicon S. Sophiae} appears to have been compiled by various scribes at two points in time: 1098 and c.1119.\textsuperscript{847} The manuscript that survives is the later version, composed at the end of a period of disputes between the abbey of S. Sofia and the monastery of Montecassino, involving none other than Leo Marsicanus, the first author of the \textit{Chronica m. Casinensis}.\textsuperscript{848} These disputes began in 1078 and continued in 1089, 1093, and then at synods held under Urban II (Bishop of Rome, 1042-1099) at Bari in October 1098, at Benevento in February 1113, and at

\begin{footnotesize}
\textsuperscript{844} \textit{Regesti dei documenti}, p. 17. Also: Hoffmann, 'Chronik und Urkunde in Montecassino,' pp. 169-71.
\textsuperscript{845} \textit{Regesti dei documenti}, p. 21.
\textsuperscript{846} \textit{Chron. S. Sophiae}, vol. 1, intro, pp.15-17.
\textsuperscript{847} See Martin’s observations in: Ibid, pp. 62-63
\textsuperscript{848} For a summary of Leo's involvement see: Ibid, pp. 45-78.
\end{footnotesize}
Rome in March 1116. The Chronicon S. Sophiae could have served as a platform for the abbey of S. Sofia to declare its independence from Montecassino and prove it had never been subject to the monastery. Indeed the earliest compilation of the Chronicon S. Sophiae was written right around the time of the synod held in Bari, when Urban II and the Norman Duke Roger (1085-1111) met to decide on the matter once and for all.

Even with a possible political agenda behind the text’s composition, the Chronicon S. Sophiae is considered by most scholars to be accurate and particularly useful for understanding the original format and content of the Beneventan charters and precepts its scribes copied down. Its lengthy cartulary preserved exact copies of documents including their invocations, witness signatures, and the notarial subscriptio. Even the original grammar and Latin were retained, which the copyist (or another writer) then corrected in red ink above the original. Only eight forgeries (about 3.5% of the total) have been identified along with a mere three dubious documents (about 1%). This is considerably small in comparison to other cartulary-chronicles.

Chronicon Vulturnense (c.1119-1124)

The Chronicon Vulturnense (cod. Vat. Barber. 2724), is another twelfth-century Beneventan cartulary-chronicle, but it contains more forgeries than the Chronicon S. Sophiae. The Chronicon Vulturnense is attributed to an early twelfth-century monk named Iohannes and relates the history of the monastery of S. Vincenzo al Volturno, which was located in northern Beneventan territory in Abruzzo not far from Montecassino, and its property acquisitions from its foundation in the early eighth century to 1066 where it abruptly ends. For the eighth and ninth centuries, the Chronicon Vulturnense contains 147 documents of which 55 are from the eighth century and 92 from the ninth century. A large proportion of these documents detail land

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849 For disputes and synods see: Ibid, pp. 59-61.
850 Regesti dei documenti, p. 20.
853 Regesti dei documenti, pp. 20-21. In agreement of the copyist’s reliability is Zielinski in: CDL IV/2, p. 29.
856 Regesti dei documenti, p. 22.
transactions involving Beneventan territory of the Duchy and Principality, but some contain information regarding that of the later principalities of Salerno, Capua, and the Kingdom of Italy. The *Chronicon* may have been written in response to the *Regestrum farfense*, a collection of property-based documents from the monastery of Farfa, because the *Regestrum* had claimed that S. Vincenzo was a dependent of Farfa.\(^8\) The *Chronicon Vulturnense* could then have been composed to affirm San Vincenzo’s independence from Farfa and reinforce its property rights.\(^8\)

As a result of such motivations, numerous forgeries can be identified.\(^8\) As a whole, 15% of the documents have been identified as false and 2.5% as dubious.\(^8\) This is significant when we consider that only 4% of the documents in the *Chronicon S. Sophiae* are questionable.\(^8\) In addition to the numerous forgeries, the documents also tend to occasionally lack subscriptions and other textual features found in the more extensive cartulary of the *Chronicon S. Sophiae*, and there are frequent contradictions in the dating of some documents.\(^8\) Yet, the *Chronicon Vulturnense* does retain most of the original format of precepts and charters, making it much more useful than the summaries found in the *Chronica m. Casinensis* and the *Registrum Petri Diaconi*.

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\(^8\) Felton, 'Zur Geschichte der Klöster Farfa.'

\(^8\) CDL IV/2, pp. 88-135.

\(^8\) *Regesti dei documenti*, p. 22.

\(^8\) Whether the copyist of the *Chronicon Vulturnense*, Iohannes, was truly responsible for the insertion of the majority of the false documents or whether he simply copied documents forged at an earlier date is still up for debate. See: Pratesi, 'Il *Chronicon Vulturnense*'; H. Hoffmann, 'Das Chronicon Vulturnense und die Chronik von Montecassino', *Deutsches Archiv für Erforschung des Mittelalters* 22 (1966): 181-188; and CDL IV/2, pp.131-132.

Appendix 2: Translations of Beneventan Legislation

Capitula of Arichis

1. If a pauper has no relatives and possesses nothing, and for whatever reason pledged business to a powerful man according to the law, we decree thusly that he alone renders the oath; moreover in a similar way the powerful man should swear an oath to the pauper alone, whenever it happens. But if the pauper possesses anything, however small, he should swear an oath with the five [witnesses] with him, and the powerful man should give satisfaction to the pauper in a similar way along with five others.

2. If a brother strikes another brother first, having ended the quarrel, and afterwards the brother, stricken with resentment and incited into defending himself, kills the one who attacked him [i.e. his brother], we judge this matter thusly: that it should be agreed that such a man is guilty of fratricide by the rank of the person he killed.

3. If anyone accuses a son after the death of his father, as happens, by saying that some kind of recompense for whatever debt had given him cause, or perhaps when the father was alive, as overseer concerning such matters, he took something by force, to the extent that evidence was not able to be produced and also the son responded that he had not known such things; [the son] should therefore swear an oath that he had not neglected to inquire after the matter nor found any evidence of these things for which he was accused.

4. The old jurists have avoided to decree on several crimes, since they believed these could not occur, and have left errors to posterity. Since evil has been increasing, these crimes are now believed to be possible and also these deeds are visible, a thing which is wicked to say. And until now, because religious people are considered persons both unarmed and worthy of veneration in all respects, no law of composition established by a judicial reckoning has become evident concerning the homicide of religious people. Even if perhaps it had happened once, and either was omitted under the pretense of legal neglect or a forgotten ruling, or it was judged as it pleased each, or by a fixed ruling of censors. Therefore, as if it satisfied all persons at once in the fairest manner, we sanction, that is we decree: that if anyone hereafter kills a monk, priest, or deacon holding the first rank, he should pay a settlement of 200 solidi or more up to 300, as it pleases the prince of the country. Concerning those remaining persons of inferior rank, who serve in the palace, a composition of 200 solidi should be paid. As for the remaining ecclesiastics, who live outside the palace, a composition of 150 [solidi], just as the laymen who perform military service as exercitales.
5. If the father of a daughter, not having a brother, or the brother of a sister, are killed, it is thus pleasing to us by the judgment of reason that just as they ought to possess in the property of the father, or the brother, by law according to inheritance, so too should those same [individuals] exact the payment from the murders by inheritance.

6. If a free man has a free wife and, having nothing of his own, commits such a crime, on account of which he is condemned by the *quaestor* according to the law and must be handed over to the accuser for servitude, this man’s wife [should remain free] and also keep such a husband; but [the accuser], who received [the husband] in servitude should give the husband of that woman two days within a week, just as his own servants, so that he might be able to feed her. But if on the contrary he committed a minor crime, whereby there are presently no laws for handing [one] over [to servitude], according to the most just determination, the husband and wife should be subject to the one who accused [the man] until a fixed time; but after the appointed day he should be restored to his former state of freedom. But if only that same wife is condemned, and in the same way as we judged above concerning the husband, the same sentence should likewise be given to both equally together, in such a way that she, just as a servant, is subject to the authority and command of the one who received them. But if within the established time of the above mentioned servitude the man or his wife commit another offense toward another man, they should be handed over as servants in perpetuity and the accused should feed his wife during the days, just as granted to him above. And the lord of those handed over, whereby he is in charge of the servant, should render justice to the accuser for the injury inflicted by [the servant], if it happens.

7. We also establish that an adolescent before the age of 18 should not be able to be condemned by the manifestation [testimony] of his mouth alone.

8. No man having a legitimate wife can through trickery make whatever donation he wishes to his sons or daughters, who were born from another illicit union, while the legitimate wife is living: especially in so far as those born of an incestuous union with a stepmother, that is a *matrinia*, or a *previgna*, that is a step-daughter (*filiastra*), or a kinswoman (*cognata*), who is the wife of a brother, or born of the sister of a wife or even a cousin. We absolutely prohibit the one who carried out this crime from being able to make a donation to those, regardless of any argument whatsoever which human cunning can design or speak of.

9. If a freeman, or freedman, shows a precept of his condition of freedom written at a time before the return of Lord Gisulf from beyond the Po and it appears false without doubt […] if [the freeman or freedman] is able to prove that it was written at that time which we mentioned above, and that he had remained in this condition of freedom, we judge with certainty that whichever of those surviving in this condition of freedom, whether men or
women, be returned to their former state of servitude. But the sons or daughters of those who were born of a freeborn wife should remain free with their mother.

10. It has come to the attention of our highness that certain men instructed in a cunning craft leave to their nearest relatives, who by law will be their rightful heirs, a testament of donation on account of obligations or debts which they made, such that the quaestors easily lose the loaned goods of those; for that reason we decree thusly that the first heirs should pay the obligation or debt of their relatives, then, that which is left of the goods of those, they should take for themselves.

11. If anyone snatches away a wagon that is commonly called a carrum in his own wooded area, loaded with gathered wood along with the oxen, and perhaps led it to his house, he should compensate those who owned the oxen and cart with nine pieces of wood for each piece that was placed on the cart. Concerning the wagon, as the law states, they should come before justice.

12. It is enough that an infamous and illicit custom has increased in these times in which little women with deceased husbands, freed from marital authority, enjoy freedom of their own free will, unrestrained. They take up the habit of a nun in the secret of their house, lest they endure the force of a marriage; indeed they are thought to be entirely safe by themselves, if they are not subjected to marital rule. And it is done in such a way that under the pretext of religion, abandoning all fear, they pursue without restraint anything that delights the soul. In fact they hasten toward pleasures, pursue banquets, guzzle down wine, frequent baths, and the more they are able, the more they abuse the habit in weakness and the delights of clothing. In these circumstances, if ever they appear in the streets, they adorn their faces, whiten [powder] their hands, and inflame their lust, so that they mix desire with enjoyment; often also they appear to be beautiful and seek without shame to be seen and, let it be said briefly, they loosen the reins of the soul to all debauchery and desire. Therefore, without doubt, indulging in this, with the tinder of life set ablaze, the incentives of the flesh consumes them to such a degree that they surrender to the prostitution of not only one but also, a thing which is wicked to say, of many; and lest the belly swell, it would not be easy to prove. We, contesting in every way such a pestilence which ought to be detested, decree: that whomever is bound in kinship to a maiden or widow who took the veil of the holy religion and within the course of a year pronounced broadly that they be sent forth into a monastery, as he wished or was able to do, and afterward, if they are exposed in a crime of dishonour, he should pay his wergild to the palace; and the prince of that time should send her back into the monastery with that wergild and her own possessions.

13. The authority of divine law testifies, “If anyone leads another into captivity, he himself should go [forth] into captivity." Thus far, this cruel country endures destruction on its border to such an extent that [its men] sell indifferently even its inhabitants to Pagan races across the sea. Therefore we impart, as a judgment to the present case, that if anyone sells a
man outside the province in a secret manner or by any other means, he should compensate him thusly, just as to those who sell within [the province]; but still in such a way that the person of the seller is sold beyond the sea. But if [the seller] is extremely poor, having nothing, let them proceed with the compensation, which is above: his person should go for sale across the sea, as above.

14. Any woman, owning her own property, who chastely preserves the bed of her deceased husband and wishes to declare anything of her property on behalf of her soul, which her children do not consent, we decree this thusly: if she has two children, she is allowed to give a third of her property; if she has three children, a seventh of her property; if she has four, a ninth of her property; but if she has more children, it should be divided proportionally according to the number [of children], as appropriate.

15. If anyone possesses land or a slave for thirty years without a forcible violation, to the extent that there is firm proof, we decree thusly that the possessor should obtain any increase in the building or land from his possessions without molestation and dispute; just as he ought to possess those aforementioned things initially, he ought to possess them in the future.

16. If someone inspired on behalf of his soul assigns his own property to venerable places, and is not reputed as a stranger or enemy to his relatives, as is written in law to be wicked, but is an oath-helper, if the opportunity is incumbent, he should be considered in every way to be the heir of those next in line.

17. If anyone buries [a corpse] in a reckless manner in a basilica without the permission of the bishop or guardians of the church, for this reason we judge that: he pay a composition of 40 solidi to the rectors of that holy place; concerning the corpse, it should be agreed by those persons as they wish.
Capitula of Adelchis

Prologue. When it pleased him, the Almighty, who arranges all things, once placed the kingdom of Italy under our people [gens], the Lombards. Indeed, with their kings happily ruling, the inspirer of all good deigned to instill in their hearts how the decrees of law should be ratified by a common council, which the public should obey, and how the entire people [gens], living lawfully and not exceeding the limits of the established law, should not dare to commit any injurious deed against one another. And so these same kings, as they were capable by heaven[ly authority] to decree these things, desired to leave behind a scriptum written prudently and humbly, so that succeeding kings would perhaps notice anything superfluous in their edicts, fix them with pumice stone, and not hesitate to add anything less than what was right for the circumstances of the time. And so the matter was carefully executed in this way by whomever the kings were, who ruled afterward, just as is seen in the statutes of these kings.

With the glory of that same most famous people [gens] continuing then, suddenly the Gallic people [gens] invaded the first rank [primatum] and capital of this Kingdom. At this time Desiderius held the scepter of the Lombards, whose son-in-law was then Charlemagne, King of the Franks. Envious of [Desiderius’s] throne and plotting against him, [Charlemagne] did not hesitate to act cunningly and with deceit. Indeed, after he had captured [Desiderius] and took him prisoner, [Charlemagne] placed the kingdom of Italy and the people [gens] of the Lombards under his command. And when the arrangement of the Creator was decided thusly and that same people [gens] had been reduced to a small number, Duke Arichis, catholic and magnificent in all things, then ruled the Duchy of Benevento. He ruled those remaining with nobility and honour, in imitation of the ancestors of his race, and following in the footsteps of the kings took care to diligently amend and establish certain capitula in his decrees pertaining to the salvation and justice of his country, which are without doubt beneficial and thus retained [and] inserted in the body of this edict [edictum]. And so after a long time it pleased the heavenly Piety to entrust to us the duchy of those remaining people, who are at present greatly oppressed by the hostility of many races, which do not cease to terrorize and put to flight our citizens, burning and spoiling many of our villages and towns. And although these things increase in our time – on account of which we grieve a great deal – at the same time the wickedness of those of our country, amongst whom one always plots against the other, exceeding the ancient statutes of the law and desiring to frequently harm his neighbor in whatever way, also begins to abound – about which our mind is continually saddened. Therefore, until we manage to correct and curtail such behaviors, following the illustrious example of the most excellent Duke Arichis, we made provisions to institute certain capitula in imitation of him suitable for the eradication of the wickedness of certain men.

For that reason, after speaking together in this our Beneventan palace with lord Aio, our brother, venerable bishop, and with many counts and remaining magnates, in the twelfth year of our leadership [ducatum], the month of March and the fifth indiction, we take care to establish with solicitude these same capitula, by means of which the unjust should curb wickedness and
restrain from iniquity. Without doubt we commanded these things inserted in the pages of this edict to be preserved in perpetual right.

1. If a slave belonging to whomever takes a freewoman as his wife, who under law belongs to the palace, then this would certainly be the worst affair in that [whichever lord] wishes can demand these persons. But, henceforth and hereafter we decree that such perversity has no place. Only he who possessed the slave first shall possess them both always, even if they were never sought by the palace. For it could be possible that his lord possesses only he, whom, if on that occasion he loses, he [himself] would become a pauper. Whether he possesses one or many servants, and this occurrence happened [to] one or however many of them, his lord, as it is decreed, shall possess in perpetuity him along with her, whom he took as his wife, and their children. And if anyone presumes thereafter to foolishly request those at the palace, the petition [will] remain void.

2. If anyone is injured by someone, and both a judge has observed that the injury was recently committed and the adversary has denied that he committed the injury, the injured should swear an oath that he is absolutely certain about the statement he made: that the [accused] inflicted that injury upon him, which is visible; afterwards, the unjust [guilty] shall render justice to him without any refusal according to the tenor of the edict.

3. If it is clear and evident that a woman, whomever she may be, had legally married according to custom, received the fourth or eighth committed to her by her husband and [then] lost it during the confusion of the time, or if indeed, as it is accustomed to happen many times, the same fourth or eighth had not been written down, the nearest relative to the husband or anyone else should not presume in any way to contest the fourth or eighth rightfully belonging to this same woman. If anyone puts forward a further dispute concerning these things, his complaint should obtain no reward, since it seems wicked and reprehensible that any women should lose that which they retained from their husbands through neglect or chance.

4. If anyone signs himself as a witness with his own hands onto whatever deed [munimen] concerning any affairs perhaps pertaining to him, we establish that afterwards, from that point on, he can in no way take back his plea; for he ought to inquire with great concern and know what it is that he was asked to sign.

5. If any man pledges his property to someone and thereafter sells it to another, and the buyer possesses it for one year in the sight of the one to whom it was first pledged, afterwards and thereafter, he, who had the pledge first, cannot move a dispute regarding that [property]; because he will be duly denounced for his inattention, [that is] because he neglected to appeal the buyer thereafter under such a period of time and he did not receive beforehand a
guaranty from that pledger; since it seems a just thing that those who paid the price ought to possess that property rather than he who holds only a pledge.

6. If anyone swears an oath and the judge is absolutely certain that he had sworn falsely, or rumor has that he had sworn falsely [and] if the accuser then moves forward on charges that he had thence sworn falsely, according to the judgment of the judge he should prove to him by means of a duel that he had sworn falsely; and afterward he who swore the oath should render justice to him, if he falls, according to the tenor of the edict.

7. If anyone has and possesses a house or any property by means of a deed [munimen] and afterward lost it by fire or plundering, and some causator said that this same house, or property, ought to legally belong to him, the owner with his relatives should swear an oath that he had a valid deed concerning the same property, or house, but had lost it by fire, assault, or plundering. If he who made the complaint concerning these things chose beforehand to prove his will by means of a duel, he alone who possessed that, whatever property it may be, should swear an oath and proceed in such a way toward battle. Indeed it ought to be considered and truly believed that it is possible that many have lost or will lose their deeds, as it was described, when castles and villages were burnt by pagans and burnt and destroyed just as often through our defense of them: therefore it seems unfair that having lost the deed under such circumstances someone should lose that which rightly belongs to him, if therein he cannot show the deed.

8. Until now it seemed an inconvenient custom that whomever wished could write a notice [brevis], if he knew how, whencesoever the opportunity arose. But from this time forward we decree that only notaries should write a notice in addition to other deeds [muniminia] as well. And henceforth, anyone who shows notices without the subscript of a notary, this document will be invalid; because we have discovered that many of these notices are false, and such a thing, God willing, we wish will not happen again.
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