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Land and Landscape:

The Transition from Agilolfing to Carolingian Bavaria, 700-900

A dissertation submitted in partial satisfaction of the

requirements for the degree Doctor of Philosophy

in History

by

Leanne Marie Good

2012

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ABSTRACT OF THE DISSERTATION

Land and Landscape:

The Transition from Agilolfing to Carolingian Bavaria, 700-900

by

Leanne Marie Good

Doctor of Philosophy in History

University of California, Los Angeles, 2012

Professor Patrick Geary, Chair

This dissertation examines the transformation of the political, social, cultural and physical landscape of eighth-century Bavaria as this region was absorbed into the expanding Frankish kingdom, following the deposition of its quasi-regal duke, Tassilo, in 788. My study aims to elucidate the wider process by which the Carolingian dynasty united most of Western Europe under its control in the course of a few decades. It is my contention that changes made during this period to the organization of agricultural land and ecclesiastical jurisdictions - the physical use of land resources, and their mental demarcations - changed perceptions of identity and supported changes in rulership.

At the beginning of the eighth century, the family referred to by historians as the Arnulfings or Pippinids, increased their power greatly through a variety of strategems (the term Carolingian, from the name of its most famous scion, is often projected back). This family controlled the office of Mayor of the Palace to the Merovingian kings; in that role, Charles Martel essentially functioned as the political leader of the Franks. His son Pippin inherited the office, and took the title of King of the Franks, as well, which threatened the balance of aristocratic power in the kingdom and the peripheral duchies. Thus, Pippin's sons, Charlemagne and Carloman, strove to maintain and legitimize the position their father had bequeathed them. One of their strategies was to pull the peripheral duchies more strongly under Frankish control. For the first half of Charlemagne's reign, Duke Tassilo of Bavaria continued building his independent rule of that province, while the Frankish king concerned himself with political problems closer to home. Tassilo came from a family so illustrious, they had been recognized as a leading family and designated as the Agilolfings even in the early Middle Ages. The Bavarian Law Code specified that the Duke of the Bavarians must always come from this family, therefore, Tassilo was a legitimate ruler in a way that Charlemagne, as the son of the usurper of the Frankish throne, was not. To further complicate matters, Duke Tassilo was a product of both families: his father, Duke Odilo, had married the daughter of Charles Martel, and Charlemagne was his cousin.

Bavaria in the eighth-century was uniquely at the crossroads between Christianity and paganism, between a common Romano-Germanic linguistic and cultural zone, and the undefined Slavs and Avars across the Danube. It was also caught between two powerful rulers who represented two different justifications of legitimacy (birth versus anointing). This dynamic of intersecting and sometimes competing systems of organization and representation presents a

fertile field for the study of the language and representation of land in its political context, and its relationship to the concept of legitimate authority.

In *Topographies of Power* (2001), Frans Theuws raises the question of how the Carolingians transformed the Frankish royal topography despite its long cultural heritage. He suggests that research on the rhetoric of landscape in the creation and representation of power relations in contested areas could yield insight into this question. I am asking a similar question by looking at an area outside the Frankish heartland: the advantage of looking at an area peripheral to the Frankish center is that it presents two comparable systems of establishing legitimacy, two "rhetorics of landscape," brought into conflict with one another, and then examines how one is transformed by the other. I examine the changes that take place in the region, in the delineation and possession of boundaries, rights, and of the *terra* itself, some of which succeeded in furthering the royal claims to the region, and some of which failed.

There were, in fact, two transformations which the region underwent in the eighth century: that undertaken by the Agilolfing dukes Odilo and his son Tassilo, and that begun after the takeover by Charlemagne. Therefore, I first appraise how the Agilolfing dukes strengthened their authority through a particular policy of land donations to the Church, and through the control of church councils and monastic foundations. The dukes chose the places for episcopal seats, synods, and monasteries carefully, marking a sphere of ducal action not only in jurisdictional terms, but also in a spatial sense. While these activities built consensus, they simultaneously underscored the authority of the dukes; both Odilo and Tassilo kept control over land donated, councils convened, and monasteries founded, limiting episcopal jurisdiction over these three areas. I then consider how the Carolingians expanded their control into the newly acquired Bavarian landscape following the deposition of Tassilo, through the distribution and use

of aristocratic and fiscal lands, the co-opting of local monasteries and churches, the creation of new offices, a new interpretation of land ownership which favored the episcopal church, and through changes in the vocabulary used in the definition and representation of space.

The unique geographical and political position of Bavaria suggests a fertile testing ground for a study of the representation of land and space in its political context. The transformation of the *ducatus Baiuvariorum* involved the alteration of existing views on the relative legitimacy of Carolingian and Agilolfing rule. This was a transformation in both a physical sense, and through the manipulation of various representational forms that make up the "landscape" of authority. I argue that the "mapping" involved in constructing a network of meaningful places by its very action legitimates. By articulating how various factors can and should be perceived as a unity, and presenting a rhetoric of control over the land, a ruler made that control acceptable and defined the identity and roles of his followers.

Chapter one surveys the existing literature on the organization and re-organization of Bavaria in this period, while chapter two looks at the organization of land in terms of politically, agriculturally, culturally, and socially imposed uses, and the terms used to describe it. This chapter argues that the model of *Landschaften*, as communities constructed by interdependence and shared law, was already undergoing alteration under the leadership of the Agilolfing dukes. Chapter three focuses on the conceptual and linguistic construction of space and control in Agilolfing Bavaria, comparing the various conceptual categories used in Bavarian sources to describe land, and chapter four investigates the challenges facing the bishops in Bavaria in this period. Through the oversight of the Bavarian church councils and his hegemony over both donated land and monastic foundations, Duke Tassilo maintained control of the Bavarian episcopacy, limiting their roles to some degree. Chapter five surveys the surge in monastic

foundations under Dukes Odilo and Tassilo, arguing this was one of the main methods by which the dukes constructed consensus and defined the landscape of the Bavarian community, and Chapter six examines the fate of the Agilolfing monasteries under the Carolingians. Finally, chapter seven considers the rhetoric of control over land in Carolingian-sponsored texts such as capitularies, *diplomata*, and annals, as well as in church councils and letters, describing the new unifying, legitimizing rhetoric developed by Charlemagne and his advisors: kingship as the defense of Christendom. The conclusion summarizes how claims to hegemony over space and its ordering were a foundation of claims to political authority in this period.

This study contributes to an understanding of how one region was shaped and transformed by ducal leadership, and illuminates how the Carolingians transformed areas formerly outside their control and brought them under the umbrella of a hegemonic ideal. It demonstrates the dynamic of intersecting and sometimes competing systems of organization and representation, which Charlemagne was challenged to bring together, employing the concept of empire.

The dissertation of Leanne Marie Good is approved.

Michael R. Curry

Ronald J. Mellor

Claudia Rapp

Teofilo F. Ruiz

Patrick Geary, Committee Chair

University of California, Los Angeles

2012

To Olivia,

Die Zukunft

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ABBREVIATIONS

Capit. I = MGH *Capitularia regum Francorum I*, ed. Alfred Boretius (Hanover, 1883).

Conc. = MGH *Concilia aevi Karolini* 2.1, ed. Albert Werminghoff (Hanover, 1906)

DD Arn = MGH *Die Urkunden Arnolfs*

DD Kar. I = MGH *Diplomata Karolinorum I: Diplomata Pippini, Carlomanni, Caroli Magni*

DD LD, DD Kn, DD LJ = MGH *Die Urkunden Ludwigs den Deutschen, Karlmann, und Ludwig der Jüngere*

DD Mer. = MGH *Diplomata Merowinger* I

DD O I = MGH *Diplomatum Regum et Imperatorum Germaniae I*,

LB = *Lex Baiwariorum*

Libri mem. = MGH *Libri Memoriales et Necrologia*

LL nat. Germ = MGH *Leges nationum Germanicarum*

MGH = *Monumenta Germaniae Historica*

Necr. = MGH *Necrologia Germaniae*

SS =MGH *Scriptores (in Folio)*

SS rer. Germ.= MGH *SS rerum Germanicarum in usum scholarum*

SS rer. Lang. = MGH Scriptores Rerum Langobardicarum et Italicarum

SS rer. Merov. = MGH *Scriptores rerum Merovingicarum*

TF = *Die Traditionen des Hochstifts Freising*, ed. Theodor Bitterauf, *Quellen und Erörterungen zur bayerischen Geschichte* n.f. 4/5 (Munich, 1905-09).

TM = *Das älteste Traditionsbuch des Klosters Mondsee*, ed. Gebhard Rath and Erich Reiter. Forschungen zur Geschichte Oberösterreichs 16. (Linz, 1989).

TP = *Die Traditionen des Hochstifts Passau*, ed. Max Heuwieser, *Quellen und Erörterungen zur bayerischen Geschichte* n.f. 6. (Munich, 1930).

TR = *Die Traditionen des Hochstifts Regensburg und des Klosters S. Emmeram,* ed. Josef Widemann, *Quellen und Erörterungen zur bayerischen Geschichte* n.f. 8. (Munich, 1943).

TS = *Die Traditionen des Klosters Schäftlarn 1: 760-1305*, ed. Alois Weissthanner, *Quellen und Erörterungen zur bayerischen und deutschen Geschichte* 10.1. (Munich, 1953).

ACKNOWLEDGEMENTS

At the beginning of this project, I spent a great deal of time studying maps of Europe, locating geographical features, Roman roads, ducal palaces, and donated properties. One day, in Salzburg, I saw a map in a store window that brought me up short. It was an oblique bird's-eye projection of the Alps, from a viewpoint south of Munich, in which the land stretched away from the viewer towards Italy. It struck me that I had so long been used to viewing maps with the standard "north is up" orientation, and reading texts from the Carolingian perspective, that I had missed the glaringly obvious fact that the cultural, religious, and political orientation of Bavaria had long been to the south. The map depicted the important passes across the Alps, and the roads leading to important Lombard cities. On either side of the narrow peninsular land-mass of Italy stretched the sea, with the shores of Dalmatia and Gaul like two arms embracing the Mediterranean. Far off, centered on the horizon, was a single black dot labeled "Rome."

My experience of writing this dissertation was similar, in that I started the journey from one viewpoint, with assumptions of what I would encounter along the way. Yet researching a large topic is more akin to a Roman *itineraria* than a modern cartographical map: the whole perspective cannot be taken in at one glance. Rather, the traveler moves from one spot to the next, depending on local guides to point her in the right direction in the areas which they know best.

Having finally arrived at the end of this particular journey, I would like to acknowledge the help I received from many quarters (even if a few did question the direction I was travelling). Firstly, I must thank my dissertation committee: Patrick Geary, Claudia Rapp, Teofilo Ruiz,

Michael Curry, and Ronald Mellor. I also wish to remember Denis Cosgrove, who welcomed me to his "surgery" in the Geography department and introduced me to an entirely new field.

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I also wish to recognize the administrative and support staff of the above institutions, without whom nothing works. In particular, I would have been lost without the guidance of Hadley Porter, Nancy Dennis, and Eboni Shaw in the UCLA History Department; Karen Burgess, Brett Landenberger, and Benay Furtivo at the UCLA Center for Medieval and Renaissance Studies; Valerie Rom-Hawkins and David Poepoe at the UCLA Young Research Library; and the gracious staff of the Bayerische Staatsbibliothek and Österreichische Nationalbibliothek. In addition, I would have not have been able to complete this dissertation if it were not for the guidance and good sense of my counselor at the UCLA Office for Students with Disabilities, Dan Levitt, who saw me through many challenges.

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Above all, I thank the people of Bavaria, whose kindness and camaraderie made the year I spent amongst them one of the most extraordinary experiences of my life.

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"Jurisdiction and Nature in Early Medieval Bavaria," International Medieval Congress, Leeds, England, June 7-10, 2008

"Monasteries and Secular Authorities: The Example of Kremsmünster in Eighth- and Ninth-Century Bavaria," Institute of Mediaeval Studies, St. Andrews, Scotland, July 8-10, 2009

"Land and Legitimacy: The Political Use of Land Resources and the Representation of Environmental Space in Eighth-Century Bavaria," German Historical Institute, London, England, October 8-11, 2009

"Landscape without Cities: The Transformation of Eighth-Century Bavaria," Princeton-Oxford-Vienna Graduate Exchange Seminar "Urban Contexts," Princeton, NJ, March 29-April 3, 2011

"The Challenge of Building a Diocese: The Example of Salzburg," 46th International Congress on Medieval Studies, Kalamazoo, MI, May 12-15, 2011

"Bounded and Ruled: Ducal Strategies in 8th-Century Bavaria," International Medieval Congress, Leeds, England, July 9-12, 2012

Introduction

Towards the end of the reign of Theodo (714-6), the duke of the Bavarians, the holy man Corbinian passed through the region on his way to Rome. According to the *Vita Corbiniani*, despite his wish to live quietly as a monk, the pope had elevated Corbinian to the episcopate and ordered him to preach. Corbinian did so for several years, but then returned to Rome to ask the pope to reconsider. Duke Theodo and his son tried to persuade Corbinian to remain in Bavaria:

> But he went back on the road and moved on to the walls of Rome. After he said his prayers at the tomb of the holy Apostles Peter and Paul, [Corbinian], along with his fellow-travelers, threw himself at the feet of the sublime Pope Gregory of blessed memory. … with tears in his eyes and with a quivering voice he complained that he, in consequence of the honorable office transferred to him, had lost his seclusion, and he repeated his earlier request, that the Pope might permit him to go into a monastery, that he assign him to a little cell or a separate valley in the forest and allocate him a patch of farmland that he could work. As the Pope heard this, he was alarmed by so much humility; he went and summoned his advisors to him, whose circle he laid the matter before; and they unanimously expressed that he should return, with even more testimonies from Holy Scripture than before. At the suggestion of his advisors, the Pope asked the bishop to come into the circle. At the words of those assembled the bishop won his confidence back, he saw that he was overcome and he should not leave the official duties assigned to him by so sublime a father and without having achieved his goal, and that he had to return again to his place.[1]

Thus, Corbinian was persuaded to return to Bavaria, where he continued his work until his death. The *vita* of Saint Corbinian was written sometime between 769, when his remains

[1] Arbeo, *Vita Corbiniani*, ed. Franz Brunhölzl, *Vita Corbiniani: Bischof Arbeo von Freising und die Lebensgeschichte des Hl. Korbinian* (Munich, 1983), c. 20; *Arbeonis Episcopi Frisingensis Vitae Sanctorum Haimhrammi et Corbiniani*, ed. Bruno Krusch, *MGH SS rer. Germ.* 13 (Hanover, 1920). I refer to Brunhölzl's edition in all citations.

The text of this chapters is as follows in the *vita retractata, p. 120*: *Ipse vero calle arrepto ad Romam usque pervenit, et oration facta ad utraque beatorum apostolorum Petri et Pauli limina ad summi pontificis bati Gregorii praesentiam veniens, ad eius se stravit vestigia….Tunc coram eo lacrimis fusis, flebili voce deplorans, qualiter suum secretum inposito honore perdidisset, et in pristine petitione persistens, ut ad coenobium eum ire permisisset vel in quondam eum cellulam deputasset vel in aliqua secreta silva ad operationem ei concederet agellum. His auditis tantam humilitatem eius miratus est summus papa, eoque a se dimisso ad secreta necessaria synodum congregavit et in eorum collegio talia promulgavit. Quibus illi auditis, unaa voce omnes eum reverti proclamabant ex multis testimoniis spricturarum. His ita dicentibus, virum Dei in medium venire iussit. Quorum verbis, fide recepta, se victum considerans, ut iniunctum sibi a tanto patre officium nullo modo deberet amittere et a lucro vacuus redire ad aream…*

were returned to Freising from his resting place in Trent, and 772. Its author, Bishop Arbeo of Freising, had collaborated with Duke Tassilo to return the body of Corbinian to Freising.[2] The *vita* is therefore one of the few contemporary sources produced in Bavaria in the Agilolfing period.

One hundred years later, the archbishopric of Salzburg created an account of the conversion of the Bavarians and Carinthians in order to support their claims for jurisdiction over Pannonia. Its purpose was twofold: to assert Salzburg's claims to primacy over the other bishoprics of the region, and to stake a claim to the region in terms of missionary activity.[3] At this point, the province of Bavaria had been incorporated into the Carolingian sphere for eighty years. According to the *Conversio Bagoariorum et Carantanorum*:

> It has so far been noted, how the Bavarians became Christians, and the number of bishops and abbots committed to the seat of Salzburg. Now will be added, how the Slavs, who are called Carinthians, were made Christians and instructed in the holy faith within their borders, and how the Romans and the Goths and Huns and Gepids of lower Pannonia were driven out, and how the Franks and Bavarians and Carinthians afflicted them with continuous wars until they overcame them. However, those who were obedient to the faith and obtained baptism, they made tributaries of the king, and the land which the survivors possessed, they retained in exchange for tribute to the king, up to the present day.[4]

The reader is struck by the differences between these two accounts: the contrast between the quiet internal struggle of the saint, and the triumphalist military braggadocio of the

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[2] Herwig Wolfram, *Grenzen und Räume: Geschichte Österreichs vor seiner Entstehung*, Österreichische Geschichte, vol. 1: 378-907, ed. Herwig Wolfram (Vienna, 1995), p. 72; Ian Wood, *The Missionary Life: Saints and the Evangelisation of Europe: 400-1050* (Harlow, England; New York, 2001), pp. 156-7.

[3] Herwig Wolfram, *Salzburg, Bayern, Österreich: die Conversio Bagoariorum et Carantanorum und die Quellen ihrer Zeit*, Mitteilungen des Instituts für Österreichische Geschichtsforschung 31 (Vienna, 1995), p. 193.

[4] *Conversio Bagoariorum et Carantanorum* (a. 870), c. 3: *Actenus praenotatum est, qualiter Bawari facti sunt christiani seu numerus episcoporum et abbatum conscriptus in sede Iuvavensi. Nunc adiciendum est, qualiter Sclavi, qui dicuntur Quarantani, et confines eorum fide sancta instructi christianique effecti sunt, que quomodo Huni Romanos et Gothos atque Gepidos de inferiori Pannonia expulerunt et illam possederunt regionem, quousque Franci ac Bawari cum Quarantanis continuis affligendo bellis eos superaverunt. Eos autem, qui obediebant fidei et baptismum sunt consecuti, tributaries fecerunt regum et terram, quam possident residui, adhuc pro tribute retinent regis usque in hodiernum diem.* Fritz Lošek, *Die Conversio Bagoariorum et Carantanorum und der Brief des Erzbischofs Theotmar von Salzburg* (Hanover, 1997), pp. 100-102.

Conversio; between the image of Bavaria as an importer of Christian holy power, and an exporter of Christianity; between the orientation towards the south, and the expansion towards the east. Above all what stands out is the clear connection drawn between submission to the king and the faith, and the ability to keep one's own land and pay tribute for it. In the temporal space between the writing of these two accounts, the province of Bavaria had been transformed, both by the social processes taking place across Europe in the eighth century, and more immediately, by the Carolingian political takeover, which drew it into the sphere of imperial concerns.

Bavaria in the eighth-century was uniquely at the crossroads between Christianity and paganism, between a common Romano-Germanic linguistic and cultural zone, and the unfamiliar Slavs and Avars across the river. It was also caught between two powerful rulers, who were cousins, and yet represented two different justifications of legitimacy (birth versus anointing). This dynamic of intersecting and sometimes competing systems of organization and representation presents a fertile field for the study of the language and representation of land in its political context, and its relationship to the concept of legitimate authority.[5]

This dissertation examines the transformation of the political, social, cultural and physical landscape of eighth-century Bavaria as this region was absorbed into the expanding Frankish kingdom, following the deposition of its quasi-regal duke, Tassilo, in 788. My study aims to elucidate the wider process by which the Carolingian dynasty united most of Western Europe under its control in the course of a few decades.[6] It is my contention that changes made

[5] It would be truer to say Bavaria did not exist in this period; the actual phrase used was "the province of the Bavarians," the areas in which people who identified themselves as *Baoarii* exercised influence and constructed reasons for themselves to be where they were (though it probably would have been conceived by contemporaries more in terms of survival than ontology). I will use the term Bavaria, however, as a shorthand to describe the region the Bavarians inhabited, for the sake of convenience and clearer prose.

[6] The family of Charlemagne prior to his reign is referred to by historians as the Arnulfings or Pippinids; the term Carolingian, however, is often projected back to Charlemagne's grandfather, Charles Martel, to emphasize a similarity in their strategies. The family of the Bavarian dukes were designated as the Agilolfings even in the early Middle Ages. Duke Tassilo was a product of both families: his father, Duke Odilo, married the daughter of Charles Martel, and Charlemagne was his cousin.

during this period to the organization of agricultural land and ecclesiastical jurisdictions - the physical use of land resources, and their mental demarcations - changed perceptions of identity and supported changes in rulership.

In *Topographies of Power* (2001), Frans Theuws raises the question of how the Carolingians, who had usurped the throne of Francia, transformed the Frankish royal topography despite its long cultural heritage. He suggests that research on the rhetoric of landscape in the creation and representation of power relations in contested areas could yield insight into this question.[7] I am asking a similar question by looking at an area outside the Frankish heartland: the advantage of looking at an area peripheral to the Frankish center is that it presents two comparable systems of establishing legitimacy, two "rhetorics of landscape," brought into conflict with one another, and then examines how one is transformed by the other.[8] I examine the changes that take place in the region, in the delineation and possession of boundaries, rights, and of the *terra* itself, some of which succeeded in furthering the royal claims to the region, and some of which failed.

The unique geographical and political position of Bavaria suggests a fertile testing ground for a study of the representation of land and space in its political context. The transformation of the *ducatus Baiuvariorum* involved the alteration of existing views on the

[7] Frans Theuws, "Maastricht as a center of power in the early Middle Ages," *Topographies of power in the early Middle Ages*, ed. Mayke de Jong and Frans Theuws (Leiden, 2001), p. 211. Theuws proposed that in the early Carolingian period, the Meuse river was a symbolic boundary between a royal landscape to the east and an aristocratic landscape to the west. Merovingian royal property had been based on older Roman centers and on a large Roman fiscal territory in the Ardennes. Theuws asks how the Carolingian kings transformed this long-established landscape, with its "long cultural biography" (p. 209).

[8] This use of the term landscape reflects a theoretical approach in cultural geography, first proposed by Carl Sauer, which defines landscape not in the sense of scenery, but as a cultural image, a way of representing and structuring surroundings. It has also been conceptualized as a continuing networked process of social relations that stretch across space, emphasizing the performative aspect of constructing meaningful places. At the same time, we should not lose sight of the materiality of these places, particularly in light of the importance of agricultural land and of the geographical barriers to travel in the medieval world. These definitions are developed in: Stephen Daniels and Denis Cosgrove, "Iconography and landscape," *The iconography of landscape: essays on the symbolic representation, design and use of past environments*, eds. Daniels and Cosgrove (Cambridge, 1988), pp. 1-10, and Peirce Lewis, "Axioms for reading the landscape: some guides to the American scene," in *The interpretation of ordinary landscapes,* ed. D. Meinig (Oxford and New York, 1979), pp. 11-32.

relative legitimacy of Carolingian and Agilolfing rule. This was a transformation in both a physical sense, and through the manipulation of various representational forms that make up the "landscape" of authority. I argue that the "mapping" involved in constructing a network of meaningful places by its very action legitimates. By articulating how various factors can and should be perceived as a unity, and presenting a rhetoric of control over the land, a ruler made that control acceptable and defined the identity and roles of his followers.

This study contributes to an understanding of how one region was shaped and transformed by ducal leadership, and illuminates how the Carolingians transformed areas formerly outside their control and brought them under the umbrella of a hegemonic ideal. It demonstrates the dynamic of intersecting and sometimes competing systems of organization and representation, which Charlemagne was challenged to bring together, employing the concept of empire.

Physical Geography

Bavaria is an ever-changing cultural construct projected onto a diverse topography. The borders of the present state of Bavaria (the largest state, or *Land,* of modern Germany) do not map with those of the eighth-century *ducatus*, although there is some spatial overlap with a core region lying between the Danube and the Alps.[9] However, nothing in the rivers, mountains and plains of what would first emerge as Bavaria in the sixth century suggests a "natural" unity.

The Danube is the second longest river in Europe (after the Volga), and the only major river that flows eastward, draining into the Black Sea.[10] North of the Danube is rolling countryside, dominated by the Franconian limestone mountains to the west of Regensburg, and

[9] Roughly the area of the districts of Ober- and Niederbayern, and part of Oberpfalz.

[10] The Nördlinger Ries, a crater formed by the impact of a 1.5 kilometer asteroid, is thought to have affected the drainage patterns of the regional rivers and created change in the soil conditions.

by the thick Bavarian and Bohemian forests to the east, remnants of the Hercynian Forest that stretched across southern Germania in Roman times.[11] The Bavarian Forest is a wooded low-mountain region, through which the Regen River runs towards the city of Regensburg.

On the south shore of the Danube, in the central section between Regensburg and Passau, is a region called the Gäuboden. It has no clear geographic or cultural boundaries, but forms a large loess region. Loess is a sediment which tends to develop into rich soils, and under appropriate climatic conditions is very agriculturally productive. South of the Gäuboden region lies the tertiary hill country of the Lower Bavarian Upland (*Niederbayerisches Hügelland*), bounded on the west by the Franconian mountains and on the east by the Lower Inn Valley. It is one of two defined natural regions, the other being the Isar-Inn gravel beds (*Isar-Inn-Schotterplatten*) which lie further south. This *Schotterplatten* region is sub-divided by the Isar River into the Danube-Isar hills to the west and the Isar-Inn hills to the east, with the western portion including the Hallertau, an extensive hop-growing region.

All of the land south of the Danube forms a high plateau, with several large tracts of boglands in the northern section,[12] and numerous Alpine lakes in the southern part. This plateau region is also rich in natural pasturelands, which were ideal for grazing horses and other animals.

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[11] The Hercynian Forest formed the northern boundary of that part of Europe known to classical writers. This once-continuous forest exists today in relict tracts such as the Black Forest and the Thuringian Forest. Pomponius Mela referred to its "trackless forest and swamps" *silvis ac paludibus invia*, and Julius Caesar said the forest stretched along the Danube from the area of the Helvetii to Dacia (present Swizerland to Romania). Elk, wild bulls, and aurochs formerly inhabited the forest, according to classical sources. Pomponius Mela, *De Chorographia*, 3.29, see the English translation and commentary by Frank E. Romer, *Pomponius Mela's Description of the World* (Ann Arbor, 1998), p. 109.C. Julius Caesar, *De bello Gallico*, ed. T. Rice Holmes (Oxford: 1914), Book 6, Chapters 25-8; online version of this text: <http://www.thelatinlibrary.com/caes.html>.

[12] Including the Dauchauer Moose, Moosburg on the Isar, and the Erdinger Moos, a former swampland between Erding and Freising in which peat-cutting and grazing was documented in the TF from the mid-eighth century Freising charters. The peat-rich Donaumoos to the west of Ingolstadt was once the largest bog in the region, but it has been drained since 1790. Prior to this, the area was mostly inaccessible. South of the Erdinger Moos lay the extensive Ebersburg Forest. See Philippe Dollinger, *Der Bayerische Bauernstand vom 9. bis zum 13. Jahrhundert*, ed. Franz Irsigler, trans. Ursula Irsigler, (Munich, 1982), p. 84 (originally published in 1949 as *L'évolution des classes rurales en Bavière depuis la fin de l'epoque carolingienne jusqu'au milieu du XIIIe siècle*) as well as maps of the marshes and heaths of early medieval Bavaria in Charles Bowlus,*The Battle of Lechfeld and its Aftermath, August 955* (Aldershot, England and Burlington, VT, 2006), map 5 and discussion on pp. 76-81, and in the *Bayerischer Geschichtsatlas*, ed. Max Spindler and Gertrud Diepolder (Munich,1969), pp. 8-9.

A number of rivers irrigate the land, originating in either the Alpine lakes or in the Alps themselves, and running in a northeasterly direction to drain into the Danube. Both the flood-prone Isar River and the Inn River have their sources in the geologically varied mountain ranges which are referred to collectively as the Alps. These mountains rise dramatically from the rolling plains; there is a difference of over 2000 meters between the Zugspitze, the highest of Germany's Alpine peaks (2962 meters), and the nearest town, Garmisch (720 meters). Prior to reaching these peaks, the hilly Bavarian plateau region rises gradually: the elevation of the Danube at Regensburg is approximately 325 meters, while that of Munich, almost halfway to the Alpine foothills, is 520 meters, and Schliersee, in the Alpine lake region, is 777 meters.

The Wetterstein Alps around the Zugspitze are primarily limestone, located between the Allgäu Alps to the west, and the Alps of Berchtesgaden to the east. The mountains around Salzburg contain salt-mines, which yielded the "white gold" that made the region economically desirable from the Iron Age into the medieval. The Northern Limestone Alps, of which these three individual ranges form part, extend from the Rhine valley to the Wienerwald just east of Vienna. Further east, the Pannonian Basin, a large area of steppe, establishes the eastern limit of the Alps. The delimitation of the Alps is, however, largely subjective, as it is not a geological definition.

The word *alp* refers to a high mountain pasture where livestock is taken to be grazed during the summer months. Although transhumance was practiced by local populations near the moutains, the early Bavarian settlers located primarily in the river regions, as shown by row-grave burial patterns. For them, the main feature of interest in the Alps were the passes which permitted contact to Italy and the sea. The main routes south were: the Salzach River valley over the Radstadt Pass to Teurnia; the Inn River Valley over the Brenner Pass to Bozen and Verona;

the Isar River to the Zirl and Reschen Passes to Bozen; and the Lech River to the Fern Pass, then along the Inn to the Reschen Pass. This last option was the route of the Roman Via Claudia Augusta from Augsburg, the capital of the province of Raetia (later superseded by the lower route over the Brenner Pass). A traveler could also depart from Lake Constance and go over the Julian Pass via Chur to Milan.

The earliest Bavarians settled in the riverine areas, in the sections which were free of forests and marshes, along the Danube, Lech, Isar and Amper rivers; and additionally in the region around Chiemsee, between the Salzach and Inn Rivers, and the Mangfall River. Their settlement is attested to by row-graves of the sixth through eighth centuries.[13] The kernel of Bavarian settlement was the area around Regensburg and Straubing. Around 565 the Lech was referred to as a Bavarian river.[14] By 600, the Bavarians had advanced up to the Inn-Salzach line, but were not established in the alpine valleys or south of the Brenner Pass. During the seventh century, the Enns became the limit of Bavarian settlement, demarcating their regional control from that of the Avars and Slavs to the east.[15]

In the eighth century, the main settlement region was still roughly the plateau south of the Danube, between the Lech on the west and the Inn-Salzach to the east, extending to the Alps in the south, but the areas of political control extended further. These were roughly from the Lech (though Augsburg was not under Bavarian control) to the Enns. To the north, the Nordgau formed a triangle over the Danube, with its apex roughly south of the Fichtelgebirge, a mountain range from which four rivers run in four different directions: the Naab River runs south to the Danube. The southern limit of political control was Bozen, in Italy, just south of the town of

[13] *Bayerischer Geschichtsatlas*, pp. 8-9.

[14] Wolfram, *Grenzen und Räume*, p. 288.

[15] Ibid.

Säben, whose bishop was active in the Bavarian duchy. The Puster valley, where the monastery of Innichen (San Candido) was founded, also lay within Bavarian control. The Carinthian Slavs controlled the region between the Enns and the Drau rivers, although the Bavarians began to lay claim to this through war and mission in the mid-eighth century.

By this period, the primary ducal seat was at Regensburg, on the Danube. Freising, Passau, and Salzburg were also ducal residences, and as well as episcopal seats. Freising was the center of a fiscal property complex running along the Isar River from Schäftlarn to the Danube, with a second collection of properties running from the Inn-Salzach confluence south to Salzburg.[16] In the west, between the Lech River and the important passes to the south, were the holdings of the Huosi kin-group, and further north in the Freising area, the Fagana. These two leading families were mentioned in the *Lex Bavariorum* as being just beneath the Agilolfing dukes. To the south of the Alps lay the kingdom of the Lombards, who were generally allies.

Historical Background

This diverse region knew no political or cultural unity before the early middle ages. In the first century, the imposition of Roman control northwards as far as the Danube had created the provinces of Raetia, Noricum, Dalmatia, Pannonia, and Moesia, and linked the empire's western and eastern halves. Roman forts along the Danube guarded the *limes* and established Roman culture and institutions in the borderlands.[17] At the end of the third century, Diocletian divided

[16] A map of ducal properties appears in Joachim Jahn, *Ducatus Baiuvariorum: das bairische herzogtum der agilolfinger* (Stuttgart, 1991),pp. 378-9.

[17] The Via Claudia Augusta was the first Roman road connecting Rhaetia with Italia: it led from Altino to Bozen and over the Reschen Pass to Augsburg, which served as the capital of the Rhaetian provinces. It extended from Altinum (present Altino, Italy) through Tridentum (present Trient/Trento, Italy) , to Castrum Maiense (present Meran/Merano, Italy), Pons Drusi (later, Bauzanum and present Bozen/Bolzano, Italy), present Resia Pass (Reschenpass/Passo Resia), Foetibus (present Füssen, Germany), and Augusta Vindelicorum (present Augsburg, Germany). It was later superceded by a newer road which connected Bozen and Augsburg, using the shorter and lower route through the Brenner Pass.

Raetia into two sub-provinces: Raetia Prima (I) in the south (with its capital in present Chur, Switzerland), and Raetia Secunda (II) in the north (capital in present Augsburg).[18]

With the overthrow of the Constantinian dynasty in 350, the Danube and Rhine frontiers were increasingly neglected.[19] Franks, Alemans and Goths took what opportunities they could. The presence of the Huns led to increasing pressure by the Goths on the Roman empire; their desperate revolt in 378 resulted in the defeat of the Roman army and the death of Emperor Valens at Adrianople. The Goths were then settled in Pannonia II by Theodosius (379-395). At the end of the fourth century, Raetia I and II belonged to the diocese of Italy with its capital in Milan, while all lands east of the Inn river belonged to the Pannonian-West Illyrian diocese with its capital in Sirmium.

From 445, Attila had the sole rule of the Hunnic Empire, which lay north of the Danube. When he died in 453, the regional power of the Huns was soon broken, at the battle on the Nedao river in 454/5. In 487, Odoacer, the king of Italy (who had replaced the last Roman emperor in the west) defeated the Rugi, former allies of Attila who occupied Noricum. The Lombards moved into the area where the Rugi had been. Shortly thereafter, the Ostrogothic king Theoderic, encouraged by the emperor Zeno, led a three and a half year war in Italy (489-493), which resulted in Odoacer's death. While Pannonia I remained under the direct rule of Ravenna, with a count administering it, Noricum was not under direct rule, though it functioned as a military district, with a *dux* guarding the border. [20] In Pannonia, the Lombards came to dominate, as king Wacho widened his rule over the area of present-day east Austria and western Hungary. In

[18] All lands east of the Inn river belonged to the Pannonian-West Illyrian diocese.

[19] The following summation relies mainly on Herwig Wolfram's two surveys of the regional history in *Grenzen und Räume* and *Die Geburt Mitteleuropas,* in addition to Joachim Jahn's *Ducatus Baiuvariorum.*

[20] Roger Collins, *Early Medieval Europe: 300-1000* (Basingstoke, Hampshire, 1999), p. 199.

Noricum, the Raetian Servatus commanded "Roman" troops, probably from Chur. His area of oversight corresponded to Raetia II and slightly east. The presence of the Ostrogoths and Thuringians protected Alemannia and obstructed the Franks. This protection allowed a new people, the Bavarians, to develop in the "wasteland" of Noricum east of the Enns, beyond Ostrogothic rule.

The earliest mentions of the *Baiovari* appear in the sixth century, in the work of Jordanes and Gregory of Tours. From the mid-sixth century on, the Agilolfing family managed to establish lordship of the Bavarians and Alemans in these two regions.[21] Garibald I is the first person named as a Bavarian duke in the sources, probably as an appointee of the Merovingian kings. However, there are indications that the Bavarian duke did not see himself as strictly subordinate to the Frankish kings. Paul the Deacon called Garibald *princeps* and *rex.*[22] Joachim Jahn notes that he seems to have had a higher political ranking than a Lombard or Frankish duke, and that the power of the Bavarian duke was founded on more than just the Frankish origin of his office.

Frankish-Lombard relations improved in the 550's, leading to new marriage alignments. The Merovingian king Theudebald's widow, Walderada, who was the daughter of the Lombard king Wacho, was first intended as the wife of King Chlothar I, but in the same year was married

[21] The special role of the Agilolfing family is noted in the *Lex Bavariorum*, where it is stated that there are five special "genealogies" for whom the *wergild* is doubled. It also states that the duke of Bavaria must come from the family of the Agilolfings: *Dux vero qui preest in populo, ille semper de genere Agilofingarum fuit et debet esse, quia sic reges antecessors nostri concesserunt eis: ut qui de genere illorum fidelis regi erat et prudens, ipsum constituerent ducem ad regendum populum illum De geneaologia qui vocantur Hosi Drazza Fagana Hahilinga Anniona: Isti sunt quasi primi post Agilolfingos, qui sunt de genere ducali. Illis enim duplum honorem concedamus et sic duplam conpositionem accipiant*. *Lex Baiwariorum*, ed Ernst von Schwind, *MGH LL nat. Germ.* 5.2 (Hanover, 1926), LB III.1, p. 313. On the Agilolfing family, see Jörg Jarnut, *Agilolfingerstudien: untersuchungen zur Geschichte einer Adligen Familie im 6. und 7. Jahrhundert* (Stuttgart, 1986), p. 110 ff. Also Jahn, *Ducatus Baiuvariorum*, pp. 1 and 232 ff.

[22] Paulus Diaconus, *Historia Langobardorum*, ed. Georg Waitz, *MGH SS rer. Germ.* 48 (Hanover, 1878, reprinted 1987), III.10, p. 118 and III.30, p. 134. See Jahn, *Ducatus Baiuvariorum,* p. 11 and Jarnut, *Agilolfingerstudien,* p. 53.

to the Bavarian duke Garibald I. [23] Alboin was elected the new king of the Lombards in 560/1, after which the Lombards moved out of Pannonia, leaving it to a new regional power, the Avars. The oversight of Raetia and Noricum by a Roman ruler ceased, although these two areas maintained connections to Italy.

In 588, as the Franks and Byzantines marched against the Lombards in Italy, Duke Garibald sided with the Lombard king Autheri, to whom he married his daughter Theodelinda. After Autheri's death, Agilulf, the former duke of Turin, married Theodelinda and became king of the Lombards.[24] Garibald I was succeeded by Tassilo, who may have been a son, since he named his own son Garibald. The location of Tassilo's various battles against the Slavs shows that the Raetian region to the north and south of the Brenner pass, and the Noric Puster Valley, were part of the military lordship of the Bavarians. During this time a continuing Bavarian-Frankish connection was also maintained, as attested by Garibald's II defense of the Austrasian king Theudebert II against Avar attacks.[25]

In 680, the Bavarian Agilolfings intervened in the Lombard succession struggle in favor of their own line, and Pippin, the Frankish mayor of the palace, attacked Bavaria in 688 and 691. By 696 Duke Theodo took up the Bavarian dukedom, although his relation to the other members of the Agilolfing family is unclear. While Merovingian monarchs were occupied with factional disputes, Theodo worked to expand his control over a sparsely settled land, to gain the political

[23] Jahn, *Ducatus Baiuvariorum*, pp. 10-11, notes the importance amongst Merovingian, Lombard and Agilofing rulers of marrying the widows of other rulers as a legitimizing tactic.

[24] Collins, *Early Medieval Europe,* p. 209. Theodelinda's descent from Wacho legitimated Lombard kings, while her father's position made a powerful ally. Another daughter was married to Eoin, duke of Trento, while his son Gundoiald was made duke of Asti.

[25] Wolfram, *Salzburg, Bayern, Österreich,* pp. 41-43.

loyalty of the landed class, and to promote an institutional Christian presence.[26] His administrative center was Regensburg, although Passau and Salzburg, former Roman towns, continued to be important, as well as the newly established administrative center of Freising. Theodo encouraged Frankish missionaries to organize and extend the Christian church in Bavaria. Rupert went to Salzburg; Emmeram to Regensburg; and Corbinian to Freising.[27] Rupert had been Bishop of Worms up to 696, and his departure from Worms may have been linked to his opposition to the ascendancy of the Pippinid faction. Rupert asked for Salzburg and its environs, where a small religious community had existed since the late Roman period. This was granted by Theodo, along with significant land donations. A new church and monastic complex dedicated to St. Peter were built there. Rupert also founded a convent at Nonnberg, and he is associated with the cell of St. Maximilian, in the frontier lands beyond the settled areas of the region. Rupert died sometime before 716.

Emmeram came from Poitiers at the invitation of Theodo; his *vita* tells of his murder by Theodo's son Lantpert, who accused Emmeram of seducing his sister. Its depiction of the ducal family as violent pagans suggests a degree of bias which makes it unclear how much of the story can be relied on factually. A third missionizing saint, Corbinian, came to Bavaria at the end of Theodo's reign, between 714-6. He had been at Pippin's court, and in Freising he dedicated a church to St. Martin. Corbinian's residency has been linked to Frankish aspirations in the region, as Pippin allegedly gave Corbinian gold to purchase properties to endow Freising.

Precisely how Theodo administered his *ducatus* is unclear. Local elites must have played a substantial role in administration, because Salzburg records give evidence of close personal

[26] Kathy Lynne Roper Pearson, *Conflicting Loyalties in Early Medieval Bavaria* (Aldershot, England; Brookfield, VT, 1999); p. 37.

[27] Little is known of the fourth, Bishop Erhard of Regensburg.

bonds between the ducal family and other landowning families. Theodo's eldest son Theotpert was associated with Salzburg, and another son, Grimoald, with Freising; presumably his other sons Theodolt and Tassilo were resident in Regensburg and Passau, repectively.

In 715/6 Theodo went to Rome to obtain papal authority for the reorganization of the church in Bavaria, according it a religious status independent of Francia. However, he died before this plan could be put into effect, and subsequent disputes among his heirs undermined the autonomy of the duchy. After the death of Theodo, conflict erupted between Corbinian and Duke Grimoald over Grimoald's marriage to his brother Theodolt's widow Pilitrud. Pilitrud's subsequent animosity allegedly caused Corbinian to leave for Italy.[28] Grimoald and Hucbert, Theotpert's son, became competitors after Theodo's death, dividing Bavaria. This conflict invited Frankish and Lombard interference: in 725 Charles Martel invaded western Bavaria and carried Pilitrud and her niece Swanahilt back to Francia, where he took Swanahilt as his second wife. They had one son, Grifo. However, Bavaria was able to continue to pursue its own course with relative freedom since Charles was preoccupied with problems elsewhere.

Following the deaths of Grimoald and Hucbert, Odilo became duke in 736. Odilo is thought to be the son of Duke Gottfried of Alemannia. His strategies echoed those of Theodo: seeking autonomy, pursuing an independent church for Bavaria, and strengthening his power base in eastern Bavaria, while expanding into the southeast. In 736, the papal legate Boniface came to Bavaria to reform the church. According to his letters and his *Vita*, he consecrated three bishops there in 739. It is likely he followed the plan made by Duke Theodo and the pope in 715 that had never been carried out.[29] However, Odilo was briefly expelled from Bavaria between

[28] Corbinian was able to return to Freising under Duke Hucbert.

[29] Ian Wood, *The Missionary Life*, pp. 60 and 159.

August 740 and March 741. Herwig Wolfram suggests Odilo's expulsion may have had to do with Boniface's work to establish the Bavarian bishoprics in 739.[30] Odilo went to to the Frankish court, and after an extended sojourn there he returned to Bavaria with Charles Martel's daughter, Hiltrud.[31] Their son Tassilo III was born in 741, the same year Charles Martel died.

When Charles Martel's sons Carloman and Pippin tried to shut out their half-brother Grifo, Odilo gave Grifo his support. Anti-Carolingian opposition united the periphery of the Merovingian kingdom: Aquitanians, Saxons, Alemans, Bavarians and Slavs resisted the growing power of the Pippinid family. In 743 Pippin and Carloman combined their military forces, and pushed Odilo east. After this defeat, Pippin sent the *peregrinus* Virgil to Bavaria, possibly to undermine Odilo's independence in church questions. Virgil repeatedly came into conflict with Boniface, nevertheless, he obtained the see of Salzburg in 749.[32] Meanwhile, Odilo had died in 748, when his son Tassilo was only seven years old. In comparison, Grifo must have seemed a more suitable successor, and he had the support of the Alemannian duke Lantfrid (Odilo's brother and a relative of Swanahilt). This forced Hiltrud and her son into an alliance with her brother, Pippin, now sole ruler of the Franks. Tassilo was set on the throne with his mother as regent. [33] In 751 Pippin took over the kingship of the Franks.[34] Tassilo came for the first time to

[30] Wolfram, *Grenzen und Räume*, p. 111. Although Boniface declared there were no bishops in Bavaria except Vivilo at Passau, in 738 Gregory III had written a letter addressed to five bishops in Bavaria and Alemannia. While it is possible that none of these were residing in Bavaria, the *episcopus vacans Liuti* in Salzburg is specifically named in the letter. The possibility of resistance to Boniface's re-organization of an existing episcopal structure should be kept under consideration.

[31] According to Frankish sources, this was an elopement arranged by Charles Martel's Bavarian wife, Swanahilt, for her step-daughter. Fredegar (Continuator), *Chronicarum et Continuationes*, ed. Bruno Krusch, *MGH SS rer. Merov* 2 (Hanover, 1888), *Continuationes c.* 25-6, p. 180.

[32] In the 740's Boniface returned to Francia to participate in the reform synods there, as the result of which he was made bishop of Mainz. Ian Wood detects some hostility between Mainz and Bavaria, reflected in Boniface's letters accusing Virgil of heresy, and in Arbeo's vitae of Emmeram and Corbinian, which undermined the role of Boniface in the Bavarian church. Wood, *The Missionary Life*, p. 161.

[33] Pearson, p. 59. Since the Franks usually invaded over the Lech, families in this threatened zone had an interest in demonstrating Frankish sympathies.

the yearly assembly in 755, and took part in two Frankish wars against the Lombard king Aistulf.[35]

In 757, when he would have been sixteen, Tassilo is said to have taken an oath of fealty to Pippin, according to the *Annales Regni Francorum*. Matthias Becher has demonstrated that the Carolingian account misrepresented the nature of the meeting in 757, asserting that it was an agreement of friendship and alliance, not an oath of vassalage and personal dependence, as the annals insist.[36] However it was later construed, Tassilo maintained a high degree of independence for Bavaria from 763 to 788, which continued to be structurally separate from the Frankish kingdom. Continuing the policies of his ducal predecessors, Tassilo re-established Bavarian papal connections, supported proprietary cloisters, sought to acquire new territories in the southeast, and forged closer bonds with the Lombard monarchy. Pippin died in 768; in 772 Tassilo held a ducal synod at Neuching, and Pope Hadrian I baptized and anointed Tassilo's son Theodo in Rome, an unusual recognition for a non-royal heir. Another synod was held at Dingolfing in 776/7. Ian Wood notes that during this same period of 769-772, three of the four episcopal sees of Bavaria had their histories explored: the *Vita Bonifatii* (Salzburg) was written ca. 763-9, and Arbeo wrote the histories of Freising and Regensburg (in the forms of the *vitae* of Emmeram and Corbinian) in this period, seeming to undermine the claims that Boniface had founded the Bavarian church. The only bishopric not covered was Passau, where the incumbent

[34] According to Carolingian sources from Charlemagne's court in the late eighth century, the final deposition of the Merovingians was approved by Pope Zacharias in 751. Pippin then arranged an anointing with holy oil by his bishops. However, until the death of Grifo and tonsuring of Carloman and his sons, his kingship was not truly assured. It was not until 754 that Pope Stephen crossed the Alps and repeated the anointing, at Soissons. Matthew Innes, *Introduction to Early Medieval Western Europe, 300-900: The Sword, the Plough, and the Book* (London; New York, 2007), p. 406.

[35] Pippin besieged the Lombard King Aistulf in 753 and 755, at the request of Pope Stephen, as recorded in the *Liber Pontificalis* and the *Vita* of Pope Stephen.

[36] Matthias Becher, *Eid und Herrschaft: Untersuchungen zur Herrscherethos Karls des Grossen* (Singmarigen, 1993).

had been appointed by the pope, not by Boniface. This flurry of literary activity may reflect political tensions of the time.[37]

By this point, the Alemannians to the west and Thuringians to the north had been incorporated into the Frankish empire, so the Lombard connection remained important for the Bavarian duke. Tassilo married Luitberga, the daughter of the Lombard king Desiderius. The choice of her over a Frankish candidate suggests a desire for distance. However, Tassilo also served as an intermediary in 770 between Charlemagne and Desiderius, and Charlemagne married another of Desiderius' daughters, according to Einhard.[38] This three-way alliance began to unravel with the death of Charlemagne's brother Carloman in 771. Now that he no longer had any internal rivals, Charlemagne disinherited Carloman's sons and divorced his Lombard wife. She returned to Lombardy with Carloman's widow and children, and in 774 Charlemagne attacked and defeated the Lombards.

The Franks were subsequently preoccupied with the Saxons, an uprising in Italy, and fighting on the Spanish frontier, but in 781, Charlemagne turned his attention to Bavaria. He spent Easter in Rome and convinced Pope Hadrian to send two bishops with Charlemagne's emissaries to insist that Tassilo come to Worms to renew his allegiance. Charlemagne was again distracted by the Saxons in 782-785, a Frankish rebellion in the east in 785, and Italian resistance in 786. In 787 he went to Rome to celebrate Easter, and there confronted Bishop Arn of Salzburg and Abbot Hundrich of Mondsee, who were asking the pope to mediate between Charlemagne and Tassilo. The pope sided with the Franks, declaring they would be innocent of sin in any military operation against the Bavarians, since the Bavarian duke owed them allegiance. When

[37] Wood, *The Missionary Life*, pp. 157-8.

[38] *Einhardi Vita Karoli,* ed. G.H. Pertz and revised G. Waitz, *MGH SS rer. Germ.* 25 (Hanover and Leipzig, 1911), p. 22.

the Franks prepared a three-pronged attack, Tassilo capitulated, taking an oath at Worms in 787. Here Tassilo surrendered Bavaria and was granted it as benefice; he gave twelve hostages plus his son Theodo.

Nevertheless, in 788 charges were brought at the court in Ingelheim by "loyal Bavarians" against Tassilo. He was accused of conspiring with Lombards and forcing his nobles to be disloyal to Charlemagne, and with the desertion of Pippin's army in 763 in Aquitaine. The Bavarian duke and his immediate family were consigned to religious houses. Charlemagne stayed in Bavaria from 791 to 793, mounting an offensive against the Avars, which brought great wealth to the Franks.[39] Tassilo was made to appear once more in 794 to renounce all claims; the year and place of his death are unknown.

The period immediately following Tassilo's deposition was one of accommodation and activity. Regional administrators were appointed, and the use of the legal system to the advantage of Bavarian elites has been documented.[40] Charlemagne installed Gerold, an Agilolfing, as prefect, and raised Salzburg to an archbishopric. Under Louis the German (817-876), the region kept its territorial and political integrity as a sub-kingdom, and in 911 it became the Liutpolding duchy, so that a certain coherence was retained from these earlier periods of the organization and definition of Bavaria. The kingdom of East Francia consisted of four large provinces: Franconia, Alemannia, Saxony, and Bavaria.[41] There were several boundary changes to East Francia in the ninth century, and by 925 the kingdom had come to include an extensive

[39] In 792 a conspiracy at Regensburg against Charlemagne was uncovered, led by his illegitimate son Pippin the Hunchback. This may have been a second reason for his extended stay there. *Annales regni Francorum*, *MGH SS rer. Germ.* 6, p. 91.

[40] Warren Brown, *Unjust Seizure: Conflict, Interest, and Authority in an Early Medieval Society (*Ithaca, NY, 2001).

[41] Franconia was extended eastward from the middle Rhine valley by Frankish settlement from the sixth to the eighth centuries. Alemannia was subjugated by the Franks after repeated conflicts from the Battle of Tolbiac in 496 to the massacre of Cannstadt in 746, and Saxony was conquered by the Franks after a series of campaigns between 772 and 804. Benjamin Arnold, *Power and Property in Medieval Germany: Economic and Social Change c.900-1300* (Oxford, 2004), p. 19.

province west of the Rhine called Lotharingia, after Louis the German's nephew King Lothar II, who reigned there from 855 to 869.[42] The tolls of Raffelstetten provide a picture of trade on the frontier of East Francia, based on Danube shipping.[43] In addition to salt and slaves, the Bavarians and the Slavs traded in horses, oxen, and wax, a valuable commodity for lighting. This trade was disrupted by the invasions of the Magyars from 907 to 955.[44] By then, however, the Carolingian dynasty in East Francia had already died out, in 888, and a new political era was underway.

Land and Landscape

The eighth century was a significant period during which unifying ideas and institutions developed that have had ramifications for concepts of European unity and Christian identity into the present day. Changes were taking place in canon law, conceptions of sainthood and relics, land inheritance, property law, proprietary churches, monastic rules, and papal and episcopal powers, and all became solidified during this era into recognizable (though still evolving) forms which served as a basis for present institutions. Each of these aspects had a contributing factor to the changes that took place in this region, so that this particular time and place serves as a laboratory to study how these changes played out in the actual lives of a community, and how easily the identity of an entire community can transform: over this period of political and social transition, donors in ecclesiastical charters continue to state that they held to Bavarian tradition, while at the same time the meaning of that tradition became something entirely other.[45]

[42] Ibid.

[43] Michael Mitterauer, *Wirtschaft und Verfassung in der Zollordnung von Raffelstetten,* in: Mitteilungen des Oberösterreichischen Landesarchivs 8 (Festschrift für Alfred Hoffmann), 1964, pp. 344-373.

[44] Arnold, *Power and Property,* pp. 24-5.

[45] For example, the Bavarian custom of pulling witnesses by the ears is still noted self-consciously in documents such as TF 339. TF = Die Traditionen des Hochstifts Freising, ed. Theodor Bitterauf, Quellen und Erörterungen zur bayerischen Geschichte n.f. 4/5 (Munich, 1905-09).

In the historiography of the past century, the fundamental questions of the relation between man and land have led to broader theoretical discourse on space and place and how humans position themselves in the world. In the introduction to his *The Mediterranean and the Mediterranean World in the Age of Philip II (1949)*, Fernand Braudel focused on the forces – climactic, economic, environmental, epidemic – which worked on human society.[46] Braudel was not, however, strictly an environmental determinist. He emphasized, as well, man's influence on the environment. Humans dealt with challenges of environment, such as malaria, flooding, and lack of food, by changing the environment: draining swamps, constructing canals, and developing agriculture. He argued that it was human influence which created regions, rather than natural environmental differences.[47] The human network of commerce, communication, and travel, made up of cities and the routes between them (what Braudel terms "lines of force and nodal points"), is created upon - and despite - the natural boundaries of waterways, mountains, forests and deserts.[48]

Braudel's focus was primarily at the level of impersonal forces. One of the criticisms leveled at him was the question of free will as a determinant in history, that is, the ability of the individual to determine his direction. Braudel repeatedly downplayed the significance of events when compared to long-term processes, stating the decisions of individuals are restricted by the larger forces of environmental and economic "conjunctures." For the most part, questions of man's attitude towards his environment awaited the shift, in history and the other social sciences, towards the investigation of culture.

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[46] Fernand Braudel, *The Mediterranean and the Mediterranean World in the Age of Philip II* (New York and London, 1973), p. 23.

[47] Braudel defines the Mediterranean physically, as stretching "from the northern limit of the olive tree to the northern limit of the palm tree," before going on to explain how the "human unit" superimposes itself upon the physical unit. Braudel, p. 168.

[48] Ibid., pp. 169 and p. 277.

This shift from environmental determinist theories, which held that people and societies were controlled by the environment in which they developed, had begun a generation earlier, aided by the work of Carl Sauer and the Berkeley School. Sauer saw that societies both developed out of their landscapes, but also shaped them. He stressed the agency of culture: in his view, it was the interaction between the natural environment and humans that created a"cultural landscape."[49] The physical environment was represented by Sauer as a medium through which human cultures acted.

Sauer's 1925 essay "The Morphology of Landscape" was influential in introducing this concept into the English-language scholarship. It drew from German scholarship on *Landschaft*, which classified the landscapes of different regions.[50] In this approach, the morphology of past landscapes were treated as artifacts, something objective to be studied.[51] Processes of shaping the landscape were reconstructed only insofar as they were inscribed on the landscape, for example, by clearing a wood or draining a marsh.

This approach was challenged in the 1980's by scholars such as Peter Jackson and Denis Cosgrove, who questioned Sauer's reification of culture into something separate from human actors. Such a view did not account for the political interests of particular groups, and the conflicts which arise from their opposing interests.[52] They shifted interest from the land as a set of natural features, to *landscape*, as man's culturally formed perceptions of his environment. The

[49] Yi-Fu Tuan, "Centennial Forum: Cultural Geography: Glances Backward and Forward," *Annals of the Association of American Geographers*, 94, 4 (2004), pp. 729-733.

[50] Carl O. Sauer, "The Morphology of Landscape," *University of California Publications in Geography*, vol.2, no.2 (Berkeley, CA: 1925, reprinted 1938), pp. 19-53. Sauer's essay drew on the work of German scholars such as Siegfried Passarge and Otto Schlüter.

[51] Processes of shaping the landscape were reconstructed only insofar as they were inscribed on the landscape, for example, by clearing a wood or draining a marsh.

[52] James S. Duncan, "The superorganic in American cultural geography," *Annals of the Association of American Geographers* 70 (1980), p. 191.

emphasis was increasingly on the political and sociocultural processes that shape landscapes. [53] Cosgrove and other scholars investigated the connections between the genre of landscape painting and discourses of power.[54] Thus, landscape was ideological, the way a certain class represented itself and its relations to property. Cosgrove redefined landscape as "a way of seeing."[55] Cultural geography began to focus on the processes by which representations are produced, and the practices that shape them.

A similar theoretical turn was taking place in the field of history. One of the features of the turn to cultural history was an interest in discovering the *mentalités* of man.[56] The positivist thrust to uncover the "real facts" of history was replaced by the investigation of texts and how contemporararies represented, and in fact, shaped, their reality. There was a recognition that "reality" was what men thought it was - what they thought they were experiencing.[57] In the field of history, theorists began to speak of the construction of reality by the means of representation. Benedict Anderson's *Imagined Communities*, published in 1983, contributed to the influence of

[53] Making landscape was "a reflection of a society's vision of the human place in the order of nature." Denis Cosgrove, *The Palladian Landscape: Geographical Change and Representation in Sixteenth-Century Italy* (Leicester, 1993), p. 5. The term landscape originally referred to an administrative land unit; in sixteenth-century England it came to acquire the meaning of a scenic representation of the land, as in painting. Thus there is a tension in the modern use of the term by geographers, as both an actual environmental site, and a figurative site of "sociopolitical discourse concerning the relations between community, self, and place." Kenneth Olwig, "Landscape as a Contested Topos," *Textures of Place: Exploring Humanist Geographies,* ed. Paul C. Adams (Minneapolis, 2001), p. 94.

[54] This was the subject of Cosgrove, *The Palladian Landscape,* and W.J.T. Mitchell,"Imperial Landscape," *Landscape and Power, 2nd edition,* ed. W.J.T. Mitchell (Chicago: 2002).

[55] The use of the word landscape as scenery, however, as a way of perceiving one's relation to land, only emerged in the sixteenth century with that genre of painting. Kenneth Olwig, "Recovering the Substantive Nature of Landscape," *Annals of the Association of American Geographers,* vol. 86, no.4 (1996), pp. 630-653, at p. 631.

[56] Peter Burke, *The French Historical Revolution* (Cambridge, 1990), pp. 18 and 71. Burke describes Marc Bloch's work on "collective representations" in *The Royal Touch* as an early examplar of the history of *mentalités*, followed by the "third generation" of *Annales* historians such as Jacques LeGoff and Georges Duby.

[57] Roland Barthes' questioning of semiological assumptions was influential in this shift in thought. For Barthes, the signifier creates the signified, so that a pre-existing reality cannot be assumed by the "reader" of the sign. Roland Barthes, *Mythologies,* trans. Annette Lavers (London, 1972). Barthes' work here was based on, and in reaction to, the concepts of semiology developed by Ferdinand de Saussure.

the constructivist viewpoint. Anderson described the power of the collective social imagination to construct the idea of a new sort of community, which then led to social change. As Henri Lefebvre noted in *The Production of Space*:

> …each new form of state, each new form of political power, introduces its own particular way of partitioning space, its own particular administrative classification of discourses about space and about things and people in space. Each such form commands space, as it were, to serve its purposes: and the fact that space should thus become *classificatory* makes it possible for a certain type of non-critical thought simply to register the resultant 'reality' and accept it at face value.[58]

Anderson remarked that empires have traditionally relied on "sacred silent languages" to imagine unity. The effectiveness of these languages is their supposed nonarbitrariness, their status as "emanations of reality."[59] Because physical space gives a sense of reality that other media cannot approximate, the artifice of its construction is less apparent.[60] Spatial organization thus naturalizes social constructions, representing them as simply given.[61]

Another manifestation of the cultural turn in history was a movement of interest from the perception of existing space, to imagined spaces. Jacques Le Goff, in his book *The Birth of Purgatory/La naissance du Purgatoire* (1981), investigated the development of the concept of Purgatory, arguing that the way a society conceptualizes space of all types - geographic, political, ideological – has consequences for its history.[62]

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[58] Henri Lefebvre, *The Production of Space*; trans. Donald Nicholson-Smith (Oxford, UK; Cambridge, MA, 1991), p. 281.

[59] W.J.T. Mitchell, "Introduction," *Landscape and Power,* ed. W.J.T. Mitchell (Chicago, 1994), pp. 1, 9 and 13.

[60] The semiotic features of landscape, which contrast nature and artifice, are made for the discourse of imperialism, "which conceives itself…as an expansion of landscape understood as an inevitable, progressive development in history, an expansion of 'culture' and 'civilization' into a 'natural' space in a progress that is itself narrated as 'natural.' Empires move outward in space as a way of moving forward in time; the 'prospect' that opens up is not just a spatial scene but a projected future of 'development' and exploitation. And this movement is not confined to the external, foreign fields toward which empire directs itself; it is typically accompanied by a renewed interest in the re-presentation of the home landscape, the 'nature' of the imperial center." Mitchell, "Imperial Landscape," *Landscape and Power,* p. 17.

[61] Mitchell, "Introduction," *Landscape and Power,* pp. 1-2.

[62] Jacques Le Goff, *The Birth of Purgatory*, trans. by Arthur Goldhammer (Chicago, 1984), p. 4.

The distinction between space and place was also receiving attention. Le Goff, Jonathan Smith, and Pierre Nora, the editor of *Les Lieux de Mémoire* (1992), can perhaps all be said to be interested in the valorization of space, which is what creates place. Smith is interested in the issue of ritual and its relation to place, describing ritual as a "mode of paying attention" and "a process for marking interest."[63] Thus place is an important component of ritual, since it can serve to direct attention, such as, for example, in the construction of ritual environments such as temples.[64] It is this focusing of attention that creates an aura of sacredness: "A ritual object or action becomes sacred by having attention focused on it in a highly marked way…. sacred or profane…are not substantive categories, but situational ones. Sacrality is above all a category of emplacement."[65] Nora investigated the memories attached to actual physical spaces, analyzing the places "in which collective memory was rooted in order to create a vast topology of French symbolism.*"*[66] By imagining space [Le Goff], sacralizing space [Smith], or attaching memory to space (physical environment) [Nora], it is invested with meaning and becomes *place*. It is this urge to create meaning which gives the land a second topography. In the preface, Nora states that over time he realized that the emphasis in the title belonged on *memoire* rather than *lieux;* not on the site, but on the invisible bonds tying all the sites together into a sensibility shared both by the French and by outsiders, defining what French identity was.[67]

[63] Jonathan Z. Smith, *To Take Place: Toward Theory in Ritual* (Chicago, 1987) p. 30.

[64] Smith, *To Take Place*, p. 103.

[65] Smith, *To Take Place* , p. 104. See also pp. 105-6. Smith defines a place as a piece of the environment that has been claimed by feelings on p. 17.

[66] Pierre Nora, ed., *Realms of Memory: Rethinking the French Past* (New York, 1996), p. xv.

[67] Nora, pp. xvii-xviii.

The geographer Yi-Fu Tuan differentiated between space, a geometric conception, and places, which are "centers of felt value."[68] Tuan described space as quantitative, whereas place involved experience and the attachment of meaning. He saw them as two ideas that required one another for definition,[69] with space defined by a network of places, [70] and encouraged geographers to study the ways in which humans describe and organize both space and place, in a variety of cultural contexts. Though acknowledging the difficulty of articulating the experience of each, he stated that to ignore this aspect of human experience was to ignore a vital component of life:

> Much of human experience is difficult to articulate….what we cannot say in an acceptable scientific language we tend to deny or forget. A geographer speaks as though his knowledge of space and place were derived exclusively from books, maps, aerial photographs and structured field surveys. He writes as though people were endowed with mind and vision but no other sense with which to apprehend the world and find meaning in it.[71]

For historians dependent on texts, it is sobering to remember that encounters with written text would have engaged a mere fraction of most lay people's lives in the early middle ages. People moved daily through the natural world, moving amongst the landmarks that gave a feeling of security, familiarity, and identity. To the extent it is possible to identify this important aspect of experience, this study will examine the hints in the available textual sources and the

[68] Yi-Fu Tuan, *Space and place: the perspective of experience* (Minneapolis, 1977), p. 4. Edward Casey considered landscape a "cusp concept" that served to distinguish between space and place. He stated that there is no landscape of space, but there is a landscape of place – it is a composition of places. Edward S. Casey, "Body, Self and Landscape: a Geophilosophical Inquiry into the Place-World," *Textures of Place: Exploring Humanist Geographies*, ed. Paul C. Adams, Steven Hoelscher, and Karen E. Till (Minneapolis, MN, 2001), p. 417. Landscape cannot become space, no matter how far it expands; it is the ontological difference "between cosmos and the hearth." It is, in other words, the difference between the abstract and the particular.

[69] Tuan, *Space and place*, p. 6.

[70] Ibid., p. 12.

[71] Ibid., pp. 200-1.

evidence of the built environment, to develop a picture of how humans described and organized both space and place, in the cultural context of early medieval Bavaria.

Medieval historians have begun to apply theoretical approaches to spatial organization which provided models for framing my own. The first is Caspar Ehlers, who reconstructs the spatial organization of medieval Saxony by looking at information on royal itineraries and ecclesiastical foundations which is contained in the extant sources, in order to understand the rhythms of inclusion and differentiation in this region of Central Europe.[72] Ehlers looks at the networks of communication and movement which build the perception of Saxony as a spatial entity. Jens Schneider's study of Lotharingia in the period from the mid-ninth to the mid-tenth century uses a related, but slightly different, approach. Schneider investigates the various fields identified by Frank Göttmann as the preconditions for spatial unity: geography, environment, population, mentality, economy, and political organization. His second methodology is surveying the sources – charters, letters, and chronicles – to determine if Lotharingia was perceived by contemporaries as a separate entity. He concludes, however, that Lotharingia never existed as a coherent space, and there was no distinct Lotharingian identity.[73] Another model is the published dissertation of Fabienne Cardot, who first considers descriptions of the world in Merovingian Austrasian sources, and then looks at how various "spaces of power" (the *regnum*, the city, the monastery, *sancta loca*, "Austrasia," the "desert") are described.[74]

[72] Caspar Ehlers, *Metropolis Germaniae: Studien zur Bedeutung Speyers für das Königtum,* 751-1250 (Göttingen, Vandenhoeck & Ruprecht, 1996) and *Die Integration Sachsens in das fränkische Reich* (Göttingen, Vandenhoeck & Ruprecht, 2007).

[73] Jens Schneider, *Auf der Suche nach dem verlorenen Reich. Lotharingien im 9. und 10. Jahrhundert,* Publications du Centre Luxembourgeois de Documentation et d'Études Médiévales 30 (Cologne, Weimar, Vienna, 2010). See also Schneider, "La Lotharingie était-elle une région historique?" *Construction de l'espace au Moyen Age: représentations et pratiques: XXXVIIe Congrès de la Société des historiens médiévistes de l'enseignement supérieur* (Paris, 2007), pp. 425-433.

[74] Fabienne Cardot, *L'Espace et le pouvoir: Étude sur l'Austrasie mérovingienne*, Publications de la Sorbonne. Série Histoire ancienne et médiévale 17 (Paris, 1983).

Additionally, Kai Broderson's *Terra Cognita* has challenged me to think how the various scales of organization are related. Broderson looks at aspects of Roman mapping, divided into categories of "cartographic" and "non-cartographic," the latter including landmarks, routes, and surveys. He considers mapping at various scales, beginning at the largest, with triumphal lists of conquered places or peoples, then the middle scale, with itineraries and other means of representing major routes, and then the local level, with land surveys and town plans. Charlemagne imagined the community at a larger scale than Tassilo, and brought all his resources to bear to create that. However, the argument I am making for a transition should not be envisioned as an evolution from local organizations to mid-level (province) organization, and then to empire; all of these levels continued to exist. This shift in focus to a larger scale meant that the province of Bavaria became included as a part of something bigger, and external ties became tighter and more frequent. But it did not mean that local organization disappeared; rather, it changed as new resources and new challenges were brought into the equation.

Chapter One:

The Historiography and Sources for Early Medieval Bavaria

I have already briefly sketched some of the earlier work done on geographical and spatial concepts such as space and landscape. This study also owes much to the scholarship on early medieval *Verfassungsgeschichte*, or constitutional history. Early work on the region was established by Georg Ludwig von Maurer on the organization of the march, farm, and village und Alfons Dopsch on agrarian history and manorial economy.[1] Research into the charters of the Bavarian church was carried out by Max Fastlinger, who investigated these donations and related them to the five *genealogia* mentioned in the *Lex Baiuvariorum*.[2] Josef Sturm's 1931 study of the Preysing family sought to trace them back into the Agilolfing period.[3] As a result, he identified a web of relationships, in which a majority of the known donors appeared to be related. His work was important for establishing the methodology of tracing prosopographical and property connections, which was favored by later generations of scholars of Bavaria and elsewhere.

Erich Zöllner and Oskar Mitis worked on the connections between persons mentioned in the Bavarian region, and their connections with families from Alemannia and Francia, showing

[1] Georg Ludwig von Maurer, *Geschichte der Markenverfassung in Deutschland* (Erlangen, 1856); Alfons Dopsch, *Die Wirtschaftsentwicklung der Karolingerzeit vornehmlich in Deutschland*, vol. I (Weimar, 1921).

[2] Max Fastlinger, *Die wirtschaftliche Bedeutung der bayrischen Kloster in der Zeit der Agilulfinger* (Munich, 1902).

[3] Josef Sturm, *Die Anfänge des Hauses Preysing* (Munich,1931, reprinted 1974).

that a number of Bavarian nobles were members of the Frankish aristocracy, as well.[81] Zöllner convincingly argued that Odilo was a member of the Alemannic ducal family with Agilolfing connections. Gertrud Diepolder used charters and *Libri memoriales* to investigate the family of the Aribonen, and the connections of the founders of the Schäftlarn monastery.[82] Michael Mitterauer also carried out his research through prosopography and property histories, concentrating on the counts in the march (frontier) regions on the southeast of the Carolingian Empire.[83] Wolfgang Hartung was another who researched family networks in the Agilolfing period, focusing on naming practices.[84] Finally, Wilhelm Störmer's work stressed the significance of family connections between the regional nobility.[85]

A complete review of the literature on every aspect of early medieval Carolingian and Bavarian history is impossible, but there are a few studies which particularly merit mention as seminal for the present work. On the pre-Carolingian history of the region, two articles by Störmer on the monastic foundations of the region sketched the bigger picture of their

[81] Erich Zöllner, "Die Herkunft der Agilulfinger," in MIÖG 59 (1951), pp. 245-264 and "Das Geschlecht der Agilolfinger," in *Die Anfänge des Klosters Kremsmünster* (Linz, 1978), pp. 83-110. Oskar Mitis, "Sippen im Traungau urn 800," *Neues Jahrbuch der Heraldisch-genealogischen Gesellschaft „Adler" 1945-46* (Vienna, 1947), pp. 33-37.

[82] Gertrud Diepolder, "Die Herkunft der Aribonen," *Zeitschrift für bayerische Landesgeschichte* 27 (1964), pp. 74-119; " Schäftlarn. Nachlese in den Traditionen der Gründungszeit," *Früh- und hochmittelalterlicher Adel in Schwaben und Bayem*, ed. Immo Eberl, Wolfgang Hartung, Joachim Jahn, (Sigmaringen: 1988), pp. 161-88; see also"Freisinger Traditionen und Memorialeinträge im Salzburger Liber vitae und im Reichenauer Verbrüderungsbuch. Auswertung der Parallelüberlieferung aus der Zeit der Bischöfe Hitto und Erchanbert von Freising." *Zeitschrift für bayerische Landesgeschichte* 58 (Munich, 1995), pp. 147-189.

[83] Michael Mitterauer**,** *Karolingische Markgrafen im Südosten*, Archiv für österreichische Geschichte 73, (Vienna, 1963). This work on the counts of the march has recently been supplemented by a study of the counts of the palace: Christof Paulus, *Das Pfalzgrafenamt in Bayern im frühen und hohen Mittelalter*, Studien zur Bayerischen Verfassungs- und Sozialgeschichte 25 (Munich, 2007).

[84] Wolfgang Hartung, "Tradition und Namengebung im frühen Mittelalter," *Früh- und hochmittelalterlicher Adel*, pp. 23-79; "Bertolde in Bayem. Alamannisch-baierische Adelsverflechtungen im 8. Und 9. Jahrhundert," *Früh- und hochmittelalterlicher Adel*, pp. 115-60.

[85] Wilhelm Störmer, *Adelsgruppen im früh- und hochmittelalterlichen Bayern*, Studien zur bayerischen Verfassungs- und Sozialgeschichte 4 (Munich, 1972); *Früher Adel: Studien zur politischen Führungsschicht im Fränkisch-Deutschen Reich vom 8. bis 11. Jahrhundert*, Monographien zur Geschichte des Mittelalters, 61, 2 vol. (Stuttgart: 1973).

significance.[86] Herwig Wolfram's regional histories, as well as his work on various textual sources and on intitulature, established a foundation for an understanding of the early medieval period in this region.[87] In *Die Geburt Mitteleuropas*, the themes of ecclesiastical structures and the key political personages are foregrounded. His treatment of the career of Archbishop Arn of Salzburg, and of the Carolingian conflict and collaboration with both Frankish and indigenous nobles, creates an interplay of personality, structure, and historical process. Wolfram describes the region as peopled with smaller ethnic groups that were early medieval creations, and whose identity survived the rise and fall of larger regimes. *Salzburg, Bayern, Österreich* supplies a good overview of geographic terms given in the sources, and of the regional political orders, including a discussion of the titles of *dux* and *comes*. He covers the sources pertaining to the Salzburg episcopal area of the eighth and ninth centuries, including an important article on Charlemagne's confirmation charter for Kremsmünster. There is also a discussion of the establishment of the Carolingian march.

Joachim Jahn's thorough study, *Ducatus Baiuvariorum,* encompasses both the structural organization of the Agilolfing duchy, and the external relations of the dukes with the papacy, the Franks, and the Lombards.[88] Jahn relies on the Freising cartulary in his investigation of the methods by which the dukes held power, their relationship with the aristocracy, and the integration of the church into Agilolfing governance. He views most of the Frankish sources as

[86] Wilhelm Störmer, *Mittelalterliche Klöster und Stifte in Bayern und Franken: Aufsätze von Wilhelm Störmer*, ed. Elisabeth Lukas-Götz, Ferdinand Kramer, and Andreas Otto Weber. (St. Ottilien, 2008); and "Zur Frage der Funktionen des kirchlichen Fernbesitzes im Gebiet der Ostalpen vom 8. bis zum 10. Jahrhundert," *Die transalpinen Verbindungen der Bayern, Alemannen und Franken bis zum 10. Jahrhundert*, eds. Helmut Beumann and Werner Schröder (Sigmaringen, 1987).
[87] Herwig Wolfram, *Die Geburt Mitteleuropas: Geschichte Österreichs vor seiner Entstehung, 378-907* (Berlin: 1987); *Österreichische Geschichte, Bd.1. 378-907: Grenzen und Räume*, ed. (Vienna, 1995); *Die Bayern und ihre Nachbarn*, ed. Herwig Wolfram and Andreas Schwarcz (Vienna, 1989); *Quellen zur Salzburger Frühgeschichte*, ed. (Vienna, 2006); *Salzburg, Bayern, Österreich: die Conversio Bagoariorum et Carantanorum und die Quellen ihrer Zeit*, Mitteilungen des Instituts für Österreichische Geschichtsforschung, 31 (Vienna, 1995); *Intitulatio*, ed. Wolfram, Anton Scharer, and Harald Kleinschmidt (Vienna, 1967-1988).

[88] Joachim Jahn, *Ducatus Baiuvariorum: Das Bairische Herzogtum der Agilolfinger* (Stuttgart, 1991).

anti-Agilolfing polemic, and portrays the Agilolfing dukes as nearly regal in their civil and military power, views in keeping with recent scholarship by Matthew Becher, Stephan Freund, and Carl Hammer.[89] Jahn also advanced the view that Tassilo had a working relationship with the Bavarian nobles, disputing Friedrich Prinz's theory that Bavaria was politically divided, with the west favoring the Franks.[90] He found no strong opposition to ducal power; it was not until after 780, with the death of Arbeo, Virgil, and Queen Hildegard, along with the sustained pressure from Carolingian aggression, that Bavarian nobles bowed to the imminent overthrow of the duke and began to seek opportunities with the Franks.

Jahn also saw the unique Bavarian ecclesiastical situation as a strategy by the dukes to counterbalance Frankish ecclesiastical control. Duke Odilo could not refuse to establish dioceses and risk poor relations with the papacy, but he limited donations to the new bishops and put his resources into monastic foundations which he controlled. Jahn proposed that one reason Boniface was not more successful, was that Odilo continued to protect the *episcopi vacantes*, "supernumerary" bishops.[91] My view is that the dukes did control the episcopal church to a large degree, pouring enormous energy into the monastic foundations, but the bishops were also fairly well integrated into ducal administration. Whereas Jahn's position is that the dukes offered little support to the bishops, Freund argues for a high degree of cooperation.[92] I fall somewhere in between; it seems to me the bishops and the dukes worked together, but developing the episcopal church was not as high a priority as encouraging monastic foundations and converting the Slavs.

[89] See citations below in the discussion of these author's publications.

[90] Friedrich Prinz, *Frühes Mönchtum im Frankenreich* (Munich; Vienna, 1965), p. 365.

[91] See chapter four, note 30, for a discussion of this term, which is more usually written *vagantes*.

[92] Stephan Freund, *Von den Agilolfingern zu den Karolingern: Bayerns Bischöfe zwischen Kirchenorganisation, Reichsintegration und Karolingischer Reform, 700-847* (Munich, 2004).

Tassilo was willing to do much to further ecclesiastical authority, as his support for relic translations and church synods show, but he did nothing that might undermine ducal authority.

The work of Gertrud Diepolder on Bavarian topics is also extensive. Her article on the use of the terms *in pago in locus* in charters, along with Herwig Wolfram's analysis, is the most comprehensive in understanding the *Gau* structure.[93] In her view, the *Gau* organization long pre-dated the Carolingian period, and were Agilolfing fiscal districts, probably dating from the time of settlement on Roman establishments. I am more partial to Wolfram's explanation that they are based on settlement communities drawn together by environmental features; the two arguments are not mutually exclusive, however, because many of these were also fiscal regions. Diepolder's article on the earliest period in Freising sheds light on the youngest of the Bavarian towns, about which there is little information other than the cartularies. In addition, the *Bayerischer Geschichtsatlas* which she edited along with Max Spindler provides maps of the province in the eighth century, and the position of ducal palaces and episcopal holdings, without which it would be difficult to conceptualize the physical layout.[94] She has also, together with Hermann Dannheimer, completed a study of the archeology of the ducal palace at Aschheim.[95]

More recently, Roman Deutinger has contributed several studies to the understanding of the region. Particularly useful is his study of benefice practices. Testing the ideas of Susan

[93] Gertrud Diepolder, "Die Orts- und "in pago"-Nennungen im bayerischen Stammesherzogtum zur Zeit der Agilolfinger," *Zeitschrift für bayerische Landesgeschichte* 20 (1957), pp. 364-436.

[94] *Bayerischer Geschichtsatlas*, ed. Max Spindler and Gertrud Diepolder (Munich, 1969).

[95] Hermann Dannheimer, Gertrud Diepolder, Antje Dieke-Fehr, *Aschheim im frühen Mittelalter,* Münchner Beiträge zur Vor- und Frühgeschichte 32 (Munich, 1988). Also useful for the development of this dissertation were: Gertrud Diepolder, "Freising - aus der Frühzeit von Bischofsstadt und Bischofsherrschaft," *Hochstift Freising*, ed. Hubert Glaser (Munich, 1990), pp. 417-468, which looks at the textual evidence for the early ducal fort and the establishment of the early church. Diepolder determines Corbinian lived outside the city walls, and was therefore not a bishop; "Altbayerische Laurentiuspatrozinien," *Aus Bayerns Frühzeit*, ed. Joachim Werner (Munich, 1962), pp. 371-396, which discusses the significance of this early *patrocinium* for Bavarian identity; "Grundzüge der Siedlungsstruktur," *Die Bajuwaren*, ed. Hermann Dannheimer and Heinz Dopsch (Munich, 1988), pp. 168-178; and "Bemerkungen zur Frühgeschichte der Klöster Tegernsee und Ilmmünster," *Herrschaft, Kirche, Kultur*, ed. Georg Jenal (Stuttgart: 1993), pp. 141- 164.

Reynolds on the benefice and feudalism, and using the Bavarian sources from the eighth through the tenth century, he finds that land loans were primarily a border phenomenon, and there was not a connection in this period between taking a land benefice and becoming a vassal.[96] Matthew Becher's *Eid und Herrschaft* is a study of the *regnum*-wide oath of fidelity, which Charlemagne made all men over the age of twelve take. According to Becher, the oath was developed as part of the the legal reasoning behind Tassilo's deposition, and he investigates the relationship between the two, and the misrepresentation of it in the *Royal Frankish Annals*.[97] The recent monograph Stephan Freund on the experience and role of the bishops during this period of transition reflects his findings that the bishops and the dukes cooperated over a wide range of issues.[98] Freund attributes part of the difficulties of Tassilo to the loss of key supporters, including Bishop Virgil, through their natural demise, rather than to political opposition. Finally, the publication of Thomas Kohl's doctoral dissertation, *Lokale Gesellschaften*, furthers the comprehension of the region by investigating through their donation records three local societies: the areas around the Amper, the Isen, and the Wallersee. For each community, he considers their local structures, the important families, office holders, and witnesses, the churchs and clerics, and the economic organization of the land. Kohl also discusses some of the designations for places and spaces in the sources.[99]

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[96] Roman Deutinger, "Beobachtungen zum Lehenswesen im frühmittelalterlichen Bayern," *Zeitschrift für bayerische Landesgeschichte* 70 (2007), pp. 57-83; "Äbte und Konvente des Klosters Niederaltaich in der Karolingerzeit," *Studien und Mitteilungen zur Geschichte des Benediktinerordens und seiner Zweige*, 117 (2006), pp. 31-60; "Hludovicus rex Baioariae : zur Rolle Bayerns in der Politik Ludwigs des Deutschen," *Ludwig der Deutsche und seine Zeit*, ed. Wilfried Hartmann (2004), pp. 47-66; "Das ostfränkische Reich und das regnum Baioariorum," *Historische Zeitschrift* 276, (2003), pp. 581-611; ""Königswahl" und Herzogserhebung Arnulfs von Bayern: das Zeugnis der älteren Salzburger Annalen zum Jahr 920," *Deutsches Archiv für Erforschung des Mittelalters* 58 (2002), pp. 17-68.

[97] Matthias Becher, *Eid und Herrschaft: Untersuchungen zum Herrscherethos Karls des Großen*, Vorträge und Forschungen 39 (Sigmaringen, 1993).

[98] Stephan Freund, *Von den Agilolfingern zu den Karolingern: Bayerns Bischöfe zwischen Kirchenorganisation, Reichsintegration und Karolingischer Reform (700-847)* (Munich, 2004).

[99] Thomas Kohl, *Lokale Gesellschaften: Formen der Gemeinschaft in Bayern vom 8. bis zum 10. Jahrhundert* (Ostfildern, 2010).

In English-language scholarship, besides Kathy Pearson's work on territoriality, which will be discussed more fully below, Warren Brown has investigated conflict in Bavaria, based on the Freising material, in which he demonstrates the manner in which the Carolingians gave bishops power, through courts which decided property cases in the bishops' favor.[100] The courts, headed by Arn of Salzburg and under the direction of the new *missi dominici*, re-interpreted land charters which had been understood previously as representing reciprocal agreements in a more restrictive way. Thus he builds a picture of the layered expectations of property ownership in this period. Eric Goldberg's study of Louis the German makes the argument that Louis' policies did not show an attempt to expand further to the east, but were rather concentrated on the west. His focus is primarily on political and military issues. Carl Hammer's *From Ducatus to Regnum* looks at a variety of issues surrounding the rule prior and after the deposition of Tassilo, investigating the nature of rulership in this period within the wider European context. He examines Odilo's relationship to key figures such as Swanahilt, Boniface, and Grifo, the 'tokens of authority' of Tassilo's rule, and the *damnatio memoriae* in the Montpellier Psalter. Hammer also looks at royal rule under Louis the German.[101] His articles on the institution of slavery in Bavaria, and studies of other manuscripts related to the region, help build a fuller picture of this period.

The literature on the how the Carolingians governed is even greater; rather than an intensive survey here, I will refer in the final chapter to those works particularly relevant to the

[100] Kathy Lynne Roper Pearson, *Conflicting Loyalties in Early Medieval Bavaria* (Aldershot, England; Brookfield, VT, 1999); Warren Brown, *Unjust Seizure: Conflict, Interest, and Authority in an Early Medieval Society*. (Ithaca, NY, 2001).

[101] Carl I. Hammer, *From ducatus to regnum: ruling Bavaria under the Merovingians and early Carolingians* (Turnhout, 2007); "'For All the Saints': Bishop Vivolo of Passau and the eighth-century Origins of the Feast," *Revue Mabillon*, n.s.t.15 (2004), p. 5-26; *A large-scale slave society of the early Middle Ages: slaves and their families in early-medieval Bavaria* (Burlington, VT, 2002); *Charlemagne's months and their Bavarian labors : the politics of the seasons in the Carolingian Empire* (Oxford, 1997).

questions raised.[102] However, there are a few studies which challenged me to think carefully about how I construed the political associations of the period. Matthew Innes' *State and Society* is a local study of the Rhineland, which argues that local networks of elites had begun to organize themselves independently in the seventh century. The Carolingians were successful in using these networks, by increasing their power and wealth of these elites within their own spheres of influence and opening up the resources and opportunities to which they had access in other provinces. An important part of Innes' argument is the role of the episcopacy as an instrument of patronage and protection on behalf of elite families, and the role of monasteries in creating, shaping, and rearranging elite networks (through donations, foundations, and grants of *tuitio*).[103]

Innes examines the question of whether Carolingian rule can be seen as state-like at all. He traces the historiography of the question, from the early school of *Verfassungsgeschichte*, which assumed a centralized state, to the idea of Otto Brunner, in his *Land und Herrschaft*, that the term state was anachronistic and historians should speak instead of "lordship." Innes finds no institutional basis for governing: he sees the Carolingians not controlling, but influencing the nobles. They needed local power to rule, and were able to offer in return a wider scope of

[102] In addition to the essays in the *New Cambridge Medieval History* II, ed. Rosamond McKitterick (Cambridge, 1995), general studies on Charlemagne's reign are found in McKitterick, *Charlemagne: The Formation of a European Identity* (Cambridge, 2008); Mario Costambeys, Matthew Innes and Simon Maclean, *The Carolingian World* (Cambridge, 2007); *Charlemagne: Empire and Society*, ed. Joanna Storey (Manchester, 2005); Matthew Becher, *Charlemagne* (New Haven, 2003); Stuart Airlie, "Narratives of triumph and rituals of submission: Charlemagne's mastering of Bavaria," *Transactions of the Royal Historical Society* 9 (1999); Roger Collins, *Charlemagne* (London, 1998); McKitterick, "Constructing the past in the early Middle Ages: the case of the Royal Frankish Annals," *Transactions of the Royal Historical Society* 7 (1997); and McKitterick, *The Frankish Kingdoms under the Carolingians*, 751-987 (London, 1983). An article by Karl Ferdinand Werner was an influential summary of the entire Carolingian system "Missus – Marchio – Comes: Entre l'administration centrale et l'administration locale de l'Émpire carolingien," *Histoire Comparée de l'administration (IVe-XVIIe siècles)*, ed. W. Paravicini and K.F. Werner, Beihefte der Francia 9 (Munich, 1980), pp. 191-239. Reprinted in *Vom Frankenreich zur Entfaltung Deutschlands und Frankreichs: Ursprünge, Strukturen, Beziehungen*, ed. K.F. Werner (Sigmaringen, 1984), pp. 108–56. Jennifer Davis' forthcoming *Charlemagne's Practice of Empire* promises to re-assess some of the received concepts of administrative practice.

[103] Matthew Innes, *State and Society in the Early Middle Ages* (Cambridge, 2000); two other important regional studies are Hans Hummer, *Politics and Power in Early Medieval Europe: Alsace and the Frankish Realm*, 600-1000 (Cambridge, 2006) and Michael Borgolte, *Geschichte der Grafschaften Alemanniens im fränkischer Zeit* (Sigmaringen, 1983).

opportunity for local magnates. Innes proposes a model in which the court was the center for a culture of sociability for the nobles, in which prayer, hunting and feasting created connections. It was through social pressure that the Carolingians were able to influence local power-brokers that they had shared goals in local administration. Innes adds that in the localities, ruling was not differentiated from social regulation.

The opposite view of the question is taken by Janet Nelson. In her article in the *New Cambridge Medieval History*, Nelson sees the bases of Carolingian power in a wide array of privileges, such as their control of the fisc, their marriage alliances, their control of minting and markets, the secularization of church lands, and, finally, through access to aristocratic wealth.[104] She lists the many tools of administration that she sees the Carolingians wielding. Firstly are the capitularies, which are realm-wide legislation; then there are the counts (who administer local justice, raise armies, etc.) the *missi dominici* (who check on the proper behavior of counts) and the *vassi* (who have a special relationship with the king and function as his special agents). In her view, administrative institutions most certainly did exist. How power was actually exercised in the center and localities has been a subject of a number of articles. Nelson has investigated the role of ritual, and Stuart Airlie's article on "The Palace of Memory" looks at the function of the court as a multi-faceted center for offices, ideas, and networking.[105]

Another study which has taken a fresh look at early medieval political organization is Susan Reynolds' *Kingdom and Community*, which deals with questions of law, custom, and

[104] Janet L. Nelson, "Kingship and Royal Government," and "The Frankish Kingdoms, 814-898: the West," *The New Cambridge Medieval History c.700-c.900*, vol. 2, ed. Rosamond McKitterick (Cambridge, 1995); *Charles the Bald* (London, 1992).

[105] Stuart Airlie, "The Palace of Memory: The Carolingian Court as Political Centre" *Courts and Regions in Medieval Europe*, ed. Sarah Rees Jones, Richard Marks and A.J. Minnis (Rochester, NY,2000).

communal action in western Europe between the tenth and the thirteenth centuries.[106] She finds a tradition of local, collective self-governing in early medieval communities, and envisages medieval polities as a complex of overlapping communities at different levels which were gradually forced into tighter definition. Reynold's conclusions fit the picture of the political life of early medieval Bavaria, which I find was the object of increasing definition and control first by the Agilolfing dukes, and then by Charlemagne.[107]

Sources

The main written sources for my project, which exist for the most part in edited versions, are documents: primarily the donation charters of the episcopal see of Freising and the monastery of Mondsee (with some reference to the limited number of charters from Regensburg and Passau), and Carolingian *diplomata*.[108] In addition, I survey legal sources: Carolingian capitularies,[109] the Bavarian law code, and Bavarian and Frankish church councils. Finally, there are narrative sources, which are mainly the annals from the eighth and ninth centuries, (including the *Annales Regni Francorum*, the *Annales Iuvavenses*, the *Annales Fuldenses* and the *Annales Mettenses*) and hagiographical material (*Vita Bonifatii*, *Vita Haimhrammi*, and the *Vita*

[106] Susan Reynolds, *Kingdoms and communities in Western Europe, 900-1300* (Oxford,1984).

[107] Rosamond McKitterick, in a review of Reynold's book, comments that the starting point of the book could easily have began pre-800, as there is much evidence from the early middle ages in support of her arguments: "Early medievalists will be in Miss Reynolds' debt, for within the total context and cumulative evidence she provides, the ambiguities of the pre-8oo material acquire new significance and meaning." McKitterick, "Review: Kingdoms and Communities in Western Europe 900-1300," *The English Historical Review*, Vol. 101, No. 399 (1986), pp. 421-422.

[108] Edited versions of these charters are available as: *Die Traditionen des Hochstifts Freising*, ed. Theodor Bitterauf (Munich, 1905); *Das älteste Traditionsbuch des Klosters Mondsee*, ed. Gebhard Rath and Erich Reiter, Forschungen zur Geschichte Oberösterreichs 16 (Linz: 1989); *Die Traditionen des Hochstifts Regensburg und des Klosters S. Emmeram,* ed. Josef Widemann, Quellen und Erörterungen zur bayerischen Geschichte n.f. 8. (Munich, 1943); and *Die Traditionen des Hochstifts Passau*, ed. Max Heuwieser, Quellen und Erörterungen zur bayerischen Geschichte n.f. 6. (Munich, 1930). *Diplomata* are royal charters, generally granting a privilege or confirming rights and properties. The Carolingian *diplomata* appear in the MGH volumes *Diplomata Karolinorum I: Diplomata Pippini, Carlomanni, Caroli Magni*, ed. Engelbert Mühlbacher (Hanover, 1906), *Die Urkunden Ludwigs den Deutschen, Karlmann, und Ludwig der Jüngere,* ed. Paul Kehr, *MGH Diplomata regum Germaniae ex stirpe Karolinorum* 1 (Berlin, 1934), and *Die Urkunden Arnolfs*, ed. Paul Kehr, *MGH Diplomata regum Germaniae ex stripe Karolinorum* 3 (Berlin, 1940).

[109] Capitularies are administrative ordinances issued by the Frankish kings. The capitularies are collected in *Capitularia regum Francorum*, ed. Alfred Boretius, *MGH Capit. I* (Hanover, 1883).

Corbiniani).[110] Also referenced are the letters of St. Boniface (*Epistolae Bonifatii*) and the records of the see of Salzburg: the eighth-century *Notitia Arnonis*, *Breves Notitiae*, and the ninth-century *Conversio Bagoariorum et Carantanorum*.[111] I will describe these sources in more detail below.

No original documents from the Agilolfing period remain. Only copies exist, and all are from the archives of episcopal churches and monasteries. The records for the episcopal churches Regensburg and Passau are scanty; there are only five charters from the Agilolfing period in the Regensburg *Traditionsbuch* (cartulary).[112] For Passau, there are twenty-four *noticia* from before 788 in the *Traditionsbuch*, which was written in the middle of ninth century as a *memorial* and bound together from various pieces in the thirteenth century. There are no sources from this period from Augsburg, which was not a Bavarian church province but deeply connected with it. From approximately twenty Bavarian monasteries, there are only five documentary sources for the eighth century: a Niederaltaich letter (*Breviarius Urolfi*), the Mondsee and Schäftlarn *Traditionsbücher*, the Kremsmünster foundation charter, and late redaction of a chronicle from

[110] *Annales regni Francorum*, ed. Friedrich Kurze, *SS rer. Germ.* 6 (Hanover, 1895, reprinted 1950); *Annales Iuvavenses maximi*, ed. Harry Bresslau, *MGH SS* 30.2 (Hanover, 1934); *Annales Fuldenses*, ed. Friedrich Kurze, *SS rer. Germ.* 7 (Hanover, 1978); *Annales mettenses priores*, ed. Bernhard von Simson, *MGH SS rer. Germ.* 10 (Hanover, 1905). An English translation by Timothy Reuter exists for Fulda: *The Annals of Fulda*, trans. and annotated by Timothy Reuter (Manchester; New York, 1992). The saint's lives appear in the following editions: Arbeo, *Vita Corbiniani*, ed. Franz Brunhölzl, *Vita Corbiniani: Bischof Arbeo von Freising und die Lebensgeschichte des Hl. Korbinian* (Munich, 1983); Arbeo, *Vita et passio sancti Haimhrammi martyris*, ed. Bernhard Bischoff (Munich, 1953); Willibald, *Vita Bonifatii*, ed. Wilhelm Levison. *MGH SS rer. Germ.* 57.1 (Hanover, 1905).

[111] *Notitia Arnonis und Breves Notitiae*, ed. Fritz Lošek, Mitteilungen der Gesellschaft für Salzburger Landeskunde 130 (Vienna, 1990); Fritz Lošek, "Notitia Arnonis und Breves Notitiae," *Quellen zur Salzburger Frühgeschichte*, ed. Herwig Wolfram (Vienna, 2006) and *Die Conversio Bagoariorum et Carantanorum und der Brief des Erzbischofs Theotmar von Salzburg* (Hanover, 1997). All citations to the *Notitia Arnonis* and *Breves Notitiae* will be to the 2006 Lošek edition; all citations to the *Conversio* will likewise be to his 1997 edition.

[112] The dukes did not donate as much to Regensburg as to Salzburg. Most of the fiscal property in the Donaugau was received during the Carolingian and Ottonian periods, through royal gifts to the old chapel, St Emmeram, and Ober- und Niedermuenster. Gertrud Diepolder,"Die Orts- und "in pago"-Nennungen im bayerischen Stammesherzogtum zur Zeit der Agilolfinger," *Zeitschrift für bayerische Landesgeschichte* 20 (1957), pp. 364-436, at p. 369.

Benedictbeuern.[113] Single charters from the proprietary monasteries of Isen, Schäftlarn, Scharnitz-Schlehdorf, Schliersee, and Innichen are contained in the Freising cartulary. The lacunae in our sources are an important part of determining the significance of what remains.

Some additional information about the context of the sources is helpful in ascertaining their significance for the project. The main legal source is the *Lex Bavariorum*, an eighth-century law-code which contains laws pertaining to land ownership and use.[114] Also pertinent is the *Decreta Tassilonis*, a series of supplements to the *Lex Bavariorum* issued at the Synods of Aschheim (before 757), Neuching (771) and Dingolfing (776/7).[115]

The narrative sources consist of annals and chronicles, and hagiographical and epistolary sources. The significant Frankish Annals include the Royal Frankish Annals (*Annales Regni Francorum*), a history of the Frankish empire up to 830 which is associated with the court; the Annals of Metz (*Annales Mettenses*), which describes the two Agilolfing duchies of Alemannia and Bavaria as centers of anti-Carolingian opposition; and the Annals of Fulda (*Annales Fuldenses*), a history of the east Frankish kingdom up to 888. The Annals of Fulda were written

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[113] *Breviarius Urolfi*, ed. Karl Roth, Beiträge zur deutschen Sprach-, Geschichts- und Ortsforschung 3.11 (Munich, 1854), pp. 17-28, and the more recent edition in Heinrich Tiefenbach, "Die Namen des Breviarius Urolfi: Mit einer Textedition und zwei Karten," *Ortsname und Urkunde. Frühmittelalterliche Ortsnamenüberlieferung*, ed. R. Schützeichel, Beiträge zur Namenforschung 29 (Heidelberg ,1990), pp. 60-96; *Die Traditionen des Klosters Schäftlarn 1: 760-1305*, ed. Alois Weissthanner, Quellen und Erörterungen zur bayerischen und deutschen Geschichte 10.1 (Munich, 1953); and *Chronicon Benedictoburanum*, ed. W. Wattenbach, *MGH SS* 9 (Hanover, 1851). The foundation charter of Tassilo is no longer extant, but exists in three 13th-century copies: the *Londsdorf Codex* from Passau, the *Codex Fridericianus* (a Kremsmünster manuscript), and the Niederaltaich copy of Abbot Hermann, which he stated he copied faithfully without any improvements. Manuscripts: *Lonsdorfer Codex* = Bayerisches Hauptstaatsarchiv München, Abt. I, HL Passau 3; the *Niederaltaicher Codex* = KL Niederaltaich 39, fol. 90 (alt fol. 85 b – 86a); *Codex Fridericianus* = Codex Fridericianus, fol 51, Kremsmünster, Stiftsbibiliothek. Charlemagne's confirmation charter, which he states was based on Tassilo's charter, is recorded in *Diplomata Pippini, Carlomanni, Caroli Magni*, ed. Engelbert Mühlbacher, *MGH DD Kar.* 1 (Hanover, 1906), Nr. 169.

[114] *Lex Baiwariorum*, ed. Ernst von Schwind, *MGH LL nat. Germ.* 5.2 (Hanover,1926). See also the English translation by Theodore John Rivers, *Laws of the Alamans and Bavarians* (Philadelphia,1977). All subsequent citations to the *Lex Baiwariorum* will be to these two versions, for the Latin and English translations, respectively. The abbreviation LB, followed by the section and article number, will be used. The surviving redaction of the *Lex Baiwariorum* is assigned to the latter years of Duke Odilo's reign.

[115] *Decreta Tassilonis ducis cum actis synodalibus*, MGH LL 3.2, ed. Johanne Merkel (Hanover, 1863), pp. 459 – 468. See also the acts of the synods: *MGH Concilia aevi Karolini* 2.1, ed. Albert Werminghoff (Hanover, 1906): *Concilium Ascheimense*, pp. 56-58, *Concilium Dingolfingense*, pp. 93-96, and *Concilium Neuchingense*, pp. 98-105.

by a Mainz cleric who drew on other works for his account up to 860s, then wrote contemporanously from 869-887. From 882-901, a separate continuation was written in Bavaria, perhaps at Regensburg. Early Salzburg annals include the *Annales Iuvavenses*, which contains excerpts from the *Annales Iuvavenses antiqui*, 725-956.

The pertinent hagiographies include the *Vita Bonifatii*, written by Willibald in the mid- to late 760s, regarding Boniface (Winfrid), who lived ca. 675 – 754. Willibald was asked to write this *vita* by Boniface's successor, Bishop Lull of Mainz, and Megingoz of Wurzburg. Willibald had access to the letters of Boniface and spoke to many who knew him. However, he was writing at a time when Boniface was still controversial figure. Fulda (Boniface's monastic foundation) and Mainz (his former bishopric) were locked in a battle over ecclesiastical jurisdiction.

Arbeo of Freising (764-783) wrote lives of Corbinian and Emmeram which adjusted the ecclesiastical history of Bavaria to downplay Frankish influences.[116] The stories of Corbinian's interactions with the ducal family in the *Vita Corbiniani* are of interest. According to Arbeo, the relics of St. Corbinan were brought to Freising in 765; the *vita* was probably written before 769 at the request of Virgil of Salzburg.[117] The *Vita Haimhrammi* was also written mid-eighth century by Arbeo. Emmeram, the bishop of Poitiers according to Arbeo, was on his way to evangelize the Avars when Theodo stopped him and asked him to work in Bavaria. The work mentions the Bavarian-Avar war which took place in 715 on the Enns. It was probably written just after the *Vita Corbiniani*, around 772, again at the request of Virgil of Salzburg.

In addition, the career of Rupert of Salzburg is given in several texts: the *Gesta Hrodberti*, *Notitia Arnonis*, *Breves Notitiae*, and the *Conversio Carantanorum et*

[116] This is the view of Ian Wood as expounded in his *The Missionary Life*, pp. 156-8.

[117] Wolfram, *Grenzen*, p. 72.

Bagoariorum.[118] It is likely that an earlier *vita* existed, which served as a source for these accounts. This *Versio X* is thought to be preserved as the *Gesta s. Hrodberti episcopi confessoris* (after 791), and as the first chapter of the *Conversio Bagoariorum et Carantanorum* (a. 870), which combines the life of St. Rupert with the history of the conversion of the Bavarians and Carinthians.[119] Rupert has been seen as a member of anti-Pippinid opposition, who moved to Salzburg ca. 696 and worked there until ca. 712.[120] The *Notitia Arnonis* and *Breves Notitiae* are productions of the Salzburg episcopal see, prepared to secure the rights of Salzburg after the Caroligian takeover.[121] The later *Notitia Arnonis* (788-90) gave an account of Rupert's foundation of the monastic cell of St. Maximilian, but it did not refer to him as *sanctus*. It did, however, refer to him as *episcopus* and *confessor*. The *Breves Notitae* (ca. 800) also called Rupert a bishop. In this version, Theodo gave him permission to search the duchy to find a site for his cathedral (*sedes episcopii*). It states that he went first to Wallersee and built a church to St. Peter; then to Salzburg, where he was given grants by the duke and founded the St. Maximilian cell. However, in the *Breves Notitiae,* Theodo and his court are not portrayed as Christians needing reform, but pagans. Obviously, this would not have been a welcome representation fifteen years earlier, when an Agilolfing duke was still in power. In the *Gesta*

[118] *Gesta Hrodberti*, ed. Bruno Krusch and Wilhelm Levison, *MGH SS rer. Merov.* 6. (Hanover; Leipzig: 1913), pp. 140-162. Other sources cited previously.

[119] This work is described in more detail in chapter seven.

[120] In the *Gesta Hrodberti*, Rupert was a bishop of Worms and of royal blood. Theodo came to meet Rupert on his arrival, permitting him to travel where he wished in the region. Rupert went first to Lorch, then Wallersee, until he heard of Salzburg, once a Roman center. He asked for land there, and Theodo made a large grant. Rupert built a church, a monastery, and a convent on the site. This work is usually dated to 793, since it contains a charter of 790, but it also leaves out significant events of mid-eighth century, suggesting it is primarily based on an earlier text. It does not mention the translation of Rupert's body to a new church built by Virgil in 774, or his involvement in the foundation of the cell of St. Maximilian. The work may have been commissioned by Virgil, who was in conflict with Boniface around 746, to emphasize the existence of an ecclesiastical tradition in Salzburg prior to Boniface's arrival. However, the work does not mention Salzburg as an episcopal *sedes* in Rupert's time. Ian Wood suggests that Virgil's choice of Rupert, an opponent of the Pippinids, to establish the earlier church tradition in Bavaria, rather than Eustasius of Luxeuil, may have been meant to please Duke Odilo, who had been at war with Pippin. See Ian Wood, *The Missionary Life*, p. 148.

[121] These will be discussed in more detail on page 45.

Hrodberti, Rupert founded St. Peter at Salzburg, but St. Peter's was not depicted as his cathedral church, and he was not presented as bishop of Salzburg. In the *Breves Notitiae,* Salzburg was explicitly presented as Rupert's *sedes.* Finally, the ninth-century *Conversio Bagoariorum et Carantanorum* provides a text close to that of the *Gesta Hrodberti*, with a strong emphasis on foundation and ordination. This source is discussed in more detail in chapter seven.

Three epistolary sources are the *Epistolae Bonifatii*, Alcuin's *Epistolae,* and the *Brevarius Urolfi*.[122] The letters of Boniface reveal the people with whom he was in contact, and contain the names of other people in his circle. Boniface communicated with abbots from Monte Cassino to Wearmouth; these letters offer insights into how the well-connected got things done in the eighth-century, and how networks were built and maintained. The letters of Alcuin to Bishop Arn, two of the most highly placed men in the implementation of the Carolingian program, are another important resource. The *Brevarius Urolfi* is a letter of Abbot Urolf from the end of the eighth century, which was discovered and transcribed by Abbot Hermann of Niederaltaich in the 13th century. It contains a property list similar to others presented to Charlemagne.

The various charter sources include the records of the episcopal churches and some of the monastic holdings, as well. The diocese of Regensburg is documented through the *Traditionen* of the monastery of St. Emmeram, edited in 1943. There are copies of only twelve charters from 760-814, which appear to be arranged in geographical order.[123] The oldest Passau cartulary

[122] *Bonifatii et Lulli epistolae*, ed. Michael Tangl, *MGH Epistolae selectae* 1 (Berlin, 1916, reprinted Stuttgart, 1989); there is also an English translation: *The Letters of Saint Boniface*, trans. Ephraim Emerton with an introduction by Thomas Noble (New York, 2000). *Alcuini sive Albini epistolae*, ed. Ernst Dümmler, *MGH Epistolae* 4.1 (Berlin, 1895); a selection of translated letters appears in English: Stephen Allott, *Alcuin of York, c. A.D. 732 to 804: his life and letters* (York, 1974).

[123] Patrick Geary, *Phantoms of Remembrance: memory and oblivion at the end of the first millennium (*Princeton: 1994), p. 90.

appears to date from the mid-ninth century, and the older portions are organized by *gau*. There is more diversity of documentation preserved in this older portion than in other regional cartularies.[124] It is notable that mainly pre-814 donations are recorded, apparently preserving a record of the status of property-holding at the time of the Carolingian takeover, as the *Notitia Arnonis* does for Salzburg. The cartulary also contains a history of the church in Passau, suggesting that it is more a historiographical document than a practical legal or administrative text. There is also a recent edition of the *Res Gestae* of the bishops of Passau that covers the period from 731 to 1206, and a confraternity book.[125]

The monasteries of Mondsee, Mattsee and Kremsmünster all lay in the diocese of Passau in the high middle ages, though this probably was not the case in the eighth century. For Mondsee, there is a recent 1989 edition of the monastery's documents. Like Passau, the Mondsee cartulary is organized topographically, by *gau* and then by location.[126] There are no sources for Mattsee, though some information can be gleaned from the confraternity books of Reichenau and St. Peter's at Salzburg, as well as the list of the Dingolfing prayer confraternity.[127] There is an alleged foundation document for Kremsmünster, known as the donation of Tassilo, which exists

[124] Ibid., p. 91.

[125] *Die Regesten der Bischöfe von Passau 1: (731-1206)*, ed. Egon Boshof, Regesten zur bayerischen Geschichte 1 (Munich, 1992).

[126] In addition, documents for Mondsee and Kremsmünster are reproduced in the *Urkundenbuch des Landes ob der Enns* (Oberösterreich), 11 volumes, ed. Oberösterreichischen Landesarchiv and Verwaltungs-Ausschuss des Museum Francisco-Carolinum zu Linz. (Vienna; Linz; Graz, 1852-1983); for Kremsmünster there also exists the *Urkundenbuch für die Geschichte des Benedictiner Stiftes Kremsmünster: seiner Pfarreien und Besitzungen vom Jahre 777 bis 1400*, ed. Theodorich Hagn (Vienna: 1852).

[127] Wolfram, *Grenzen*, p. 136. Mattsee's dedication to St. Michael is attested by *DD LD* 101, pp. 145-6. The confraternity books for Reichenau and Salzburg are in the following editions: *Das Verbrüderungsbuch der Abtei Reichenau*, ed. Johanne Autenrieth, Dieter Geuenich, Karl Schmid, *MGH Libri Memoriales et Necrologia NS* 1. (Hanover, 1979), and *Liber confraternitatum s. Petri Salisburgensis vetustior et recentior*, ed. Sigismund Herzberg-Fränkel, *MGH Necrologia* 2 (Berlin, 1904). The Dingolfing prayer confraternity is described at the end of the Dingolfing synod, see footnote 115..

in three copies.[128] Nothing like this exists for another Bavarian monastery, so it is viewed with some skepticism. While there is a motivation for a falsified document in the desire for self-rule by Kremsmünster, when the monastery lost its independence to Passau in the tenth century, there also seems to be a substrate of an original text. There is also a diploma with which Charlemagne confirmed the property of Kremsmünster in 791, which is thought to have been based on the original *cartola donationis* of the monastery by Tassilo.

For the Salzburg episcopal church, there are editions of the *Traditionen* in the *Salzburger Urkundenbuch*, but these do not contain documents for the Agilolfing period. [129] However, the *Notitia Arnonis* and *Breves Notitiae*, recently edited by Fritz Lošek, contain information about this period. The *Notitia Arnonis* (788-790) is a register of land grants drawn up by deacon Benedict for Bishop (later Archbishop) Arn. It describes the activities of Bishop Rupert at the church of St. Peter in Salzburg, the foundation of the convent of Nonnberg, Duke Theodo's gifts to Rupert, and the discovery of the site of the cell of St. Maximilian and its acquisition by Rupert. It seems to represent a stock-taking of the Salzburg portion of the Agilolfing fiscal properties, which fell to the Frankish king in 788. The list of properties donated to the monastery of St. Peter proceeds chronologically from Theodo to Tassilo, then lists donations from other Bavarian nobles, followed by the properties of Nonnberg and the cell of St. Maximilian. Salzburg was in a weak position because it had been tied to the Agilolfing dukes since the bishop was also the abbot of St. Peter. Close to end of 793, Charlemagne confirmed the gifts which "kings and queens, dukes and other god-fearing people" had made to the monastery.

[128] Manuscripts: *Lonsdorfer Codex* = Bayerisches Hauptstaatsarchiv München, Abt. I, HL Passau 3; the *Niederaltaicher Codex* = KL Niederaltaich 39, fol. 90 (alt fol. 85 b – 86a); *Codex Fridericianus* = Codex Fridericianus, fol 51. Kremsmünster, Stiftsbibiliothek.

[129] Donation charters for Salzburg are preserved only from the time of Bishop Odalbert, beginning in 923. *Traditionen von St. Peter (8.-13. Jh),* ed. Willibald Hauthaler, *Salzburger Urkundenbuch 1* (Salzburg, 1910), and *Salzburger Urkundenbuch 2: Urkunden von 790-1199,* ed. Willibald Hauthaler and Franz Martin (Salzburg, 1916, republished Aalen, 1987).

The *Breves Notitiae* (798-800) is similar in format to the Notitia Arnonis, and is another account of estates acquired by Salzburg drawn up for Bishop Arn. It opens with a lengthy account of Rupert' deeds, followed by lists of ducal gifts, anecdotes which form a history of the cell of St. Maximilian, donations from nobles, and an account of Virgil's acquisition of Otting. Organized chronologically, it includes the *Vita Ruperti* (the establishment of the bishopric and abbey) and the *Libellus Virgilii* (the administration of Virgil), which are both from the eighth century. The first, older part describes ducal and non-ducal donations, and designates Rupert the "Apostle of Bavaria." It includes unique reports from the beginning of the century, in which the deeds of Bishop Virgil are much more literal and explicit than in the *Notitia Arnonis*. The second part mentions Arn as archbishop, and therefore belongs to the period after 798. The *Breves Notitiae* was likely assembled in 798 (the elevation of Salzburg to an archdiocese) or 800 (the date of a charter of immunity issued by Charlemagne).[130] Both of these events placed Salzburg in a closer relationship with the Carolingians. Since the securing of possessions was no longer as important by this date, the document's character is more historiographical than juridical.[131]

The Confraternity Book of St. Peter (*Liber Confraternitatum)*, along with that of Reichenau in Alemannia, provide some evidence of ecclesiastical and aristocratic connections. The *Liber Confraternitatum* of St. Peter (784) is the list of the living and dead, with whom the monastery and bishopric of Salzburg were in prayer confraternity. It is the third oldest datable manuscript of Carolingian minuscule in the style of Saint-Denis, and still survives in the original. The Confraternity Book begins in the year of Bishop Virgil' death (784), and contains the names of important secular and ecclesiastical figures. The *Liber Confraternitatum* of Reichenau can be

[130] Fritz Lošek, "Notitia Arnonis und Breves Notitiae," p. 36.

[131] Both the *Notitia Arnonis* and the *Breves Notitiae* are based on earlier source material. See Wolfram, *Salzburg, Bayern, Österreich,* p. 208 and Heinrich Wanderwitz, "Quellenkritische Studien zu den bayerischen Besitzlisten des 8. Jahrhunderts," *Deutsches Archiv für Erforschung des Mittelalters* 39 (1983). The *Libellus Virgilii* forms part of the *Breves Notitiae*.

also used to confirm identities of some of the persons mentioned in Salzburg sources. It was made sometime before 824, but contains material from the period around 760. In addition, the monastery of Schäftlarn lay within the diocese of Salzburg, and its *Traditionen* from 760 appear in an edited edition.[132]

The most extensive cartulary for the Agilolfing period is that compiled by Cozroh at Freising in the 820s. Between 824- 855, Cozroh and his successors copied Freising cathedral archives dating back to 740.[133] It differs from other cartularies, in that it is organized chronologically by episcopal dates. Cozroh relates how Bishop Hitto, upon his arrival, restored any missing scriptural or liturgical texts, and then ordered the copying of records of those who had made donations, in order to preserve their *memoria.* It contains donations, exchanges, *placita*, and judgements.

Theodor Bitterauf's edited version of the *Traditionen* was compiled in 1905; it re-organizes the original cartulary into chronological order, making assumptions about dating of the charters. The actual extant cartulary which was compiled by Cozroh groups the charters by the tenure of each bishop, with first-person *traditiones* separated from third-person *notitae*, and related documents grouped together. The individual documents are not organized chronologically, however. The chart on the following page illustrates the rough chronological groupings for the charters, which I employed for the purpose of searching the documents for change over time.

[132] See citation in footnote 113.

[133] Cozroh's collection concludes with the office of Bishop Erchanbert (836-854), which charters are not included in this study. While the modern edition of Theodor Bitterauf organizes the charters chronologically, Cozroh's cartulary grouped documents by the rule of each bishop, separating first-person *traditionen* from third-person *notitae*, and grouping related documents together. All references in this paper are to Bitterauf's edition. The cartulary manuscript is contained in the Munich Bayerischen Hauptstaatsarchiv: BayHStA HL Freising 3a.

TF 1-108 (744 to before 788)	Bishop Erembert (730? – 764) TF 1 - 7?	Odilo's reign 736-748
	Bishop Joseph (748-764) TF ? – 19	Minority of Tassilo
	Bishop Arbeo (Heres) (764-783) TF 20 - 108	Tassilo's independence. (757 allegedly abandons Frankish army, Pippin dies 768, Innichen founded 769, Kremsmünster 777, *Vitae* of Corbinian and Emmeram)
TF 109-299	Bishop Atto (783-811)	788 deposition of Tassilo. Charlemagne in Regensburg 791-793. 792 conspiracy against Charlemagne. 794 Tassilo must renounce claims. Prefects, Gerold then Audulf. 800 Charlemagne emperor.
TF 300-608	Bishop Hitto (811-835)	Cozroh compiles Freising cartulary. 814 Charlemagne dies. Louis the Pious makes Bavaria a sub-kingdom under Lothar. 817 Bavaria reassigned to Louis the German. 819 Audulf dies, no new prefect. 825 Louis the German takes up position as king in Bavaria.
TF 609-741	Bishop Erchanbert (836-54)	

Charters TF 1 through 108 cover the tenures of bishops Erembert, Joseph, and Arbeo, the first three Freising bishops under dukes Odilo and Tassilo. They comprise most of the donations which can be dated before 788, the year when Tassilo was put on trial by Charlemagne and sent to a monastery. The tenure of Bishop Arbeo roughly corresponds with the height of Tassilo's independence from Frankish oversight, encompassing the death of Pippin in 768, Tassilo's

foundations of Innichen in 769 and Kremsmünster in 777, and Arbeo's authorship of the *Vita Haimhrammi* and *Vita Corbiniani*. Nearly all the copied records from this period consist of donations, fourteen percent of them by very high-ranking nobles bearing titles of office. During this period, Freising began to be termed an *episcopatum*, and the body of Corbinian was translated to the Freising cathedral to become a patron of that church. This was also the period in which reference begins to be made to *canones,* and the assertion of canonical rights is made at times in the accounts of episcopal dedications of churches founded by nobles.

The second group of charters, TF 109-299, corresponds with the office of Bishop Atto (783-811). This was a period of conflict, including Tassilo's deposition in 788, and the alleged conspiracy against Charlemagne in which his son and several Bavarian nobles were indicted. During Atto's tenure, Charlemagne was in Regensburg from 791-793, and the region was administered by the prefects Gerold and Audulf. Bishop Atto was quite litigious, using Carolingian courts to secure property for the Freising church, as Warren Brown has described. The documents from this period reflect the new office of *missi* and the temporary cessation of monastic foundations within the area of the former duchy, although new foundations in the mission region of the former Avar lands began. The charters also reflect social changes, in that monasteries and churches now needed advocates to represent them in the courts. This is also the period in which the scribe Tagabert begins to record; his delightfully dramatic descriptions of the context of various cases give a lively picture of the events behind the formulaic language of most charters. Finally, Atto's tenure saw the imperialization of Carolingian claims to power, and the re-writing of Bavaria's Agilolfing past.

The episcopal term of Bishop Hitto (811-835) contains charters TF 300-608. It was under Hitto that Cozroh began his compilation of the Freising charters, which extended to the end of

Erchanbert's tenure (836-854). It was during the time of Hitto that Charlemagne passed away in 814, followed by the prefect Audulf in 819. Bavaria was made a sub-kingdom under the control of Louis the Pious until his son Louis the German took up direct control of the region as king in 825. The imposition of a Carolingian sub-king simultaneously drew it under Frankish hegemony while emphasizing its local autonomy. The final years of this period, 833-34, comprised the deposition and return of emperor Louis the Pious; the events surrounding this internecine strife required each of his sons to mobilize local support to the best of their abilities. Other notable features of these charters are more detailed procedures for issuing *beneficia*, with the introduction into the charters of such terms as *censum*, *wadium*, and *fideiussores*.

In addition to the above written sources, modern topographical survey maps were useful in order to better understand the layout of the land in the eighth century.

Chapter Organization

Chapter One surveyed the existing literature on the organization and re-organization of Bavaria in this period, and introduced some of the methodological and theoretical considerations inherent in the discussion of space and spatial organization. This chapter introduced the main research questions and surveyed the sources that will be used to attempt to answer those questions.

Chapter Two introduces the physical landscape of early medieval Bavaria, looking at the organization of land in terms of politically, agriculturally, culturally, and socially imposed uses, and the terms used to describe it. This chapter argues that territoriality, while not entirely absent, is not a useful mode for understanding the early medieval conception of land. The model of *Landschaften*, as communities constructed by interdependence and shared law, fits better with

the evidence from this period, but was already undergoing alteration under the leadership of the Agilolfing dukes.

Chapter Three focuses on the conceptual and linguistic construction of space and control in Agilolfing Bavaria, comparing the various conceptual categories used in Bavarian sources to describe land, the related claims to control over land, and investigating the laws, rituals, and scripts related to taking possession of land: walking borders, making donations, and granting land in benefice. Land disputes suggest ways in which ownership of land was understood, as overlapping forms of usage and rights could prove unclear in a changing political and social context.

The variety of meanings ascribed to land as public, private, or sacral, were exploited under dukes Odilo and Tassilo, as they used the nascent Bavarian ecclesiastical organization to maintain political control. **Chapter Four** investigates the challenges facing the bishops in Bavaria in this period, and the changes which the episcopate underwent. At the beginning of the eighth century, the region was inhabited by a number of "wandering" bishops, who had no fixed see. The eighth century saw an enormous transfer of land to the church through donations, which remained, however, a paper transfer so long as the donors' families continued to control the land. Through the oversight of the Bavarian church councils and his hegemony over both donated land and monastic foundations, Duke Tassilo maintained control of the Bavarian episcopacy, limiting their roles to some degree. However, with the circulation of canon law and the transfer of relics, and the emphasis on the Christianization of the Slavs, the role of bishops was strengthened, awaiting only the Carolingian takeover to put bishops in the frontline of regional change.

Chapter Five surveys the surge in monastic foundations under Dukes Odilo and Tassilo, arguing this was one of the main methods by which the dukes constructed consensus and defined

the landscape of the Bavarian community. Through creating these institutions, and keeping them under ducal control, ducal power was made manifest and was physically marked on the land, defining the extent of that power and making claims to extend the boundaries of Bavarian control.

Chapter Six examines the fate of Agilolfing monasteries under the Carolingians. Pippin III and Charlemagne were not themselves founders of monasteries in Bavaria; rather, their strategy was to extend their protection to regional monastic foundations through new instruments such as charters of immunity, donations of land in mission regions, and *beneficia*. Monastic support was important for Charlemagne to secure: since monasteries had been so much a part of the way that Tassilo had asserted his position, it was vital for the king to erase prior ducal authority and replace it with his own. Equally important was the role of monasteries in the efforts to secure and incorporate new regions, through mission.

Finally **Chapter Seven** considers the rhetoric of control over land in Carolingian-sponsored texts such as capitularies, *diplomata*, and annals, as well as in church councils and letters. It clarifies how Charlemagne and his successors represent their claims to Bavaria, the Avar region, and ecclesiastical and fiscal land. New features were introduced by Carolingian rule, which redefined Bavaria spatially and jurisdictionally: new offices, canon law, and mission. In these three areas, the Frankish king and his bishops cooperated to pursue their goals. Charlemagne made it a priority to strengthen the role of all bishops, and through this partnership, he gained able administrators, expanded his empire into the pagan east, and created a unifying, legitimizing rhetoric on a wider scale than the Frankish kingdom: the defense of Christendom.

The **conclusion** returns to the questions raised in the introduction, summarizing how claims to hegemony over space and its ordering were a foundation of claims to political authority.

Throughout the eighth century, a number of ideas and institutions were developing, which Charlemagne and his advisors managed to craft in support of the idea of a legitimate royal, and then imperial, regime. Canon law, papal and episcopal powers, monastic rules, proprietorship of churches, land inheritance, the concept of land as property, and conceptions of sainthood and relics, were all undergoing change and becoming solidified in recognizable forms, which have had ramifications for ideas of European and Christian unity into the present day. All of these aspects contributed to the changes that took place in this region, making the province of Bavaria a laboratory in which we can see how easily the identity of an entire community can transform. While the elites of the region continued to proclaim that they were Bavarians, what that meant became something entirely new.

Chapter Two:

Physical organization: Landscape and *Landschaften*

This chapter will cover terms related to land at various scales, from the smallest useful agricultural unit to the largest political unit, as they occur in the sources for the eighth century up until the Carolingian takeover. This survey necessarily incorporates some of the ambiguity inherent in the fact that the sources do not provide a full picture of the situation. Firstly, not only is there variety in the types of sources, but also a variety of reasons for their composition, which is reflected in the type of language employed. Different types of sources have different interests: a political chronicle does not employ the same perspective and vocabulary as a hagiographical text or a donation charter. The vocabulary in use also depends on the spatial scale covered, and the purpose of the document. Whereas a land transaction might speak in terms of physical boundaries and land appurtenances, hagiographical accounts and royal *diplomata* are more likely to employ terms such as *regnum* and *provincia* to express the extent of rights to exercise control.

Secondly, the sources which are available are incomplete in several respects. They are primarily productions of the church, concerned with ecclesiastical business of various sorts. As such, they are elite productions, and are written in Latin. This means that the terminology of the vernacular and the concerns of lay persons, particularly of laborers, are considerably circumscribed. In the sources which describe agricultural land (the *Lex Baiuvariorum*, *Notitia Arnonis*, *Breves Notitae*, and the Freising and Mondsee *Traditionen*), there are multiple vocabularies of land description, which complicate our understanding of the mental categorizations of land common in this period. It must be remembered that the written Latin of property conveyances and legal codes, which described land in the abstract, was only an

approximation of the vernacular description of the land as it was experienced, as a physical medium which was seen and traveled through, ploughed, grazed, cleared, and used for burial. There are hints in the Freising charters of vernacular land terms, such as *hluz*, *kapreitta* and *houstetti*, which appear infrequently. In addition, the use of certain specific Latin terms such as *pascua porcorum*, *alpes*, and *cliva* suggest the factors important to people actually working the land: the type of land (its function), the placement of land (alpine meadow, slope), and an assessment of what was required in terms of input (labor) and yield.[1] Thus, there is a disconnect in the vocabularies of land in the Freising charters between the actual vernacular terms used by people who worked the land, which are glimpsed only occasionally, and the Latinized vocabulary used by scribes familiar with Roman sources.

Terminology and scales of land description in Bavarian sources

Two of the richest sources for the eighth century are the charters of Freising and Mondsee, yet the land descriptions in these charters are surprisingly general. For the most part, reference to the land under donation is pulled from formularies and does not indicate much about the piece of land in question. Often it will simply be described as *hereditas* (or *alod* or *res propriam*) so that nothing regarding its size or nature is revealed.[2] Occasionally a border description is made, with reference to landmarks. The main sources used here for the comparison of terms in the Agilolfing period are the *Lex Baiuvariorum*, the *Notitia Arnonis* and *Breves Notitae*, the charters of the episcopal see of Freising and the monastery of Mondsee, and the *Vitae* of saints Emmeram and Corbinian.

[1] TF 523b, though a later document from 825, involves the negotiation of their duties by a group of *barscalci*. It provides a measure of the work they will provide in terms of the number of days and the tasks they will provide, and in the units of agricultural produce they will pay, such as a *modium* (bushel) of grain or a *friskinga* (young pig).

[2] A typical land donation might only specify "my inheritance," as in TF 1, in which Moatbert donates: …*quicquid pater meus…mihi in hereditatem reliquid*…. ("whatever my father left to me in inheritance")

A survey of the Latin terms used most frequently in Bavarian donation charters, from the smallest scale to the largest, reveals to some degree how land was organized conceptually in this period. Usage was not straightforward, however, as shifts in meaning occurred across this period, and according to local customs.

Coloniam

The smallest meaningful unit for discussion of land was that attached to one household; that is, the parcel of land sufficient to support one nuclear family. The actual size of the parcel could vary, depending on the type of land and type of agriculture practiced upon it.[3] The lower social orders were tied to their land, so that their legal status and the land description were inextricably intertwined. Distinguishing between these statuses can prove difficult, for not only do meanings change over time, but there is also ambiguity in meaning between precise legal terminology and generic social appellations.[4]

According to Carl Hammer's study of Bavarian status categories, the earliest designation for a person: land unit pairing was *colonus: colonia*, which derived from classical usage, either as a continuation or as a borrowing.[5] A *colonus* was a free but dependent tenant. While legally free, the *colonus* worked land belonging to a landlord. This term is used in the Bavarian Law Code, and in charters of the Agilolfing period of the eighth century, along with its vernacular

[3] In addition, the land might not form a continuous parcel, as it was common practice to hold strips in several fields surrounding the village, so that types of land were equitably distributed. If one field experienced a crop failure due to a disaster such as flooding, it did not doom one family to starvation. It also made shared tasks of harvesting, ploughing, easier with communal or reciprocal labor.

[4] Carl I. Hammer, *A Large-Scale Slave Society of the Early Middle Ages: Slaves and Their Families in Early Medieval Bavaria*. (Burlington, VT: 2002), p. 13.

[5] Ibid.

equivalent, *aldio*.[6] Though of free status, *coloni* could be conveyed by charter, with their families and tenancies, in donations or transactions with another land-owner.[7] Equally, they could be exempted from conveyance, as in a later (776-783) charter from Freising which defines the *colonia* as a holding of the *colonus*, granting "All territory, with half of one *colonia* excepted, which that *colonus* has of that c*olonia* by right" (*Omnem territorium… excepto medietatem coloniae unius, quam illius colonus iure illius tenet coloniae*).[8]

This was a term in transition, however, so by the ninth century *colonia* could be used as a generic description for a dependent tenant farmstead or even as a standard measure of land. [9] The status of the tenant and the description of the tenancy no longer necessarily corresponded. One Freising charter shows a freeman on a *colonia*, paying only rent, *censum*, while in other charters from the same time period the tenants of *colonia* are clearly servile.[10]

Mansus

Another way of conceptualizing cultivatable land was by the unit of the *mansus*.[11] Like the *colonia*, the actual measurement of a *mansus* varied according to the type of land it

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[6] Ibid. The term *colonus* occurs in an unusual provision of the Bavarian Law Code (Lex Bav. 1/13) which includes other terms related to Roman fiscal practice, as well as in charters of theAgilolfing. Its equivalent, the *aldio*, is a term borrowed by Bishop Arbeo of Freising from Lombard usage.

[7] TF 46a, 58, 75.

[8] TF 81.

[9] TF 607a, 607c, 652, 654. See Hammer, *Slave Society*, p. 13.

[10] Hammer provides the following examples: "In 815, a freeman occurs on a colon-holding, rendering only rent (*censum*) in kind for it (TF 143). But, in 806, the holders of two colon-holdings together with their families were explicitlv included in a grant to Freising and said to perform servile labor (*servitium*) for their tenancies (TF 226). One of these tenants was subject to redemption by a purchase price, and several other unambiguous references to servile tenants of colon- holdings occur at about the same time (TF 243; TP 39, 61a)." Hammer, *Slave Society*, p. 13. TP = *Die Traditionen des Hochstifts Passau,* ed. Max Heuwieser, *Quellen und Erörterungen zur bayerischen Geschichte* n.f. 6. (Munich, 1930).

[11] There has been much discussion of the nature of the *mansus*. See Georges Duby, *Rural Economy and Country Life in the Medieval West*, trans. C. Postan (Columbia, SC, 1962), pp. 28-33; David Herlihy, 'The Carolingian Mansus," *Economic History Review* 33 (1960-2), pp 79-89; Walter Goffart, "Frankish military duty and the fate of Roman taxation," *Early Medieval Europe*, 16.2 (2008), pp. 166–190, Marc Bloch, "The Rise of Dependent Cultivation and Seignorial Institutions," *Cambridge Economic History of Europe* I, ed. M.M. Postan (Cambridge, 1966), pp. 241–2 and Bloch, *Les caractères originaux de l'histoire rurale*

described, since agricultural yields varied according to the soil quality, water supply, and rockiness of a given area. Again, it was roughly equivalent to the amount of land needed to support one dependent family.[12] The term *mansus* appears for the first time in the Paris region, during the seventh century, and its use spread from there.[13] The bipartite manorial system, which utilized the *mansus* as a unit of measure, was taken from the Frankish core territories and used as a model for the whole empire.[14]

The model of the Carolingian manorial system presumes that part of the total agricultural land of an estate, the demesne (or *mansus indominicatus*), was exploited using landless dependent labor attached directly to the manorial household, in addition to specified labor services performed by the dependent tenants. The other part of the estate's land was allocated in individual plots (*mansi*) to dependent tenants, who provided payment in produce or in money, as well as the aforementioned service.[15] These tributary *mansi* could be further subdivided into free

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française, vol I, ed. R. Dauvergne (Paris, 1960–1), pp. 155– 65; Chris Wickham, *Framing the Early Middle Ages*, pp. 280–1; Jean-Pierre Devroey, "The Large Estate in the Frankish Kingdoms: A Tentative Dynamic Definition," reprinted in Devroey, *Études sur le grand domaine carolingien* (Aldershot, GB, 1993); Adriaan Verhulst, *The Carolingian Economy* (Cambridge: 2002), and Christoph Sonnlechner, "The Establishment of New Units of Production in Carolingian Times: Making Early Medieval Sources Relevant for Environmental History" *Viator* 35 (2004), pp. 44-5.

[12] Hans-Werner Goetz defines the *mansus* as the administrative and economic unit of the duties owed to the lord and the social unit and the living space of one or more peasant families. Hans-Werner Goetz, "Social and military institutions," *The New Cambridge Medieval History* c.700-c.900, Vol. 2, (Cambridge, 1995), p. 475.

[13] Adriaan Verhulst, *The Carolingian Economy*, p. 44. Walter Goffart sees it as primarily a fiscal unit, since the mansus was flexible and the acreage of land it encompassed varied depending on the type of agriculture produced on it. Walter Goffart, "Frankish military duty and the fate of Roman taxation," pp. 168-171.

[14] On the organization of the Frankish heartlands, see: Adriaan Verhulst, ed., *Die Grundherrschaft im frühen Mittelalter* (Ghent, 1985); Yoshiki Morimoto, "État et perspectives des recherches sur les polyptyques carolingiens" *Annales de l'Est* (1988): 99-149; Werner Rösener, ed., *Strukturen der Grundherrschaft im frühen Mittelalter* (Göttingen,1989); Jean-Pierre Devroey, *Études sur le grand domaine carolingien*; Hans-Werner Goetz, "Serfdom and the beginnings of a 'seigneurial system' in the Carolingian period: a survey of the evidence," *Early Medieval Europe* 2.1(1993), 29-51; and Yoshiki Morimoto, "Autour du grand domaine carolingien: aperçu critique des recherches récentes sur l'histoire rural du haut Moyen Âge," *Landwirtschaft und Stadtwirtschaft im Mittelalter*, ed. Adriaan Verhulst and Yoshiki Morimoto (Ghent, 1994).

[15] Hammer, *Slave Society*, p. 18.

and servile types (*mansi ingenuiles* and *serviles*). Generally, a servile peasant manse was poorer than a free one.[16]

As for the origins of this system, it is impossible to trace a straight line from Roman late antiquity to the early middle ages. While the colonate appears continuous with late antique practices, the bipartite system was apparently a creation of Merovingian royal estates in the northern parts of France, which did not become the primary system of Frankish agricultural organization until the Carolingian period.[17]

Scholars such as AdriaanVerhulst and Yoshiki Morimoto have identitifed the Carolingian affinity for the *mansi* as a rough unit of accounting.[18] By the eighth century, it had come to be used as a unit of assessment for payment of rents and services; the Frankish kings found it useful for related fiscal matters, such as the levying of taxes and the recruitment of soldiers. Its use in this manner is visible in capitularies beginning around 780, such as the *Capitulare de villis*, and documents such as the *Brevium Exempla*, which served as a model for the standardization of ecclesiastical property inventories. Polyptychs such as St. Germain de Prés and St. Bertin show similar patterns of organization, or at least, attempts to homogenize and organize land practices for ease of administration.[19]

What actually happened on the ground may have been a different matter; however, the evidence does show similar property lists in use around the same time in Bavaria, suggesting an effort on the part of the Carolingian rulers, and the church, to find a standard unit of land description.

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[16] Walter Goffart, "Frankish military duty and the fate of Roman taxation," pp. 167-8.

[17] Goetz, "Social and military institutions," pp. 474 – 5.

[18] See references in footnote 14.

[19] Christoph Sonnlechner, "The Establishment of New Units of Production," pp. 44-5.

In Bavaria, the Salzburg *Notitia Arnonis* and *Breves Notitiae* used the term *mansi* as a unit of measure for inventorying their property holdings. It should be emphasized here that both documents were produced in direct response to the new political system of the Carolingians.[20] The *Notitia Arnonis* was completed after the deposition of Tassilo, around 788-790. Since the see of Salzburg now had to defend the property which had been gained under the dukes, the *Notitia Arnonis* focused primarily on ducal donations, described in terms of the Carolingian system, as *mansi*.[21] In contrast, the *Breves Notitiae* was compiled later (798-800), when the position of Salzburg was more secure: the donations recorded here reflect the original wording of donors, and suggest different types of land organization from the Carolingian system.[22] Christoph Sonnlechner argues that both the *Notitia Arnonis* and the polyptych of Saint-Victor in Provence belong to a new category of documents that reflect Carolingian intentions to homogenize land-use in peripheral duchies for the purpose of administrating it consistently.

The Bavarian monasteries and bishoprics of Niederaltaich, Passau, and Freising also produced lists of their properties around 788, again organized by *mansus*. However, each of these represents a single instance of use. Other than these three property lists, the term *mansus* was very rarely used in Bavarian documents. In the Freising *Traditionen* up to 835, the term *mansus* appeared infrequently. It was used only five times in the first 107 charters, which cover the period of 730-783; during the period of Atto's episcopate (783-811), it is a main unit of donation only ten times in 191 documents, and during Hitto's episcopate (811-835), it appears seven times in 308 charters.[23] Therefore, it did not become a standard unit in this region of

[20] Sonnlechner, p. 27.

[21] Fritz Lošek, "Notitia Arnonis und Breves Notitiae," pp. 36-39.

[22] Sonnlechner, pp. 30-1.

[23] This count is derived from the edition by Bitterauf, in which the charters are re-organized chronologically.

Bavaria, even after the Carolingian takeover. It appears the term *mansus* was used when there was a need to communicate with Carolingian authorities about land holdings, but otherwise not adopted in the local context. Its dearth in the ecclesiastical cartularies suggests that the primary purpose of the charters was to record an act of donation, recognized within a tightly knit community, rather than for legal or agricultural administration. As Wilhelm Störmer notes, in the early years of the Freising donations, family successors of the original donor still held and administered the land for several generations, so the Freising church did not have an immediate need to administer its increasing holdings on the same scale as the Frankish kings.[24]

Of the Freising documents which use the term, TF 4 most resembles the property lists prepared in other Bavarian ecclesiastical institutions around the time of the Carolingian takeover. In it, the donations of Duke Odilo and others to the monastery of St. Zeno on the Isen river are recorded in terms of *mansi* and *coloniae*. This list is difficult to place in terms of its context, however. The document states the donations were made during Bishop Joseph's tenure. Bitterauf's dating of 748-760 was based on its placement in Cozroh's cartulary and the inclusion of a donation of the priest Altumar, who is known from another charter datable to 760.

However, the donations of Odilo and his *fideles* could have been recorded long after Joseph's tenure; the *Breves Notitiae*, after all, recorded donations from duke Theodo's time (d. 716). The original *notitia* of donations made during Joseph's tenure could have been written a generation or so later, when necessitated by fading memories and the threat of a political shakeup. That notice would then have been copied by Cozroh into his cartulary in the ninth century, so that the date of the actual *notitia* would be unknown. It should be remembered that Cozroh did not copy items in his cartulary in chronological order, so it is difficult to assess at

[24] Wilhelm Störmer, "Frühmittelalterliche Grundherrschaft Bayerischer Kirchen," *Mittelalterliche Klöster und Stifte in Bayern und Franken* (St. Ottilien, 2008), p. 436.

what point in time this list of donations was deemed necessary and written down in terms of *mansi*. Its production at the same time as the other Bavarian property lists, after the deposition of Tassilo, is a possibility.

The distinction made in the donations of this charter, between *mansus* and *coloniam*, indicate that here the *mansus* meant a larger estate, since the *coloniam* was the smaller holding of a *colonus*.[25] It appears to indicate a *mansus indominicatus* plus tenant holdings. A few years after the death of Odilo, Chuniperht made a donation to the same church of St. Zeno on the Isen.[26] He donated *mansos X cum familiis*, whom he then goes on to name. The ten *mansi* appear to support thirteen couples and a few children, suggesting that in this case, the *mansus* was simply the land sufficient to support a family. The term was operational at two different scales.

In various sources, the term *mansus* might refer to a single dwelling, or to a homestead (which was the dwelling along with its annexes and yard), or it could mean the homestead as well as the arable land tied up with it.[27] It was used both to refer to an independent estate, comprised of a manor house, arable land, and easements, and to a small manorial holding (a piece of land which servants on a manor might have for cultivation). Elsewhere in the Bavarian sources, there was more variety in the terms used to indicate an equivalent piece of land. A plot of land held as a tenancy by one dependent family (free or unfree) might be described by the terms *colonia*, *mansus*, *casati*, or *hoba*.[28] The larger estate might be termed *mansus*, *curtem*, or

[25] Fittingly, Duke Odilo gave fifteen *mansos vestitos* and Bishop Joseph provided six, while other lords gave only a few or a single *mansus*, and the last two donors single *coloniae*, reinforcing the sense that these were smaller units.

[26] TF6. Today Isen is both a place near Wasserburg and a river, an offshoot of the Inn.

[27] See entry for *mansus* in *Mediae Latinitatis lexicon minus*, ed. J.F. Niermeyer and C. van de Kieft, revised J.W.J. Burgers (Leiden/Boston: 2002).

[28] A *mansus* was synonymous with *colonia* and *hoba*, as a farmstead worked by a number of dependent *mancipia*. See Niermeyer (cited above) and also Goffart, "Frankish military duty and the fate of Roman taxation," p. 166.

terra propria.[29] The more frequent term for a villa in the Freising cartulary is *curtem*, which would have numerous *mansi* attached to its main residence, the *domus*: *ipsum curtem…sunt mansos vestitos VIIII et inter mansos sunt LII mancipias cum omnibus aedifiis cum terrio (*at this estate are nine occupied *mansos* and among these are fifty-two slaves along with all the buildings and land).[30]

As early as the seventh century, *mansus* was used as a rough unit of measurement, and by the twelfth century it appears sometimes as a square measure. The term shifts in meaning, so that it can be difficult in a single instance and single region to ascertain precisely what it meant in that situation. Even in Frankish records, a *coloniae* was not always equivalent to a manse, as the St. Remi polyptych includes a section of *coloniae* which are divided into tributary *mansi*.[31] Modern attempts to fossilize the dynamic, changing nature of language and of social practice only gives a false picture; to be accurate, we must become comfortable with ambiguity and change, and accept that these terms cannot be rigidly applied.

As noted previously, the term *mansi* does not appear to be used very much during the Agilolfng period in Bavaria. This does not, however, provide any information about how larger estates were organized in this region. Although the large estate does appear to be the predominant form of agricultural organization in the eighth century, there is evidence as well of small, allodial proprietors. Since our sources primarily document donations from larger land-owners and the holdings of the Church, it is not possible to derive an accurate sense of what percentage of land belonged to the large estate-owners and what percentage to smaller

[29] Goffart, "Frankish military duty and the fate of Roman taxation," pp. 173-4.

[30] TF 213a.

[31] *Le polyptyque et les listes de cens de l'abbaye de Saint-Remi de Reims* (IXe-XIe siècle), ed. Jean-Pierre Devroey, Travaux de l'Académie Nationale de Reims, 163 (Reims: 1984), pp. 99-106.

independent farmers. [32] Carl Hammer notes that Tacitus described slavery in first-century Germanic society as based on the allocation of separate farmsteads to slaves in return for dues in kind, similar to the role of Roman *coloni*, or tenant farmers. He suggests that this remained the dominant structure of Bavarian estate management.[33] The evidence Hammer cites are the donations of land to the church from the dukes and aristocracy, particulary the *Notitia Arnonis* and the *Breves Notitiae* from the Salzburg cathedral, the *Breviarius Urolfi* from the monastery of Niederaltaich, and a charter from the bishopric of Passau.[34] These sources record large clusters of individual dependent holdings, bearing a variety of designations.[35] In addition, the more detailed of the individual property donations describe tenant holdings with intermixed status designations.[36]

While there is some evidence in Bavarian sources of the direct exploitation of the demense,[37] as on the bipartite manor, it appears to occur on a more modest scale and less frequently during the eighth century.[38] Hammer notes that there is no good evidence for the bipartite manor structure before the Frankish annexation carried out between 788 and 794. Although section I.13 of the Bavarian Law Code (concerning *coloni* and *servi* of the church) appears to describe bipartite estate organization, he argues that this paragraph is recognized as a

[32] Hammer, *Slave Society*, p. 17.

[33] Hammer, *Slave Society*, pp. 18-19.

[34] TP 3.

[35] Wilhelm Störmer, "Frühmittelalterliche Grundherrschaft bayerischer Kirchen (8.-10. Jahrhundert)," *Strukturen der Grundherrschaft im frühen Mittelalter*, ed. Werner Rösener (Göttingen, 1989), pp. 370-410, here at pp. 378-80.

[36] For example, TF 6, 58; TM 39; TP 9; TR 1. TR = *Die Traditionen des Hochstifts Regensburg und des Klosters S. Emmeram*, ed. Josef Widemann, *Quellen und Erörterungen zur bayerischen Geschichte* n.f. 8. (Munich, 1943).

[37] *Breves Notitiae, c.* 9.5, p. 100; TP 3.

[38] An example of this transition is provided by TR 17, a settlement at Lauterbach with two separate estates. One estate was a lay property, and appears to have been re-organized into a bipartite manor, while the other belonged to the monastery of St. Emmeram. This second seems to have been more loosely structured, with *bervendarii* (cottagers) receiving food ration in exchange for services.

borrowing from a Frankish capitulary. The two documents which provide the best evidence of bipartite manorial organization in Bavaria, this chapter of the Law Code and the survey of the episcopal estate at Staffelsee included in the *Brevium Exempla*, both originate from Frankish royal administrative practice. [39]

The important element in bringing about the increase in the bipartite manorial structure after the Carolingian takeover must have been the Church. Lay estates, subject to partible inheritance, were dispersed and re-assembled in every generation, whereas church estates were assembled gradually and did not have to confront problems of inheritance, due to prohibitions against the alienation of church properties. There was also a tendency for uniformity of administrative procedure under church oversight, which smoothed out the diverse variation resulting from the sources of its properties.[40]

Civitas, urbs, castrum

The next level of organization, above that of the individual holding, are centers of assembly: places in which groups of people lived and worked in close community. Amongst these could be counted towns, forts, villages, ducal palaces, monasteries, and the episcopal household.[41] The Latin terms for describing such larger communities were applied depending on the perspective of the author, rather than any defined list of characteristics. Terms such as *civitas*, *urbs*, *castrum*, *oppidum*, *vicus*, *villa*, *locus*, and *ortus* were applied to communities of various sizes, but the translation of such terms into "city", "town," or "place" provides little real information about what a person travelling Bavaria in the eighth century would have actually

[39] Hammer, *Slave Society*, pp. 19-20. *Brevium Exemplum*, ed. Alfred Boretius, *MGH Capit. I* (Hanover, 1883), pp. 250-256.

[40] Hammer, *Slave Society*, pp. 17-19.

[41] These last three were essentially large manors, with the addition in the case of ecclesiastical establishments of the church and its supporting personnel.

encountered. A *civitas* north of the Alps meant something very different than a classical *civitas* of the Mediterranean.

The sources for these terms for this period in Bavaria are primarily the donation charters recorded by episcopal churches, and most of these donations were properties from large villages. Therefore, the most common designation in the sources for a place was *locus*, as in the formula: *tradidi…omnia quae nobis contigerunt…id est ad Pubenhusen et ad Pierbrunnen seu in aliis locis, ubi aliquid habere videmur* [I bequeathed…everything which was granted to us…that [property which] is at Pubenhusen and at Pierbrunnen or in the other places, where we are seen to possess something "[42] or *quae habui in loco nuncupante Chumiztorf* […which I held in the place called Chumiztorf]. [43] A *locus* could simply mean any place or location, but in the charters it generally indicates a manor, or a small village, most likely attached to a manor, such as the *dorf* (village) of Chumiz-torf. To further confuse the matter, a place-name *N* could represent an unnamed farm near a larger village *N*, or it might equally represent a ducal donation with a whole complex of *curtes*. The terms *locus publicus* and *locus sanctus* were used, respectively, to indicate a ducal or royal residence or an ecclesiastical insititution.[44]

At the next level of scale above the village were population centers that could be placed under the loose category of "towns." In the sources, these include the terms *oppidum*, *castrum*, *civitas*, or even *urbs*. In classical Latin, *oppidum* had been used to refer to any town outside of Rome, while a *castrum* was a fortified town. One qualification for the use of the terms *civitas* or

[42] TS 3.

[43] TS 5.

[44] Gertrud Diepolder, "Die Orts- und "in pago"-Nennungen im bayerischen Stammesherzogtum zur Zeit der Agilolfinger," *Zeitschrift für bayerische Landesgeschichte* 20 (1957), pp. 364-436. For the full range of definitions for *locus*, see Niermeyer, *Mediae Latinitatis lexicon minus*.

urbs in early medieval Europe was the possession of walls; a *civitas* indicated the possession of an episcopal seat, as well.[45]

Three of the four ducal and episcopal centers -- Regensburg, Salzburg, and Passau -- were based on antique Roman towns. The bishopric of Säben (near present-day Brixen/Bressanone, Italy) also had a late antique tradition. Though apparently much of the Roman construction had fallen, these places were still maintained in memory and identity as former cities. Freising, in contrast, was based on an early Agilolfing ducal palace. All lay on important transportation routes, upon navigable rivers at the intersection of important roads. In addition, Salzburg, Passau, and the relatively new ducal center of Freising were all built on defensive hills. While Regensburg did not have a hill-fort, it retained the strong fortifications of the Roman legion camp of Castra Regina, which had originally stood on the site.[46]

The terminological situation is not dissimilar to that of post-Roman Britain, in which a variety of terms such as *civitas*, *urbs*, *oppidum*, and *vicus* had "urban connotations," but were adopted without the benefit of "centralized power and developed economies." [47] In this context, terms such as *oppidum* and *urbs* were used equally for castles, markets, and fortified settlements of all types. The term *civitas* could designate an episcopal seat without urban character, as well as a later settlement on the site of an old Roman town.[48] In Bavaria, ducal residences and

[45] Regensburg had city walls, and these were remarked on, signifying that this meant something to people and was remarked on. Passau and Salzburg seem to have had some remnants of stone Roman walls, as well. However, walls alone did not make a city. Many early Roman cities did not have them, and many fortified places were not cities.

[46] Heinz Dopsch, "Zur topographischen, rechtlichen und gesellschaftlichen Struktur bayerischer Bischofsstädte. Regensburg, Salzburg, Passau und Freising im Vergleich," *Vom Ursprung der Städte: Jubiläumsschrift zur 1200*, ed. Christian Rohr (Linz: 1999), pp. 61-102, here at p. 63.

[47] John Wacher, describing the diversity of terminology used to describe sites in Britain, states that terms like *ciuitas, colonia, municipium, oppidum, urbs*, and *vicus* all had 'urban connotations." John Blair points out that the Latin words like *ciuitas, episcopus, metropolis* and *diocese* were adopted in Britain from the Romans without the benefit of the "centralized power and developed economies" which they described. Wacher, *The Towns of Roman Britain* (London, 1976), pp. 13-14; Blair, *The Church in Anglo-Sazon Society* (Oxford, 2004), p. 51.

[48] Dopsch, "Struktur bayerischer Bischofsstädte," p. 61.

monasteries served as important central places, yet both of these were often located far from the four main proto-towns. Ducal presence, episcopal presence, or a Roman past seem to have been the significant factors in applying an urban appellation. Places such as Regensburg, Salzburg, Passau and Freising served as centers for establishing political and religious authority. It seems that the *idea* of a city mattered, even if the level of urbanity was relative only to the underdevelopment of the rest of the region. In the eighth century *Life of St Emmeram*, Bishop Arbeo of Freising calls Regensburg, the former Roman legion camp, an *urbs*, and links its stone fortifications to its status as *metropolis* (capital) of this people.[49] Likewise, the *Notitia Arnonis* describes how Saint Rupert moved to Salzburg from Seekirchen am Wallersee because it was "not suitable as the seat for a bishop." Salzburg, as a former Roman city, was deemed suitable.

A closer look at the four places that became both ducal and episcopal centers in the eighth century gives a better sense of their early medieval designations.

Salzburg: According to the description in the *Notitia Arnonis* (788/90) of the arrival of Saint Rupert at the end of the seventh century, the former site of Claudium Iuvavum was mainly in ruins at this time. During the fifth and sixth centuries, what remained of the Roman population had drawn back to the hillfort and terrace to wait out the regional unrest.[50] At the time of Rupert's arrival, the fort on the hill was already under repair. Duke Theodbert, the oldest son and co-regent of duke Theodo, resided in the "upper castle" (*castrum superius*). Together, Rupert and Theodbert oversaw a period of renewal and expansion. Rupert received great concessions, such as part of the Reichenahll salt works and the transfer of the old Roman city of Iuvavum to the

[49] He wrote: "He arrived at the city of Regensburg, which, built of hewn stones, became the strong capital of this people." *Ad Radasponam pervenit urbem, qui ex sectis lapidibus constructa, in metropolim huius gentis in arce decreverat. Vita Haimhrammi, MGH SS rer Germ* 13, c. 4, p. 32.

[50] The Bavarians settled within the perimeters of the intact legionary camp, which was approximately 540 m x 450 m. Here there was a sense of continuity of urban life, at least in the buildings. Dopsch, "Struktur bayerischer Bischofsstädte," p. 67.

bishop. The *Notitia Arnonis* states that Theodo gave the *castrum superius* to Rupert, but it is not clear if this claim was true or if, in fact, it remained an Agilolfing property. Theodbert and Rupert founded the convent of Nonnberg for women of high nobility, which included those of the Agilfolfing house. The Germanic name for the town, Salzburg, was first mentioned in the *vita* of St. Boniface circa 770. In 788, a palace (*curtis publica*) was mentioned, which was most likely located in the valley settlement on the Salzach.[51]

Regensburg: The exceptional position of Regensburg was noted in contemporary sources. It was Bishop Arbeo of Freising who called it *metropolis* (capital), noting that "the city called Regensburg was built impregnable of stone blocks, abundantly ornamented with high towers and bridges….."[52] There was a sense of continuity of with the Roman past, in the presence of these constructions. The Bavarians had settled within the perimeters of the intact legionary camp, a settlement area which was only expanded under Arnulf of Carinthia. With the establishment of an episcopal seat in 739, a cathedral district was established just next to the ducal palace. However, the episcopal district was smaller than in other episcopal cities, and, in contrast to Salzburg, Regensburg remained firmly in possession of the duke. Early sources generally refer to Regensburg as a palace (*civitas publica*), a designation also seen at Chur, the independent church-state in which a local family, the Victoriden, held the office of bishop as well as the office of the *praeses*.[53] In the Carolingian period, Regensburg maintained its status as

[51] This is also where Virgil's cathedral was located, a structure of *mire magnitudinis* (wondrous magnitude) which was constructed between 767 and 774.

[52] On the stone construction of Regensburg: A version: *Urbs, ut praediximus, Radaspona inexpugnabilis, quadris aedificata lapidibus, turrium exaltata magnitudine, puteis habundans.* B version: *Erat enim urbs ipsa Radaspona, cuius iam fecimus mentione, in expugnatione difficilis, lapidibus quadris edificata et turrium magnitudine sublimis ac puteis abundans. Vita Haimhrammi*, c. 6, pp. 35-6.

[53] Reinhold Kaiser, *Churrätien im frühen Mittelalter: Ende 5. bis Mitte 10. Jahrhundert* (Basel, 1998).

the capital of the East Frankish kingdom and was designated as a royal city: *civitas regia*, or *urbs regia*.[54]

Passau: Passau, too, had a Roman past. The Inn river had once been a rough dividing line between the provinces of Raetia and Noricum. There had been a fort, Boiotro, on the south shore from the first century, and a civic settlement [*vicus*] is attested by excavations and by the *Life of St. Severin*.[55] The *vita* mentions a basilica with a small monastery in Boiotro, and a monastic cell and baptistery in Batavis (Passau), which was located on the peninsula between the Danube and Inn rivers. The fort at Batavis was termed a *castellum*. Although there is no source evidence proving a continuity of settlement, nor of ducal presence, Passau was the oldest Bavarian bishopric. Bishop Vivilo (723? – 745) was already in Passau when Boniface came in 739, and a letter from Pope Gregory III stated that he had dedicated Vivilo himself.[56] With the foundation of an episcopal seat by Boniface, the bishop probably received the area west of the cathedral as his district, since on the east of the peninsula the Agilolfings founded a convent, Niedernburg, around 750. A source dated 815/21 mentions a city wall (*murus civitatis*), which modern excavations show rested on antique foundations.[57]

Freising: The fourth town to be made an episcopal seat in Bavaria was Freising. This was the only one which had no Roman past, but it developed quickly under the Agilolfings. Its development seems due mainly due to a crossing over the Isar river on the road from Salzburg to

[54] Dopsch, "Struktur bayerischer Bischofsstädte," p. 64.

[55] The first century fort Boiodurum, located on the south shore, was displaced in the late antique period by the fort Boiotro, further upstream. In addition to the military fortifications there was a civic settlement (*vicus*).

[56] *The Letters of Saint Boniface* XXXV [45] p. 51.

[57] The remains of Boiotro were excavated in 1974. Dopsch, "Struktur bayerischer Bischofsstädte," p. 73.

Augsburg.[58] It also became a center for the powerful families of the Huosi and Fagana, two of the *genealogia* who are mentioned in the Bavarian Law Code, and who held important properties along the Isar region and the mountain passes to the south. After the death of Duke Theodo, his son Grimoald encamped to Freising, and it was here that Saint Corbinian came to the court of Grimoald. In 744 Freising was called a *castrum* and a fortified cathedral district was built on the hill, probably near the ducal residence.[59] In ca. 760, in the *Vita S. Corbiniani,* Arbeo mentions the walls (*moenia*) of the cathedral district and a door to the episcopal see (*porta civitatis*).[60] While Salzburg and Passau, as former Roman towns, were known as *civitas* early, this designation came late for Friesing: donation charters from the Freising *Traditionen* refer to it in 747 as *castrum*, in 748 as *locus publicus*, in 757 as *urbs*, in 760 as *oppidum*, in 777 as *villa publica*, and in 819, for the first time as *civitas*.[61] In addition to these four significant centers, Wels on the Traun River, the stronghold of Tassilo's associate Count Machelm, was referred to as a *castrum*.

Thus, it is necessary to question the significance of urban appellations, and what it meant to call a place *civitas*. It is not enough to list the terms that were used in eighth-century sources and assume we then know what those terms meant to contemporaries.[62] The framework in which we think of the functions of early medieval urban areas is predicated upon our modern

[58] Of the four main towns, Regensburg had the best opportunities for expansion. It was situated on an important crossroads for trade, and not penned in by hills. Indeed, it eventually became one of most important medieval cities. Freising, on the other hand, did not have a good geographical position for expansion, nor did it have a good port.

[59] Gertrud Diepolder, "Freising - aus der Frühzeit von Bischofsstadt und Bischofsherrschaft," *Hochstift Freising*, ed. Hubert Glaser (Munich, 1990), pp. 417-468.

[60] TF 15 (a. 760) mentions Bishop Joseph receiving a donation *ad domum publicum beate genetricis dei infra oppido Frigisingas moeniis constructam*: "At the church of the blessed Mother of God built within the walls of the town of Freising."

[61] Dopsch, "Struktur bayerischer Bischofsstädte," p. 75.

[62] Chris Wickham rightly notes that even in using the terms "city" or "town" one is open to involving "a set of cultural assumptions that need to be made explicit in order to be controlled." Chris Wickham, *Framing the Early Middle Ages: Europe and the Mediterranean* 400-800 (Oxford, 2005), p. 593.

experiences and on the better-documented classical source tradition. We want to know what cities *meant* to the contemporary chroniclers, but we must consider how they functioned, independent of contemporary descriptions. In the case of Bavaria, it seems the idea of a city mattered, and yet the province functioned more or less without any true urban centers.

For none of these places could be called truly urban. Archeological evidence shows that population in this region was quite low. Bavarian settlements from the sixth through eighth centuries varied from villages of 20-50 people (about one or two families and their dependents) to around 300 people (about twenty-four households). Regensburg and Salzburg were the largest surviving towns of Roman inheritance, and they probably contained no more than a few hundred inhabitants within their walls.[63] In terms of urban function, these places were hardly economic production centers, although some river and alpine trade would have passed through. The economy was primarily agricultural, and what manufacturing existed took place in rural or manorial contexts.[64] In *Framing the Middle Ages*, Chris Wickham chooses to limit his use of the word "city" to urban centers, defined economically, that would have been called *civitates* in contemporary sources.[65] However, it could be argued that this was not always the most significant function of cities and towns. Ross Samson states that economic analytical frameworks should be questioned, since many of the central place functions which we use in our definitions of towns are drawn from modern capitalist market economies. This modern analytic framework can obscure the medieval significance of urban centers.[66] In fact, commerce and manufacture do

[63] Pearson, p. 15

[64] This included the production of barley and salt; foraging, hunting, charcoal production and timber management in forests; weaving; blacksmithing; the raising of livestock and horses; and possibly silver mining. See Verhulst, *Carolingian Economy*, p. 72.

[65] Wickham, *Framing the Early Middle Ages*, p. 594.

[66] Ross Samson, "Populous Dark-Age Towns: The Finleyesque Approach," *Journal of European Archaeology* 2:1 (1994), p. 109.

not always seem to have been the most important factor in the prosperity of towns and cities in the late antique and early medieval worlds.[67] Rome itself, the *civitas par excellence*, functioned largely on taxes and tributes drawn from other parts of the empire.[68] Its significance was less as a center of industrial enterprise, than as a political and religious center. This is not to underestimate the economic role of Roman cities, but particularly in western and central Europe, where economic production was more limited, and the economy was primarily rural, other aspects had perhaps more significance.

On the material side, the Bavarian urban centers lacked the built environment of of the classic city: amenities and monuments such as arches, theaters, baths, paved streets, and acqueducts. By the eighth century, most Roman material remains in the region would have been destroyed; the urban association with Rome more likely had a cultural and religious significance, a legitimacy conferred by institutions and architecture viewed as sophisticated and advanced, in a word, urbane. Urban centers in medieval Europe, as small as they may have been, functioned as a connection to the Graeco-Roman inheritance of civilization which was based on urban life.[69] In the case of Bavaria, this connection was decidedly not continuous, as the earliest Bavarians had settled from outside the area of Roman hegemony, and the term *romani* still bore a taint with legal and social implications. Yet they were aware of Frankish, Lombard, and Roman models in

[67] Hugh Kennedy, "From Polis to Madina: Urban Change in Late Antique and Early Islamic Syria," *Past and Present* 106 (1985), p. 23. On page 24 he gives a further example: "In the fourth century Libanius explained how the villagers in the hinterland of Antioch exchanged goods at local fairs rather than coming to the great city to do business. This impression of rural self-sufficiency is confirmed by the life of St. Simeon Stylites the Younger whose monastery, although only a few miles from Antioch, seems to have been economically self-contained rather than relying on the city and its services." If this was true of a large urban center such as Antioch, it is easy to imagine for the lower population regions of Europe.

[68] Samson calls Rome a "parasite-city, living on gifts, rents, taxes, [and] tribute." p. 125.

[69] "The Romans had inherited from the Greek world a tradition of "politics" and "civilization" which was profoundly tied up with the urban life of the polis and the civitas , and even in out-of-the-way provinces like Britain the local landed aristocracy were encouraged to participate fully, through membership of the *curia*, in the life of their local *civitas*." Bryan Ward-Perkins, "The Cities" *The Late Empire, A.D. 337–425*, The Cambridge Ancient History, 13 (Cambridge, 1998), p. 376.

which urban centers figured. Bavarian nobles, many with Frankish or Lombard origins or connections, went to Rome, to Francia, and to the Lombard court. The fledgling Bavarian church from the time of Theodo worked to missionize and assist in the creation of Slavic sub-regents to the east, in the former province of Pannonia. The Roman past of the province and an associated continuity with the Christian past mattered.

A.M.H. Jones, describing the classical city, asserts, "[t]he city was a social phenomenon…;" landowners went there to take part in social and political activities.[70] For my purposes, this function of the city as a social phenomenon, as a central place with meaning for the elites who carried out the local administration, is the salient factor for comparison. Urban centers such as Rome primarily drew their power from their role as political and social centers for ruling elites. In the classical city, neighbouring landowners lived in it to take part in social and political activities. In Bavaria, however, elites appear to have lived in their own homesteads, overseeing their own regions, and attended gatherings at a ducal palace or episcopal seat, or monastery, or wherever the army mustered. The Bavarian "urban" centers contained ducal palaces, but they were not the only ducal centers, and the establishment of episcopal cathedral churches came late to Bavaria.[71] To the extent that these four centers were favored by the dukes, and were also important transportation centers, they served as points for assembly and consensus. There was some symbolic capital, as they possessed ducal forts, the episcopal

[70] A. H. M. Jones, "Cities of the Roman empire: Political, Administrative and Judicial Institutions,"*Recueils du Société Jean Bodin* 6 (1954), p. 170. Commerce and manufacture do not seem to have been the most important factor in the prosperity of towns. Hugh Kennedy points out, "The classical city seems to have depended for its existence on the fact that neighbouring landowners lived in it to take part in social and political activities," Kennedy, "From Polis to Madina," p. 23.

[71] From contemporary sources, the names of the ducal palaces that are known include: Lauterhofen, Premburg, Ingolstadt, Aufhausen, Aiterhofen, Dingolfing, Langenpreising, Ding, Neuching, Oberfoehring, Aschheim, Velden, Altoetting, Ranshofen, Mattighofen, Attersee, Alkofen, Wels *Castrum*, Reichenhall. Those known from later sources include: Pfoerring, Straubing, Osterhofen, Vilshofen, Reisbach, Helfendorf, Aibling, Ostermiething, Linz, Lorch, Epfach, Bozen, and Karnburg. Diepolder, "Die Orts- und 'in pago' –Nennungen," pp. 381-2.

churches, and a Roman past, but in another sense they were simply towns larger than the manors and monasteries and rural ducal palaces. In the highly dispersed environment of Bavaria, with its scattered population, the function of the city as a social, religious, and political center was replicated by a network of multiple, smaller-scale centers, which served to support the maintenance of social and political ties amongst a land-owning elite who carried out judicial and administrative functions at a local level. The German term *Stützpunkt*, as a structural or supporting point, is often used for these non-central centers, and it is an apt way to think of them, as significant nodes on a net across the region. I will return to this topic, but; first it is necessary to look at the larger-scale concepts of regional organization before considering how this organization functioned to create a landscape without cities.

Pagus/Gau

The concept of a medieval entity, not of Bavaria, but of the Bavarians, supports the idea that it existed conceptually as discrete points or as landmarks, as Kai Brodersen argues.[72] At first look, that seems complicated by the suggestion in sources of something more like a continuous territory: the *pagus*, vernacular *Gau*, often translated by the English equivalent "county."[73]

In the later Western Roman empire, following the reorganization of Diocletian, a pagus was the smallest administrative district of a province, although the word had long been in use and its significance varied over time.[74] In classical Latin, the term *pagus* referred to a rural district or to a community within a larger polity. Both the *pagus* and the *vicus* (a small nucleated settlement or village) were characteristic of pre-urban organization of the countryside. In Roman

[72] Kai Brodersen, *Terra cognita : Studien zur römischen Raumerfassung*, Spudasmata 59 (Hildesheim and New York, 1995).

[73] Plural *Gaue*.

[74] See entry for *pagus*, *A Dictionary of Greek and Roman Antiquities*, vol. 2 (London, 1898), pp. 309–311.

sources of the Republican era, *pagus* was used to refer to assemblies or divisions of peoples in the central Appennines and likely reflected local social structures.[75] The *pagi* might be administered from a city, but it could equally be administered from the villa of one of the great agricultural estates (*latifundia*), or even from a *vicus* that might be no more than a cluster of houses and a market.

The term *pagus,* when used in the Freising, Mondsee, and Passau charters, appears equivalent to the vernacular *Gau* . Unlike the Roman model, in which a *pagus* was named after its main city, the Bavarian *Gaue* often drew their names from the river or lakes they encompassed, probably reflecting Bavarian settlement which occurred first in these regions.[76] One of the first mentions of the term *Gau* (but not *pagus*) in the Bavarian sources is a donation of Odilo, which stretched between three *Gaue*: "that 'forest'(fiscal zone) of ours within Salzburg-*gau* and Mattig-*gau* and Atter-*gau*" (*illa foreste nostra intra salcpurhcgauui et intra matagauui et intra atargauui.*)[77]

Although cartularies such as those of Passau and Mondsee were organized according to *Gau,* and the late eighth-century *Notitia Arnonis* and *Breves Notitiae* likewise mention *Gau,* it is only through the charter references that we can be certain that Bavaria pre-788 was organized according to *Gau*. Gertrud Diepolder's work on the use of the designation *in pago N* in eighth-century Bavarian sources notes that of the 600 places named in her documents, approximately one-third use this designation. However, counting only the charters which contain the "*in pago*" designation, there are only two from the Freising cartulary (out of over 100 charters from the

[75] *Oxford Latin Dictionary* (Oxford: 1985), entry on *pagus*, p. 1283. Julius Caesar, for instance, refers to *pagi* within the greater polity of the Celtic Helvetii in his *Commentarii de Bello Gallico* 1.12.4: *nam omnis civitas Helvetia in quattuor pagos divisa est* ("for the Helvetian nation as a whole was divided into four *pagos*"). See also Guy Bradley, *Ancient Umbria: State, culture, and identity in central Italy from the Iron Age to the Augustan era, (Oxford, 2000),* pp. 56-9, 63-5

[76] Wolfram, *Salzburg, Bayern, Österreich,* p. 162.

[77] TM 39.

Agilolfing period). Likewise, the phrase is used twice in 26 Passau charters, and twelve times in the total of 33 Mondsee charters from that period. There are none from the five pre-788 Regensburg documents.[78] Diepolder finds the low number to be significant, for the phrase occurs more often in Alemannic and Frankish documents in the *dispositio* of the charter.

The two usages in the Freising cartulary can both be attributed to Arbeo of Freising, the author of the *Vita Haimhrammi* and *Vita Corbiniani*, whose stylistic use of literary phrases can be observed. In both cases he used it in the charters of high-ranking donor families who had far-reaching connections. The first time was in the foundation document of Scharnitz, in which he used the expression *Uuallensensium ex pago*. Arbeo had previously called the Inn valley *Vallenenses* in the *Vita Corbiniani*, a Latinizing literary conceit. In the donation charter, he describes some of the other donated properties as lying *in pago Rotahgauue* and in the *pago desertus Uualhogoi*, the "*pagus* of the wasteland."[79] In the second Freising document, Arbeo mentions a location *in pago quae dicitur prisingas*, which is again a special case, referencing the nobles of the Preysing group.[80] Therefore, the use of the term in both cases was likely a stylistic consideration that Arbeo thought these cosmopolitan families might appreciate.

However, there are thirteen other instances from the Mondsee and Passau cartularies, which are spread out over the entire period of Tassilo's rule.[81] Diepolder surveyed the connections between the use of the term *in pago* in all thirteen, considering whether the deciding factor was the preference of the donors, or the scribe, or the influence of a formulary. She noted

[78] Niederaltaich, like Salzburg and Benedictbeuren, is a later redaction, so it is not included in this count.

[79] TF 19.

[80] TF 24.

[81] In chronological order, TM 83 (748), 31, and 74 (749), one from Passau, TP 5 (754), then six from Mondsee: TM 70 (759) , 29 [767], 38 [768], 76 [770], 42 [772] , 55 [773]. The latest is TP 17 of 788. Mondsee 25 and 26 may be witin the tenure of Oportunus (749-81), but cannot be dated precisely.

that seven of the charters with this usage (six from Mondsee) were very similar in form, suggesting they were the result of the same formulary.[82] Using the work of Alexandra Kanolt, who compared the Mondsee model with Frankish examples, she concluded that the *in pago* phrase occured in a typical Frankish charter form, which came to be used at Mondsee and Passau, and proposed that the scribe who wrote the charters had brought a copy of the Marculf formulary to Passau. [83] Whether or not this attribution is correct, her wider claim that the phrase *in pago* entered Bavaria from the second half of the eighth century from the Frankish charter-region seems logical, particularly considering the late introduction of ecclesiastical record-keeping in Bavaria, and the large number of clergy and monks who came from outside the region.

The late introduction of the term *pagus* does not mean that this organizational concept did not already exist as part of a similar, local conception of place, as represented by the term *Gau*. As noted previously, the two terms are used as equivalents. For my purposes of investigating land as conceptualized at various scales, the important question is, what did it mean to call something a *Gau*. Researchers have questioned whether a *Gau* was a true territorial designation, whether *Gaue* were a part of a "state" organization, and whether the office of count was connected to a *Gau* in which he exercised his rights. Thus, the determination of what a *Gau* might be has ramifications both for questions of the early medieval state, and of territorial and spatial perceptions of the period.

Firstly, we might ask if the designation of a place with the *in pago N* formula indicates a spatial unity. Diepolder notes that contained within the formula *in pago N* are space-names that

[82] Diepolder,"Die Orts- und "in pago"-Nennungen," p. 379.

[83] Ibid.

represent different conceptions of the space in question: N might represent a settlement landscape, or a jurisdictional region. The *Gaue* attested by the sources from the Agilolfing period are: Vinschgau, Poapintal, Norital, Pustertal, Sundergau, Inter Valles, Pinzgau, Pongau, Chiemgau, Salzburggau (centered on Salzburg), Attergau, Traungau, Mattiggau, Isengau, Augstgau (centered on Augsburg), Künziggau, Rottachgau, and the Donaugau.[84] These are considered the "true" *Gaue,* which already existed in the vernacular as regional names arising from early settlement patterns and community ties, rather than an administrative imposition by Carolingian authorities. These earliest named *Gaue* occur just north of the Alps, from Lake Constance to the Enns, roughly the region of Alemannia and Bavaria.[85]

Origin of the *Gau*

Diepolder found that the *Gaue* of Agilolfing Bavaria lay, for the most part, in ducal fiscal regions. She concluded that the *Gaue* from this period were, in fact, roughly older Roman *pagi,* the areas surrounding significant Roman castles or forts, and the ducal property there was the former Roman fiscal property. She connected the *Gau* in each case with a central *locus publicus,* as, for example, in the case of Mattiggau, whose *locus publicus* was the ducal palace of Mattighofen. A donation to Freising 759 in the physical presence of Duke Tassilo was made *in villa Matahcauui*.[86] She further noted that the monastic foundations of Odilo and Tassilo were in the places mentioned as *Gau,* since these ducal foundations were based on fiscal property:

[84] Wolfram, *Grenzen und Räume*, p. 288. See also Diepolder,"Die Orts- und "in pago"-Nennungen," p.381.

[85] Wolfram, *Salzburg, Bayern, Österreich,* p. 164.

[86] TF14a. Diepolder states, "It appears obvious that in these *Gau*e are the Roman *pagi*, the area surrounding a Roman castle/fort, and the ducal property is the former Roman fiscal property. The connection between *Gaue* and ducal property, better expressed as *pago* and central *locus publicus* holds also for Mattiggau [Mattighofen] and Attergau [St Georgen-Attersee]. Diepolder,"Die Orts- und "in pago"-Nennungen," p. 382.

notably, Niederaltaich in Künziggau, Mondsee and Mattsee in Mattiggau, and Kremsmünster in the Traungau.

It is debatable, however, if the Agilolfing *Gaue* were the fiscal property districts of a *locus publicus*, as in Roman times. Herwig Wolfram points out that the earliest named *Gaue*, the "true" *Gaue*, were related to closed settlement landscapes which were surrounded by wasteland of many kinds. Only the larger lowland plains, or riverbanks and adjacent hills, were inhabited, with high-altitude forests forming the boundaries of districts.[87] Settlement landscapes lying adjacent to the rivers in the east and west up to the Danube were "distinguished by a certain natural spatial coherence."[88] There are hints that this toponymy went back to the earliest Bavarian immigration in some sources. For example, the Scharnitz founding document of 763 which contains the oldest contemporary evidence for the inner Alpine *pago Uuallenensium*, was also called in 799 *pago qui cognominatur Poapintal*, which was probably named after the *vir nobilis* Poapo.[89]

The *Notitia Arnonis* describes donations to the Salzburg church going back to the time of Rupert's organizational and economic activity, which began before 700. This source gives almost all the regional names which are known from the Agilolfing period: Salzburggau, Attergau, Traungau, Donaugau, Isengau, Sundergau, Chiemgau, Mattiggau and the "Ortsgau" (places rather than districts) of Thalgau, Pongau, and Obing.[90]

Wolfram acknowledges that at times, the manorial holding on which the *pagus* was centered had been established on a fortified Roman military post, as in the case of Salzburggau,

[87] Herwig Wolfram,. *Salzburg, Bayern, Österreich,* p.162.

[88] Ibid., p. 160.

[89] TF 177 and TF19.

[90] Herwig Wolfram, *Salzburg, Bayern, Österreich, p. 161., note 354.*

the "district of the people of Iuvavum" (*pago Iuuauensis, pago iobabocensium*).[91] However, he notes that in the northern regions, *Gaue* seem to be defined by natural limitations, whereas in Salzburg, a political/administrative definition is operational. The distribution of *Gaue* seems to map more closely with what is known of early Bavarian settlement patterns, rather than with the known Roman administrative districts, although there is overlap due to the occupation of strategic and fortified sites by the Bavarian settlers. [92] Ultimately, seeking the basis of the earliest *Gaue* on Roman fiscal sites does not seem particularly fruitful, as Roman organization would most likely have been based in turn on the regions of the Norican tribes they had subdued. The significant factor seems to be the natural "spatial coherence" which Wolfram cites; it makes sense that people living in close communication would create a local society.

Assigning the locatable names of donated properties on a map yields a general overview of their concentration.[93] A number of these accumulate in the floodplain, as one might expect, and in the outlands surrounding Salzburg, an area north of the Chiemgau Alps and northwest of the Bertesgaden Alps referred to as the Rupertiwinkel. This region reaches as far as Altötting in the north, Berchtesgaden in the south-east, and Traunstein in the north-west.

Around Freising, the named sites are quite spread out, a reflection of the forests that existed in the region, as well as the large swamplands in the areas of present-day Dachau and Erding.[94] In the lower Inn valley, on the Rott, Vils, and lower Isar rivers, named places are

[91] The Salzburggau was located next to the Künziggau, which was based on the fort Quintanis, associated with the *Vita Severini*. Herwig Wolfram,. *Salzburg, Bayern, Österreich,* p.162.

[92] Of 580 place-names in the region which have been researched, about thirty are pre-German names, and about one-sixth have the –*ing* suffix, designating the household of a family. A great number of places have the –bach suffix, indicating the location of a stream, and these are thought to have arisen in the early Bavarian period, because they frequently occur in the regions where row graves are located. Diepolder,"Die Orts- und "in pago"-Nennungen," p. 367.

[93] This is one of the research objectives of Diepolder in "Die Orts- und "in pago"-Nennungen."

[94] The Erdinger Moos is a former swampland between Erding and Freising. The economic use of the land for peat-cutting and grazing is documented in the TF from the mid-eighth century. See: Florian Sepp and Claudius Stein, "Trockenlegung des

arranged in great intervals.[95] Likewise, there are very few named sites in the region north of the Danube, around the confluence of the Lech and Danube rivers, and in the region from present-day Landshut to Regensburg. This is partly a result of the source evidence, which comes primarily from the Freising and Salzburg episcopal archives, and from the Mondsee and Schäftlarn cartularies. [96]

Also, through a comparison with later possessions of the Passau episcopal see, it is possible to make some assumptions about where donations whose records have been lost may have been located. However, ducal support at Passau and Regensburg could not compare with that given to Freising and especially to Salzburg (which was borne almost entirely by the ducal fisc), because these were the two regions which the Agilolfing dukes, secure in their property-rich strongholds along the Danube, wished to expand control. The relative density of place-names mentioned in the sources is not alone conclusive proof the settlement pattern, but a comparison with the known sites of row-graves confirms the picture of a concentration in the Salzburg region.

Gau as community

In the Agilolfing period, the *Gaue* are not defined in the sources by border descriptions, and therefore, were not defined territories. Rather, they were based on the people of a particular

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Erdinger Mooses“, in: *Historisches Lexikon Bayerns*. URL: <http://www.historisches-lexikon-bayerns.de/artikel/artikel_44866> (9.14.2010).

[95] The area southwest of Passau around Rott and Vils is empty of row-graves, so Bavarian settlement of this area probably occurred later. The river Vils is a 30 km long tributary of the Lech River, originating in the Alps of Austria and Germany. Diepolder,“Die Orts- und "in pago"-Nennungen,” p. 371.

[96] The records for Regensburg and Passau are scanty. There are only five charters from the Agilfolfing period in the TR, and there are 24 noticia from before 788 in the Passau cartulary. Likewise, only a few monastic cartularies with eighth-century documents survive: the Mondsee and Schäftlarn cartularies, the *Breviarius Urolfi* from the monastery of Niederaltaich, the charter of Charlemagne preserving the properties of Kremsmuenster, and the very late redaction of the Benedictbeuern Chronicle. Single charters from the monasteries of Isen, Schäftlarn, Scharnitz-Schlehdorf, Schliersee and Innichen are in the Freising cartulary.

settlement area. The *Lex Baiuvariorum* states that courts were to be assembled to ensure peace in the province (*provincia*), but they were held at the level of the county (*comitatum*).[97] It goes on to state that all (meaning all legally free landowners, or the elite) who lived *infra illum comitatum* were required to attend the court, "whether vassals of the king or the duke." The county appears to be conceived as encompassing every person of importance who considered that particular public location as a center for conducting legal business; there was no "county line" in the modern sense. As Wolfram notes, a *Gau* was not just a geographically nameable area, but by virtue of its central meeting place and its history, a political entity: "The ruling classes of all these units in our area are also called *pagenses*. Although the Frankish term penetrated the Alemanni earlier, it occurs in Bavarian documents only from the late Agilolfing period. The *Ioboacenses* (residents of the area around Salzburg) formed a personal association, in the same way as the *Uuallenenses*, the residents of the Upper Inn Valley." [98] In his discussion, Wolfram uses the term *Gaugenossen* [*Genossen* = comrades, companions], as a translation for *pagenses*, which brings out the sense of the leaders of the local community as companions or members of a cooperative society. It stresses the inter-relatedness and bonds that created the society of the *Gau*. These *Gaugenossen*, or companions of a given region, were thrown together by kinship and proximity. The earliest *Gaue*, then, arose from the patterns of settlement of the first Bavarian land-holders. People became organized by their geographic positions, but also through other connections – kinship, friendship, cooperation in defense and matters of justice,

[97] LB 2.14: "The court should take place on the first day of the month or after fifteen days, if it is necessary for investigating disputes, so that there may be peace in the province. And let all freemen assemble where the judge orders on the established day; and let no one who lives within the county (whether vassals of the king or the duke) neglect to come to court." *Ut placita fiant per kalendas aut post XV dies, si necesse est , ad causas inquirendas, ut sit pax in provincia . Et omnes liberi conveniant constitutis diebus, ubi iudex ordinaverit. Et nemo sit ausus contemnere venire ad placitum qui infra illum comitatum manent , sive regis vassus sive ducis, omnes ad placitum veniant et qui neglexerit venire, damnetur XV solidi. Lex Baiwariorum, MGH LL nat. Germ.* 5.2, pp. 307-8. A similar law in the *Lex Alamannorum*, 36.1, stated that the court should be held "in every hundred."

[98] Wolfram, *Salzburg, Bayern, Österreich,* p. 163.

and religious affiliation. It was a local social organization that became useful for administering a region politically.[99] In the Agilolfing period, the elite of the *pagenses* were responsible for the judiciary and the army draft.[100] These are the people responsible in the *Lex Baiuvariorum* for attending court days.

Provincia

Finally, at the highest scale of organization was the *provincia*. While the term province does reflect a level of spatial organization, it was not a demarcated territory. Rulers in this period were lords of people, not territories. Liutprand, Aistulf and Desiderius were kings of the Lombards, just as Pepin and his sons were kings of the Franks, rather than of France. In the time of Tassilo, Bavaria was thought of as a *provincia*, a sphere of responsibility and command which the *dux Baioariorum* held. In charters, Tassilo always bears this title, duke of the Bavarians; occasionally the larger region is referred to as *ista provincia*, or *in Baioaria provincia*.[101]

Raymond Davis, in his discussion of papal sovereignty in the eighth century, stresses that the power of the popes was not seen in terms of territorial sovereignty, but in personal terms. He traces their political authority to Roman *imperium*, which was not the equivalent to "empire" in the present territorial sense, but was "a personal right to expect one's instructions to be fulfilled."[102] In the same way, a *provincia* was "the sphere in which power is exercised." He

[99] It was not merely a social organization, however, but a political one. Otto Brunner stated that *Land* in the sense of a political "state" was "an association of "landed" lords who could not belong to this association unless they possessed land cultivated by them or others." Otto Brunner, *Land and Lordship: Structures of Governance in Medieval Austria*, trans. Howard Kaminsky and James Melton (Philadelphia, 1992), p. 158.

[100] Wolfram, *Salzburg, Bayern, Österreich*, pp. 164-5.

[101] TF 15: *Ego Tassilo dux Baioariorum confirmavi banc epistulam.* TF 12: *Actum est hoc in Baioaria provincia coram Tassiloni duce ipso confirmante in id. martias.*

[102] *The lives of the eighth-century popes (Liber pontificalis): the ancient biographies of nine popes from AD 715 to AD 817*, trans. Raymond Davis, Translated texts for historians, 13 (Liverpool: 1992), p. xi. Davis cites a litany instituted by Pope Stephen II 'the safety of the province and of all Christians'(94:13), affirming "these are not alternatives, they are the same thing" (p. xii).

argues that it was partly the insistence of the pope and bishops that church and state had separate *provincia* which prevented the word "province" being seen in purely territorial terms.[103]

In the *Lex Baiuvariorum*, the reach of the law of the Bavarians was presumed to be the *provincia* of Bavaria. It was not just an abstract concept of the reach of the duke's justice, however; it also described a physical space in which actions take place, as shown by the injunction: "Let no one attempt to acquire stolen property within the province."[104] There was a physical sphere in which rulership was carried out; thus, it was a crime to persuade a slave to flee "outside the boundary, that is, beyond the borders."[105] However, the province was not understood as a sovereign bounded space, as in present nation-states; Tassilo's *provincia* could loosely be defined as "wherever his followers were located." Neither were the borders were fixed. A useful conceptual model would be "soft", or open, borders, defined only by their controllable points.

Borders

It is important to remember in conceptualizing any border prior to the institution of nation-states, that although there were landmarks that marked the "limits" of a particular authority, such as posts, watchtowers, or the natural "wet border" of a river, these were not conceived of as delimiting two sovereign, categorically different spaces.[106] Rather, a region

[103] Davis, pp. xii-xiii.

[104] LB 9.14: *Ut nullus presumat furtivam rem conparare infra provinciam.* (*MGH LL nat. Germ*. 5.2, p. 378).

[105] LB 13.9: *Si quis servum alienum ad fugiendum suaderit et foras terminum eum duxerit , hoc est foras marca, cum XII solidis conponat et ipsum reducat.* "If anyone persuades another's slave to flee and leads him ouside the borders, that is, outside the *marca*, let him pay 12 solidi and return him." It is interesting that the word *marca* is used here, not as a territory or region, but as a synonym with *terminum*, the boundary.

[106] Helmut Reimitz has pointed out that the terms describing frontiers are always in the plural – *fines, termini, limites.* This observation, to my mind, supports the sense that boundaries were conceived of as defensible points rather than a line. Reimitz, "Conversion and Control," p. 192.

consisted of a center of authority (or a network of centers), which might be a city, but could as easily be a palace, monastery, fortress or military camp, and its surrounding hinterlands. This authority became progressively weaker as one moved further away from its central point(s) of embodiment. In the space between the central strongholds of two competing rulers, there was generally a kind of buffering "no-man's-zone" claimed by neither, or by both. Frontier zones were often united economically and socially, forming a local society of its own that was different and separate from the two societies that it buffered.

C.R. Whittaker, in *Frontiers of the Roman empire*, contended that the frontiers of the Roman empire were actually zones, as well.[107] He argued that natural frontiers such as mountains and rivers do not make sensible administrative or military boundaries. A river, for example, was an important resource: either exclusive use or shared use makes sense, but simply using it as a barrier does not. Whittaker gives the example of the Danube, which he states was not a dividing line, since Roman policy was to keep Dacians and Sarmatians at a distance from the Danube.[108] He sees the *limes* not as a limit, but as a line of supply and communication that served a jumping-off point for military operations. Imperial interest extended beyond the *limes*.[109]

Julia Smith, in her essay "Fines Imperii," reaches a slightly different conclusion regarding the Carolingian period. She notes that while modern geographers and anthropologists emphasize the distinction between the terms "boundary" (which is linear) and "frontier" (which is zonal), the early medieval terms *marca* (a word of vernacular derivation), *limites*, *confinia*,

[107] C.R. Whittaker, *Frontiers of the Roman empire: A Social and Economic Study* (Baltimore and London: 1994).

[108] He argues that the development of the idea of a line dividing civilization and barbarians derived from ideological reactions to crisis during late-imperial period. Whittaker, pp. 71-2.

[109] Ibid.

termini and *fines* (all classical terms) were used interchangeably, and could all refer to either a line or a swathe of land. She notes, "In their linear sense, they might …refer to the boundary of either a piece of property, or a village, *pago, civitas* or diocese [but] Carolingian Latin had no vocabulary specific to the farthest reaches of imperial power." She argues that most Carolingian frontiers were *both* linear and zonal, and these zones were only loosely associated with the political and administrative structures of the empire. Thus Lothar I distinguished between action "…within the kingdom and outside it in our marches."[110] The *marca* was "a zone of ill-defined or undefined domination."[111] She concludes, "The reach of Carolingian justice was not coterminous with the fiscal border. Neither represented the limits of military operation. With the exception of the precisely demarcated borders of Italy…and the sea coasts, the Carolingian empire simply shaded off at the outer edges into ill-defined territoriality."[112]

For Bavaria, the heavy forests to the north and the Alps to the south formed natural border zones, which were highly permeable. For example, the Alps were often crossed in order to make pilgrimages to Rome, to engage in military sorties, and to bring wine from vineyards in the south. Possession of various Alpine locations passed back and forth between Bavarian and Lombard rulers, making it less a permanent border than a tide that ebbed and flowed. The Puster valley in the eastern part of the South Tyrol shows a concentration of Agilolfing names, indicating strong Bavarian settlement at one point. In the early eighth century the duke had also exercised rights of rulership in the Vinschgau, in the western part of the South Tyrol. The Lombard-Bavarian border between Meran and Bozen was subject to change. When

[110] *Hlotharii, Hludowici et Karoli conventus apud Marsnam secundus* (851), *MGH Capit.* II.15 , no. 205, p. 74: *et infra regnum et extra regnum per marchas nostras.*

[111] Julia Smith, "Fines Imperii," p. 177.

[112] Julia Smith, "Fines Imperii," p. 177, quoting Pierre Bonnassie (see note 23). She adds: "Characteristically, these zones constituted regions where defensive organization was concentrated in the hands of a count, prefect, or duke: the internal boundary of these regions was clear, even if the outer edge was sometimes indeterminate." In the linear sense, the *marca, fines* or *terminus* might be either the internal boundary of the frontier region, or a clearly designated external boundary.

Corbinian returned from Rome, the castle Mais lay within the border of Bavaria. However, when his people wanted to bury him here in 725, they needed the permission of Lombard king Liutprand. In 764 Lombard agreement was necessary in order to bring the body of Saint Valentinus to Bavaria, but the translation of Corbinian only a bit later did not require Lombard permission.[113] Bozen, at the meeting of the Eisack and Etsch rivers, had been Bavarian and then was lost after 680, yet it was at this site that Tassilo stopped to arrange the foundation of Innichen in the Puster valley in 769, to which the Säben bishop Alim was witness.[114]

The Lech River as the western limit of Bavarian authority formed a natural division, but again, actual political control appears to have shaded off closer to the mid-point between two centers of authority, Augsburg and Freising.[115] When Carolingian forces gathered on the river before pursuing Odilo into Bavaria in 743, it was a natural stopping point to arrange a crossing.[116] It is unlikely it was due to any sense of violating a sovereign territory. The very fact that it was a strategic crossing point may have been why the river was visualized as a kind of limit in military terms. Herwig Wolfram notes that the *fines Baiouuariorum* are equated with the *exercitus Baiouariorum*.[117]

Likewise, the Enns in the east was, in a sense, a psychological barrier. When the Avars gathered on the banks of the Enns to show their presence, that alone was an aggressive act, intended to make a point. The Enns did not need to be crossed nor did a military skirmish take

[113] Wolfram, *Grenzen und Räume*, p. 288.

[114] TF 34, Paul Deacon, *Historia Langobardorum* v. 36; Wolfram, *Salzburg, Bayern, Österreich*, p. 47 on Bishop Alim.

[115] Jahn, *Ducatus Baiuvariorum*, p. 167. Jahn speaks of an "episcopal grey zone" between these two *sedes*, in which Manno and Oadalhart exercised their religious authority.

[116] In the eighth century the Lech was the western river delimitation of Bavaria, where in 743 Carloman and Pippin came into conflict with Odilo, and where Tassilo capitulated to Charlemagne 44 years later.

[117] Freising charters which indicate the Carolingian equivalence of the *comitatus* with the army: TF 415 and 419 (both for a. 843, the same year as the treaty of Verdun).

place; they signaled the threat of both by marking their presence within the neutral zone.[118] There was a sense of an eastern limit to Bavarian presence from the Enns to the upper Drau at Innichen. Between these two sites lay the Salzach valley, bordered by the region around Bischofhofen. The two Carinthian attacks on the monastic cell of St. Maximilian in 730 and 820 indicate that it was the contested edge of Bavarian authority.[119] From the places of conflict, we can begin to sense where the limit of Bavarian authority was set, although this was certainly not firm, but vacillated according to the ability to respond to any challengers. From the frequency of skirmishes with Carinthians and Avars, it is clear these were tested often.

The settlement of various Slavic groups in the areas were Tassilo founded Innichen and Kremsmünster indicate the permeability of the Enns and Drau; likewise, the Danube was a relatively open boundary shared with Franks and Thuringians. At both the Danube and the Lech, it is difficult for archeologists to distinguish between artifacts and settlements of the Alamannic, Frankish, and Bavarian populations on these permeable frontiers.[120]

Territoriality

One of the concepts which bears upon the subject is "territoriality," which is defined as the spatial organization of people and social groups through the demarcation of boundaries. It can be seen, therefore, as a strategy whereby individuals and groups exercise control over a given portion of space. In one of the few works in English on early Bavaria, *Conflicting Loyalties in Early Medieval Bavaria*, Kathy Roper Pearson engages with the work of geographer Robert Sack, whose *Human Territoriality* attempted to theorize territorial behaviors and place

[118] Pearson, p. 37.

[119] Wolfram, *Grenzen und Räume*, p. 288. See also *Salzburg, Bayern, Österreich*, pp. 45, 47 and 156.

[120] Pearson, p. 8.

the full range of such behaviors under one unifying rubric.[121] Pearson defines territoriality as an effort "to affect, influence, or control people, phenomena, and relationships, by delimiting and asserting control over a geographic area."[122]

Since Pearson's work covers the same period as this study, it is necessary to point out where I differ from her conceptualization; these differences hinge primarily around her use of the territoriality construct. Pearson saw territory as being claimed in three ways: through the exercise of political and military authority over discrete regional areas with recognizable boundaries; through law, which defined a region which accepted Bavarian law and enjoyed its justice; and through the church, which brought control of land and its tenants to particular locales.[123] Regarding the first point, while Bavarian dukes did seek control over land, certainly, I do not think it was conceived of as control over a bounded area. I take this view firstly, because control of land was not conceived of as homogeneous ownership, but overlapping patches of rights. Secondly, not only did borders fluctuate easily, but they remained "fuzzy" borders. In this period they do not appear to have been seen as something which needed to be enforced as a line. The defense of core places was a concern, but I would argue that a defined border was not in the interest of the Bavarian dukes. A loose border was an opportunity, enabling them to keep pushing at the edges for gradual expansion of their range of control, as their efforts in Carinthia and on the Lombard northern regions show. In addition, there is no description of Bavaria that mentions recognizable definite boundaries in a linear sense.

As regards the second point, Bavarian law pertained to the person, and not a region. Likewise, Slavs employed at the monastery of Kremsmünster were under a Slavic overseer, with

[121] Robert Sack, *Human territoriality: its theory and history* (Cambridge, 1986).

[122] Pearson, p. 37.

[123] Ibid.

whom terms were negotiated. Whether Slavs fell under Bavarian authority by virtue of being given to the monastery, or not, the point remains that the law applied to persons and not to a piece of land within which everyone was subject. The law of the Bavarians applied to the people recognized as part of that community. Pearson's third point is valid, as the church played a major role in the creation of secular ducal authority: however, in my view, it cannot be considered territorial control until explicit divisions of dioceses are described, which appears for the first time in our sources with Charlemagne's *diploma* of 811, making the Drau River the border between the sees of Salzburg and Aquileia.[124] Even then, the dispute was over mission regions: land in Carinthia that was still uncontrolled. Elsewhere, there continued to be instances where holdings of one episcopal church were in the same areas as the holdings of another.[125]

Certainly it is true that a claim to authority was being made by abbots and bishops through the jurisdiction claimed by the Church regarding pastoral care, missionization, and the right to dedicate churches and ordain priests. The foundation of proprietary monastic communities by the dukes and lay nobles, and pious donations made to those monasteries, also contributed to the sacralization of authority and the aggregation of land. Whether this was conceived of as territorial control in the mid-eighth century is another matter. Susan Wood has questioned whether bishops in this period were seeking control over property of monasteries and churches, or seeking authority over spiritual matters (though after the Carolingian takeover, bishops such as Atto of Freising were clearly were seeking control over property, as Warren Brown's study has shown). I would agree that church control of land and tenants played a part in ducal control, but not in ducal *territorial* control. Pearson herself notes that "[u]se of "Bavaria"

[124] *DD Kar I,* Nr. 211.

[125] *MGH Epp. 5,* No. 28, p. 295.

to designate a territorial entity does not become commonplace in the written sources until the ninth century; far more common earlier were references to the people, rather than to the duchy or kingdom."[126] I believe the Carolingian period is still too early to speak of territorial control. There are some borders set in the Carolingian period, but not throughout the empire. Rather, these occurred at points of exceptional controversy, such as the Salzburg-Aquileia conflict. Also, Carolingian authority in the region waned by the late ninth century, and any borders established began to dissolve and re-form. In certain regions of the empire, the process of encastellation began, in which regions were again defined by defensible points rather than a dividing line. As Julia Smith noted, the Carolingian Empire had not so much borders as frontiers, which were *both* linear and zonal, and only loosely associated with political and administrative structures. Political, missionary, and military actions were all carried out beyond these frontier zones. With the exception of demarcated borders in Italy and the sea coasts, there was not a clear delimitation of Carolingian control.[127]

Raymond Davis raises an excellent point regarding the historiographical projection of modern interests onto medieval society, noting that the concept of territorially-bounded states in the eighth century is a vestige of early historiography, when history became professionalized as part of a nation-building efforts in the nineteenth century.[128] Davis' subject is the papal "state," but his point is applicable to the problem of the state in other areas of the early medieval Europe as well. He states that "…much talk of the creation at some precise moment in the eighth century of a territorially-bounded politically independent papal state is a reflection of modern concepts of

[126] Pearson, p. 3.

[127] Julia Smith, "Fines Imperii," p. 179.

[128] A good description of the link between the professionalization of history and nationalism is given by Patrick Geary in *The Myth of Nations: The Medieval Origins of Europe* (Princeton and Oxford: 2002). See also Ernest Gellner, *Nations and Nationalism* (Ithaca, 1983) and Eric Hobsbawm, *Nations and Nationalism since 1780* (Cambridge, 1992).

nationhood. It is probably no coincidence that the modern discussion began at much the same time as the struggle was occurring to turn Germany and Italy into nation-states."[129] The survival of the States of the Church was viewed as an obstacle to national unity and independence, and it suited both sides to perceive the origins and development of the Papal States in modern terms.

Another objection I have to the territory paradigm is that when territory is associated with the state it has the connotation of sovereignty, whereby a state claims exclusive legitimate control over a given area defined by clear boundaries. I see the connotation of territory which Pearson applies as a modern anachronism.[130] The entire question of early medieval states is a perennial one. I would simply point out that given the highly dispersed and personal nature of ducal administration in eighth-century Bavaria, there was no state apparatus which could claim *exclusive* control. Even the duke did not claim control of all areas of the Bavarian region, as his request for the consent of local nobles in two of his donations show.[131] Whether Bavaria could be characterized as some kind of weak state, or not, my point is that it did not exercise the power to

[129] Raymond Davis, *The lives of the eighth-century popes (Liber pontificalis): the ancient biographies of nine popes from AD 715 to AD 817*, Translated texts for historians, vol.13 (Liverpool,1992), p. xiii.

[130] The early school of *Verfassungsgeschichte* concentrated on the Carolingian Frankish kingdom and assumed a centralized state. F. L. Ganshof searched the Carolingian capitularies to try to determine what the institutions of rule were. His idea of the *bannum*, or a right to rule, was a legal principle he proposed from its use in the texts. Otto Brunner, in his *Land und Herrschaft*, declared that the term state was anachronistic and historians should speak instead of "lordship."More recently, in *State and Society*, Matthew Innes examined the question of whether Carolingian rule can be seen as state-like; his took the position that there was no institutional basis for governing. The only resources kings had were their own landholdings, and tolls. All other significant power bases, such as bishoprics, monasteries, local lands, and any vestiges of a Roman tax system, belonged to the regional nobility. The opposite view of the question was taken by Janet Nelson, who saw the bases of Carolingian power in their control of the fisc, in their marriage alliances, their control of minting and markets, treasure from plunder, the secularization of church lands, and, finally, through access to aristocratic wealth through yearly gifts, the sale of offices, and a cut of the proceeds from the administration of justice by local officers. In addition, she noted the functions of state which were carried out: the administration of justice, the calling of assemblies to discuss legislation, the raising of armies. In her view, administrative institutions most certainly did exist, and she has no problem calling the Carolingian empire a state. See discussion in the chapter one.

[131] For these examples, see the section in chapter three on *consensus*.

create a territory in the sense of spatially delimited sovereignty: it was not conceptualized as a defined and bounded land in the sense of the nation-state.[132]

However, more recent characterizations of territoriality have moved the discussion from the nation-state somewhat, and some of these avenues may prove more fruitful for describing behavior which could at times be territorial (claiming control) even while it did not territorialize (create a bounded space of exclusive control). For example, Joseph Berland has written on the traveling peoples of Pakistan, who establish and defend boundaries as regions about half-way between each camp area.[133] David Delaney comments on this example: "They are bounded spaces defined by and defining aspects of identity and difference that condition differential access and involve defense or the dynamics of power and authority. But equally clear are the ways in which these territories differ from conventional understandings that take the formally sovereign state as the prototype. These territories are rather ephemeral and, indeed, they can move."[134] Although this example illustrates a nomadic situation , it shows a sense of territory does not equate territorialization, the active setting of borders to signify state control. Bavaria was not a nomadic society, so its core territory did not move, but it might be said that societies without an institutionalized state were similar in that their borders were not well-defined, but functioned as a mid-point between two centers of control.

[132] An on-going project on *Territorium* at the University of Tübingen, headed by Steffen Patzold and Geneviève Bührer-Thierry, investigates to what extent territory was defined in the medieval regions of Swabia, Provence, Saxony and Septimania from the ninth to the eleventh centuries. Their research group finds evidence that by the twelfth century, the power of bishops, and also in some cases dukes, counts, and kings, was based on a territorial principle, and there is some evidence of more or less defined borders beginning to be established during this period.

[133] When these groups travel together in groups of two or more tents, they form a *dera*, and in the open spaces each *dera* maintains the maximum distance possible from each. According to Berland, *dera* members and especially tent dogs defend as boundaries the region approximately half-way between each camp. Joseph C. Berland, "Territorial Activities among Peripatetic Peoples in Pakistan," *Mobility and Territoriality: Social and Spatial Boundaries among Foragers, Fishers, Pastoralists and Peripatetics*, ed. M. Casimir and A. Rao (Oxford, 1992), pp. 375-396, see pp. 383-389.

[134] David Delaney, *Territory: A Short Introduction* (Oxford, 2005), p. 45.

Yet another theorization of territoriality privileges mobility over static spaces. Arjun Appadurai's work sketches various "cultural flows" concerning how people, things, money, images, and ideas circulate and intersect with each other to create complex "landscapes" or "imagined worlds." These "disjunctive" landscapes "are often radically discrepant with the conventional, state-centered territorializations of power and identity."[135] Though Appadurai is working on modern material, the idea of layered landscapes might be applied to the situation of the Bavarian polity. Though I will later argue that small local *Landschaften* were being drawn into the sphere of ducal authority, there must be room in that argument for those nobles whose interests extended outside the region. Very powerful families had properties and connections in other provinces, they might be said to have their own sphere of power and interest, that might partially lay within the ducal sphere, and partially outside.

Pearson asserts that the creation of loyalties related to territoriality was crucial to the success of the Bavarian dukes. While I agree that consensus-building is a necessary element of any legitimate rulership, I am doubtful that these loyalties were related to territoriality. Loyalty was connected to people, not to some conception of a territorial "state." This is why loyalties could shift so easily to Charlemagne for some families. As long as their rights remained intact and the places meaningful to them, such as the tombs of saints, were still being honored, their local landscapes were not being disrupted. In fact, as Charlemagne connected to these local networks, he afforded them the opportunity to further their own connections outside the region.[136]

[135] Delaney, p.63, discussing Arjun Appadurai's "Disjuncture and Difference in the Global Cultural Economy," *Public Culture* 2 (1990), pp. 1-23, here p. 13.

[136] Pearson, p. viii.

The common thread running through Pearson's main points are geographic control.[137] I do agree that the Agilolfing dukes followed a spatial strategy, and there was a shared mentality regarding land which could be utilized for political ends. I do not, however, see it in terms of mappable (contiguous and bounded) space, but in terms of the authority and rights that could be exercised over parcels of land, and the establishment of meaningful centers. The dukes created authority, not through forging a recognizable boundary, but through their creation of places of memory.

Counts and *Gaue*

The question whether the "province," in the sense of duties and responsibility, and the space in which it was enacted were understood territorially, is correlated to the matter of the relationship between counts and *Gaue*. Since in the Carolingian period, counts appear active across various *Gaue*, it was once assumed that a *comitatus* was an office carried out in a given county. However, this has been reassessed, and in order to understand the development of that connection, it is necessary to review the development of the *comes*.[138]

The offices of count and duke both stemmed from the Roman empire, but the expectations and meaning of these two roles varied over time. The *comes* was a title of honor given to dignitaries at the imperial court, designating them as the "companion" of the ruler. This might arise either as a function of personal privilege, or as an assigned office, such as the *comes rei militaris*, *comes largitionum*, or *comes rerum privatarum*.[139] After the reforms of Diocletian

[137] Pearson, p. vii, and p.37.

[138] Michael Borgolte, *Geschichte der Grafschaften Alemanniens in fränkischer Zeit*. Vorträge und Forschungen, 31, (Sigmaringen, 1984).

[139] See entry in Niermeyer's *Mediae Latinitatis lexicon minus*, p. 269; also John Bury, *The Imperial Administrative System of the Ninth Century* (Oxford, 1911), and Anthony Cutler, and Alexander Kazhdan Anthony, "Comes sacrarum largitionum," *Oxford Dictionary of Byzantium*, ed. Alexander Kazhdan (New York; Oxford, 1991), p. 486.

and Constantine, the *comes* designated a personal representative of the sovereign, both in the central imperial administration as well as in the provinces, whether in a civilian or military capacity.[140] During the Merovingian period, a count might prepare cases for judgement before the king or act as a military commander (*comes stabuli*), but it could be applied equally as a title for a great man at court who did not have any office. There was variation in its adoption by early medieval rulers; the Ostrogoths, Visigoths and Burgundians adopted the term for royal agents invested with public authority in a district, but in Alemannia and Bavaria, there counts that bore th title as a function of autonomous wealth and power.[141] The word *comitatus* was sometimes used as a synonym for the *pagus*, the community and area over which a count exercised his rights; a *comitatus* could also be identical with a bishopric.[142]

From the the late antique period into the Carolingian age, the offices of *comites* and *duces* developed some overlap. In most cases, a duke was assumed to command counts, but there were cases of independent counts in Alemannia, as well as one example in which a count was said to be the superior of the duke.[143] The degree of continuity that can be argued for both institutions depends on which region one studies. Whereas in the former Roman areas of the Merovingian kingdom, the *comes civitatis* remained the most important office-holders into the sixth century, in the Germanic parts of the Frankish kingdom, dukes began to take over those functions, while

[140] Wolfram, *Salzburg, Bayern, Österreich*, pp. 168-171.

[141] By the eighth century, the Franks had assimilated the title of count to that of the *Graf*, though what that originally consisted of cannot be determined. See entry in Niermeyer's *Mediae Latinitatis lexicon minus*, p. 279, definition 10), which traces the transition from Merovingian to Carolingian usage of the term. In the Merovingian period, a count might prepare cases for judgement before the king (Niermeyer, p. 268, definition 2), but a *comes stabuli* might be seen acting as a military commander (Niermeyer, p. 269, definition 6). *Comes* is also attested as a title for a great man at court who did not have any office (p. 269, definition 7), a military commander of a *civitas*, who gradually took over civil justice and admistration (p. 269, definition 8), and royal agents invested with public authority in a district, usually a *civitas* (p. 269, definition 9).

[142] The *comitatus*, referring to court dignitaries or to the court itself (Niermyer, p. 272), could be the whole of rights and powers connected with the office of count (Niermeyer, p. 273, definitiion 4). Friedrich Prinz discusses *comitatus* as a synonym with *pagus* in "Pagus und Comitatus in den Urkunden der Karolinger," Archiv für Urkundenforschung 17 (1941), pp. 329-58.

[143] For example of a count identical with a bishopric: *MGH Capit I*, c. 1, p. 308. See the definition for *comes* in Niermyer, p. 273, the last entry of definition 5.

the term "count" indicated a lower-ranking delegate of the Frankish king.[144] In the peripheral duchies of the late Merovingian kingdom, dukes installed counts on their own authority.

Counts in the Agilolfing era

Paul the Deacon writes of a Bavarian count who managed "Bozen and the rest of the castles (of this region)". The passage refers to the year 680, though Paul's *History* was written a hundred years later. The Bavarian count appears here equivalent to the Lombard Duke of Trent, whose attack he sought to repel.[145] Counts are also attested around the Salzburg region, on the Inn and in the Traungau. Count Gunther, who founded Otting in 749, is the oldest Bavarian count known by name. His contemporary, Count Grimbert, gave fourteen tributary dependents from his *ministerium* to the church, with the consensus of Tassilo and Pippin (during the period of Tassilo's minority). Three more counts active prior to 750 are mentioned in the *Notitia Arnonis* and *Breves Notitiae*: Uogo, Immin, Heimo.[146] Count Machelm, a close supporter of dukes Odilo and Tassilo, appears as a count in the Mattiggau and bordering Rottachgau (on the left and right shores of the Inn), and is in possession of the *castrum* of Wels; however, it is not specified if he holds these positions at ducal command, or in his own right as the highest-ranking lord in this region. Machelm's titles and his extensive properties reflect a connection with the Agilolfing ducal house that likely pre-dated Odilo's reign.[147] Machelm's brother Wenilo appears as an agent of Tassilo for the marking of the land endowment for Kremsmünster in 777, and

[144] Wolfram, *Salzburg, Bayern, Österreich*, pp. 165-6.

[145] A Bavarian count, it is said, had "managed Bolzano and the remaining forts," *…qui Bauzanum et reliqua castellan regebat. "*…there arose against them a son of iniquity, Alahis by name, by whom the peace was disturbed in the kingdom of the Langobards….This man, when he was duke of the city of Tridentum (Trent), fought with the count of the Bavrians that they call "gravio" who governed Bauzanum (Bozen) and other strongholds, and defeated him in an astonishing manner." Paul the Deacon, *History of the Lombards*, v. 36, trans. William Dudley Foulke, ed. Edward Peters (Philadelphia, 1974), p. 239.

[146] *Breves Notitiae, c. 8.15, p. 100* and *Notitia Arnonis*, c. 8.8, p. 84.

[147] TF 74, TM 67, 71, 75, and *Breves Notitiae,* c. 15, p. 114. TM = *Das älteste Traditionsbuch des Klosters Mondsee*, ed. Gebhard Rath and Erich Reiter, Forschungen zur Geschichte Oberösterreichs 16 (Linz, 1989).

three other counts are mentioned in the donation document for that monastery. Whether or not these counts functioned as ducal office-holders, it is noticeable that they appear only in the districts on the eastern periphery.[148]

The power of the count is not explained in terms of any clear legal basis in the sources. Although the use of the term *ministerium* in reference to Count Grimbert seems to stress the character of a count-ship as a royal or ducal mandate, the source which reports it is not contemporary. Elsewhere it appears that the authority of the counts lay primarily with their strength as landholders, for Charlemagne's *Capitulare Episcoporum* categorized *comites* as *fortiores* (richest) *mediocre*, and *minores* (poorer).[149] *Ministerium* could, in fact, refer to the properties allotted to the count, which he administered in addition to his own land, and which were sometimes referred to as *res comitatus* or simply *comitatus*.[150]

The *Lex Baiuvariorum* states that the count was responsible for his following within the army and, after the duke, had judicial power. He possessed the power of command over his followers, but his power did not reach over the *homines potentes* in his *comitatus*. Through the evidence of the charters, it appears that the counts possessed civil authority, particularly in the power of judgement and the levying of tasks. He was, in both military and civil terms, the apex of a group which was presented as his personal assembly or entourage.[151] The counts in Bavaria, prior to the Carolingian era, were neither coterminous with, nor the basis of, the *Gau* organization.

[148] Wolfram, *Salzburg, Bayern, Österreich,* p.159.

[149] *MGH Capit.* I.4 (a. 780?), no. 21, p. 52.

[150] A count might also receive *beneficia* (loans) from the king, duke, or bishop. Wolfram, *Salzburg, Bayern, Österreich,* p. 158.

[151] Wolfram, *Salzburg, Bayern, Österreich,* p. 158.

To the question of whether, in this period, the count was an appointee, or if the title was based on his own worth, the answer must be that both occurred. A man with a great deal of property could ensure a large following, which gave him a position of respect and political clout. This is the sort of man a duke or king needed to support his own position, thus a person with significant regional sway would be welcomed as a companion of the king. On the other hand, the office could be granted as an incentive to a noble seeking even more influence, as in the case of the Counts Warin and Ruodhart in Alemannia. These men were already members of the elite, but sought more opportunity, and seem to have taken advantage of the office to enrich themselves.[152]

Dukes in the Agilolfing era

From the time of Pepin of Herstal, the Arnulfings had proclaimed themselves *dux et princeps Francorum*. Thus, every *dux gentis* within and without the Frankish kingdom was a rival.[153] Pepin the Short and Charlemagne assiduously replaced dukes with personally-appointed counts as they laid claim to former Merovingian peripheral zones, which were duchies that had served as buffers for the Frankish core territories. The princes and dukes of regions outside Frankish control essentially acted as kings of their peoples, even when they might also do allegiance to a Carolingian ruler.[154]

In Frankish sources, the most frequent appellation for a dependent tributary prince was *dux*. Leaders of Germanic duchies under Frankish influence referred to themselves as dukes and

[152] Much of the land taken from St. Gall ends up in family inheritances of Warin and Ruodhart, as seen in later donation charters; Theodor Mayer, *Konstanz und St.Gallen in der Frühzeit*, p. 456. Warin and Ruodhart took advantage of Pippin's preoccupation elsewhere to strengthen their own positions, see McKitterick, *The Frankish Kingdoms*, pp. 44-45.

[153] Wolfram, *Salzburg, Bayern, Österreich*, pp. 168-171.

[154] Under the Lombard king Grimoald (662-671), a group of Bulgarians immigrated into Lombardy under a leader called the Alzeco. Paul the Deacon designated him as *vulgarum dux*, and stated that he had immigrated "with the whole army of his *ducatus*." Grimoald's son, the Beneventan duke, permitted their settlement as long as the Alzeco changed his title and was renamed *Gastaldus* (in the rank of count) instead of duke. Wolfram, *Salzburg, Bayern, Österreich*, p. 166-7.

understood it as part of a Roman tradition.[155] There is evidence in two Bavarian sources of the eighth century, however, of the epithet *adal-* applied to the Agilolfing duke, which appears to be uniquely Bavarian.[156] The terms count and duke did not develop in tandem with any area designations; they were not territorial, but designated either the entrustment a task, or personal prestige.

The title *princeps* was also adopted by the Franks; Gregory of Tours employs the term in reference to the emperor, the Frankish king, and to secular magnates. In the Roman imperial tradition, the emperor was the *princeps,* the first in status of his people. As Wolfram points out, this established a social relationship between a man and a group of which that person is first: the *civium* or *civitatis* in the sense of the citizenry, those with the status to have a voice in political affairs. By the middle of the seventh century the king of the Franks was the *princeps Francorum,* later, the mayor of the palace was the first of the Franks, until Pippin ascended to the kingship, uniting the titles of *rex et princeps* of the Franks once again.[157] Tassilo, too, was called *princeps* in the Councils of Ascheim and Dingolfing.[158]

Landschaften as associations

The point of this excursus into the roles of counts in Agilolfing Bavaria is to emphasize that above all, *Gaue* were associations of people, although there was certainly a spatial aspect at play in that those people were located across a given area. The *Gaue* were not strictly territories,

[155] Neither the Thuringian Heden, Alamannic Gotfrid or Bavarian Odilo used the term *heritogo* in the sources, to claim any extra-Frankish authority. Wolfram, *Salzburg, Bayern, Österreich*, p. 172.

[156] Ibid. See *Concilium Dingolfingense, MGH Conc.* 2.1, c. 7, p. 95, for the application of the term *adal-* to the duke.

[157] Herwig Wolfram, *Salzburg, Bayern, Österreich,* pp. 168.

[158] Council of Ascheim (755-760): *Ideo indesinentes Deo deferimus grates, qui te nostris temporibus constituit principem , quia si in aetate tenerulus , in sensu sanctae scripturae precessoribus tuis maturior appareris. "*Therefore we constantly convey thanks to God, who established you a leader in our times, because though of tender age, you appear more mature than your forefathers in the understanding of holy scripture." *MGH Conc*. 2.1, p. 56. Council of Dingolfing (770): *Haec sunt decreta, quae constituit sancta sinodus in loco, qui dicitur Dingolwinna , domino Tassilone principe mediante. "*These are the decisions, which the holy synod decreed in the place which is called Dingolfing, with lord prince Tassilo mediating." *MGH Conc.* 2.1, p. 93.

but rather *Landschaften.* Kenneth Olwig notes that, "Etymologically, the primary meaning of *Land* was a bounded area, e.g., the various lands (cultivated land, meadow land, common land) constituting a manor." These lands were often not owned by individuals as separate properties, but were held by a complex of usage rights and obligations, determined by custom.[159] It was this shared customary law that constituted a people.

Olwig's work focuses on areas of North Friesland, with evidence from the nineteenth century that administrative units called *Landskaber* differed from other districts by a relative autonomy of administration and adherence to local customary law. Olwig cites the proverb, "with law shall land be built," which prefaced the first written version of the Jutland law in 1241. The *Landskab* of Jutland maintained a separate identity from other landscapes of Frisia even though they shared the same language and ethnicity.[160] Thus the meaning of the term *Landskab*, according to Olwig, encompasses both the conditions in a land (that is, its traditions and customs) and the sense of it as a district, not just as a territorial region, but as a nexus of law and cultural identity.

I am not asserting continuity in the terms used by nineteenth-century political *Landskaber* and the eighth century, nor yet by twenty-first-century cultural theorists. Yet I do find two useful theoretical concepts in Olwig's work. The first is this idea of a community of shared custom and customary law, and the second is his emphasis on the linguistic element *–scape* ["schaft/-ship,"] in the word landscape, which means to create or shape.[161] My own interest in landscape is in terms of ideological construction. One definition of landscape is the creation of meaningful

[159] Olwig, "Recovering the Substantive Nature of Landscape," p. 633.

[160] Ibid. See also A.J. Gurevich, *Categories of Medieval Culture*, trans. G.L. Campbell (London, 1985), p. 157: "'The country is built up on law and goes to ruin the absence of law'(*með lögum skal land byggja en með ólögum eyða*) said a proverb which amounted to a legal maxim."

[161] Olwig notes this meaning is still inherent in such usage as, for example, an American township which carries the dual meaning as both a body of citizens, and a domain shaped by those citizens.

places that serve to define and delimit an area for one cultural group, tied to political process. Thus, a landscape is a composition of places, which are "centers of felt value."[162] It is this place-making that I see as one of the strategies of the early dukes in establishing control and a sense of their authority in the minds of the regional elites upon whom they depended.

In short, I am arguing first, that Bavaria was constructed of *Landschaften*, communities of shared custom, which existed at the scale of the *Gaue* but were being united at the scale of the *provincia* by the eighth-century Agilolfing dukes. Inherent in this is the concept of landscape as the ties within a community, which form the contours of its identity, and the ties between that community and the places they inhabited. Secondly, I am asserting it was a "landscape" in the more theoretical sense of conscious construction: that it was an environment shaped by ducal, and then royal, policies; and the spatial changes that resulted changed the identity of the community. The *Gau* and the *provincia* were essentially landscapes at two different scales; the *Gaue* were being drawn together under the duke's province.[163] Under the Carolingians many of

[162] Yi Fu Tuan, *Space and Place*, p. 4. Here we must distinguish between space, as a geometric conception, and places, which are centers of felt value. Space is merely quantitative, whereas place involves experience and the attachment of meaning.

[163] The efforts of Odilo and Tassilo suggest they were attempting to forge a *Personenverbandsstaat*, in the sense proposed by Theodor Mayer, out of a collection of communities which had their own local histories and associations. A hint that some areas of the region were strongly stamped by the local influence of their leading families is shown by the charter in which the region around the Isar is referred to as the *pagus Huosi*, as well as the efforts at consensus building in the monastic foundation history of this region. Mayer's theory posited rule based on a mutual, personal relationship between a lord and his dependents, but the evidence of consensus-building by Odilo and Tassilo, and the difficulties both faced, indicate that in some regions nobles possessed enough regional power that they could exhibit some independence from ducal wishes and needed to be negotiated with, and courted, carefully.

Any discussion about land in terms of community and law cannot ignore Otto Brunner's *Land und Herrschaft.* The value of Brunner's work was in his insistence on evaluating medieval material in its own terms, and not as proto-states. He argued, however, that medieval political formations were structured, or constituted, by lordship. Yet Brunner also reified culture as the reason for the organization of early medieval Bavaria and Austria, rather than seeing it as the result of a political process. In 1939, he spoke of an "inner *Volksordnung*" inherent in the culture of "the people" and not as the creation of political actions, but by 1959, he emended this to call instead for a structural history directed toward an understanding of political action. In positing the *Gaue* as communities with cultural ties, I in no way wish to suggest they were not political communities. They were very much local political communities which were being constructed into yet another larger political community at a higher scale of organization by the Agilolfing dukes (their apparent success in this task proved their undoing, as it benefited the Carolingian takeover of the region). This accords with Matthew Innes' argument, in *State and Society*, that local networks of elites had begun to organize themselves independently in the seventh century, and the Carolingians route to success was the ability to use these networks, by increasing the power and wealth of the local nobility within their own spheres of influence and opening up the resources and opportunities to which they had access in other provinces.

the institutional changes begun by the dukes were accomplished, enabling Charlemagne to integrate the region, introduce new changes, and begin to solidify jurisdictional borders.

The older sense of *Landschaft* as not just a geographical unit, but also the community that comprises it, resonates both with Wolfram's observations about the spatial coherence of the earliest *Gaue*, but also with the sense of how regional organization worked in a province without cities or a strong institutional organization. This concept of landscape as the ties within a community, is also reminiscent of the antique sense of *civitas*.[164] Modern historians often concentrate on the urban centers called *civitates*, bringing our modern sense of the English word "city" to bear. Yet we should remember that the term also referred to the larger region around the urban center, and to the organized community that comprised the inhabitants of the region.[165] Isidore of Seville (ca. 560-630) in his *Etymologies*, distinguished between a *civitas* and an *urbs*: "the *civitas* is a multitude of men united by a bond of association, so-called from the citizens ... For although the ... (*urbs*) itself is made by its walls, the ... (*civitas*) gets its name not from stones but from the inhabitants."[166] In this definition, the *civitas* is "not a geographical concept, but a social one."[167]

[164] Despite administration imposed from outside, it relied essentially on existing local leadership.

[165] The Oxford Latin Dictionary defines ciuitas as: 1) an organized community, especially that in which one lives or to which one belongs as a citizen, a state. 2) The persons living in an organized community, the citizens of a state. *Oxford Latin Dictionary*, ed. P. G. W. Glare (Oxford, 1968-1982), p. 330. See also Charlton T. Lewis, *An Elementary Latin Dictionary* (Oxford, 2002), p. 890.

[166] Translation from S. T. Loseby, "Gregory's Cities: Urban Functions in Sixth-Century Gaul," in *Franks and Alamanni in the Merovingian Period: An Ethnographic Perspective*, ed. Ian Wood (Woodbridge, 1998), p. 240. Isidore of Seville, *Etymologiae*, in *Isidori Hispalensis Episcopi Etymologiarum Sive Originum Liber* XV (Oxford, 1911), 15.2.1 (ll. 1-5).

[167] Edward James, *The Origins of France* (New York, 1982), p. 45. Thomas Charles-Edwards points out that the etymological meaning is "the community of fellow citizens," *cives*. It was used for Gaulish and British tribes or peoples, such as the Cantii of Kent, but by the late Roman period more often of the city which was the political centre of the tribal territory. T. M. Charles-Edwards, ed. *After Rome* (Oxford, 2003), p. 300. Aulus Gellius (123-129 BCE) in his *Noctes Atticae* wrote that the *ciuitas* was "a situation and a town, also of the rights of a community, and of a body of men." Aulus Gellius, *Noctes Atticae*, in *The Attic Nights of Aulus Gellius*, trans. John C. Rolfe (Cambridge and London, 1927), iii, XVIII.7.5. I thank Melanie Maddox for directing me to these examples of the early definitions of the *civitas*. Her dissertation investigates the concept of the *civitas* in early medieval England and Ireland: Melanie C. Maddox, *The Anglo-Saxon and Irish Ideal of the Ciuitas, c. 500-1050,* Ph.D, University of St. Andrews. St. Andrews: 2009.

In a sense, the role of early medieval counts and *iudices* echoed that of the Roman *curia*, the hereditary council of aristocratic landowners, who oversaw the *civitas*. Their function and responsibilities had changed, particularly in that the military and civil function were no longer separated. Local nobility might still take responsibility for tasks such as the repair of roads, but their function as tax collectors had disappeared.[168] As Mark Whittow noted, in late antiquity, many financial and judicial functions formerly carried out by the *curia* were taken up by the city's bishop and clergy, along with continued participation by major landowners, in the third and fourth centuries. However, in place of the competitive building of monuments, theaters, and public baths, local leaders began to express civic pride in a new way, through the foundation of churches and monasteries, expenditures on church ornamentation, and the placement of their sons and daughters in ecclesiastical posts. In an area with so little urban life as Bavaria, the spheres of activity for the elite would have been even more limited. The main point here, is that the community of the elites were still essentially the administrative functionaries in their locality.

The theoretical understandings of landscape both as a shaped environment and as a community of shared custom, are useful in trying to understand how a *ducatus* of the Bavarians held together despite minimal institutional or structural development. It is in this sense that I think the Bavarian *ducatus*, while maintaining few elements of classic Roman urban life, did maintain an ideal of the urban *civitas* as a political and religious center. It also maintained the essential function in terms of political cooperation and the definition of sites of political and religious meaning, though this aspect had a different spatial realization. Bavaria in the eighth

[168] Mark Whittow, "Ruling the Late Roman and Early Byzantine City," p. 5. This system began to change in the third and early fourth centuries, when the emperors created more and smaller provinces to facilitate the gathering of imperial taxes. Many *curiales* aspired to imperial positions instead of local office, and there was also a change wrought by the presence of the institutional church.

century was not a bounded territory, but a community of elites involved in defining a shared identity and their rights within that community.

That identity, and indeed the environment in which it had formed, underwent changes at the direction of the Agilfolfing dukes and then, the Frankish kings. Though the region was not centralized, there were multiple centers being developed as a network across the region. Two new elements were introduced in the service of the ducal program by Odilo and Tassilo: the canonical episocopal sees and ducal monastic foundations. These will be examined in chapters four and five. In both cases, the dukes exhibited a spatial strategy in the placement of these centers, as well as in the locations of episcopal synods. These chapters look at the way the Bavarian dukes, working together with the nobles, actively shaped a landscape of shared identity and meaningful places, and strove to build a sense of a community and consensus.

Chapter Three:

Imagined Categories of Land

The previous chapter discussed how the organization of the Bavarian *ducatus* was reflected in practical terms, in a hierarchy of scale from *locus* to *pagus* to *Gau*. However, there is a second layer of cognitive organization, that which occurs within the imagination, in the categories which give meaning to the physical landscape. This *mentalité* of land could be characterized as the set of shared beliefs and thought processes, which underlay the actions taken and the physical organization created in the province. The Freising charters and the Bavarian Law Code are helpful in categorizing some of the ways land was conceptualized.

This chapter will discuss several categories, none of which were mutually exclusive, by which land was broadly categorized in terms of use, sacrality, and power. It will consider the varieties of overlapping forms of power over land, looking at the distinction between ownership and possession, and will also investigate the mechanisms for dealing with land disputes and land transfers. Finally, it will look at the concept of public land as it was evolving in the eighth century. There were certain places that were open to all, as specified in the Bavarian Law Code, because of their use for public justice; however, these places *belonged,* in a proprietary sense, to either the duke or the church. The duke controlled large tracts of land as part of the fisc, which was essentially private property but employed in the service of the duchy, for example, to support monasteries, or to provide benefices to important supporters who assisted in ducal tasks. The concept of *forestum* as the king's protected and exclusive right of usage was being developed in this period as part of the long transformation from Roman imperial control to the

royal control of various *regna*. However, certain categories of persons, such as dukes, bishops, and counts, had jurisdiction to exercise their authority beyond their private property, a quasi-public authority. Attempts to define how far that jurisdiction extended, what it entailed, and to what degree it could overlap with other types of authority, were part of an ongoing negotiation. The extent to which this was spatially defined serves as the subject of the rest of this study.

Inanem atque inhabitabilem

One of the most basic distinctions apparent in the sources was whether land was "empty" (*inanis*) or not. The significance of this distinction is somewhat lost on us today. Land meant agricultural opportunity, which in turn could mean life and death at a time when meeting subsistence nutritional needs was difficult. In terms of the medieval imagination, the emptiness of the land was sometimes perceived as a threat.[1] Population, and therefore settlement, was sparse in early medieval Bavaria. The Alps presented a forbidding challenge to travelers, and foreign, sometimes hostile populations occupied the East (Avars) and South (Slavs). The thick Bavarian forest north of Passau hosted such dangerous animals as bears and boar. Yet these forests were also a part of the local economy, with opportunities for hunting, foraging, and charcoal/timber production. Often, "empty" was a trope, harkening back to early hagiographical

[1] Writing at the end of the first century, Tacitus described Germania as "altogether either bristling with forests or foul with swamps" (*in universum... aut silvis horrida aut paludibus foeda*), Germania 5.1. In Annals 2.5 he states that the Germans were helped [militarily] by woods, swamps, short summers, and early winters. Publius Cornelius Tacitus, The Annals, in *The Complete Works of Tacitus*, Trans. Alfred John Church and William Jackson Brodribb (1942). Daniel Garrison discuss the cultural prejudice of Romans against the forests of Germania, which they associated with the difficulties of military maneuvers in, "The "Locus Inamoenus": Another Part of the Forest," *Arion*, 3rd ser., 2.1 (1992), pp. 98-114. Michael Moore suggests this classical trope was still a part of outside perceptions of the region. "Boniface and his supporters described his mission east of the Rhine using the same lugubrious imagery of forests and swamps that had so appalled the Romans who attempted military conquest there. Germania, with its darkness and mire, vast forests and strange, preternatural fires (niedfeor), inspired fear and dread of a place beyond the pale of culture and light." Michael Moore, *A Sacred Kingdom*, pp. 209-210. Of course, the people who lived there suffered no such prejudices, but the distrust of uninhabited places is not unique to the early middle ages, and places with no human occupation presented definite challenges.

accounts.[2] "Wastelands" and "deserts" mentioned in the hagiographical sources frequently turn out to be inhabited by established populations of people, practicing agriculture.[3] Such phrases seem to mean that a region was not governed, or not Christianized, that is to say, not part of the larger order envisioned by the authors. The description of the "emptiness" of land, then, related to the activities of people within a given landscape. Thus, empty land might mean simply land that was unused; or it could be land that was occupied, but by foreign or pagan peoples, such as the Slavs; finally, it could be portrayed as empty in a political maneuver to justify one's right of intercession in a region. Sometimes land was literally unused. In the wake of two centuries of turmoil in the region, which saw the retreat of some of the Roman population, there was abandoned land which was ripe for reclamation. Most of the earlier settled land in Bavaria was concentrated on the rivers, or in the naturally-occurring meadowland in which the region was so rich. The more mountainous regions were less coveted, as the land was not suitable for agriculture, with two exceptions: areas suitable for salt-mining and high pastures for the summering of cattle (a practice primarily of the *romani* population). Some land was unusable, due to extensive swamplands, and forested regions, particularly in the area between the Isar and

[2] In a 1985 essay in *L'imaginaire medieval*, Jacques Le Goff examines the trope of desert and wasteland in medieval hagiography. In the *Life of Antony*, the desert is full of demons, but one also goes there to find God. The desert can be a place of trial, or a refuge. Above all, it is solitude. Western monks seeking solitude in imitation of St. Antony sought it in the opposite of the Egyptian desert – in the forest. Saint Columbanus described the forest as a vast desert, and a harsh solitude. Jacque Le Goff, *The medieval imagination*, trans. Arthur Goldhammer (Chicago, 1988).

[3] The first use of the word "forest" appears in a 648 charter granted by Sigebert III to the abbey of Stavelot-Malmedy – which calls "our forest named Ardennes, a vast solitude in which wild animals reproduce…" (*foreste nostra nuncupante Arduinna in locis vaste solitudinis, in quibus caterva bestiarum germinat*). The Ardennes, however, were in a politically central region between the major river routes of the Rhine, Meuse and Moselle and the centers of Cologne, Trier and Reim, south of Aachen. There were 25 royal *curtes* or *fisci* in the area in the Carolingian period, some of which show occupation from Roman times. Again and again in hagiographical accounts, monks seek the *vasta heremus* or *horrendum desertum* (desert wasteland), and find folks living there. As Wickham notes in his 1989 article in *Settimane di Studio*, a truly unpenetrated forest would be unknown, and would not appear in hagiographical texts at all. Further, the word forest did not necessarily indicate woodland, but land reserved for the king's use, mainly for hunting. Forests might have woodland, but they could also contain cleared areas. This article was reprinted in Chris Wickham, "European Forests in the Early Middle Ages: Landscape and Land Clearance," in *Land and Power in Early Medieval Italy*, ed. Chris Wickham (London, 1994), pp. 155-199, here at p. 175. For the charter of Sigebert, see: MGH DD Mer., Nr. 81, p. 206.

the Inn Rivers. These two types of land would require later clearance and drainage projects to make the land arable.

One of the earliest Freising charters records a donation made by a young Tassilo, in conjunction with the powerful Fagana family, only two years after his father's death.[4] It states that there was not enough ducal pasture land (*arve ducali pascua non sufficerant*) for Bishop Joseph to support the needs of his cathedral church, therefore he desired to use land at Erching from his own inheritance. He began to construct buildings there because for some time prior it had remained *inculta atque deserta* (uncultivated and uninhabited). In other words, it was land nobody was using, although it was owned. All the *possessores* (owners or occupiers) of this place were asked to give their land for the good of their souls. These owners were the highest-ranking of the land. Tassilo gave land at Fohring, and the Fagana at Erching; both sites were prime land directly next to the Isar river.

On the other hand, particularly in the case of monastic foundations, "empty" could be a trope. The ideal of monastic life was somewhat contradictory in its goals: like the Desert Fathers, monks were meant to go into the wilderness; however, the growing zeal for missionization envisioned monks as reclaiming land and souls for the glory of God. The *Vita Willibaldi* provides an example: in this account, Willibald visits duke Odilo, and is sent on with a lay noble named Suitgar to inspect land that Suitgar owned in Eichstätt. The two men visit Boniface, and agree that Willibald will build a monastery there. The *Vita* stresses, "…at that time it was all wasteland – there was not a single house there and the only building was the church of Saint Mary…."[5] Not only does Willibald turn this wasteland into a thriving monastery, but according

[4] TF5.

[5] *Vita Willibaldi*, c.5. *Vita Willibaldi episcopi Eischstetensis et vita Wynnebaldi abbatis Heidenheimensis auctoris sanctimoniale Heidenheimensis*, *MGH SS* 15.1. English translation Thomas Noble and Thomas Head, *Soldiers of Christ*, p.162.

to the *Vita*, he altered the landscape of the entire province of Bavaria, cultivating it like a tilled field with Christian beliefs: "This, then, was Willibald, who…gained possession of a people worthy of the Lord. Far and wide through the vast province of Bavaria he drove his plow…and all through the land of Bavaria, now dotted about with churches, priests' houses, and the relics of saints, he amassed treasures worthy of our Lord."[6] This type of spiritual emptiness could be employed for political ends. In the *Vita Sturmi*, the location of the future monastery of Fulda is discovered only after Sturm wandered "through the frightful wilderness, seeing nothing but wild beasts, birds flying, enormous trees…."[7] The dedication of Sturm, whom, we are told, was protected by the breastplate of justice and the shield of faith, emphasizes his holy zeal and suitability to become abbot of the new foundation. However, as Ian Wood notes, there is "an air of verisimilitude to his account. Yet its depiction of an unoccupied landscape…is plainly fraudulent. It may be too kind to see this as merely the depiction of a spiritual desert, although it is certainly that: rather, by depicting the land as empty, Eigil [the author of the *Vita Sturmi*] could undermine the claims of those men and their descendents whose property rights were removed in the course of the foundation of Fulda."[8] The *Vita* relates that when Sturm told Boniface that he had found a site for the monastery, Boniface approached the king to obtain the land, saying "we have found a site…in the wilderness that is called Bochon,…but this property belongs to you."[9] The king donated it, and asked other nobles who owned land in the vicinity to donate as well.

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[6] *Vita Willibaldi*, c. 6. English translation Thomas Noble and Thomas Head, *Soldiers of Christ*, p.164.

[7] *Vita Sturmi*, ed. G.H. Pertz, *MGH SS* 2 (Hanover, 1829), c. 8, p. 369: *Sique vir Dei per horrendum solus pergens desertum, praeter bestias, quarum ingens in eo fuit abundatia, et avium volatum et ingentes arbores….*

[8] Wood, *Missionary Life*, p.70

[9] *Vita Sturmi*, c. 12, p. 370.

The land for Fulda was given in a smaller radius than other foundations, suggesting that there were claims in the region that limited the amount of land available to the monastery.[10] Not only was the land Sturm coveted for the site of the monastery under ownership, it was hardly an unoccupied wilderness. The *Vita* itself relates Sturm's path through a "wilderness" which is named and populated, and which happened to possess good transportation connections. Sturm followed a road leading from Thuringia to Mainz which the merchants use, and next to this road encountered a great number of Slavs washing in the river, one of whom spoke Sturm's language well enough to ask where he was going.[11] At sunset he came to a path "called by the old name Ortessveca," and met a man on his way to market, who knew the district well, and told him the name of the place they were in [Eihloh]. Yet despite meeting people who obviously inhabited and earned a livelihood in the area, the next morning, Sturm steadfastly continued "*to make his way through the wilderness*."[12] Chris Wickham explains, "Fulda was in fact built on what looks like a former Merovingian royal *curtis* of some importance, on a major route center."[13] In the 1953 publication of the excavations at Fulda, Heinrich Hahn revealed a substantial set of buildings under the monastery, including a large Merovingian stone building – the only pre-Carolingian stone structure known east of the Rhine, and a church that was apparently still standing when Sturm arrived in 743.[14] The *Vita Sturmi*, it appears, was not only a hagiographical

[10] Chris Wickham,"European Forests in the Early Middle Ages: Landscape and Land Clearance", *L'ambiente vegetale nell'alto medioevo*, Settimane di studio del CISAM, 37 (Spoleto,1989) pp. 479–548, republished in Wickham, *Land and Power: Studies in Italian and European Social History, 400–1200* (London, 1994).

[11] *Vita Sturmi*, c. 7, pp. 368-9.

[12] *Vita Sturmi*, c. 9, p. 369.

[13] Wickham, *Land and Power*, p. 157.

[14] Heinrich Hahn, "Die Ausgrabungen am Fuldaer Domplatz 1953," *Sankt Bonifatius, Gedenkausgabe zum 1200Todestag*, (Fulda, 1954), pp. 641-86.

account of Sturm's saintly deeds, but part of a political strategy to undermine previous claims on the land.

The appellation "empty" might not signify that the land was unused or unoccupied, but rather that the region was uncontrolled by a particular authority, or with no oversight. Control over the physical land and control over its people were inherently connected, particularly as such a large part of the population worked the land and they were sometimes tied to it legally. Several examples are suggested by the Freising material. In the foundation document for the monastery of Scharnitz (763), the noble Reginperht gave the church he had founded *in solitudine Scarantiense* to Arbeo, then *archipresbiter* at Freising.[15] With its properties located in the Scharnitz Valley, and near the Zirl and Fern Passes, Scharnitz controlled the most important connections from the Inn valley to Italy, overseeing the strategic long-distance transportation to the South Tyrol, Upper Italy, and Rome. Six years later, when Duke Tassilo founded the monastery Innichen in the Puster valley, along the same inter-Alpine pass, that monastery was placed under the oversight of the Scharnitz abbot, Atto.[16] Part of the endowment for Scharnitz included land in the *pagum desertum* which was called "*Uualhogoi.*" Herwig Wolfram suggests this name is derived from the "Walchengau," a Bavarian name indicating this region had a Roman population.[17] It appears that it was not deserted, but ethnically different, and outside of the Bavarian organizational scheme. Its people were obviously not considered as Bavarian *pagenses*.The site of Scharnitz itself was isolated; in 769-72 the community moved to Schlehdorf

[15] TF 19. The foundation of Schliersee monastery in 779 (TF 94) was likewise *in vasta solitudine heremi*.

[16] Up to 776 were no donations to Schlehdorf without his consent. Tassilo's donation to Innichen in 769 is recorded in TF 34.

[17] He derives this from the Middle High German word *Walchen*, which meant strangers or foreigners. The Roman and romanized peoples of the Alps south of Bavaria were known to the locals as Welsche or Walche, reflected in other place-names on the borders of the regions of Germanic inhabitation such as Lake Walen (Switzerland), the Walchensee (Bavaria), and the Wallersee near Salzburg. Another possible interpretation is that it comes from the Latin *lacus vallensis*, meaning lake in a valley, but the location and the idea that such an area is *desertus* favor Wolfram's interpretation. Wolfram, *Salzburg, Bayern, Österreich,* pp. 161-2.

because the monks complained of the hardship of living there. However, it was not uninhabited, as the monastic church required agricultural workers.

The foundation of Innichen suggests it was also part of a political strategy to undermine previous claims on land. Unlike at Fulda, it was not the claims of noble property-owners that were being challenged, but of local Slavs living in the region and working the land. The donation at Innichen was made as one of the earliest acts of Tassilo's adulthood, made on his return from Italy.[18] As mentioned in chapter three, Tassilo stated in his donation charter that the place had been "empty and uninhabitable" since ancient times.[19] Yet the monastery was also being founded, it is said, on account of the unbelieving (*incredulam*) Slavs in the region, in order to lead them to the path of truth.[20] It seems the "empty and uninhabitable" region around Innichen was full of Slavs that only needed Christianization to bring them under Bavarian control, and Tassilo intended to establish more control in the region by placing a monastery there and employing Slavs to work for it. Also at Kremsmünster, Tassilo's second important frontier foundation, local Slavs were given the choice of working for the newly founded ducal monastery, or leaving the land they had been working. [21]

Untended land and the conversion of pagans were frequently equated metaphorically, as in Gregory II's letter to Boniface, in which he stated: "The field of the lord which had been lying

[18] TF 34.

[19] TF 34.:…*quia et ipsa loca ab antique tempore inanem atque inhabitabilem esse cognovimus*.

[20] TF 34:…*propter incredulam generationem Sclauanorum ad tramitem veritatis deducendam concessi*.

[21] *DD Kar I*, Nr. 169: *Si voluerint iam fatam terram tenere, ad proserviendum contra ipsam casam dei teneant; si vero noluerint, liberi discedent* ("If they wish to have the afore-mentioned land, they may have it by serving that house of God; if they do not wish to do so, they depart as free persons"). This line is considered to be part of the Carolingian confirmation, not the original charter of Tassilo, but the confirmation was written in 791, only three years after Tassilo's deposition and fourteen years after the foundation of the monastery. The main point is that the region was inhabited primarily by Slavs, and the monastic foundation was part of a colonization effort. The charter seems to suggest, however, that Charlemagne was either re-negotiating the terms that Tassilo had originally made with the Slavic *župan*, or he is re-confirming the terms for Abbot Fater, so that he can tell the Slavs that the contract they held with Tassilo is still in force, despite the duke's deposition.

fallow, bristling with the thorns of unbelief, has received the plowshare of your instruction…." [22] In another letter, Gregory contrasts the wandering peoples in Germany with the faithful, who are rooted and grounded. [23] When Pope Zacharias responded to Boniface's inquiry regarding whether it was right to take rent from Slavs living in Christianized lands, his main concern was that if they settled without paying tribute they would at some time claim the land as their own.[24] At Innichen, too, Tassilo attempted to ward off claims on the land, commanding that no-one disturb the place and the inhabitants in it.[25]

Loca sancta

The sacredness of a given place created another layer of meaning to the land. Donations to a church often stated they were *ad loca sancta* (to/at the sacred place) or *ad ipsa loca sanctorum* (to/at this place of the saints).[26] David of Mammendorf's donation was made "to the church of Saint Michael and Saint Andrew the apostle and Saint John the Baptist and to all those saints whose relics rest here in honor," honoring the church patrons and all the relics interred there.[27] The saint of a church was considered to be the person to whom the property was being legally transferred. A donation from Erchanpald specifically mentions that he wishes to give for the sake of himself and his parents, "so that my inheritance may be the inheritance of the saints"

[22] *Letters to Boniface,* XVIII [26], p. 31.

[23] *Letters to Boniface,* IX [17], p. 20: "hearing…that certain peoples in Germany on the eastern side of the Rhine are wandering in the shadow of death…; and XIII [21], p. 24 "… rooted and grounded and confirmed in the faith…."

[24] *Letters to Boniface,* LXXI [87], pp. 141-2: *Etenim de Sclavis christianorum terram in habitantibus, si oporteat censum accipere, interrogasti frater. Hic quidem consilium non indiget, dum rei causa est manifesta. Si enim sine tributo sederint, ipsam quandoque propriam sibi vindicabunt terram; si vero tributum dederint, norunt dominatorem ipsam habere terram.* ("If they settle without paying tribute they will at some time claim the land as their own; if, on the contrary, they pay tribute, then they will understand that the land has an owner.")

[25] TF 34: … *ut nullus deinceps genitorum hominum queat nec usurpando praesumat quis quolibet ingenio aut querimonia oriente ullo mode inquietare locum atque inhabitants in eo….*

[26] TF 6: …. *transfundo ad ipsa loca sanctorum ubi iam diximus, omnia quicquid habemus in vice qui dicitur Paingas.* See also TF 29.

[27] TF 12: …*ad domum sancti Michahelis et sancti Andreae apostoli et sancti Johannis baptistae et ad omnium sanctorum quorum reliquias ibi honorifice requiescunt….*

ut hereditas mea hereditas sit sanctorum.[28] Cozroh indicated that an exchange made around 808 between Bishop Atto and Abbot Reginperht of Moosburg concerned *territorio sancti Corbiniani et territorio sancti Castoli*. The saints possessed these territories; Atto and Reginperht merely acted as representatives.[29] Often a monetary penalty was added for the infringement of rights given in a donation charter; in other cases, a penalty in the afterlife was threatened. The first Freising donation under Bishop Arbeo specified that in the case of breaking the charter, the offender would incur the wrath of God and be made *extraneus* from the house of Saint Peter. *Extraneus* carried the sense of foreign, or not belonging to the family. Since the patron of the actual Freising cathedral church was not Peter but the Virgin Mary, and later, Corbinian, the threat clearly applies to the afterlife, suggesting that the charter-breaker faced serious repercussions beyond any the earthly church might inflict.[30] The donation of land to a saint was in some ways a quid pro quo; as one charter noted, it was sometimes necessary to give up earthly land in order to "possess" heaven: *in praesentia Arbionis episcopi seu in manum ipsius tradiderunt terrena, ut possiderent caelestia* (they donated land in the presence of Bishop Arbeo or in his hand, so that they might possess heaven).[31]

Donated Land

One of the most notable features of the Freising donations is that they do not regularly give specific details about the land donated. This contradicts the modern expectation that the

[28] TF 18: … *ad ecclesiam sancte Mariae domum episcopalem sicut supradictum est donatum in perpetuum esse volo tam pro me quam pro patrem meum Reginpaldum et matrem meam Cotafrita et Oadalkerum, ut hereditas mea hereditas sit sanctorum.*

[29] TF 267. Bishop Atto and Abt Reginperht of Moosburg exchanged property at Bergen and Puchenau in 807 or 808. Cozroh entitled this transaction *Notitia de convenientia seu cambio Attonis episcopi et Reginperhti abbatis, hoc est de territorio sancti Corbiniani et territorio sancti Castoli* ("Notice of the agreement or exchange of Bishop Atto and Abbot Reginperht, that is concerning the territory of St. Corbinian and the territory of St. Castulus").

[30] TF 20: … *si aliquis quod absit de heredibus meis aut persona aliqua contra hanc cartulam traditionis inire temptaverit, inprimis iram dei incurrant et a limine Petri principis apostolorum extraneus efficiatur.*

[31] TF 40.

purpose of donation records was akin to modern property deeds, that is, to establish legal ownership to a clearly demarcated piece of land. The charters do emphasize the legality of transfers, but the emphasis is on protecting the act of donation from the claims of future family members. Patrick Geary has pointed out the memorial role of the Freising cartulary, noting that Cozroh himself emphasized the commemorative purpose of compiling the donation records, in order to preserve the memory of the donors and the bishops who built the institution of the Freising church.[32] This does not explain, however, why the original charters from which Cozroh was copying were so vague in terms of the property conveyed. It appears the original donation records, besides being legal property conveyances, also had a memorial function, both to preserve the memory of the donor's act, and to remind family members of the donor's wishes. The act of donation was marked by ritual, and it was frequently an action taken when moving to a new phase of life: for example, preparing for death,[33] on a sickbed,[34] entering the monastic life or taking clerical orders,[35] or going to Rome.[36] The Arenga often stated either that the donation was made by someone thinking of what would remain after their death, or it was a renewal or transfer made in memory of a family member.[37] Sometimes the story of how a donation came to

[32] Patrick Geary, *Phantoms of Remembrance* (Princeton: 1994). Alone among the cartularies compiled for the administration of estates, which includes Regensburg, Mondsee, Fulda, Passau, and Wissembourg, the Freising cartulary contained decorated pages, reflecting its memorial role. Stefan Esders and Heike Johanna Mierau discuss a number of social changes reflected in the Freising *Traditionen.* They note the need for *memoria* after the political crisis abated, citing, for example, the apocalyptic tone in the wording of one donation document (TF 170). Stefan Esders and Heike Johanna Mierau, "Die Bairischen Eliten nach dem Sturz Tassilos III: Das Beispiel der adeligen Stiftungspraxis in der Diözese Freising," *Les élites au haut Moyen Âge: crises et renouvellements*, ed. François Bougard, Laurent Feller, Régine Le Jan (Turnhout, Belgium,2006), pp. 283-313.

[33] TF 11, 49.

[34] TF 319.

[35] TF 139.

[36] TF 166b, 359, 410, 434b, 557.

[37] TF 349.

be made is given in detail,[38] or the history of the establishment of a local church is given,[39] while nothing is said about what was actually conveyed. The land description might be omitted, noting only that a donor gave "his inheritance," while the ritual of donation was detailed: the donor approachedthe altar and handed over the property, and the family witnessed and consented.

Cozroh stressed that he had copied the Freising records faithfully, with nothing lessened or added (*nihil minui vel adici*). [40] The language does not seem to be altered, since the earlier charters read quite differently from the later. However, we must be cognizant that the cartulary charters are copies of the originals, and be cautious with conclusions. Simply choosing what was to be copied and preserved was already a type of editing, and many land transactions would have been concluded verbally, or were not preserved by the Church, so we lack a full picture of the donation practices of the time. Nevertheless, the donation charters offer some understanding of this important process. Donations took place in stages, proceeding spatially from the distant parcel of land being offered, to the very heart of the community: the altar of their patron saint. One of the first preparations for a donation, prior to the preparation of the charter itself, was the circumlocution of the boundaries of the land. Generally these descriptive clauses were only specified in the donations of very high-ranking donors, or in cases in which a donation was very controversial. A few examples appear in the earliest Freising documents, however. Starcholf, a son of Count Timo, specified in writing the physical limits of his donation:

[38] TF 337.

[39] TF 234.

[40] From Cozroh's preface: *Hoc tamen opus non vile, sed laudabile cui commisisset inquisivit invenitque tamen suum vilissimum servulum, sed tamen sui fidelissimum, nomine Cozroh, quem tamen ipse suis sacris disciplinis edocuit, et ad presbiterii dignitatem provexit. Inponensque ei pondus tanti laboris, sollicite ac omni circumspetione hoc opus peragere, eo modo firmiter praecipiens: nihil minui vel adici, nisi scriptoris vitio aliquid depravatum repperisset.* "For this work [not common, but praiseworthy] he sought someone to begin and found his most worthless servant, but also the most faithful to him, by the name of Cozroh, whom he himself educated in the religious discipline, and appointed to the office of priest, assigning to him the weight of such labors, he carried out this work with anxious care and with careful consideration of everything, in this way advancing steadfastly. Nothing lessened or added, unless anything found by the writer corrupted by a defect."

> I, Starcholf, bequeath/hand over and convey [my property *rem propriam*] so that after my death it may be the possession of the saints, from the east common boundary which is called Poasinpah and moreover this field which Waldcoz has together with all its appurtenences/rights of easement from the western common boundary Crintilipah, and [along] those streams in a straight line toward the north up to the place which is called Rotinsuuipar , on the south the river Phetarahha is to be designated the border. Within those limits at the above-mentioned place I donate and transfer slaves and tributary servants, houses, courtyards, woodlands, meadows and other meadows upon the Isen river between the two ditches, which are higher fields called pastures, between the boundaries water, mills, fishing piers, all property cultivated or uncultivated which belongs to this confine: four mares, thirty sheep, twenty pigs in increase and nourishment, and eternal possession… [41]

In the ducal donation at Innichen, too, the parameters of the land donated are specified: "…from the river which is called Tesido (the Gsiessbach) up to the boundary of the Slavs, that is to the brook of the mountain Anarasus (the Anras mountain with the Margarethenbach) whole and complete, both plains and mountains…."[42]

Once the demarcation of the donation had been determined, and the charter written, the actual ceremony of handing over the land took place. This was usually connected to some other public event, such as a court day or saint's day, when a gathering was already scheduled, since some participants and witnesses had far to travel. Whenever the donation took place in a church, the donor, his or her family, witnesses and priests would stand in a circle (*in circuitu stererunt*) and the donor would place the charter on the altar with his own hands (*cum manu propria posuit super altarem*), [43] or, alternatively, place it in the hands of the bishop: *per manus Josephi*

[41] TF 8: *Ego Starcholf tradidi et transfundavi ut post obitum meum hereditas sit sanctorum ab oriente confinio quod dicitur Poasinpah et super hoc culturam quam Uualdcoz habet et ipsum cum omne utensilia sua ab occidente Crintilapah confinio et super hos rivos contra aquilonem secundem rectitudinem sulcis usque in locum quae dicitur Rotinsuuipar, a meridie Phetarahha flumen terminum designetur. Infra hos terminus ad supradictum locum trado atque transfundo mancipias servos tributales casas curtes silvas pradas et alias pradas super Isura flumine inter duas fossas quod superiores pratas vocant pascua infra termino aquas mulinos piscationes omnem rem cultam non cultam secundum quod ad ipsum confinium pertinent iumentos IIIIor oves XXX porcos XX in augmentatione et nutrimento et possessionem aeternam….*

[42] TF 34: *…rivo quae vocatur Tesido usque ad terminos Sclauorum, id est ad rivolum montis Anarasi totum atque integrum campestria seu et Montana…*

[43] TF 6.

episcopi tradidi.[44] From the earliest records, it is sometimes stated that the donation was carried out *secundum ritum gentis Baioarorum per aures tracti sunt* (their ears were pulled according to the rite of the Bavarian people); in the case of a donation by the high-ranking count Timo, it was specified that twenty-four witnesses attended and had their ears tugged by the hand of the bishop himself.[45] It can be assumed that witnesses were actually in attendance for the donation ceremony, as some charters stipulate that the witnesses see, hear, and confirm the transaction.[46]

The very first article of the *Lex Baiuvariorum* stipulated that any free Bavarian might give property to the church, unhindered by king or duke, so long as he had divided out the inheritance portions of his sons. The donor was to have a charter created, and call witnesses to place their hands on the charter. Some of these might be also asked to mark their names on the charter. Next, the donor would place the charter on the altar and "hand over this property (*pecuniam*) in the presence of the priest who serves there." Finally, the article states, "hereafter let him have no authority over it [the property], neither him nor his descendants, unless the defender of the church wishes to grant it to him as a benefice; but let the property of the church, whatever is given to a church by Christians, be defended by the bishop."[47] The placement of land

[44] TF 7.

[45] TF 7, TF 16. This ritual occurred even in the case of lesser personages: a short charter for a donation by the priest Friduperht specifies: *Et haec testes per aures tracti*….

[46] TF9: *Haec sunt modo testes videntes, audientes, atque firmantes, ut firma et stabilis permaneat peracta tradition hanc.*

[47] LB 1.1 (see also LA 1.1) [Title: If any free Bavarian wishes to give his freehold or any propertyto a church, let him have complete authority to do so.] If any free person wishes to give his property to a church for the redemption of his soul, let him have complete control over his own portion as soon as he has accommodated his sons. Let no one prevent him. Neither the king nor anyone else has the right of prohibiting him, and whatever he bestows, that is, estates, land, slaves, or other property, whatsoever he gives for the redemption of his soul, let him confirm this bestowal with his own hand through a charter [letter], and let him call six or more witnesses if he wishes. Let them place their hands on the letter, and let those whom he asks mark their names there. And then let him place this letter on the altar and hand over this property in the presence of the priest who serves there. And hereafter let him have no authority over it, neither him nor his descendants, unless the defender of the church wishes to grant it to him as a benefice; but let the property of a church, whatever is given to a church byChristians, be defended by the bishop.

[Ut si quis liber Baiuuarius vel quiscumque alodem suam ad ecclesiam vel quamcumque rem donare voluerit, liberam habeat potestatem.] Ut si quis liber persona voluerit et dederit res suas ad ecclesiam pro redemptione animae suae, licentiam habeat de portione sua, postquam cum filiis suis partivit. Nullus eum prohibeat; non rex, non dux nec ulla persona habeat potestatem

donations as the first law in the code heralds the importance of this issue, as does the emphasis on *potestas* as the ability to alienate and manage property, and on the duty of the bishop to defend the property of the church.

At times a donation accompanied a young man or woman destined for the religious life, as in the case of the illustrious Arn of Salzburg, whose dedication to the church was given pride of place as the first document in Cozroh's cartulary.[48] The charter relates how Arn's father Haholt was suffering from an earlier wound, and so both parents agreed to give their son to the church, entrusting Bishop Joseph with his care. Apparently Haholt was concerned that he would not be there to raise his *carum filium*.

Also frequent were ceremonies to renew or confirm a previous donation. These occurred for a variety of reasons. Sometimes it was necessary to preserve the memory of the donation; after a generation, witnesses and family members expecting inheritances might no longer recall the transaction unless it were publicly re-performed. A renewal ceremony was also a way of commemorating a departed relative. In addition, renewals re-created a bond with a religious institution, as Barbara Rosenwein has shown, and it was a way to draw upon the power of the saints by reminding them of one's dedication.[49] Finally, it could put what had earlier been transacted orally on a written, legal basis. This is frequently seen in Carolingian *diplomata*, when an earlier donation by an ancestor is referenced. Tassilo's earliest donation at Freising was a

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prohibendi ei. Et quicquid donaverit, villas terram mancipia vel aliquam pecuniam, omnia quaecumque donaverit pro redemptione animae suae, hoc per epistolam confirmet propria manu sua ipse et testes adhibeat VI vel amplius, si voluerit, inponant manus suas in epistula et nomina eorum notent ibi, quem ipse rogaverit. Et tunc ipsam epistulam ponat super altare et sic tradat ipsam pecuniam coram sacerdote qui ibi deservit. Et post haec nullam habeat potestatem exinde nec ipse nec posteri eius, nisi defensor ecclesiae ipsius per beneficium prȩstare voluerit ei; sed apud epi scopum defendantur res ecclesiae, quicquid a Christianis ad aecclesiam Dei datum fuerit. MGH LL nat. Germ. 5.2, pp. 268-9.

[48] TF11 describes the dedication of Arn. His parents stated in this charter: "with equal consent, we offered our son on the altar of St. Mary" *(pari consensus offeravimus filium nostrum in altarem sanctae Mariae*).

[49] Barbara Rosenwein, *To Be the Neighbor of Saint Peter: The Social Meaning of Cluny's Property*, 909-1049, (Ithaca, N.Y., and London, 1989).

renewal of his father's gift at Haselbach, made almost immediately after his father's death and witnessed by the abbot (later bishop) Virgil, and the high-ranking lords Reginperht, Regino, and Machelm. This donation might also have served the purpose of giving the young Tassilo public exposure, as a political tool to remind the Bavarians that it was he, not his uncle Grifo, who ruled Bavaria.[50] Lesser personages made renewals, too, as in the case of the *indignus acsi peccator* (unworthy sinner) Thedericus, who renewed his own donation. Thedericus had originally made this gift under Bishop Erembert, and he now wished to renew it under Bishop Joseph.[51] In yet another charter, the priest Hununc, suffering from some illness, renews his father Adalunc's donation, placing it with his own hands upon the altar.[52]

One renewal from 821 describes a ritual that involved the carrying in of land and branches to be planted as memorials within the monastery on the day of the Assumption of their patron, the Virgin Mary:

> The priest Heriolt made the renewal in this manner: He received his parents and close relatives, carried pieces of sod from two green places, likewise green shrubs for planting in the monastery of the Virgin Mary. And coming to Lord Bishop Hitto on the day of the Assumption of Saint Mary there in the presence of the entire clergy and community gathered for this observance, he approached the altar of holy Mary and placed upon it the earth and the shrubs for perpetual remembrance, which Oadalpald the priest and Otolf the monk carried off and planted in the monastery of the most blessed Virgin Mary.[53]

The donation, and by extension, the donor, were to be represented by living branches, reminding the monks to pray for his soul.

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[50] TF3.

[51] TF 10. Thedericus was not too *indignus,* since Tassilo himself confirmed the charter.

[52] TF 13b:…*manu propria ipsam cartulam super praedictam altarem posui….*

[53] TF 449: *Eo modo hac renovationem ipse Heriolt presbiter fecit: Adsumpsit parentes et propinquos proprios, tulit cespites de his duobus locis virides, similiter et frutecta virida ad plantanda in claustra virginis Mariae. Et veniens ad domnum Hittonem episcopum die adsumptionis sanctae Mariae ibique coram cuncto clero atque populo ad hanc solemnitatem congregato accessit ad altare sanctae Mariae et desuper posuit cespites et frutecta ad memoria sempiterna quas tulerunt Oadalpald presbiter et Otolf monachus et plantaverunt eas in claustra ut diximus beatissime virginis Mariae.*

Inherited Land

As numerous donation documents show, families expected to have use of the land they had always worked.[54] Property might be inherited, acquired through purchase or exchange, reclaimed from marsh or woodlands, or received as a loan (as *beneficium* or *feudum*). Donation documents stressed that the donor had the full right of alienation for his property, often mentioning the family members who appeared to give their consent to the donation.

The term *alod,* originally a Frankish word, meant the full property. In the *Lex Salica*, the *alod* refered to personal assets, and was synonymous with *hereditatas,* in contrast to *terra*, which was the real property belonging to the kindred. As it still does today, real property encompassed a group of rights, like a bundle of sticks which could be divided. The term *alod* came to mean both personal and real property together,[55] but the rights of the family to inherit the property of a relative remained strong, and the donation of lands to episcopal and monastic institutions at times faced strong resistance from heirs of the donor, particularly in cases where the land continued to be worked as a benefice for several generations.[56]

In an early donation of Tassilo and the Fagana to Bishop Joseph of Freising, Alfrid and his brothers gave whatever belonged to their *genealogiam* (*quicquid ad genealogiam quae vocatur Fagana pertinebat tradiderunt*), which was the place Erching, described as *fines*

[54] TF 100. Ratheri donates his entire inheritance, unless his grandson (*nepos*) produces sons, in which case they will hold the land in common for life, with payment of a rent.

[55] Niermeyer's *Mediae Latinitatis lexicon minus* defines an *alod* as the movable and immovable property of one person. For example, LB 2.1 states: *Nullus liber Baiwarius alodem aut vitam sine capitali crimine perdat* (let no free Bavarian lose his alod or his life unless for a capital crime), and the *Decretum Tassilonis* echoes: *A proprio alode alienus efficitur* (he is alienated from his own alod). *Decr. Tassilonis, MGH LL nat. Germ*. 2, c. 14, p. 469.

[56] Rivers defines the *alod* as land owned outright by a freeman, from which no obligations were owed to another. He asserts that during the eighth century, ecclesiastical and secular landowners were acquiring more land at the expense of poorer freemen, who relinquished their *alods* in exchange for economic security. They would receive back their land as a precarium, becoming indentured tenants. Theodore John Rivers, *Laws of the Alamans and Bavarians* (Philadelphia: 1977), pp.24- 39. See also Rivers, "The meaning of alodis in the Merovingian Age," *Studies in Medieval and Renaissance History* 21 (1989) pp. 1-35, and Rivers, "The Manorial System in the Light of 'Lex Baiuvarium' I,13," *Frühmittelalterliche Studien* 25 (1991) pp. 89-95.

utrorumque genealogiarum (the territory on each side of the family village/inheritance).[57] In another Freising charter, Chuniperht clarified that he was donating both land he had inherited (*hereditatem*), and land he had acquired by purchase (*empticam*), in a given location.[58] Elsewhere, Adalunc and his son Hununc stressed that they gave everything *de nostro alode* and *adtracto de nostro iure*, that is, from their inheritance or lawfully acquired.[59]

Though the act of donation was essentially commemorative, the legality of the donation needed to be stressed, in order to protect both the donor's wishes and the rights of the recipient. In one charter, Waldker not only donated "with the permission of Lord Duke Tassilo in the presence of Bishop Arbeo" (*cum licentia domni Tassiloni ducis in praesentia Arbionis episcopi*); but the scribe writing the charter repeated the words *firmiter* and *firmavit* throughout, to

[57] TF 5: *Omnes autem possessores huius loci prumptis viribus donantes atque tradentes pro remedium animarum suarum: inprimis gloriosissimus Tassilo dux Baioararorum quicquid ad Feringas pertinebat, pariter ipsis consentientibus Alfrid cum fratribus suis et participibus eorum atque consortiis, reliquas autem partes quicquid ad genelogiam quae vocatur Fagana pertinebat tradiderunt ipsi, id sunt Ragino, Anulo, Uuetti, Uurmhart et cuncti participes eorum donantes atque transfundentes seu firmitatem secundum ius Baioararorum facientes. Ut ipsaque huius loci, id est Erichiga fines utrorumque genealogiarum….*

The term *genealogia* reflected a contemporary consciousness of origin and relationship. It had a wide spectrum of meanings, taking in not only the family connection between the dead and the living in the biological succession of the generations, but also reflecting the social context. In the early middle ages it meant a familial birth status ("estate") (*Lex Baiuvariorum* I. 8 and II. 4), which was regulated according to the *weregeld*, in the agnatic line as well (Paulus Diaconus, *Hist. Langobard.* IV, 37). In some case it designated a notable noble kingroup [*Adelssippe*], such as the Agilolfings themselves (*Lex Baiuvariorum* III. 1; *Lex Alamannorum* 81), or an ethnically differentiated *Verwandtenclan* (Paulus Diaconus, II. 10). The nexus of real estate with the *genealogia* comes to the fore in the family village or inheritance. A ducal *genealogia* of the Etichonen (Alsace) over four generations is transmitted in the cartulary of the Honau monastery. Otherwise, the genealogical connections of the nobility of the Frankish empire in the 8th and 9th century are represented only selectively in historiography, charters, and *Libri Memoriales* (mostly as cognatic groups) and through subtle prosopographical and "genealogy-property" histories. The above paragraph is translated and paraphrased from the entry by E. Freise, "*Genealogia" Lexikon des Mittelalters*, vol. 4, cols 1216-1221.

The *finis* is defined by the *Lexicon Mediae Latinitatis* as 1. A subdivision of the pagus comprising more than one village, 2. The territory of a village; a township, 3. The land belonging to a manor. All three definitions are applicable to the model of a *curtes* and surrounding *mansi* which scattered the Bavarian landscape. Thus, the donation of the Fagana appears to be for a village or manor which belongs to the family, up to the "city limits," the lands associated with that village or manor. <http://www.linguaeterna.com/medlat/show.php?n=7228>

[58] TF 15: *Itaque tradedi atque transfundavi propriam hereditatem atque empticam in iam praedicto loco colones VIII cum omnibus utensilibus eorum.*

[59] TF 13 a.:… *tradidimus totum et integrum terrain cultam et incultam agros pratas silvas aquarumque decursos vias et quicquid ad ipsum pertinebat locum de nostro alode vel adtracto de nostro iure*. This reinforced by the renewal TF 13 b: …*ego Hununc ... tradidi cum omnia pertinentia ad hunc locum de alode nostro seu adquisitione quolibet modo ad nos tracto ….*

emphasize that it was steadfastly confirmed. One can imagine that the donation really stuck after reading a sentence like this: *Et ipse Heres episcopus firmiter ipsam traditionem firmavit super supradictum altarem sanctae Mariae firmiter tradidit et transfirmavit….*[60]

In transferring a donation, some donors felt it necessary to clarify the full rights of ownership they were conferring, such as the donation of David of Mammendorf, in which he states he gave the bishop, from that day, the power of controlling, selling, altering or exchanging the property, or having the full power to do whatsoever he wished.[61] Likewise, a donation by Wurmhart gives the right, from that day forth, to do whatever is wished with the land, *id est tenendi, dominandi, commutandi, reliquendi* (that is, possessing, controlling, exchanging [or] bequeathing [it]).[62]

Law and Land: The *Lex Baiuvariorum*

In a society in which land and domestic animals were the principal sources of wealth, the law attended carefully to every aspect of possession or injury to possessions. The *Lex Baiuvariorum*, therefore, provides an introduction to some of the categories related to the conceptualization of land in Agilolfing Bavaria.

The primacy of land as wealth, identity, resource, and family tie is reflected in the penalties for various crimes. Death and imprisonment were very rare punishments in the medieval legal world. Generally fines of all types were given as penalty, but the worst

[60] TF 21: *Ego Uualdker tradedi hereditatem meam cum licentia domni Tassiloni ducis in praesentia Arbionis episcopi et in manum eius traditum fuerat pro remedium animae meae, …firmiter tradidi ad episcopatum sanctae Mariae semper virginis …Et ipse Heres episcopus firmiter ipsam traditionem firmavit super supra dictum altarem sanctae Mariae firmiter tradidit et transfirmavit quicquid ad ipsum locum pertinere videbatur quod dicitur Linta.*

[61] TF 12: *Trado atque transfundo in manus Joseph episcopus per repromissiones suas. Et ego me ipsum sanctissimis rationibus suis commendans et ipse me in sanctas ac venerabiles manus suis fideliter accepit et fieri per omnia permisit sicut petii. Et dedi ei potestatem ab eo die habere dominandi vendendi commutandi concambiandi vel quicquid de ipso facere voluisset in omnibus potestatem habendi.*

[62] TF 29. The term *dominandi* could be translated mastering or having sovereignty over; it refers to lordship over tenants on the land. The online *Lexicon Mediae Latinitatis* translates *dominare* as "to possess as a lord," in other words, to possess the rights of lordship. < http://www.linguaeterna.com/medlat/show.php?n=5909>

punishment of all was cutting someone off from their inheritance, that is, the family lands. In one article of the *Lex Baiuvariorum* that deals with treason at the highest level, a son of the duke attempting to displace his father, the concomitant sentence is "that he is excluded from his father's inheritance, and nothing of his father's property belongs to him any longer."[63] Elsewhere, the code states, "Let no free Bavarian lose his freehold land or his life [unless punishable for] a capital offense; that is, attempting to take the life of the duke, inviting enemies into the province, or devising to seize the state through foreign intervention."[64] Other cases in which equally severe punishment is merited are incestuous marriage, in which case both parties lose all their property to the public treasury,[65] and, in the cases of those without property, they could be made public slaves. [66]

The centrality of land ownership to well-being and social status is further indicated in two more articles, which invoke supernatural punishment for moral transgressions: anyone who persists in working on Sunday after repeated warnings will lose a third of his property. If he still persists, he will lose his right hand, since such acts "incite God to anger, and furthermore, we will be punished regarding our crops and afflicted with want."[67] The community as a whole would suffer if they did not correct any member of their society who continuously defied God. It is the ducal case writ large: the worst punishment the duke can inflict on an usurping son would be to deny him his land; in a similar manner, God will punish a defiant community with crop failure. In another instance, the law code cautions that anyone who performs magic on another's

[63] LB 2.9.

[64] LB2.1. In LB 2.2 it is stated that if one succeeds in killing the duke, the penalty is capital punishment, and forfeiture of property to the state: the loss of life *and* land.

[65] LB7.2.

[66] LB7.3.

[67] LB7.3a.

crops will forfeit his slaves, property, and livestock to the injured party for a year. This is in addition to a payment of twelve *solidi,* indicating that it is the landless state that is the real retribution, which will cause the offender to realize what it is to strike at the heart of another's status and livelihood as a landowner.

The *Lex Baiuvariorum* makes clear the categories of things that could be owned, which essentially consisted of of land, animals, slaves, agricultural products, buildings, and farming equipment. Section 16 of the law code distinguishes between property and possessions. In the first article, property (*res),* refers to slaves.[68] In contrast, the following article discusses the sale of *possessionem,* which is defined as arable land, waste land, meadows, or forests (*terram cultam non cultam prata vel silvas*).[69] Yet another article of the code adds a further distinction between freehold land (the *alod*) and other property: *propriam alodem …vel quascumque res*.[70] A

[68] LB 16.1: If anyone sells another's property without consent of theowner, either a slave or maidservant or anything whatever, let him return it according to law, and let him add another of equal value.And if he cannot recover it, let him return two of equal value.

Si quis vindiderit res alienas sine voluntate domini sui aut servum aut an cillam aut qualecumque rem, ipsam per legem reddat et consimilem aliam reddat, et si ipsam non potest invenire, duos consimiles reddat. MGH LL nat. Germ. 5.2, p. 431.

[69] LB 16.2: If anyone sells to another his possession, that is, arable land,waste land, meadows, or forests, after reception of the purchaseprice, either through a charter or through witnesses, let the purchase be considered legally valid. The witness should be heard orally, since our law requires it; two or three ought to be [witnesses]. If a sale is concluded forcibly, that is, settled by threat of death or by fear of restraint, at no time is it legally valid.

Si quis vendiderit possessionem suam alicui terram cultam non cultam prata vel silvas : post accepto pretio aut per cartam aut per testes 1 conprobetur firma emptio. Ille testes per aurem debet esse tractus 2, quia sic habet lex vestra ; duos vel tres vel amplius debent esse testes. Venditio si fuerit violenter extorta, id est aut metu mortis aut per custodiam, nulla valeat ratione. MGH LL nat. Germ. 5.2, p. 432.

[70] LB 16.17: Concerning those who sell their own freehold or any other property: if another wishes to take this away from the buyer and add it to his property, then let the buyer say to the seller, "My neighbor wishes to take away my land," or whatever property itis, or whoever it is. And let the other [the seller] answer, "I wish to confirm what I gave you legally and tbrpugh oral testimony." Let this be done as established above for seven nights. If one says, with both parties convened together, "Why do you attempt to invade my land, which I was given justly according to the law of inheritance?" and the other says to the contrary, "Why do you give away my land, which my ancestors held formerly?" let the other [the seller] say, "This is not true, since my ancestors held it and bequeathed it to me as my freehold, and it is now invested in the hands of him who seized it; I wish to affirm it through the law." If he wishes it, as soon as possible, let him have full power of possession. If not, however, let it be confirmed after three or five days, or perhaps even after seven, in the following manner. At the four corners of the field or at designated boundary markers, let him [the original owner] lift up some ground or circle around with a plow or even, if it is a forest, [seize] grass or twigs, and say these words, "I give this to you, and I confirm it lawfully." Let him say these words three times, and let him hand over [this clod of earth] with his left hand; however, let him offer a pledge to him who summons him with these words, "Behold, I give this pledge to you, that I do not give your land to another in violation of the law.Then let the other receive the pledge and give it to his guarantor, in fulfillment of the law. If the matter between them leads to a fight, let him who received the pledge say, "You have unjustly confirmed my land to another," that is, *farsuirotos.* "You must return it to me and compensate with twelve solidi." Then let them reply with wager of battle, and let the judgment be in the hands of God. If not, however, let

property could consist of the land, houses, forests and slaves attached to it; article 16.15 urges that everything pertaining to that property be specified, to avoid later confusion: "Whatever a man sells or whatever property he buys, let all be confirmed through charters or through witnesses who can prove this, that is, concerning slaves, land, houses, or forests, so that afterwards there is no dispute."[71] In addition, separate sections of the code deal with fruit-bearing orchards, damages to buildings and to boundary markers, and boats.[72] In the category of things which could be sold, property, slaves, and animals were the items which were large enough in price to necessitate a rescension clause in case of defect (*seu res seu mancipium vel quodlibet genus animalium*). It was specified that one had three days in which to locate any defect, in which case the item could be returned, unless it were the kind of defect which would not be apparent within three days.[73]

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him defend himself with an oath, that is, with twelve oathtakers, that he did not confirm land to another unjustly, nor must he restore it to his control, nor must he compensate with twelve *solidi*.

De his qui propriam alodem vendunt vel quascumque res et ab emptore alter abstrahere voluerit et sibi sociare in patrimonium. Tunc dicat emptor ad venditorem : 'Terram' aut quaecumque fuerit res, 'abstrahere mihi vult vicinus meus' aut quis fuerit. Et iste respondit: 'Ego quod tibi donavi cum lege integra et verbis testificatione firmare volo.' Super VII noctes fiat constitutum. Si dicit cum utrisque utraeque partes conveniunt: 'Cur invadere conaris territorium, quam ego iuste iure hereditatis donavi?' Et ille alius contra: 'Cur meum donare debuisti, quod mei antecessores antea tenuerunt.' Iste vero dicit : 'Non ita sed mei antecessores tenuerunt et mihi in alodem reliquerunt, et vestita est illius manu, cui tradidi, et firmare volo cum lege.' Si statim voluerit, liberam habet potestatem; in autem postea, super III dies aut V aut certe VII ea ratione firmet. Per IIII angulos campi aut designatis terminis per haec verba tollat de ipsa terra vel aratrum circumducat vel de herbis aut ramis, silva si fuerit: 'Ego tibi tradidi et legitime firmabo.' Per ternas vices dicat haec verba et cum dextera manu tradat, cum sinistra vero porrigat wadium huic, qui de terra ipsa eum mallet per haec verba:' Ecce wadium tibi do, quod tuam terram alteri non do legem faciendi. Tunc ille alter suscipiat wadium et donet illud vices soribus istius ad legem faciendam. Si causa fuerit inter illos pugnae, dicat ille qui wadium suscepit: 'Iniuste territorium meum alteri firmasti, id est farsuuirotos, ipsum mihi debes reddere et cum XII sol. conponere.' Tunc spondeat pugna duorum et ad dei pertineat iudicium. Sin autem, cum sacramento se defendat, id est cum XII, quod suam terram iniuste non firmaret alteri, nec suae dicioni restituere deberetur nec cum XII solidos conponere. *MGH nat. Germ*.5.2, p. 442.

[71] LB 16.15: *Quicquid vendiderit homo aut comparaverit qualemcumque rem, omnia sint firmata aut per cartas aut per testes, qui hoc probare possent; hoc est de mancipiis, de terra, casis vel silvis, ut postea non sit contentio*. *MGH nat. Germ*.5.2, p. 441.

[72] Fruit-bearing trees: (orchards) LB 22. Damages to buildings and to boundary markers: LB 10 and LB 12. Boats: LB 19.9, which, oddly, are placed in the section concerning the treatment of the dead.

[73] …*si plus de tribus noctibus habuerit post se , non potest mutare, nisi forte eum invenire non poterit infra tres dies* (if he has them more than three nights in a row, he cannot change [them], unless he he could not find them strongly [i.e., the defects were not apparent enough to be seen] within three days).
LB 9: This form of sale is to be observed, whether property, slaves, or any kind of animal is sold, so that no one may break a legally valid sale, that is, property sold at a set price. *Venditionis haec forma servetur, ut seu res seu mancipium vel quodlibet genus animalium venditur, nemo propterea firmitatem venditionis inrumpat, quod dicat se vili pretio vendidisse. MGH nat. Germ*.5.2, pp. 437-8.

Several categories of animals merit specific penalties in the law code, indicating their high value. These are generally the animals important to the land-owning elite, such as horses, dogs, and hawks, rather than farm animals such as cows or sheep. Horses were distinguished by various types, ranging from the *Marhc*, a war horse, to the *wilz*, an average value horse, down to the lowly *Angargnago* or "grass-chewer," an inferior horse unsuitable for military campaigns.[74] Equally specialized were various dogs trained for tracking, guarding the household, herding sheep, and various types of hunting (some dogs were suitable to hunt large animals, for example, while others were bred to pursue burrowing animals). Birds such as hawks for hunting and tamed singing birds for the courtyards of the nobility formed another category. Common farm animals such as oxen, other cattle, and sheep are mentioned several times throughout the code, but do not merit a separate category; however, pigs and bees earned specific mentions, probably because of the difficulty of ascertaining ownership of these foraging animals.[75]

The ownership of human slaves presented particular issues of their own. The code detailed ways in which people could become slaves legally: acceptable means of acquiring a slave were through war outside the province, through payment of a debt, through inheritance, and through birth to one's own slave. [76] Other items produced by slaves, such as ornaments, also became the property of the slave-owner, and slaves themselves could have property. Oftentimes, a given unit of property for sale or exchange would have slaves attached to it, so that conveyance

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[74] War horse [LB 14.11], average and inferior horse [LB 14.12].

[75] Equally specialized are various dogs for tracking, guarding the household, herding sheep, and various types of hunting (some dogs were suitable to hunt large animals, for example, while others were bred to pursue burrowing animals) [LB 20]. Various types of birds such as hawks for hunting and tamed singing birds for the courtyards of nobles form another category [LB 21]. Oxen, other cattle, and sheep are mentioned several times, but do not form a separate category of the law code; but pigs and bees merit specific mention [LB 22.8-10 and 23].

[76] LB 16.11 and 16.13 detail ways that people can become slaves: "I seized [that] slave outside the border where the duke led his army;" "[t]he duke acquired him by way of a fair and just debt, and he was given to me freely;" also, "My father willed him to me in my inheritance;" [LB 15.11] and "…he was born of my own slave" [LB 15.14]. Items produced by slaves, such as ornaments, also become the property of the slave-owner. Slaves could themselves have property [LB 16.6-7].

charters describe the entire parcel with *formulae*: *id est servos ancillas tributales aedificia saltos silvas aquarumque decursos territoria universa utensilia tradedi* (I commended [everything there], that is, servants, female servants, renters (tribute-payers), buildings, woodland-pastures, woods, running water, land, and general appurtenances (rights of easement)).[77]

The first section of the *Lex Baiuvariorum*, dealing with ecclesiastical matters, described the service and/or tribute of freemen (*coloni*) and slaves (*servi*) who were bound to the church. Tenants on ecclesiastical land, both free and unfree, paid a grain tax on their produce, as well as a pasture tax "according to the custom of the province." In addition, they were expected to aid in wine planting and harvesting, drayage, and construction. According to the intentions of the law, slaves were to render tribute in proportion to what they themselves possessed, working three days on the demense, three days for themselves.[78]

Ties between people and land

Legal status was tied to one's relationship with the land. For the landowner, the *alod* was not only a source of sustenance, it was his identity. The *alod* was a holding which was not burdened by tribute or service. Those who did not possess this had to work land owned by another, either as freemen paying rent, or as non-free tenants, whose labor belonged to the land they inhabited. In the manorial system, which was beginning to be more common in Bavaria in the eighth century, obligations were of two different types, service (*servitium*) and dues in kind (*tributum*). Of the two, service was more burdensome: it comprised various sorts of labor such as

[77] TF102.

[78] The service and/or tribute of freemen (*coloni*) and unfree servants who are bound to the church is described in the first section [LB 1.13]. Church tenants, both free and unfree, paid a grain tax on their produce, as well as a pasture tax "according to the custom of the province," in addition to aiding in wine planting and harvesting, drayage, and construction. According to the intentions of the law, *servi* were to render tribute in proportion to what they themselves possessed, working three days on the demense, three days for themselves. This article should be approached with some caution as evidence of the actual situation on secular lands; it pertains to ecclesiastical lands and was likely adopted from other sources, signaling the intention by the church to regularize the rents and duties on their lands. LB 4.28 suggests that many freemen had a relationship with some sort of overlord. It states that in the absence of family, recompense for the killing of a freeman should be made to "the duke or the man to whom he was commended."

plowing, sowing, haying and harvest, craft labor, and supplemental labor such as the carting of goods. The smallholder's time was scarce, and the required labor services occurred during the crucial periods of the agricultural cycle. [79]

In the manorial system, the peasants who worked the land paid dues in kind (that is, they were obligated to give part of their harvest to their lords), and were further obligated to work several days a week on the lands belonging directly to their lords. This created not only an economic, but a social bond. In the classical or bipartite manorial system, the demesne (non-tenanted lands owned by the lord) and tenures (held by dependent farmers) were both grouped around a *curtis* (manor) as the administrative centre. On smaller manors, this was also the residence of the landlord.[80] The bipartite system necessitated large groupings of land-holdings, and the increase in land exchanges noted in the ninth-century Freising charters is presumably the result of the church and large land-owners attempting to consolidate holdings for ease of administration. To avoid the vagaries of the agricultural cycle, farmers often owned fields spread out over several areas. A large landowner had the means to both consolidate lands for the ease of oversight and production, and to possess several of these large consolidations, spread over a range of environments. The land tenure remained the property of the landowner, but over time could be considered to be hereditary.[81]

[79] Hammer, *Slave Society,* p. 20.

[80] Goetz, "Social and military institutions," p. 473. The *villa,* or *curtem,* could have numerous *mansi* attached to its *domum*: TF 213a, 300, 552.

[81] The capitulary of Pitres from 864 gives evidence of a *mansus hereditarius*. *Edictum Pistense* (a. 864), *MGH Capit.* II. See Goetz, "Social and military institutions," p. 474.

There were a variety of terms for those who did not own their own land.[82] The *liberi* (or *coloni*) were free persons who lived and worked on another's land. The *servus* was a dependent tenant, with the additional connotation of unfree personal legal status. *Servi* and *coloni* were charged with different obligations, but these could at times become adjusted until there were only minor distinctions.[83] While a *colonus* was of free status, he could be conveyed by deed as personal property along with his family and tenancy.[84]

Servi might be distinguished between those living in the manor (*servi non casati*), and those holding land by tenure (*servi casati*) for which they paid dues and rendered services. The *mansus*, a common designation for the dependent tenancy, yielded a further term for the unfree tenant: *manens* or *conmianens*, just as the dwelling itself, the *casa*, could become the term for its dependent inhabitants, *casati* (literally, those who were "housed").[85] Another general term for these unfree servants was *mancipia.*[86] There were changes in terminology over time that accompanied social change, and these varied over different regions, so that even in the same time period, a term could have different meanings. It is also clear that at times, linguistic confusion

[82] The only vernacular status designation occurs in the title on compensations due for injuries to freedmen, "whom they call *frilaz"* (LB. 5.9, 8.10). "The primary vernacular equivalents of *servus* and *ancilla* were clearly *scalc* and *diu/thiu* which are found, for example, in contemporary glosses and Bible translations, but these terms only occur in the legal deed evidence in specialized compounds. Other examples of the vernacular occur in personal names which nearly always were compounded from two distinct name elements. Thus Bishop Hitto of Freising's sister was named Cotes-diu (TF 352), evidently the female counterpart of the well-known male name, Gott-schalk or 'God's Slave' (Latin: *servus dei*)." Hammer, *Slave Society*, p. 14 and chapter 6.

[83] In 861, sixty people claimed to be *liberi coloni* were therefore not obliged to render low-status services. Goetz, "Social and military institutions," p. 475.

[84] TF 58 together with TF 75; Freising TF 46a.

[85] Goetz, "Social and military institutions," p. 474. *Manens* and *conmianens*: TM 68; TR 1, 4, 77. Casati: TM 39, 70.

[86] According to Hammer, the *mancipium* often occurs as a landless slave-laborer attached to the demesne estate (TR 17), and thus appears, at first sight, to be a counterpart to *servus* in its sense of 'unfree tenant.' It is sometimes argued that only the *mancipium* was a true slave while the *servus* had become a serf. But, while there are cases where *servus* and *mancipium* seem to be in opposition, designating two entirely different kinds of status (for example, TF 366), the primary meaning of *mancipium* seems to be merely a generic, bisexual designation for a slave. (TF 652; TR 3). Hammer, *Slave Society*, p. 12. "*Mancipia*," D. Hägermann, *Lexikon des Mittelalters*, Vol. 6, cols 185-186.

could occur. In a Mondsee donation, Hildiroh conveyed "my two beekeeper *servi*, the one of whom is free (*liber*) and the other is a slave (*servus*)." Presumably the scribe had difficulty translating the vernacular distinctions.[87]

A donation by Deotlind exemplifies the usage of these various designations; Deotlind donates everything he has at Neritinga (Nörting):

> which is two *mansos*, Emicho with his wife Hroaduuar and a son by the name of Liutperht with family and their wealth, whatever they are seen to have, and another *servus* by the name of Uuolfdeo with his wife Perhthilt with a son by the name Hroduni and a daughter by the name Uualtrat with [her] son Sikifrid and also what I was offered in benefice by deacon Snelmot with the consent of Bishop Atto, that is two *mancipia* with arable land belonging to one *mansum*.[88]

Not all *servi/mancipia* were agricultural workers. Odilo made a donation to the monastery of Mondsee which included several beekeepers, three smiths, a cook and a vine-dresser.[89] Generally the largest workshop on a large estate was that in which female servants worked at weaving cloth. Unfree servants also acted as agents in trade.[90] In addition, ecclesiastical establishments needed large numbers of domestic *servi*[91].

A status term peculiar to Bavaria is that of *barschalk*.[92] In the early ninth century they were designated freemen and from the evidence of one charter, appear to have rendered dues in

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[87] TM 38.

[88] TF 120 (a. 788):*...id est mansos duos, Emicho cum uxore sua Hroaduuar et filio nomine Liutperht cum familia et substantia sua quicquid habere videtur et alius servus nomine Uuolfdeo cum uxore sua Perhthilt cum filio nomine Hroduni et filia nomine Uualtrat cum filio Sikifrid itemque quod in beneficio praestiti cum consensus episcope Attonis diacono Snelmoti, id est mancipia dua cum territorio pertinente mansum unum*.

[89] TM 39. Also, in the *Notitia Arnonis*, it states that Duke Tassilo donated priests with the churches they had built to the Salzburg episcopal church. *Notitia Arnonis, c.* 5.5 and 5.7, p.76.

[90] LB 16.3; *MGH Capit*. I, p. 253. See Hammer, *Slave Society*, p. 21.

[91] TR 17. Abbot Sigifrid, who owned the estate at Lauterbach, had twenty-eight slaves (*mancipia*) as part of the household, the *mensa abbatis*, twenty-three of whom were male, and the rest female.

[92] There was also a class of men in service of Duke Tassilo entitled *adalschalks* (the oxymoronic "noble slaves"). The name of the *barschalks* could either parallel that of the *adalschalks* (*baro* = freeman) or refer to their liability to render a payment or fee in lieu of service. Dollinger, p.288.

kind as well as labor services.[93] However, *barschalks* were sometimes classed with other *servi*, and their *wergeld* depended on the status of the freeman on whom they were dependent, in the same manner as a freedman or a slave.[94] Hammer suggests that the *barschalks* represent a continuation of the eighth-century *coloni* under a new name. There is a chronological fit in the usage of the two terms, and the structure of the services due from both were similar.[95] Moreover, the *barschalks* seem to have been heavily concentrated in the Salzburg *Romania*, where the late antique tradition of *coloni* might be expected to remain strong..[96]

Whether a great landowner, or a toiling *servus*, a person's legal status was intimately connected to their relation to land as property, in a way that is difficult to fathom today. The unfree, and even some of the free (*coloni* and *barscalci*) were legally tied to the land they worked and could be transferred to a new lord by the sale or donation of their land.

Property crimes and punishments

A consideration of what consituted property crimes helps to further define the limits of ownership and the owner's relationship to his property. The inviolability of ownership, that is, the tenet that no one should cause harm to another's property, whether animate or inanimate, is emphasized by statutes proclaiming that nothing should be removed from another's forest,

[93] TF 523b.

[94] TF 523b, 679. See Hammer, *Slave Society*, pp. 13-4, Dollinger, pp.288-302.

[95] Compare LB 1.13 and TF 523b. Ninth-century *barscalci* held land from the church and were required to provide *servitium* (service) of three days, three times a year, ploughing, haymaking, harvesting, and carting sheaves. They also were required to render from their holding varied agricultural products and *una friskinga*, a young pig. Arnold, *Power and Property*, p. 48. In the *Notitia Arnonis*, several *mansi* are donated by the duke, consisting of barschalks and *servi*, which supports the idea this may have been a status designation similar to *coloni*. NA 2.7, p.74 : "Also the aforementioned duke gave in the district Obinggau a village by the name of Obing, in which were 20 mansi, partly with Barschalks, part with un-free, partly cultivated, partly uncultivated, with fields, meadows, forests, and everything pertaining to them." *Tradititque memoratus dux in pago Opingaoe villa nuncupante Opinga, in qua sunt mansi XX inter barscalcos et servos et inter vestitos et apsos, cum campis, pratis et silvis et omnibus appenditiis suis.*

[96] TF 193a; compare with *Notitia Arnonis*, c. 7.7, p. 82 and *Breves Notitiae* c. 4.8, p.94. Like the *coloni*, the *barschalks* were liable to payment of the "tenth"(the *agrarium* or *decima*(*tio*)). However, by the early tenth century, the barschalks' status was indistinguishable from that of the *servi.* Hammer, *Slave Society*, p. 14.

garden, or orchard, as well as articles pertaining to the injury of another's animals. Articles of the code forbade the removal of lumber, birds, or bees from another's land, as well as protecting produce from orchards or gardens.[97] Meddling with another's property was further covered by increasingly harsh fines for plowing another's crops or meadow, stealing crops, and performing witchcraft on another's crops.[98] Even the simple act of trespass was construed as an act of aggression: article 12.6 gives a fine of six *solidi* for trespassing, while article 17.1 further illuminates the fear behind this: "If any man irregularly enters another's meadow, cultivated land, or clearing (*pratum vel agrum vel exartum*) contrary to law and says that it is his own, let him compensate with six solidi because of his audacity, and get out."[99] The code mentions a sign called a *wiffam*, which is placed "for defence," either to close an illegal passage across land or to secure a pasture: in other words, a "no trespassing" sign.[100] The forcible entrance of another's courtyard or house was a finable offence, as were actions such as knocking down roofs, posts, or fences "in order to cause abandonment or some other outcome." Some devious techniques in property wars are revealed though the penalties of the code, such as the stipulation that cutting the top stabilizing pole of a fence should be fined the same as creating a hole in the fence, "since a fence in this condition is least able to withstand an onrush of animals."[101] Injured animals or slaves required compensation to the owner; however, if an animal such as a foraging pig

[97] Articles of the code forbid the removal of lumber [LB 12.11/12.12, 22.4 and 22.6] birds [LB 22.11] and bees [LB 22.8-10], as well as produce from orchards or gardens [LB 9.13]

[98] LB 13.6-8.

[99] LB 17.1 *Si quis homo pratum vel agrum vel exartum alterius contra legem malo ordine invaserit, et dicit suum esse, propter praesumptionem cum VI solidis conponat et exeat. MGH nat. Germ*.5.2, p. 446.

[100] LB 10.18. [*De signis ob defensionem positis*.] *Qui autem signum quod propter defensionem ponitur aut iniustum iter excludendum vel pascendum vel campum defendendum vel applicandum secundum morem antiquum, quod signum uuiffun vocamus, abstulerit vel iniuste reciderit, cum I solido conponat*. *MGH nat. Germ*.5.2, p. 393.

[101] The forcible entrance of another's courtyard or house is covered in article LB 11.1-3. The preceding articles [LB 10.6-17]detail fines for knocking down roofs, posts, fences "in order to cause abandonment or some other outcome." [LB 10.6] Cutting the top pole which stabilizes a fence is fined the same as creating a hole in the fence, "since a fence in this condition is least able to withstand an onrush of animals." [LB 10.17]

destroyed a crop, it was not permitted to injure the animal. Instead, the damage was to be appraised for compensation.[102]

Many of the responsibilities of ownership are implied in these articles, such as the duty to maintain land and make one's rights to it clear through the maintenance of fences and buildings, continuous usage, and the posting of signs. Abandoned, ill-maintained, or underused land invited encroachment by land-hungry neighbors or land-poor *coloni*. This duty is underscored by the language used in one article on disputed claims, which specified that the party defending his land was required to produce witnesses to support this declaration: "…I have always done the work of this field; I have plowed, cleared, and possessed this land to the present day…." The witness was supposed to testify "that he produced fruitful labor." [103] Parties hoping to lay claim to underused land through adverse possession might simply begin working the land,[104] or put up buildings on it.[105]

Landowners were responsible for keeping open community passage-ways, categorized as the public road (where the king or duke might pass by), side roads, also known as pastoral routes

[102] An animal injured by being driven off another's property, or being driven into an improperly constructed enclosure, required compensation. The injurer was required to nurse the animal back to health, following the formulaic process of avursam [rivers makes it sound as if the animal is called this – ck latin], in which the owner stated: "receive the animal which you have injured." [LB 14.4-5] If he did not do this, the law states he should compensate for the animal in full. Injured slaves were likewise compensated to the owner, with penalties ranging from one tremissis for striking another's slave, to 20 solidi for causing the death of a slave [LB 14.6]. If, on the other hand, an animal (such as a foraging pig) destroys any crop, it is not permitted to injure the animal, but the damage is appraised for compensation [LB 14.17]. Dispersing a large herd of pigs was liable for fines up to twelve solidi, a considerable amount [LB 23].

[103] LB 17.2: If, however, a claimant wishes to lay his claim to that cultivated land, meadow, clearing, or wherever this dispute occurs, let him lay claim in the following way. Let him swear with six oathtakers and say, "I have not infringed upon your occupation there contrary to law, nor ought I to compensate with six solidi or get out, since my work and labor were previous to yours." Then let the possessor say, "I have witnesses who know that I have always done the work of this field; I have plowed, cleared, and possessed this land to the present day, which no one can contradict, and my father left it to me in his inheritance." The man who wishes to testify to this ought to be his neighbor and ought to have six solidi in money and an equal amount in cultivated land. Then let that witness swear in the following way, "I have heard with my ears and seen with my eyes that this man's occupation in this land was previous to yours and that he produced fruitful labor, [etc.]."

[104] LB 17.2 implies this, in that the witness must state the landowner's "occupation in this land was previous to yours [the claimant's]."

[105] LB 12.9: "If anyone wishes to construct a building quickly…before a dispute is settled, and…finishes his house and secures the buildings by enclosing them with a fence, and then says, "Leave my land, since I am within the law"…."

(*via convicinale vel pastorale*), by which others might drive their herds to pasture, and finally, footpaths.[106] Landowners were likewise liable for keeping the water clean. Anyone who contaminated (*inmunditia coinquinaverit vel maculaverit*) water was required to clean it; in the case of the contamination of a shared well, the responsibility was shared also.[107]

Use and ownership

Land that was unused, uninhabited, or uncontrolled might be described as *inculta et deserta*, as in the previously mentioned donation by Tassilo and the Fagana.[108] However, even land held as an *alod* (owned outright) could be categorized as *culta et inculta*. The Latin word *cultus* meant cultivation, the personal care for something, and in the early medieval period the word *cultus* or *cultum* specifically meant reclaimed land. In sources outside Bavaria, the term was sometimes combined in formulae with *laboratum* (labor).[109] Use of land and one's ownership were linked.

The Freising formulations generally list of all the types of lands that might occur in a given conveyance: *prata, pascua, vineas, silvas, aqua, molendina, culta et inculta* (meadows, pasture-land, vineyards, woods, water, mills, cultivated and uncultivated). That is, it was recognized that land might be left fallow or never used agriculturally, but still be part of someone's legal possession.

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[106] LB 10.19: *Si quis viam publicam, ubi dux egreditur, vel viam equalem alicuius clauserit contra legem, cum XII solđ conponat et illam sepem tollat. Et si negare voluerit, cum XII sacramentalibus iuret.* LB 10.20: *De via convicinale vel pastorale, qui eam alicui contra legem clauserit, cum VI solđ conponat et aperiat vel cum VI sacramentalibus iuret.* LB 10.21: *De semita convicinale, si quis eam clauserit, cum III solđ conponat aut cum uno sacramentale iuret. MGH nat. Germ*.5.2, p. 394.

[107] LB 10.22: *Si fontem quacumque inmunditia coinquinaverit vel maculaverit, emundet eum ut prius, ut nullus sit suspicio coinquinationis et cum VI solides conponat.* LB 10.23: *Si autem plurimorum in vicinio puteus fuerat, conpositionem inter se multentur. Ille vero puteum in pristinum restituat gradum. MGH nat. Germ*.5.2, p. 395.

[108] TF5.

[109] For example, "*Tradidi … curtem I et aream cum omni laboratu et cultu meo*," or "*Tradidit in villa R. omnem laboratum et cultum suum*…."

Evidence of possession

Ownership was further made clear through charters, which were created as deeds of sale. A sale did not necessarily require a charter, as it could also be confirmed through three witnesses. The *Lex Baiuvariorum* states that charters could be written for the sale of slaves, land, houses, or woodlands (*hoc est de mancipiis , de terra, casis vel silvis*), and needed to clearly indicate the year and date for validity.[110] Exchanges, called *campias*, were as valid as purchases.[111]

Ownership could also be indicated through boundary markers, which merited its own entire section of the *Lex Baiuvariorum*. The penalty for knocking down boundary markers or signs was fixed at six solidi *per marker*, a relatively steep price. Markers were evidently placed in fields and vineyards, since article 12.3 indicates that they might be accidentally knocked down by a neighbor plowing or working in the adjacent property. Setting up a new marker was forbidden without the consent of the neighboring party, or an inspector. To do so without seeking agreement was considered trespassing.[112]

In the articles of the code concerning disputes, there is some indication of what these boundaries looked like. The code explains that in the case of dispute, it was necessary to examine "signs that were set in place in ancient times, that is, a mound of earth that apparently was heaped up in former times for an earthen boundary, or stones that were set up as obvious

[110] LB 16.15. *Quicquid vendiderit homo aut comparaverit qualemcumque rem, omnia sint firmata aut per cartas aut per testes, qui hoc probare possent; hoc est de mancipiis, de terra, casis vel silvis, ut postea non sit contentio.*

LB 16. 16: *Pacta vel placita, quae per scripturam quacumque facta sunt vel per testes denominatos tres vel amplius, dummodo in his dies et annus sit evidenter expressus, immutare nulla ratione permittimus. MGH nat. Germ*.5.2, p. 441-2.

[111] LB 16.8.

[112] Article LB 12.1 fixes the penalty for knocking down boundary markers or signs at six solidi *per marker*, a relatively steep price. Article 12.3 indicates that markers occurred in fields and vineyards, since they might be accidentally knocked down by a neighbor plowing or working in the adjacent property. Setting up a new marker without consent: LB 12.5. *Nemo novum terminum sine consensu partis alterius aut sine inspectore constituat.* Trespassing: LB 12.6. *Quodsi forte liber hoc fecerit, damnum pervasionis excipiat quod legibus continetur, id est solð 1. MGH nat. Germ*.5.2, pp. 401-2.

evidence in the form of distinguishable chiseled boundary markers. If these signs are lacking, then it is fitting to consider markers on trees, which they call *decorvas,* if those can be proved to have been cut in former times."[113] The significance of "ancient and recognizable boundaries" (*antiqui et evidentes … fines*) is emphasized, to the degree that even if someone possessed land for some time within a neighbor's boundary markers "through the absence or ignorance of the owner," he had to yield the land. Other recognizable markers might appear in trees, mountains, or rivers. In their absence, a claimant was required to physically walk the land and indicate, "My ancestors held this land as far as this point and bequeathed it to me in full ownership." [114] The other party then had to "enter the land" (*in istius partem ingreditur*) and indicate the portion of land he was claiming. The sense that the land could be entered reinforces the concept of inviolable borders, even where physical barriers did not mark it. In the case that a courtyard was

[113] LB 12.4. However often a dispute occurs concerning boundarymarkers, it is necessary to examine signs that were set in place in ancient times, that is, a mound of earth that apparently was heaped up in former times for an earthen boundary, or stones that were set up as obvious evidence in the form of distinguishable chiseled boundary markers. If these signs are lacking, then it is fitting to consider markers on trees, which they call *decorvas,* if those can be proved to have been cut in former times. But if, perhaps, one possesses a portion [of land] for some time within a stranger's boundary markers through the absence or ignorance of the owner, let him lose this immediately to the owner, as soon as the ancientand recognizable boundaries are discerned by the inspectors. Do not let him acquire possession of [land within] recognizable markers for any long period of time, unless he acquired it from someone; then let him present the seller, and let him define according to law.

Quotienscumque de terminis fuerit orta contentio, signa quae antiquitus constituta sunt, opportet inquirere: id est agerem terrę quem propter fines fundorum antiquitus apparuerint fuisse ingestum, lapides etiam, quos propter indicium terminorum notis evidentibus sculptos vel constiterit esse defixos. Si haec signa defuerint, tunc in arboribus notas quas decoreas vocant convenit observare, sed illas quae antiquitus probantur incisae. Quodsi intra terminos alienos per absentiam aut per ignorantiam domini partem aliquam forte possederit: statim eam, cum antiqui et evidentes ab inspectoribus fines agnoscuntur, amittat domino reformandam. MGH nat. Germ.5.2, pp. 399-400.

[114] LB 12.8: However often a dispute arises over common markers, where recognizable markers do not appear in trees, mountains, or rivers, and one man says, "My ancestors held this land as far as this point and bequeathed it to me in full ownership," let him indicate the place according to his own claim. Nevertheless, let the other enter this land, and let him indicate the other place that he claimed previously he and his ancestors had always held up to the present. And if proof cannot be found, and both parties do not wish to compromise the breach, then let them respond in turn with what they call *wehadinc,* and let the fighters not draw lots, but let God give strength and victory to the part of the designated party, so that he who seeks, may find.

Quotiens de conmarcanis contentio nascitur, ubi evidentia signa non apparent, in arboribus aut in montibus nec in fluminibus, et iste dicit : "hucusque antecessores mei tenuerunt et in alodem mihi reliquerunt " et ostendit secundum proprium arbitrium locum; alter vero nihilominus in istius partem ingreditur, alium ostendit locum secundum prioris verba, suum et suorum antecessorum semper fuisse usque in praesens asseritur; et si alia probatio nusquam inveniri dinoscitur nec utriusque invasionem conpensare voluerint: tunc spondeant invicem uuehadinc , quod dicimus, et in campiones non sortiantur, sed cui Deus fortiorem dederit et victoriam, ad ipsius partem designata pars, ut quaerit, pertineat. MGH nat. Germ.5.2, pp. 402-3.

not enclosed, the law declared that the one who wished to defend his land "throw at midday an ax worth a *saiga* to the east and to the west. To the north let him lay down a fence no further than the shadow extends."[115] Again, the obligation to demarcate ownership in order to prevent further disputes was part of the responsibility of ownership.

Procedures and disputes

The *Lex Baiuvariorum* describes procedures related to the legality of land sales, which provide some sense of the local understanding of land as property. The laws regarding land disputes also give some indication of the concept of ownership of land and the rights encompassed. A sale was legally valid only through a charter or witnesses, and the law required that a witness should be heard orally.[116] Furthermore, the law stated that "if a sale is concluded forcibly, settled by threat or fear, at no time is it legally valid." It was illegal to sell or give away any property that was in dispute,[117] as that would only increase the number of persons in conflict over the land, something the duke and other peacekeepers would wish to avoid. Article 16.4 states that the seller of another's property would be three times the poorer, as he had to return the purchase price to the buyer, as well as compensate the true owner twicefold. Much of the contract law regarding land was similar to those in the *Lex Alamannorum*. Only freehold land (*alod*) was eligible for valid sale. The *Lex Baiuvariorum* describes processes regarding the transfer of land, which can almost be described as rituals. In the case of others making claim on purchased land (for example, in an inheritance dispute with family members), the following procedure was described:

[115] TF 12.10. *In ceteris huiusmodi aedificiis et horum conclusionibus nullatenus testificatio consistat, sed is qui aedifieavit, cum sua lege defendat. Si autem curte adhuc cinctus non fuerit, ille qui defendere voluerit, iactet securem saigam valentem contra meridiem, orientem atque occidentem, a septem trione vero, ut umbra pertingit, amplius non ponat sepem, nisi determinata fuerit contentio. MGH nat. Germ.*5.2, p. 404.

[116] LB 16.2.

[117] LB 15.6.

> …then let the buyer say to the seller, “My neighbor wishes to take away my land,” or whatever property it is, or whoever it is. And let the other [the seller] answer, “I wish to confirm what I gave you legally and through oral testimony.” Let this be done as established above for seven nights. If one says, with both parties convened together, "Why do you attempt to invade my land, which I was given justly according to the law of inheritance?" and the other says to the contrary, "Why do you give away my land, which my ancestors held formerly?" let the other [the seller] say, "This is not true, since my ancestors held it and bequeathed it to me as my freehold, and it is now invested in the hands of him who seized it; I wish to affirm it through the law." If he wishes it, as soon as possible, let him have full power of possession. If not, however, let it be confirmed after three or five days, or perhaps even after seven, in the following manner. At the four corners of the field or at designated boundary markers, let him [the original owner] lift up some ground or circle around with a plow or even, if it is a forest, [seize] grass or twigs, and say these words, "I give this to you, and I confirm it lawfully." Let him say these words three times, and let him hand over [this clod of earth] with his left hand; however, let him offer a pledge to him who summons him with these words, "Behold, I give this pledge to you, that I do not give your land to another in violation of the law." Then let the other receive the pledge and give it to his guarantors, in fulfillment of the law. If the matter between them leads to a fight, let him who received the pledge say, "You have unjustly confirmed my land to another," that is, *farsuirotos.*[1l5] "You must return it to me and compensate with twelve solidi." Then let them reply with wager of battle, and let the judgment be in the hands of God. If not, however, let him defend himself with an oath, that is, with twelve oathtakers, that he did not confirm land to another unjustly, nor must he restore it to his control, nor must he compensate with twelve *solidi*.[118]

Of course, a law code does not reflect how situations were dealt with in real life; it does, however, reflect how these issues were thought about. Furthermore, the fact that laws were needed on various issues shows that these things occurred in actuality, regardless of whether the prescribed penalty or resolution was applied. The *Lex Baiuvariorum* shows that people were stealing property, trying to encroach on each other’s land, and enslaving others. Article 12.9 shows the messiness of applying solutions in real life, figuratively throwing up hands at the difficulty of determining justice: “let the witness swear, give evidence, and let the decision be determined by fighters.”

[118] LB 16.7.

Public Authority and Jurisdiction

Finally, there was land perceived as *publicam,* which often meant land belonging to the fisc. Charters might be enacted at a ducal court, or at a cathedral church, which was designated *locum publicam* or *domum publicam*.[119] Four types of places were described as public buildings in the *Lex Baiuvariorum*, because they were open to all: churchs, the courtyard of a duke, mills, and workshops.[120] In contrast, open sites that might be transgressed upon included gardens and orchards, storehouses and granaries, and smaller buildings such as bakeries, bathhouses, and kitchens built away from the main household.[121]

Ducal Authority

How the duke received his authority is tangentially addressed by the *Lex Baiuvariorum*. It is implied that the duke is appointed either by the king or the people [meaning the free nobility of the region]: "If anyone attempts to take the life of the duke whom the king appoints to that province or whom the people themselves choose as duke, and he is convicted so that he cannot deny it, let that man and his life be in the power of the duke, and let his property be confiscated by the state."[122] The qualities a duke must have are also listed; for it is said that a son would be acting contrary to law if he attempted to remove his father as duke while he was "still able to contest in a judgement, lead the army, judge the people, mount a horse manfully, and command his weapons vigorously, is not deaf or blind, and can execute the king's orders in every way."[123] That is, so land as the duke still had the full mental and physical capacities to carry out his

[119] TF 17:… *transfundo ad ecclesiam beatae dei genetricis Mariae infra oppido Frigisingas locum publicum*….

[120] LB 9.2.

[121] Other types of sites that might be transgressed upon were gardens and orchards (LB 9.13), storehouses and granaries (LB 10.2), and smaller buildings such as bakeries, bathhouses, and kitchens built away from the main household (LB 10.3).

[122] LB 2.1.

[123] LB 2.9.

provincia, he was not to be replaced. It is implied that the office is inheritable, since the concern is primarily with a son trying to remove his father from his *ducatus*.

The much-discussed and unique clause in the *Lex Baiuvariorum*, stating that the *Agilolfingi* were "of the ducal family" and "are the highest princes among you" further specifies that the duke "is and always ought to be from the family of the *Agilolfingi*, as it was granted to their family by the kings, our ancestors, that the duke rule over the people; they are faithful and suitable to the family of the king."[124] Closer proximity to the duke merited a higher compensation rate for injuries.[125] There were five families specifically mentioned in the law code as deserving "double honor, and, therefore….double compensation": the Hosi, Draozza, Fagana, Hahilinga, and Anniona, of whom two, the Huosi and Fagana, are mentioned elsewhere, in the Freising *Traditionen*. An insurrection against the duke, called *carmulum*, merited a fine of 600 *solidi*, almost as high as the duke's weregeld of 900 *solidi*.[126]

The duke's responsibility towards his retainers was also encapsulated in the code: if anyone died in the duke's service, "his heirs are never to be cut off from his inheritance, whatever their class is, but let the duke defend them until they can themselves."[127] Other commentary on ducal power exists in the injunction against fighting in the duke's courtyard, which in addition to the fine for any injuries, meant compensation of forty *solidi* to the state.[128] Likewise, theft from the duke's house or courtyard was particularly emphasized, with the reason given that "the duke's house is a public building."[129] The code also dictated a fine of fifteen

[124] LB 3.1.

[125] LB 3.1 and 3.2.

[126] LB 2.3.

[127] LB 2.7, 2.8 note: the king or the duke who has that province in his power.

[128] LB 2.10.

[129] LB 2.12.

solidi for disregarding an order of the duke, when it was transmitted by word or charter. The ducal will was known by the proofs of his sign, his ring, or his seal. Refusing to carry out such an order was termed "negligence to the state."[130]

Other issues surrounding authority are raised by the article on military law, which is placed in the section on law cases pertaining to the duke, a reminder that his duties foremost were as military leader and overseer of the administration of justice. This article gives some indication of military organization: the king or duke appointed the army in the province, which was made up of smaller bands. The article contains an interjection concerning quarrels in the army: "For this practice must be eradicated, so that it does not occur. A quarrel frequently arises, in fact, over horse fodder or firewood, since some [soldiers] are assigned to defend farm buildings and barns, where hay and grain are found." The problem of army supply while on the move, underscores the limited resources for ducal authority. This article also refers to "military law in the presence of the duke or before his court;" a special branch of law apparently passed down by tradition to deal with the particular stresses of military regimentation.[131]

A subsequent article of the code further forbade plundering the province to which the duke sent his army, or taking hay and grain, or burning buildings. This article put the responsibility at the level of the count, responsible for his retinue, stating that he should "give his order to a hundred-man and a ten-man" so that they may watch over the troops under their command.[132] The count is explicitly responsible for bringing to justice any of his men who loot; if he does not, he is liable to restore things from his own property. It is stated, "…if such a

[130] LB 2.13.

[131] LB 2.4.

[132] LB 2.5.

powerful man does this that a count cannot restrain him, then let him tell his duke, and let the duke restrain him…."[133]

Consensus

The law prescribed the authority of the duke, but that authority was meaningless without the willing participation of the Bavarian nobles. Bavarian donation charters are notably full of examples in which donations were made with the consent or permission of Duke Tassilo.[134] This was an indication, often, that the land donated originated in the fisc, an example of the overlapping levels of ownership that resulted from benefice practices. The granting of lands to followers and consent for the land's donation indicate the relationships which a ruler needed to build to ensure that his authority was considered a useful advantage to the nobility. However, while it is common to see early charters of land donations given *cum consensu* or *cum licentia Tassilonis*, three examples in the Freising cartulary show the duke donating with the consent of others. The first is the previously mentioned donation, of Tassilo and the Fagana *genealogia*, in which Tassilo gave land *ad Feringa*, with the consent of Alfrid and his brothers and the participants and their companies.[135] The second describes the foundation of a church at Scharnitz *per consensum inlustrissimi ducis Tassilonis et satrabum*, in which the consent of both the duke

[133] Ibid.

[134] In the *Notitia Arnonis*, as well, a number of landowners with the freedom to make grants of land gave property to Salzburg with the consent of the duke. The *Notitia Arnonis* lists the donations to Salzburg of the dukes Theodo, Theodbert, Hucbert, and Odilo. It is only with Tassilo that the donations are listed as *cum consensu* or *cum licentia*. First the Tassilo's direct donations are listed (*Notitia Arnonis*, c. 5.1-5.6, p. 76), then those given with his consent or permission. The first is a monastery built by the cleric Boso at Gars in the Isengau, which he does *per licentium ducis* (NA 5.7, p. 76). Next follow properties which free Bavarians gave with the permission of Tassilo (*per licentiam Tassilonis*); it is explained that they held these properties out of the ducal fisc as benefice (*ex causa dominica beneficiatum*), for which reason he needed to approve the donations (NA 6.1, p. 76). Following these are the donations by those who did not have the power of donating property (*potestatem*), which also requires ducal permission. Notable is (NA 6.13, p. 76) in which a bondsman, Iohannis *servus*, donates with Tassilo's permission.

[135] TF5. The phrasing is: *consentientibus Alfrid cum fratribus suis et participibus eorum atque consortiis….* Participibus can be translated as "sharers," in other words, those who had a share or an interest in the land being donated or the church being constructed: "shareholders."

and his "satraps" is noted.[136] Finally, there is the donation of land for the foundation of the monastery of Innichen, which Tassilo founds *cum consensus optimatum Baiouarorum* (with the consent of the leading Bavarians). This is a large donation in a strategic location, *usque ad terminus Sclauorum.*[137] The authority of the duke was effective to the degree that he obtained the consent and participation of important local nobility. In all three of these examples, the donations involved land in the regions where the Fagana and Huosi families had strong influence, and members of those kin groups took part in the donations. The properties at Erching and Scharnitz lay along the Isar River, and that of Innichen lay on the opposite side of the Brenner Pass from the valley where the river originated. There was a shared, or layered, jurisdiction over the allocation of resources and the choice of key personnel for these spiritual foundations, which also controlled economically and militarily important river-crossings and mountain passes.

A review of the vocabulary of offices and roles carried out in a single document such as the *Notitia Arnonis* provides an example of the variety of overlapping layers of authority in the public sphere. At the highest level were the king and duke, with the power to administer justice and wage war, and who were both expanding their role in missionization, forging identities as the protectors of both the Christian faith and the Christian people. Next were the *iudices* and *comes*, both of whom possessed the power of judgement, and in the case of the count, could raise an army for the duke. As seen earlier, comital jurisdiction could extend to any task at hand, but generally extended only over his own followers, and reached no further geographically than one *Gau* (except for exceptional cases of border counts such as Machelm).

[136] TF 19.

[137] TF34. There is also one consent charter, TF 94, in which Adalunc and his brothers found the monastery Schliersee, *in vasta solitudine heremi, ,* with the permission and cooperation of Bishop Arbeo. The emphasis here is on its canonical foundation *sub ditione episcope* and *iuxta ordinem regule sancti Benedicti/secundum auctoritatem sancti Benedicti regulam*.

Bishops were presumed to have authority over dioceses, and synods, although both presented challenges initially for the Bavarian episcopate. Bishops performed ordinations, baptisms, and consecrations, and supervised the clergy. They also represented the church in communication with secular leadership, thus they possessed both sacramental and political authority. The jurisdiction of bishops overlapped to some degree both in the matter of justice, and geographically, with that of the secular great. However, in Bavaria, episcopal authroity initially did not extend very far, except in the case of the Salzburg church, and was limited by the ducal preference for founding monastic foundations under their own aegis. One of the most apparent alterations in the Carolingian period was the rapid spatial and administrative expansion of episcopal oversight, as monastic foundations were brought under their control and diocesan lines began to be drawn. Under the Agilolfings, ducal chaplains played an important role in the establishment of important border monasteries, at times becoming abbot, as in the case of Fater of Kremsmünster. However, under Charlemagne, Bavaria received its first archbishop, Arn, who shaped the region with a high degree of involvement. His authority extended over the courts, as a *missus* of the king, and into the Slavic regions, where he carried out the task of missionization in Carinthia.[138]

Nobiles, the large landowners connected with other great families, also exerted great influence in the areas where their family held property, across and even outside the province, depending on their connections.[139] As Hans-Werner Goetz comments, "Landlordship was sometimes complemented by the possession of a rural *Eigenkirche* [proprietary church],

[138] Other titles in the ecclesiastical sphere which appear in the *Notitia Arnonis* are: *sanctus, pontifex, vacantus episcopus, presbiter, presbiter capellanus eius, clericos, diaconos, subdiaconus, abbas, monachos, ancilla dei, deo sacrata, puella dei, deo devotis feminis,* and *virgin.*

[139] Lay persons possessing some authority in the *Notitia Arnonis* bear these titles: *Proceribus Baioariis, familiari, illustres viri, illustris femina, preclari hominess, potestativi hominess/vir potestativus, viri fideles, vir nobilis et filiolis, nobilis femina, homo nobilis, presbiter vir nobilis, boni homini, domnus, seniores, filioli, viris valde senibus atque veracibus*, and *exercitales.*

jurisdictional rights and the domination of whole villages. The lord, therefore, was a kind of public authority for his dependants, though his dominion was far from being a closed or coherent territory, and a village was often divided among several great landowners." [140] Jurisdictions at every level were not spatially delineated, but did have a spatial aspect in that they were connected to power over agricultural land, mission and colonization, transportation routes, or militarily strategic positions.

Venatio et piscatio

Not only could jurisdictions overlap, but multiple rights could be granted to one delineated area of land. Thus, land could be conceptualized by the rights given to it. These could be, for example, rights for hunting and fishing, or grazing. Many of these rights were customary at the local level, and not enshrined in any law code. They are therefore visible mainly in royal *diplomata*, in which an episcopal seat or monastery might be granted rights to fish or hunt in a given fiscal property. In the donation document for Scharnitz, Reginperth endows his monastery with fishing rights: I conveyed the deserted pagus which we call Wallgau (the waste-gau) with the lake beneath and fishing rights (*transfundavi … pagum desertum quem Uualhogoi appellamus cum lacu subiacente et piscatione*).[141] In a much later donation, written by Cozroh himself, Ilprant and Suuidker gave to the Freising church fields on the Amper River in addition to *piscatione*, which could have been either fishing rights or a fishing pier. They exchanged the fields for the amount of twelve *solidi*, in the form of a horse, some clothes, and some bacon.[142]

[140] Goetz, "Social and military institutions," p. 474.

[141] TF 19.

[142] TF 555 (a. 828): *Notitia quia Ilprant et Suuidker firmiter tradiderunt ad carradas LXX cum fontibus et ruris et piscatione…Et isti testes per aures tracti qui viderunt quod tradidereunt et quod in vestibus et uno caballo et bachone pretium acceperunt solidos XII.* The *bacho* was either a side of bacon, or possibly a *friskinga* (small pig) for making bacon.

Generally, however, fishing and hunting rights appear in royal grants. In a charter of Arnulf of Carinthia [895], he gave to the bishopric of Säben hunting rights in the forest belonging (*pertinentis*) to the bishopric, between the Lüsen River and the River Rienz, which belonged to the count.[143] It is not clear, with the use of the word *pertinentis*, if the land belonged to the bishopric, or bordered it, as the word could have both senses. If the forest belonged to the bishop, then it is notable that the king retained hunting rights. It formed an easement, a right to use the real property of another without possessing it. *Forestis/forestum* was a term for land denied to common easement and reserved to the king, especially for hunting and fishing, although the term could also encompass pannage rights for grazing swine.[144] The *Capitularia missorum speciale* declares that no-one may capture wild animals "*in forestis nostris sine nostro permisso*." The *Capitulare Aquisgranense* speaks of foresters who defend these rights: "*De forestis: ut forestarii bene illas defendant*." [145] In another diploma, Arnulf granted *venationem una cum foresto*, separating out the hunting rights from *forestum*. It seems he was granting not only the right to hunt, but also the right to prevent others from using the land.

Arnulf also gave the episcopal church at Eichstätt rights at the royal manor in Weissenburg. However, in this case the consent of count Ernst was required, since he had

[143] *…ut venationem, quae infra cuiusdam foresti ad episcopium suum pertinentis terminos repperitur et actenus inde prorsus extitit alienata, pariter cum eodem foresto donationis nostrae tenore ad ecclesiam sancti Cassiani praeciosi martyris Christi, cui ipse praeesse dinoscitur, concederemus. … decrevimus ita fieri dedimusque praefatę ecclesiae suae eandem venationem, sicuti per subscriptorum eiusdem foresti locorum limites distinguitur , perenniter illuc consistendam, id est forestis ad Lusinam usque in vicum Millana ad domutn Amalberti, deinde usque in montem Numeratorium et inde usque in montem, qui dicitur Susulonna , et inde usque in verticem montis Elinae indeque in Oneia, deinde ad fluvium Pirra nuncupatum, qui pertinet ad comitatum, inde etiam usque in Campannam, ea videlicet ratione ut nullus comes neque ullius ordinis potestas ullo umquam tempore deinceps infra praeseriptos crebro dicti foresti terminos sine consensu praenominati episcopi vel suecessorum eius ullam omnino venationem exercere praesumat, sed liceat eidem episcopo suceessoribusque illius ipsam venationem una cum foresto ad partem prae libatę ecclesiae loco Sepona constructae secure atque tranquille perpetuo retinere absque ullius personę vim inferentis obstaculo. MGH DD Arn*, nr. 115, p. 170

[144] DD LD, nr. 145 (a. 873): *Nullus eis molestiam facere praesumat de illorum piscatione quam debent habere ad illorum vennam. Concessimus … nostrum piscationem, scilicet in foresta nostra super fluvium Mosellae. DD Zw* (a. 897), p. 378:*De foresta regia quae est in Isauna flumine. DD Lo II*, nr. 35 (a. 974).

[145] *Capitulare Aquisgranense, Capit. I* (a. 801-813), c. 18.1, p. 172. See also *Capit. Missor. Gener*., *Capit. I* (a. 802), c.39.1, p.98.

jurisdiction in this region: "the place with a certain part of the woeds and of the forestus (hunting rights) of the estate of Weissenburg with the consent of count Ernst, who, with respect to this estate and comitatus, is seen to exercise lordship at present" (*locum cum quadam parte silvae et foresti de curte Uuizunburc cum consensu comitis Ernusti, qui eidem curti et comitatui ad praesens dominare videtur*). These overlapping rights by the king, the count, and the episcopal church formed layers of usage, so it is not immediately apparent if the real property was that of the king or the count. The *curtem* Weissenburg, though apparently the king's to grant, is under the domination of Count Ernst "at present," apparently forming part of the property for use by the comital office-holder. Ernst had this part in his possession "*in ea parte ad forestum in vestitura habuerat*," but it is unclear what the possession specifically amounted to. The diploma separates out "*silvae et foresti*," so that the woodlands and the rights therein are seen as separate entities. [146]

Another later Freising donation, from Hitto's episcopal tenure, mentions what appears to be a minor dispute over donated property, in which usage rights had not been clarified. In it, the cleric Pirthilo gave his property at Weiher, in addition to four *mancipia*, in exchange for a benefice at Aschau. Once Pirthilo received the benefice, he was to render whatever he had at Weiher, except for the grazing of pigs or wood-cutting whenever the need arose, "so that he had sharing in that place." The land itself would be in *iurem et potestatem defensoris sanctae Mariae* so that afterwords neither he nor his relatives would have any "acquisition."[147]

[146] The count must give his consent for the donation, since it was in *ea parte ad forestum in vestitura habuerat*, and was apparently part of his *Amtsgut*. MG D Arn, nr. 72. Wilhelm Störmer**,** *Früher Adel*, p. 413.

[147] TF 516b: *Venerabilis clericus nomine Pirthilo tradidit propriam hereditatem suam in loco quae dicitur Uuiuuari … Et econtra supradictus Pirhtilo accepit beneficium a venerabili viro Hittone episcopo in illo loco quae dicitur ad Aschae, ut hoc beneficium ideo haberet cum omni integritate…. Et statim dimisit quicquid habuit ad Uuiuuare suae proprietatis praeter pascua porcorum vel ligna secanda, quando illi opus fieret, ut in communionem illic hoc haberet in iurem et potestatem defensoris sanctae Mariae, ut postea neque ille vel ullus parentorum eius de illo tempore ullam adquisitionem haberet de ipsa supradicta causa ad Uuiuuare nisi sicut est praenotatum.*

From ecclesiastical donation practices to the legal ramifications of knocking over a border marker, shared concepts regarding land and the various types of power that could be exercised over it, and in relation to it, helped create a unity of practice which aided in forging a shared cultural identity. Places were characterized as *inanem*, *cultam*, or *sanctum*, and each of these descriptions reflected common values and beliefs regarding what made a particular place good or useful. Land might be owned, or possessed, or shared in particular rights, but it was a fundamental material resource, the determinant of legal status, and the source of political identity. One new resource in the ducal efforts to reinforce their authority was the new ecclesiastical presence in Bavaria. The next chapter will examine the challenges of the new episcopal church to obtain sufficient support and to establish jurisdiction over proprietary churches, and the chapter following will consider the use of ducal monastic foundations in place-making, colonization, and the creation of consensus. Odilo and Tassilo also followed a spatial strategy in determining the location of these new foundations, encircling their core territories to create a ring that protected and asserted Bavarian authority.

Chapter Four:

The Bavarian Episcopacy

In 739, Pope Gregory III wrote to his envoy, Boniface, regarding the latter's activity in the region: "You inform us that you have visited the Bavarian people and found that they were not living in accordance with the prescriptions of the Church, that there was but one bishop in that province, a certain Vivilo, whom we ordained a long time ago, and that you have, with the approval of Odilo, duke of those same Bavarians, and of the nobles of that province, ordained three other bishops."[1]

Although Boniface may have ordained bishops, he did not create dioceses, and it was left to each bishop to build his own jurisdiction with whatever resources he could muster. This chapter examines the problems of establishing episcopal seats in Bavaria in 739, and then considers the subsequent challenges these bishops faced in constructing episcopal authority. In particular, I will concentrate on the see of Salzburg and the two well-known cases in which Bishop Virgil came into conflict with secular authorities over the monastic cell of St. Maximilian and over the church at Otting, in which he used *canones* (church law) as a basis for arguing for episcopal rights to these foundations. In chapter seven, I will argue that it was Carolingian rulers who gave the struggling Bavarian bishops the tools they needed to argue for a jurisdiction that included more than spiritual authority.

[1] Letter of Oct 29, 739. All references to the letter collection pertaining to Boniface use this edition: *The Letters of Saint Boniface*, Trans. Ephraim Emerton; with an introduction by Thomas Noble (New York: 2000). Letter numbers refer first to Emerton's numbering, with the number assigned by the MGH editor Michael Tangl in brackets. This letter, for example, is *Letters of Saint Boniface*, XXXV [45], pp. 50-51.

Gregory's letter to Boniface depicts a province with a Christian population, but lacking a canonical church organization. The solution appeared simple: add more bishops. But the execution of this solution proved a bit more complicated, because the situation itself was more complicated. Bavaria had, in fact, not too few bishops, but too many, although they were exercising their episcopal functions without canonical ordination, in the eyes of the orthodox Catholic Church. Given the history of the region, in which civil and ecclesiastical administration had been lacking for several generations, this development is understandable. It was not, however, tolerable, to the mind of Boniface, nor to duke Odilo, intent on bringing more organization to the ecclesiastical life of Bavaria. Pope Zacharias, Gregory's successor, commiserated with Boniface in a letter, "that you have found so-called priests, more in number than the true catholics, heretical pretenders under the name of bishops or priests but never ordained by catholic bishops."[2]

The problem that Boniface and the papacy faced was that while they sought to define the episcopacy, others had their own expectations. Historically, the office of bishop was not static, but changing. From the days of early Christianity, when an *episcopus* was the leader of a local church, to the mid-second century, when it became an office with oversight of more than one church and the ability to ordain priests, the bishop had developed into the lynchpin of a hierarchy reaching from the ordinary lay Christian up to the pope. In parts of early medieval Gaul, bishops had developed into civil administrators of their cities, as well.

In the sixth and seventh centuries, Bavarian Christians had essentially been cut off from the former metropolitan church in Aquileia by Slavic incursions; they also lacked sustained

[2] Pope Zacharias commiserates with Boniface in a letter of response, "that you have found so-called priests, more in number than the true catholics, heretical pretenders under the name of bishops or priests but never ordained by catholic bishops." *Letters of Saint Boniface*, LXIV [80], p. 122.

contact with Rome, due to the pope's problems with the predominantly Arian Lombards to his north.[3] For at least a century and a half there had been no institutional oversight. So it is not surprising that in the eighth century, the expectations of what a bishop was and could do, underwent some transformation in Bavaria. The first record of revived support for Christianity in the region, is a notice in the *Liber Pontificales*, dated 715/6, which states that the Bavarian duke Theodo, "was the first of that people to come and pray at the home of St. Peter."[4] Theodo had placed his sons in the towns of Regensburg, Passau, Freising and Salzburg, and it is assumed that he discussed with Pope Gregory II his intention to make these episcopal seats, a plan which was eventually carried out in 739 by Boniface and duke Odilo.

One of the challenges in the establishment of these episcopal seats was that there appear to have been competing traditions of episcopal authority, traditions which were to undergo normalization during the eighth century. The ideal of a canonical, hierarchical church was that the episcopal office should be fixed and determined from above. The reality, particularly in Bavaria, where episcopal sees were so recently established and no true diocesan oversight existed, was that a bishop's social function was constantly under re-definition, influenced by local traditions, the pressures and needs of lay rulers, the opportunities and obstacles which were presented, and the personalities of the office-holders themselves. In addition, the bishops of Bavaria faced new challenges with each new decade: the problems of pre-Bonifatian bishops were different than those of bishops newly ordained in Odilo's time, or of those who held office during the subsequent reigns of his son, the emperor Charlemagne, and the Carolingian

[3] In addition, until Gregory the Great (590's), the papacy had little role in missionization outside the limits of the Roman empire. The situation in provinces that had been lost to the Empire had not been a primary concern during the turbulent periods of the fourth through sixth centuries. From the early 6th century, it began to be confined in the West to the Bishop of Rome, a practice that was firmly in place by the 11th century, when Pope Gregory VII declared it reserved for the Bishop of Rome. *Oxford Dictionary of the Christian Church*, Oxford, 2005.

[4] *The lives of the eighth-century popes (Liber pontificalis): the ancient biographies of nine popes from AD 715 to AD 817*, translated Raymond Davis, *Translated texts for historians*, v. 13 (Liverpool: 1992), p. 5, c. 91.4.

successors. With the introduction of canon law into Bavarian ecclesiatical life and new social and political circumstances, each generation of episcopal office-holders weathered the changed environment and re-defined their offices in reaction.

The question of episcopal forerunners

The presence of episcopal predecessors in the region is but part of the larger question regarding the continuity of Christianity in the region from the late antique period. Saintly legends place the martyrdoms of Florian (near Lorch), Victorinus of Poetovio, and Afra of Augsburg in the period of the Diocletian persecutions.[5] With the recognition of Christianity as the state religion of the Roman empire in 392, Christian life in this area became more firmly entrenched. The *Vita Severini* gives a picture of the situation along the Salzach and the Danube rivers in the second half of the fifth century, indicating the presence of bishops, priests, and monastic communities.[6] There is evidence that an established Roman parish organization existed, as shown by the description in the *Vita Severini* of churches in Iuvavum (Salzburg) and Cucullis (Kuchl) on the Salzach River, and along the Danube from west to east: Quintanis (Künzing), Batavis (Passau), Ioviacum (between Engelhartzell and Schach), Lauriacum (Lorch), Favianis (Mautern), Comagenis (Tulln), and Asturis (Klosterneuburg). It also documents the end of this organized Christianity as the province was lost by the Romans in 488, when local Christians took the body of St. Severinus with them from Favianis to Italy.[7] Episcopal seats in this period were primarily located in the Alpine regions, where there were connections to Italy and to the archbishopric of Aquileia, such as at Aguntum (Innichen), Virunum, Tiburnia (Teurnia), Celeia

[5] Poetovio was located at the site of modern Ptuj in Slovenia, on the Drava River, which is sometimes known by its old German name of Pettau.

[6] Eugippius, *Vita sancti Severini*, ed. T. Mommsen, *MGH SS rer. Germ*. 26 (Berlin, 1898).

[7] Kurt Reindel in Max Spindler, *Handbuch der bayerischen Geschichte*, Vol 1 (Munich, 1967), p. 97 and p. 134.

and Poetovio (Celje and Ptuj in present Slovenia), and Chur and Sabiona (Säben) in the provinces of Raetia.[8] Of the lowland settlements near the Danube, only Lauriacum (Lorch) shows indications of an episcopal presence.[9]

The city of Aquileia had been the capital of the province of Venetia-Istria since the time of Diocletian. As such, it was the site of its bishop; Pope Leo I referred to it as the metropolitan of the province in 442. As the Roman civil government retreated from the provinces of Raetia II and Noricum Ripense, the oversight of Aquileia expanded to provinces in the north; at the Council of Chalcedon, Aquileia was described as an archbishopric.[10] The province of Raetia I, containing the bishopric of Chur, maintained a connection with Milan as its metropolitan from the fifth century into the ninth. However, Aquileia fell victim to Lombard attacks in 568, forcing the Patriarch Paulinus to flee to Grado. A synod was held at Grado sometime between 572 and 577, at which the bishops of Tiburnia, Celeia, Aguntum, and Sabiona-Säben were mentioned.[11] A letter of 591 to the Byzantine emperor, from several bishops who were suffragens of Aquileia but under Lombard rule, stated that Frankish bishops had set *sacerdotes* in Virunum, Teurnia, and Aguntum.[12] As these were the capital cities of the three dioceses of Noricum Mediterraneum, these *sacerdotes* were probably bishops, particularly as it states that the Frankish archbishop of

[8] Virunum was destroyed; it was located on the Zollfeld plain in Austrian Carinthia. Celje, is in modern Slovenia, on the Savinja River which joins the Sava River; Poetovio (Ptuj) is on the Drava (Drau) River. Also on the Drau were Auguntum and Teurnia, and Virunum (near Maria-Saal in Austria) was near to the Drau, at a fork in the Roman road leading from the Danube to Celeia and Aquileia. Ancient Teurnia was situated in the location of the present village of St. Peter-in-Holz.

[9] For more informationon on the fourth-century episcopal basilica at Lorch, see chapter five, note 7.

[10] Ignaz Zibermayr, *Noricum, Baiern und Österreich; Lorch als Hauptstadt und die Einführung des Christentums* (Munich, 1944), pp. 57-8; see also Wolfram, *Grenzen und Räume*, p. 96.

[11] Wolfram, *Grenzen und Räume*, pp. 97-99. At the Council of Grado (572/before 577), a Materninus Sabionensis subscribes to the acts of the council, and his name appears in the catalog of the church's bishops. His successor was Ingeniunus of Sabiona, whom Paul the Deacon includes in a list of bishops taking sides on the Three Chapters Controversy. Paul the Deacon, *History of the Lombards*, Book III, trans. William Dudley Foulke, edited with introduction by Edward Peters (Philadelphia: 1974), p. 133.

[12] Wolfram, *Grenzen und Räume*, p. 98.

Aquileia consecrated them.[13] Paul the Deacon also mentions the flight of Bishop Vitalis of Altino to the protection of the Franks in Aguntum in the mid-sixth century.[14] By 600, pagan Slavs had made incursions into the area of Carinthia, and the churches of that region may have fallen victim to the fighting that occurred. In any case, the connections of the churches in Noricum Ripense to the metropolitan of Aquileia seem to have been cut at this time. By the late seventh century, when Theodo became the duke of the Bavarians, there was no longer metropolitan oversight of the region; Theodo therefore went directly to Rome to discuss his plans for the renewal of the Bavarian church.

Of the four episcopal seats which Boniface is supposed to have founded - Regensburg, Salzburg, Passau and Freising - there is no evidence that any had been late antique episcopal seats. There is, however, evidence for Christian continuity in Regensburg, Salzburg and Passau. Trier merchants in the fourth century were said to have erected an altar in Regensburg, and a gravestone of the Roman Christian Sarmannina was found in Regensburg in 1839. Archeologists also uncovered a Christian cemetery near a wooden church dated to around 590 near Weltenburg on the Danube, not far from Regensburg.[15] The *Vita Severini* describes the existence of a church at Iuvavum (Salzburg), and continuity at Salzburg is further attested by the existence of the monastic community of St. Peter's (with a high number of Roman names amongst the monks), as well as the extant cult of St. Maximilian, and the remains of Roman buildings mentioned in the *Gesta Hrodperti*.

[13] Zibermayer, p. 59. A letter of the Lombard bishops to the Byzantine emperor stated that Frankish bishops had set *sacerdotes* in Virunum, Teurnia, and Aguntum. As these were the capital cities of the three dioceses of Noricum Mediterraneum, these *sacerdotes* were probably bishops, particularly as it states that the Frankish archbishop of Aquileia consecrated them.

[14] Gottfried Mayr, "Frühes Christentum in Baiern," *Die Bajuwaren : von Severin bis Tassilo 488-788*, ed. Hermann Dannheimer and Heinz Dopsch (Munich, 1988), p. 281.

[15] Albert Lehner, *Sacerdos = Bischof: klerikale Hierarchie in der Emmeramsvita* (Leipzig, 2007), pp. 62-4.

As for Passau, it was the only one of Boniface's sees which already had an incumbent at the time of his arrival in Bavaria. Bishop Vivilo had been ordained by the pope, indicating the significance of Passau as an outpost of Christianity early on.[16] A letter by the pope to the bishops of the *provincia baioariorum et alamannia* was addressed to the bishops Wiggo, Liudo, Rydolt, Phyphylo, and Adda.[17]

It appears ducal support for the Christian church was maintained in Regensburg, the ducal seat, and Passau, the dukes' most important outpost for trading and military oversight on the Danube. However, the work of Corbinian in Freising and Rupert in Salzburg during the time of Duke Theodo and his sons show their emphasis on strengthening those regions. The very fact of their activity within Bavaria during the period of Theodo's reign, raises the question whether there were any bishops in this region at the time of their arrival.[18]

In their *vitae*, Rupert, Corbinian, and Emmeram are each described as bishops. Rupert and Emmeram, however, are said to have been bishops before arriving in Bavaria, and the unlikely claim for Corbinian appears only in a later version of his *vita*. According to the *Gesta Hrodperti*, Rupert had been the Bishop of Worms, who was invited by Theodo to preach in Regensburg. He next travelled to Lorch, Wallersee, and Salzburg, restoring churches. The account was written around 793, based on an earlier saint's life, which had probably been commissioned by Virgil circa 744, to emphasize the existence of a tradition in Salzburg before Boniface's arrival. For example, the *Gesta Hrodperti* depicts the convent of Nonnberg as being

[16] *Letters of Saint Boniface*, XXXV [45], pp. 50-51.

[17] *Letters of Saint Boniface*, XXXIV [44], p. 49. Phyphylo is Vivilo of Passau, the only clearly locatable bishop of the five. Adda was likely Heddo of Strassburg, who cooperated with Odilo in founding Niederaltaich, and Liudo may be the *episcopus vacans* mentioned in the *Libellus Virgilii*. Less easily identified are Uuigo, who may have been bishop of either Regensburg or Augsburg, and Rydolt, who has variously been ascribed to Augsburg, Freising, and Constance. For these identifications, see: Kurt Reindel in Max Spindler, *Handbuch der bayerischen Geschichte*, p. 166, and Stephan Freund, *Von den Agilolfingern zu den Karolingern: Bayerns Bischöfe zwischen Kirchenorganisation, Reichsintegration und Karolingischer Reform (700-847)* (Munich, 2004), p 55, note 163.

[18] Passau may have had a bishop, since no missionary was sent there.

established by Rupert according to *canonicus ordo*, diminishing the work of Boniface, since it depicts the Bavarian church as already reformed prior to his arrival. However, even in this work, Rupert is described as the bishop of Worms, not Salzburg, and the word *sedes* is not used to describe Salzburg. The *Breves Notitiae*, on the other hand, written later 800, states that Theodo gave permission to build a cathedral (*sedes episcopii*), making Rupert, rather than Boniface, the founder of the diocese.[19] Both of these sources were written at pivotal points in time, the first at the arrival of Boniface, who unsettled the established traditions in Bavaria; and the second at the time Salzburg was being raised to an archbishopric, when Arn of Salzburg was eager to emphasize the pre-eminence of the seat. There is no contemporary evidence, however, that Salzburg had been an episcopal see prior to the arrival of Boniface.

Corbinian, too, does not appear to have founded any episcopal seat, although the *Vita Corbiniani* mentions that he acquired sites (*loca)* around the area.[20] The *Vita Corbiniani* places his *domus propria* outside the ducal fortress of Freising, and such an unprotected place is unlikely to have been the site of a *sedes episcopii*. It is not until a later version of the *Vita* that the *villa publica Frising* was transformed into an *episcopium.*[21]

In addition to the four episcopal seats established by Boniface, Säben/Sabiona was also included in the activity of the Bavarian church. Säben had been a suffragen of Aquileia in the sixth century: as mentioned earlier, a *Materninus Sabionensis* subscribed to the acts of the Council of Grado, and his successor Ingeniunus was included by Paul the Deacon in a list of bishops taking sides on the Three Chapters Controversy.[22] Ingeniunus also signed a letter to

[19] Wood, *The Missionary Life*, p. 146

[20] Arbeo, *Vita Corbiniani*, c. 26.

[21] Jahn, *Ducatus Baiuvariorum*, p. 109.

[22] Wolfram, *Grenzen und Räume*, p. 99.

Emperor Maurikios in 591, the last evidence for a bishop in Säben until 769, when Bishop Alim of Säben appeared at the gathering that witnessed Tassilo's donation at Innichen. Alim also took part in the synods of Dingolfing and Neuching, which took place during Tassilo's rule.[23]

The bishoprics of Augsburg and Eichstätt had connections with the Bavarian political and ecclesiastical elite, as well. At Augsburg, the cult of St. Afra gave rise to a monastic community, which became the seat of a bishopric under the Frankish king Dagobert I. Augsburg oversaw the Christian life of the Lech valley, and its influence, prior to the establishment of dioceses in Bavaria, extended into the region where Freising later held donated lands.

Eichstätt was a later episcopal seat, established with the cooperation of Boniface and duke Odilo, although it was initially conceived of as a *monasterium*. Boniface's associate Willibald, after his time at Montecassino, went to Odilo and obtained ducal *licentia* to found a monastery. Odilo then sent Willibald on to Suidger, who was in charge of the region *Eihstat*. The *Vita Willibaldi* says that Suidger and Willibald traveled together to the place, and the monk founded the monastery with a Salvator *patrocinium*.[24] Willibald is described in the Council of Attigny prayer confraternity list as *Uuillibaldus episcopus de monasterio Achistadi*,[25] and he also appears in the Salzburg Confraternity Book as a bishop. However, after Odilo's initial assistance in the foundation of Eichstätt, the dukes had no further connection with it. It is likely this area, along with the courts at Ingolstadt and Lauterhofen, were ceded to the Franks after the war of 743.

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[23] Kurt Reindel, "Die Herkunft der Bayern," *Handbuch der bayerischen Geschichte* 1, Max Spindler, ed. (Munich, 1981), p. 169.

[24] In the *Vita Willibaldi*, c. 5, p. 104.

[25] *Concilium Attiniacense* (762), *MGH Conc.* 2.1, p. 73.

Even several decades after the establishment of episcopal seats, the Bavarian church still recognized no fewer than six bishops. The Bavarian prayer confraternity of the 770s names as *gentis baiuvariorum episcopi* : Virgilius (of Salzburg), Sindperht (of Regensburg), Heres (Arbeo of Freising), Alim (of Säben), Manno (of Neuberg), and Wisurih. The Salzburg Confraternity Book also lists six bishops in a later period; including the bishop of Salzburg, it lists as living bishops Sindpert (Regensburg), Atto (Freising), Alim (Säben), Uualdrih (Passau), and Udalhart. Bishops Manno and Udalhart/Oadalhart were associated with the bishopric of Neuberg on the Danube, which was joined with Augsburg around 800 by Charlemagne.[26] Therefore, we must also count the bishops of Säben and Neuberg as active in the region. [27] As late as circa 800, Pope Leo addressed a letter to the bishops Atto of Freising, Adalwin of Regensburg, Waltrich of Passau, Alim of Säben, and Sindperth of Neuberg, admonishing them to support Arn as the archbishop of Salzburg. [28]

Non-canonical bishops

The ambiguity of the roles of Emmeram, Corbinian, and Rupert is complicated by the existence of a variety of bishops in Bavaria at the time of Boniface's arrival. There were a number of competing episcopal traditions in early eighth-century Bavaria; part of Boniface's reform was to insist that the only valid bishops were those installed in an episcopal seat, based in a "city," on the Frankish and Italian models. Bishops referred to as *peregrini*, *chorepiscopi*, and *episcopi vacantes* were present throughout the region: however, since such bishops had no

[26] Jahn, *Ducatus Baiuvariorum*, p. 404.

[27] There is evidence for the activity of Säben/Brixen in the sixth century. Materninus Sabionensis subscribes to the acts of the Council of Grado, and his name appears in the catalog of the church's bishops (see note 11). His successor Ingeniunus is also attested; Paul the Deacon includes him in a list of bishops taking sides on the Three Chapters Controversy [HW Grenze p. 99, PD His Lomb Bk III p. 133) Ingeniunus also signed a letter to Emperor Maurikios in 591, the last evidence for a bishop in Säben until 769, when Bishop Alim of Säben appears at the gathering that witnesses Tassilo's donation at Innichen (Säben was the closest bishopric to Innichen). Alim also took part in the synods of Dingolfing and Neuching, which took place during Tassilo's rule.

[28] *MGH Epp.* 5, Nr. 5, p.60-63; see also his letter *MGH Epp.* 5, Nr. 3, p. 58f.

chancelleries of their own, mention of them is dependent on their chance interactions with the four established sees. A *peregrinus* was a monk (or, in the case of Virgil, an abbot) who chose to wander abroad rather than go into seclusion; a *chorepiscopus* was a rural bishop, generally assisting an urban bishop. In the eighth century these were sometimes created irregularly and wandered about without fixed sees. Well into the ninth-century, this "remnant of ecclesiastical government left over from patristic antiquity" was creating tension among bishops by undercutting their authority, and was part of the impetus for the Psuedo-Isidorian forgeries which sought to curtail their power.[29] The term *vacantes/vagantes* is used to mean a bishop without an episcopal see.[30] Interestingly, Boniface himself is a good example, as he had no fixed diocese, but was consecrated as a "missionary bishop."

There were, in addition, abbots and monks with episcopal power, primarily exercising the functions of consecration and ordination. This was a tradition strong in Ireland, where the spiritual offices of a bishop were often carried out by an abbot or abbess. The Salzburg Confraternity Book names many of the early abbots of St. Peter's monastery as *episcopus et abbas*, suggesting a similar practice of monastic bishops in underdeveloped areas. A distinction

[29] Roger E. Reynolds, "The organization, law, and liturgy of the western church, 700-900," *New Cambridge Medieval History*, vol. 2, ed. Rosamund McKitterick (Cambridge, 1995), p. 607 and p. 616.

[30] The phrase *episcopi vagantes*, wandering bishops, is generally considered to be the term given to persons who were consecrated as Christian bishops without an established church, supposedly in an irregular manner or outside canon law, and who were not in communion with any recognized diocese. See "episcopi vagantes" *The Concise Oxford Dictionary of the Christian Church*. Ed. E. A. Livingstone. Oxford University Press, 2006. *Oxford Reference Online*. Oxford University Press. UC - Los Angeles. 26 July 2012 http://www.oxfordreference.com/views/ENTRY.html?subview=Main&entry=t95.e1961. However, Joachim Jahn suggests that the term might have originally derived from a Roman term for retired office-holders, *vacantes*. [*Ducatus Baiuvariorum*, pp. 167 and 407.]This is a possibility worth further consideration, as it fits the examples of such bishops in Bavaria, where there had been little connection with the established church, and these bishops did not seem to consider themselves irregular in any way. It may have simply connoted a bishop without a fixed seat, in regions where there was not sufficient support to establish a cathedral. "*Vacantes* were Roman titular officials (like *honorarii*), who bore an official title without holding the corresponding office. They usually received the title when retiring from active service and were entitled to wear the sash (*cingulum*), which was not granted to *honorarii*." Kirsten Groß-Albenhausen (Frankfurt/Main), " Vacantes," *Brill's New Pauly*. Antiquity volumes edited by: Hubert Cancik and , Helmuth Schneider. Brill Online, 2012. Reference. University of California Los Angeles. 26 July 2012 <http://referenceworks.brillonline.com/entries/brill-s-new-pauly/vacantes-e1226620>

should be made from the later practice of the union of abbacy and episcopacy by a bishop possessing a see, which was a feature of Carolingian ecclesiastical control.

When Boniface began his work under Duke Odilo in 738, he attempted to follow through on the organization of Bavarian episcopal dioceses which presumably had been proposed by duke Theodo in 715/716.[31] However, Boniface did not establish dioceses, but only episcopal seats; the development of spheres of interest and claims to spiritual jurisdiction fell to the new bishops. Territorially defined dioceses did not exist. Although Boniface claimed he had established four dioceses, the bishops of Säben and Neuberg were still active in the region, and there were, as well, still other bishops of the Bavarian church who did not have a fixed episcopal seat, as we shall see below.

Salzburg and the question of "canonical" bishops

In the Salzburg region, the documented activities of three men,Virgil, Liudo, and Dobdagrecus, give some indication of the variety of traditions present in the region, with which Boniface had to contend. The first bishop Boniface ordained in Salzburg was Johannes, who held the office five or six years, until he died in June 745. At the time of his death, Virgil, who appears to have been an Irish *peregrinus*, had already been present in Salzburg for a year or so. [32] He had turned up in the Frankish court of Pippin III in 743/4, and was sent on to Bavaria. He does not appear to have held any office in Salzburg at the time; Pope Zacharias refers to him

[31] Boniface, an Anglo-Saxon monk and priest, had left England for Rome in 718, with letters of introduction from his diocesan bishop, Daniel of Winchester. He was received by Pope Gregory II, who sent him to "Germania" to assess the level of openness to Christian mission there.[31] In 719, Boniface stopped at the Lombard court, then crossed Bavaria into Thuringia and Frisia, where he worked until summoned back to Rome in 722. He was then consecrated bishop and given letters to Charles Martel, the Thuringian dukes, and all German Christians, asking for their support. Boniface received the protection of Charles Martel and worked in Hesse and Thuringia until 735, according to Willibald's *Vita Bonifatii*, where he founded monasteries. In 732, the new pope, Gregory III (731-741) sent him a *pallium*, elevating him to the status of archbishop. Boniface spent two years in Bavaria sometime during the reign of Hucbert, returning in 738 under Odilo.

[32] Wood, *The Missionary Life*, p. 145.

simply as *religiosus vir*.[33] Boniface and Virgil soon found themselves in conflict: in 746, they disagreed over a cleric who was baptizing *in nomine Patria, Filia, et Spiritus Sanctus* (in the name of the Fatherland, the Daughter, and the Holy Spirit). Pope Zacharias agreed with Virgil that the shaky Latin skills of the priest did not invalidate the sacrament.[34] Two years later, Boniface wrote to Zacharias again, stating that Virgil was creating trouble between Boniface and Duke Odilo, and furthermore, that Virgil claimed the pope had promised him one of the four sees which Boniface had consecrated in 739. If that was not enough, he also accused Virgil of heresy, which resulted in a summons to Rome for the Irishman.[35] The outcome of his meeting with the pope is not recorded; however, Virgil became the abbot of St Peter's in 747/8, and the bishop of Salzburg in June 749.

Virgil had arrived in Bavaria accompanied by the bishop Dobdagrecus, who appears to have carried out episcopal functions under his direction.[36] When Virgil became bishop of Salzburg in 749, Dobdagrecus then took over the leadership of Chiemsee. The two Irishmen represented a different episcopal tradition than that promoted by Boniface. On the Continent, ecclesiastical structure was derived from the secular administrative organization of the Roman empire, which divided provinces into dioceses. Bishops were located only in cities able to support a cathedral. Ireland, in contrast, lacked both cities and a Roman past; here, the ecclesiastical structure was established by monastic networks (centered on a head monastery with various daughter houses), and ruled by abbots. Bishops in Ireland were consecrated without an episcopal seat, and provided the sacramental functions that monks could not carry out, under

[33] *Letters of Saint Boniface*, LIV [68], p. 100 (a. 746): "Virgilius and Sedonius, men living the religious life in Bavaria, have informed us that you have enjoined them to administer baptism…."

[34] *Letters of Saint Boniface,* LIV [68], p. 100.

[35] *Letters of Saint Boniface,* LXIV [80], p. 125.

[36] The *Conversio Bagoariorum et Carantanorum* calls him *proprius episcopus,* c. 2, p. 100.

the authority of an abbot. As previously noted, the Salzburg Confraternity Book suggests a similar practice in underdeveloped areas in Bavaria.[37] The lack of a metropolitan in the region also left Bavaria more receptive to the presence of bishops who exercised their office by wandering, ordaining priests and dedicating churches at the request of local nobles and abbots. A number of these *episcopi vacantes*, bishops without a set diocese, came to the Continent in the eighth and ninth centuries.

It seems Virgil initially exercised his authority, to Boniface's dismay, as an Irish-style abbot. However, his claim to one of the four episcopal seats created by Boniface (reported in Pope Zacharias' letter of reply) indicates Virgil's recognition of the greater authority that would be inherent in these offices. If the account of the later *Breves Notitae* is accurate, once Virgil became bishop, he began to use canonical arguments when asserting his authority over local churches. It appears that over his long tenure as Bavaria's pre-eminent churchman, Virgil proved himself adaptable to the changing circumstances of the developing Bavarian episcopacy.

There was also another bishop, Liudo or Liuti, who was active in the region. He was described by Virgil as an *episcopus vacans.*[38] Liudo was one of the bishops addressed by the pope in his letter to the bishops of Bavaria and Alemannia; he had therefore been present in Bavaria at least since 738. Around 747, Liudo and Virgil were involved in a controversy involving the cell of St. Maximilian. This monastic cell and church had originally been dedicated by Rupert, the Bishop of Worms who re-established an ecclesiastical presence in Salzburg at the

[37] See page 161 on *episcopus et abbas.*

[38] The *Breves Notitiae* was based on the earlier *Libellus Virgilii*. It states: "The same priest Ursus, however, with the help of duke Odilo, made another church there, with which he wanted to draw away the same half [accorded] to St. Peter from the Salzburg control, and he summoned there *episcopus vacans* by the name of Liuti, who dedicated this church of discord." *Idem autem Ursus presbiter una cum adiutorio Ottilonis ducis fecit ibi aliam ecclesiam, cum qua voluit ipsam medietatem sancto Petro a Iuuauensi potestate abstrahere, et unum vacantem episcopum nomine Liuti ibidem advocavit, qui ipsam discordiae ecclesiam consecravit. Breves Notitiae,* 8.10, p. 98.

request of duke Theodo at the end of the seventh century.[39] St. Maximilian had been subsequently destroyed by Slavic incursions, and Duke Odilo wished to refound it. The duke gave the site as a benefice to his chaplain, Ursus, a member of the Albina family that had been involved in the monasteries' first foundation.[40] However, Virgil protested to the duke that the site belonged to the see of Salzburg. Virgil and Ursus built competing churches in the area, and Odilo had the church of Ursus dedicated by the *episcopus vacans* Liudo, after which Virgil excommunicated Ursus.

The incident raises questions about the roles of both Liudo and Virgil. Although Liudo had been recognized as a bishop by the pope himself in his letter, he cannot be identified with any fixed location, and was presumably a bishop without a see. [41] This did not prevent him from being well-connected and an acceptable choice for the dedication of a ducally-supported church. As Jahn points out, it was the establishment of episcopal seats by Boniface that made him *vacans*, as a new definition of bishop was introduced in Bavaria. The situation of Virgil is also curious, as most scholars place his abbacy as occurring 747/8, and his elevation to bishop in June 749. Odilo died in 748, so this incident must have occurred while Virgil was still abbot. On what authority then did Virgil excommunicate Ursus, assuming he did so? Either he was functioning as a kind of abbot-bishop at St. Peter's prior to his canonical elevation to a bishop, or it was only when Virgil later achieved episcopal rank that he excommunicated Ursus. It is certainly more plausible that the excommunication of the ducal chaplain occurred after the duke's death.

[39] It is significant that St. Maximilian was a cell of the St. Peter monastery initially, and suggests episcopal control did not extend to monasteries at this point, despite Rupert's involvement.

[40] The Albina family is also referred to as the "men of Oberalm."

[41] Liudo dedicated the church as a higher-ranking Bavarian bishop with longer connections in the region, without repercussions from Virgil. Liudo had been recognized as a bishop by the pope himself, in a letter directed to the bishops of Bavaria and Alemannia of circa 738. *Letters of Saint Boniface*, XXXIV [44], p. 49.

It should be kept in mind, of course, that the depiction of the conflict was written more than forty years after the original incident. The depiction of Virgil as a canonical bishop may have been heightened retroactively in the *Notitia Arnonis* and *Breves Notitiae*, two works which were dedicated to supporting Salzburg's claims to the cell of St. Maximilian and other properties. The excommunication of Ursus might have been added to the narrative to strengthen the claims of Salzburg, perhaps as part of a continuing conflict between the local Albina clan and the see of Salzburg over local properties.

If Dobdagrecus was indeed carrying out episcopal functions during this period, along with Virgil and Liudo, it places three varieties of bishops in the Salzburg area at the same time, each exercising a kind of overlapping authority.

The examples of Freising: Manno and Oadalhart, Waltrich and Petto

In the Freising area, there was also evidence of the exercise of episcopal authority outside of the four bishoprics attributed to Boniface. This was a region where the authority of several strong noble kin groups was especially marked. The early Freising episcopate is documented by the records of that cathedral church as well as the Salzburg Confraternity Book: at Freising, Erembert held the office 739-747, followed by Joseph (747-764) and then Arbeo (764-783).

However, there are two names, Manno and Oadalhart, connected with a bishopric at Neuburg on the Danube. A later version of the *Vita Bonifatii* states that Manno was the fourth bishop in *Nova civitate*, and Odalhart succeeded him. Manno also appears in the Freising donation records, putting his seal on a donation by Chunipert in 759/60, although it is not clear if he signed it as part of his episcopal duties or was related to Chunipert. A list of bishops from Augsburg names him before Uicco and Wikterp.[42]

[42] *Series episcoporum Augustanorum* , *MGH SS* 13, p. 334. Neuburg (*Nova civitate*) was incorporated into Augsburg by Charlemagne at a later period.

Oadalpert is seen exercising episcopal rights in 784, at the foundation of a small monastery near Singenbach.[43] Here Tassilo gave his license for the foundation and Oadalhart made his sign on the donation charter. His name appears directly after the duke's, and he is titled *episcopus*. Oadalhart also signed a Freising document in 777, in which Toto corrected an earlier donation of his son, and a document in 789, which a year after Tassilo's deposition is still dated as the 42nd year of Tassilo's rule. All three documents indicate that Oadalhart was closely connected to the duke.[44] Yet he survived the Carolingian political transition, continuing to appear in local documents up until 808. In 804 he took part in the translation of Quirinus to Tegernsee;[45] and in 807 he appeared at a court day in Gars am Inn, involving a controversy between the Freising Bishop Atto and local lords. He also witnessed an agreement between the Freising cathedral and Moosburg. These and two further documents show Oadalhart in a leading position, appearing at times as a representative of the Freising cathedral, after Bishop Atto.[46]

Joachim Jahn speculates that Manno and Odalhart worked in an "episcopal grey zone" between Freising and Augsburg, tied to a locally ruling noble group, similar to the better-known Bishop Liudo of the Albina kin group. Manno and Oadalhart may have been "personal" bishops of the *geneaologia* of the Huosi, who possibly possessed a small monastic, quasi-episcopal church in Staffelsee. The presence of Odalhart shows that the development of episcopal seats into dioceses was a process over time, which was not completely established until the ninth

[43] TF 118.

[44] A Freising document (TF 86) from 777, in which Toto corrected an earlier donation of his son, and a document (TF 125) from 789, which is dated according to the 42nd year of tassilo's rule, a year after his deposition. Toto and his family belonged to the highest ranks of Bavarian society. The status of this kindred is reinforced by the list of witnesses in TF86 which included some of those most prominent nobles in Bavaria, as well as Virgil of Salzburg. From the dating clauses, it appears many of those at the foundation of Kremsmuenster crossed immediately to Freising to be present for a requiem mass for Toto's son, Scrot. Brown, p. 54. See also Jahn, *Ducatus Baiuvariorum*, pp. 488-494 for evidence of the family' relationship to the Agilolfing dukes.

[45] TF 192. For a discussion of the translation of Quirinus to Tegernsee, see Holzfurtner, p. 46.

[46] TF 197, 258, 267, 268a, 273.

century. Indeed, prior to 788, the organization of Bavarian episcopacy had not been based solely on the Roman episcopal tradition, but had heterogeneous antecedents.[47]

A second example from the Freising region is that of Waltrich and his successor Petto, who were both designated as bishops in the Schäftlarn donation records. [48] The monastery of Schäftlarn was founded by the priest Waltrich and his family around 760-4, with the cooperation of the Freising bishops. According to the first Schäftlarn donation record, Waltrich called Bishop Joseph to dedicate his church. In a later donation charter, members of Waltrich's family group, the nobles Adalgart and Odalger, built an *oratorium* which was dedicated by Waltrich, and then given to the Freising bishop, Arbeo. Waltrich was the only founder in the Freising region who was also the abbot of his foundation, and in the Schäftlarn *Traditionen*, he is designated as a bishop. Some scholars suggest Waltrich was the same as the homonymous bishop of Langres, while others assume he must have been some sort of *chorepiscopus*.[49] Jahn suggests that Waltrich may have been an abbot-bishop who, through donations received by his monastery, built the surrounding region into a more or less "independent" bishopric.[50] While Waltrich respected the rights of the Freising bishops, he maintained independence in his own area of jurisdiction, and it is indeed notable that no bishop of Freising plays a role in any of the donations to Schäftlarn in the eighth century. Though he is named as *episcopus* in the Schäftlarn donation documents, he is not mentioned in the Bavarian prayer community and is not entered in the Salzburg Confraternity Book. Gertrud Diepolder takes the opposite view from Jahn. She notes that a Waltrich appears amongst the Freising cathedral clerics, listed between Arbeo and

[47] Jahn, *Ducatus Baiuvariorum*, p. 167.

[48] TS 3, 18. Waltrich is last mentioned as the head of Schäftlarn in 779 [TS6].

[49] Holzfurtner, pp. 212-215.

[50] Jahn, *Ducatus Baiuvariorum*, p. 366.

Arn, and followed by Leidrat, who later became archbishop of Lyon, and Franco, who later became the bishop of Vicenza. In her view, the Waltrich who dedicated the Schäftlarn church was not a Freising *chorepiscopus* but an outsider bishop. As we have seen elsewhere, in the early Bavarian church, a church or monastic foundation could call upon any bishop to dedicate it.

In summary, the exercise of episcopal authority in Bavaria in the first half of the eighth century was messier that the narrative later imposed by historians, which derives mainly from Willibald's *Vita Bonifatii*. Willibald simplified the variety in episcopal traditions in his hagiographical work: there were no true bishops before Boniface, and then there were four. Stephan Freund has questioned whether the establishment of episcopal sees by Boniface actually occurred. He cites the fact that Boniface receives mention in the *Liber Pontificalis* only for his preaching activity in "Germania," during the papacy of Gregory II, and he is not mentioned at all in the *Vita* of Gregory. The only evidence in support of the claim is Willibald's *Vita Bonifatii,* which states that Boniface spent time in Bavaria at the invitation of Odilo, preaching and renewing, and the letter of Gregory III to Boniface, congratulating his self-reported creation of the four dioceses (quoted at the head of this chapter). The lack of interest in Boniface in Bavaria is curious. He is mentioned only in one Bavarian source, at the beginning of the ninth century, when a Freising document mentions the time "when Boniface came to manage church matters." [51] Freund concludes that Willibald heightened the significance of Boniface's achievements in the wake of his martyrdom. It would have been very fast work for the Anglo-Saxon reformer to carry out in *diebus multis* what Theodo had been unable to achieve despite careful planning; it is more plausible that he put the finishing touches, lending an aura of papal authority, to reforms which had been in preparation from the days of Theodo. The political situation certainly provided an impetus for Odilo to carry out the reform of the Bavarian episcopate along Roman

[51] TF 234a.

lines. Both Charles Martel and Odilo were angling to create a closer relation with the pope, to legitimize their positions at home; at the same time, there were tensions between Pope Gregory III and the Lombard king, which compelled the papacy to seek allies. Boniface was not the initiator of these episcopal reforms, but he was involved, although perhaps not with quite the degree of success he represented in his letters.

Asserting claims and building jurisdiction

The bishops who occupied the four canonical episcopal seats in Regensburg, Passau, Freising, and Salzburg were faced with the challenge of establishing their authority vis-à-vis other bishops, the nobility, and the dukes. The goals of the bishops were to spread canonical teachings, to maintain connections with the circle of supporting families and establish material support for the undertakings of the cathedral church, and to establish the jurisdictional boundaries for their diocese. [52] In building the identity of each diocese and the authority of its bishop, there were two main factors: the relationship of the bishops to the dukes, and the extension of control over proprietary churches and monasteries.[53]

Although Duke Odilo wished to establish a hierarchical church within Bavaria, he and his son Tassilo kept control of their monastic foundations and the associated endowments. A second challenge for the bishops was that established inheritance practices allowed overlapping forms of property ownership, so that a piece of land could be given by the duke as a benefice to a noble,

[52]TF 4. Bishop Joseph complained about the lack of material support for establishing his episcopal center.

[53] The presumption under the Roman church was that all monasteries and churches within a diocese, including their personnel and their properties, were under the jurisdiction of the local bishop. However, there were churches and abbeys built on private ground by lords, who maintained rights to the property and personnel of those institutions. The work of Ulrich Stutz suggested that the institution of the proprietary church existed particularly in areas that had never been Roman. Ulrich Stutz and Hans Erich Feine, *Forschungen zu Recht und Geschichte der Eigenkirche. Gesammelte Abhandlungen*. (Aalen, 1989), and Ulrich Stutz, *Die Eigenkirche als Element des mittelalterlich-germanischen Kirchenrechts*. (Darmstadt, 1964). However, recently, Susan Wood, challenged the term "proprietary church," which is not a contemporary phrase, but a term invented by modern historians to try to interpret what is going on in the donation charters. I will use the term to denote churches privately held by the nobility, but will discuss some of questions which Wood's work raises for interpreting the situation in Bavaria later in this chapter. Susan Wood, *The Proprietary Church in the Medieval West* **(**Oxford; New York, 2006).

who would then donate the land to the church (with the duke's permission), and then receive it back for use throughout his lifetime, and sometimes the lifetime of his heirs. It was also possible for parts of a church founded by a lay noble to belong to different people, so that one might have a percentage of the altar tithes, for example. These practices made it difficult for bishops to establish jurisdiction both in terms of spiritual authority and in the proprietary aspects of land ownership. As bishops sought to define their dioceses and build their jurisdiction, canon law arguments were used in the service of extending at least spiritual authority, and eventually, practical control of property over churches and monasteries founded by laymen, which will be discussed further below. In Bavaria, there is some question when the "canonical script" actually came into play, and how prevalent antagonism between noble founders and bishops over property actually was. The first factor to consider in this complicated interplay of competing claims to authority is the relationship of dukes Odilo and Tassilo to their bishops.

Odilo and the episcopate

When Boniface arrived in Bavaria as Pope Gregory III's "representative and vicar," he must have had high expectations. The *Vita Bonifatii* stated that Boniface had been in Bavaria previously, in the time of Hucbert, preaching and visiting churches. It is not clear on whose initiative he returned there, but already in 739 he reported to the pope that he had ordained three bishops with the approval of Odilo and the nobles, and divided the province into four dioceses.

Boniface was welcomed by Odilo, who had become duke in 736. His arrival promised to achieve two goals for the duke – to reform the Bavarian church, and to give Odilo, who came from Alemannia, additional legitimacy in the eyes of the indigenous nobles as well as closer ties to the pope. Odilo strove to maintain the internal stability of Bavaria, after the upheavals caused by the conflict amongst Theodo's heirs. In placing himself at the head of the hierarchy which

structured the canonical church, the duke reinforced his secular position at the head of Bavarian society.[54] Possibly Odilo also hoped to strengthen his position by placing men from his following into episcopal office. Boniface, as a papal legate, lent this reorganization the authority of the pope. For Boniface, who apparently had not been able to establish himself under Hucbert, it was a second opportunity.

However, the attempted reform of the Bavarian church did not immediately fulfill the expectations of either man. The one item successfully carried out, the ordination of bishops by Boniface, seems to have upset the established *modus operandi* of the Bavarian church, disquieting both the ecclesiastical and political elite.[55] The *chorespiscopi*, *episcopi vacantes*, and monastic bishops who had worked in Bavaria and formed relationships with local elites (or who were members of those families), found their offices limited by Boniface's attempts to anchor episcopal functions to four diocesan sees, and to establish rules where there had previously been relationships. It appears the attempt to cut off the other bishops in the region, and with that, the influence of their noble supporters and relations, had negative consequences. Rather than creating support for Odilo, the attempt at reform initially had the opposite effect.[56] By the summer of 740, resentment against Odilo was strong enough that he went to the Frankish court.

On his return to Bavaria in March 741, Odilo and Boniface seem to have distanced themselves from each other. Boniface moved into central Germania, to erect the bishoprics of Würzburg, Erfurt, and Buraburg. Early in 742 Pope Zacharias ascended to the papacy and Sergius was appointed the new papal legate. Boniface took on a role mediating between the pope

[54] Jahn, *Ducatus Baiuvariorum*, p. 169.

[55] Ibid., p. 65.

[56] Odilo fled *emuli* as reported *Breves Notitiae*, c. 7, p. 96: *In illis quoque temporibus Otilio dux expulsus ab emulis suis de Bawaria fuit cum domno Pippingo rege in Francia multis diebus*. Jahn, *Ducatus Baiuvariorum*, p. 172 connects Odilo's expulsion to the problems of church reform.

and the Frankish church, overseeing synods in 742 and 743.[57] A letter of 744 from pope shows Boniface still involved in Bavaria, reporting that he had found a "false priest" who asserted he had been ordained by Zacharias, and asking if he still had the right of preaching in Bavaria which had been granted by the previous pope.[58] In mid-746 Zacharias reported to Boniface that he had received letters from Virgil and Sidonius complaining about Boniface's stance in the baptism controversy, and in 748 he responded to Boniface's complaints about Virgil and Sidonius.[59]

Odilo began his program of monastic foundations upon his return to Bavaria, putting most of his fiscal support towards their establishment. In comparison, he gave few properties to the new episcopal churches. In the view of Joachim Jahn, the duke intended his support of monasteries to counterbalance the weight of the bishops, whose legitimacy was not based on ducal power and whose authority threatened his primacy over the Bavarian church. A strictly antagonistic picture makes little sense, however, as there were several issues being negotiated between the duke, bishops, and nobles. Despite the initial rockiness of the establishment of episcopal seats, which dispossessed certain nobles and "wandering" bishops, the Bavarian bishops did support and advise the duke, and shared many of his goals in caring for the administration and spiritual life of the region, missionizing and bringing land under cultivation. Opportunities for "wandering" bishops and *chorepiscopi* decreased, or they attached themselves to the main episcopal seats.

The influence of local bishops, noble families, and the duke must have limited Boniface in his choice of bishops for the four episcopal seats he consecrated. In Passau, the papally appointed Vivilo held the episcopal appointment prior to the arrival of Boniface. The Passau

[57] Freund, p. 70.

[58] *The Letters of Saint Boniface,* XLVI (58), p. 76.

[59] *The Letters of Saint Boniface* LIV [28] pp. 100-101, and LXIV [80], pp. 125-6.

region was located in the area of the strongest ducal power, after Regensburg. Odilo had numerous fiscal lands along the Danube, and both he and his ally, the powerful count Machelm, gave donations to the Passau church. Vivilo was followed by a Bishop Beatus, although the date of this succession is not known. From 753-756, Sidonius, the friend of Virgil and antagonist of Boniface, held the office.

At Salzburg, Boniface appointed Johannes, about whom little is known; as we have already, seen, by 749 that seat had been taken by Boniface's antagonist, Virgil, who held the office until his death in 784. In the two remaining offices, Regensburg and Freising, the appointed bishops came from local noble families with influence in the regions surrounding these centers.

Bishop Gaubald held office for 24 years in Regensburg, the primary ducal seat. Gaubald belonged to the powerful local family of Adalunc, who exercised influence in this region as well as in Passau and Eichstätt.[60] However, the Regensburg episcopal office was not as active in the expansion of its jurisdiction as the other episcopal sees, for several reasons.[61] Firstly, the proximity of the duke limited the independent authority of the bishop, so that he functioned more like a ducal chaplain than an independent bishop.[62] In addition, the holdings of the Regensburg church were in a more limited radius, and due to its geographical position, Regensburg did not have the opportunity to expand like Passau and Salzburg, with their large fields for mission in the east and south.[63] Likewise, the presence of the duke diminished the need for an episcopal role in overseeing the strategic administration of the region. Nevertheless, the Regensburg bishop and

[60] TR 1, 5, and 6.

[61] Jahn, *Ducatus Baiuvariorum*, p. 155.

[62] Ibid., p. 398.

[63] Ibid., p. 399.

the duke had a cooperative relationship, with Gaubald supporting Odilo in his 743 conflict with Pippin and Carloman.[64]

To the south, in Freising, Bishop Erembert was consecrated by Boniface. He, too, was likely from local nobility. The noble families of the Huosi, the Mochinger, and the Fagana had great influence in the Freising region. Jahn suggests the bishop was related to the Mochinger, as members of this group later held a church of St. Martins at Biberbach as *propria hereditatis*.[65] This church had belonged *in antique tempore* to Erembert, though it is not stated if he held it as episcopal property or as a family inheritance.[66] Erembert was followed in 748 by Johannes, who also appears to have been from a Bavarian noble family.

Tassilo and the bishops

Odilo's son and successor, Tassilo, continued to support and found monasteries as his father had done. He, too, guarded his control over them, because of their importance in the Bavarian system of rulership. While Tassilo had no intention of allowing episcopal control of ducal monasteries, neither was he antagonistic toward the bishops, who were involved in all important ecclesiastical dedications and donations. For the most part, the duke, his nobles, the bishops and abbots, worked cooperatively, carrying out separate but symbiotic tasks in building up those regions of the duchy that were agriculturally underexploited, or important for strategic purposes. While monasteries re-claimed agricultural land and served as support points for communications and transportation, the bishoprics established in the ducal centers were concentrated on pastoral care: training priests, assisting in administration and spiritual care,

[64] Freund, p. 70 n. 217, cites the *Annales Mettenses priores* for 742: *Qui patrata victoria in presentiam invictorum principum perductus fuit una cum Gauzebaldo episcopo.*

[65] TF 235.

[66] TF234a.

mediating conflict between nobles, and building the parish organization. In a crisis, the duke turned to both bishops and abbots for their advice and assistance.

At approximately the same time Tassilo began to establish his independence from his uncle Pippin, there was a new phase of activity and renewal in the bishoprics of his duchy. In a span of two years, three of the four bishops died. In Regensburg, bishop Sindpert succeeded Gaubald, who died in 762-3. Bishop Sidonius of Passau also died around this time, and his place was taken by Bishop Anthelmus, who apparently died shortly after his accession. [67] Sometime during the brief period of Anthelmus' office, or that of his successor, Wisurich, Tassilo arranged the translation of the bones of St. Valentinus to Passau, increasing the sacral importance of this episcopal center.[68] The death of Joseph of Freising in 764 allowed Tassilo to place a new bishop here, as well. The episcopal post went to Arbeo, who was from a family of the highest nobility.[69] It was Arbeo who accompanied Tassilo on his Italian trip to Rome and Lombardy in 768, and he was also a pivotal figure in the transformation of the Freising episcopacy, developing his authority over his diocese in a number of ways. Arbeo was not only involved in the translations of the saints Valentinus and Corbinian, but also was the author of the hagiographies of saints Corbinian and Emmeram. Through the creation of saints' cults, the bishop helped mold the sacred topography of the region, imbuing episcopal cities with the power that accrued to a *locus sanctus*.

[67] Bishop Sidonius is presumed to have died in 763/4, since he was listed in the Salzburg Confraternity Book between Bishops Gaubald of Regensburg and Joseph of Freising. Bishop Anthelmus is listed in the *Ordo conprovincialium pontificum*, *MG SS* 13, p. 352. Anthelmus is also listed in the Salzburg Confraternity Book after Bishop Joseph, and from his position it is estimated that he died shortly after his accession. *MGH Necr*. 2, p. 26. His successor, Wisurich, is first attested in a Freising donation of 770, TF 39.

[68] Jahn, *Ducatus Baiuvariorum*, p. 400.

[69] The exact date is not known, but Joseph died 17 Jan 764, and Arbeo appears in TF 23 as bishop of the Freising church and at the same time rector of the Marienkloster there.

Salzburg alone underwent no change in episcopal leadership, as Virgil was still there. The sources afford us glimpses of Virgil's strong personality: his presence in Boniface's letters, his acquisition of an abbacy and an episcopal see so soon after his arrival in Bavaria, and his influence on Arbeo, whom he urged to write the lives of saints Emmeram and Corbinian, suggest he must have been a vibrant and intelligent presence. Despite his self-reported conflict with Odilo over the cell of St. Maximilian, he worked closely with both Odilo and Tassilo, who donated to Salzburg and supported his work there.

Between 767 and 774, the building at Salzburg of an *ecclesia mire magnitudinis*, a church of wondrous magnitude, was undertaken. This impressive church, the largest north of the Alps at its time of construction, has been variously interpreted as a coronation church for Tassilo, or as evidence of a plan to make Salzburg the metropolitan for Bavaria.[70] This may have long been a ducal goal, as Salzburg was the site closest to the former metropolitan of Aquileia and to connecting routes into the expanding eastern mission regions, and also the furthest from the Frankish regions. The dukes repeatedly placed high-ranking, high-achieving men, from Rupert through Virgil to Arn, in this area which boasted few noble families to build up the region. Whether or not it was the intention of the Agilolfing dukes to make Salzburg the primary episcopal center, the special role of this church in Tassilo's construction of ducal power, and its contribution toward increasing the honor of the Salzburg seat and its bishop, is notable.

The issue of proprietary churches: Salzburg and Otting

With no diocesan borders established, episcopal seats needed to expand by pulling various churches and monasteries under their control. The overlapping issues of spiritual authority, administrative authority, and oversight of economic production were already evident in the early efforts of Theodo and Rupert to develop the region around Salzburg and bring it

[70] Jahn, *Ducatus Baiuvariorum*, p. 142 notes that Bishop Johannes of Salzburg was referred to as *primus* of the Bavarian bishops.

under better control by the duke and the church. All three involved *potestas* over land and men and were difficult to separate either practically or conceptually. Nevertheless, efforts to define spheres of responsibility and influence were undertaken. For the bishops, the definition of their position vis-à-vis local churches and monasteries was vital for determining the position of bishops in Bavarian society. It also mattered greatly for defining the reach of diocesan control, and for building the material foundation to carry out their pastoral and missionary goals.

When Rupert had first arrived in Salzburg, in the late seventh century, a monastery already existed but there was no real ecclesiastical or ducal oversight. The *Conversio Bagoariorum et Carantanorum* describes the establishment of an administrative center by Rupert in Salzburg, as well as his organization of economic production. St. Peter's monastery became part of the episcopal church, and Rupert went on to found the cell of St. Maximilian and Nonnberg Abbey. The *Conversio* states that Rupert founded additional churches, but there was no controversy engendered by this. In the north-eastern part of the Frankish realm, where Rupert had been bishop, baptismal churches were founded by bishops, but were also found in monasteries and on large estates belonging to lay nobles. The Council of Orleans 541 spoke of "parishes (*parrociae*) in the houses of powerful men" and referred to "anyone asking to have a parish (*diocesim*) on his land," hence this practice had been an acceptable one prior to the eighth century.[71]

I would like to examine more closely the two incidents in the *Breves Notitiae* and *Notitia Arnonis*, in which Virgil made claims on the monasteries and churches that he felt belonged under Salzburg's jurisdiction. Let us return first to the cell of St. Maximilian. From its original foundation it was a cooperative effort: it had been consecrated by Rupert, endowed with ducal

[71] Orleans IV c. 6 and c. 33, *Concilia Galliae* (314-506) , ed. C Munier and (511-695) , ed. C. de Clercq (Turnhout: 1963). See Susan Wood, p. 67 for further context.

property, and kept for the use of a family in ducal service through benefice arrangements. This status quo was challenged by Virgil, when he tried to re-define the episcopal legal position. To do so, he stressed that duke Odilo's predecessor, duke Theodbert, had donated the entire *genealogia* of the Albina to the monastery of St. Maximilian, and that the chaplain Ursus belonged to this kin group. The monastery was then donated to Bishop Rupert *ad sedem episcopatus*.[72] Therefore, both the monastery and Ursus himself should be under the jurisdiction of the bishop. Virgil was attempting to assert Salzburg's rights in opposition to Ursus' claim to control property that his ancestors had given. However, Virgil failed in face of determined opposition by duke Odilo and Ursus. Not only did the claims of the bishop introduce a challenge to Bavarian inheritance and benefice practices, they also threatened the whole structure of the duchy, which depended on the dukes' power of disposal over properties they had already donated to the church. [73]

Otting

The second example of a challenge to traditional proprietary rights, which is reported in the *Notitia Arnonis*, is the foundation of a church by Count Gunther during the reign of Duke Odilo's son, Tassilo. In this account, Virgil refused to consecrate the church until he knew under whose *rectitudo et dominatio* it would fall, according to canon statutes. Gunther then commended it to the Salzburg bishop *ad regendum secundum canones*. This incident suggests that the episcopal power of consecration was now considered to be located in a specific *sedes*, so

[72] There is no evidence Salzburg was an *episcopal sedes* in the time of Rupert; this account appears in the *Breves Notitiae* and therefore reflects Salzburg's concern with its episcopal status. Whether or not the claim that Salzburg was already a *sedes* in Rupert's time was made by Virgil, whose *Libellus Virgilii* formed the basis of the *Breves Notitiae*, is unknown. *Breves Notitiae*, c.2, pp. 96-98.

[73] Brown, p. 84; see also Jahn, *Ducatus Baiuvariorum*, p. 292. Jahn further suggests that Odilo sought to protect his ducal prerogatives by having his monastic foundations, such as Niederaltaich and the refoundation of St. Maximilian, dedicated by bishops from outside the four Bavarian episcopal seats (p. 205). Jahn interpreted the donations of Odilo to Salzburg as part of a plan to limit the aspirations of expansion by the bishops. Odilo sought to protect his ducal prerogatives by having his foundations, such as Niederaltaich and the cell of St. Maximilian dedicated by bishops from outside the four Bavarian episcopal seats. In addition, he states that Odilo gave the young episcopal church no property that it could use for economic support (p. 171).

that not just any bishop could dedicate, but only the head of that diocese. Using this power as leverage, bishops tried to integrate noble proprietary churches into their spiritual jurisdiction as well as secular governance. As Joachim Jahn noted, this reference to "the canons" of the church introduced a new argument.

Whereas at the cell of St. Maximilian, Virgil had argued for the rights of Salzburg based on earlier ducal donations, deriving episcopal dedication power from ducal *potestas,*[74] in the case of Otting, he relied on *canones* (church law) as the basis for his rights. It does not seem that he succeeded with these canonically grounded arguments, either. The *Breves Notitae* reports a later trial, almost fifty years later, at which two of Charlemagne's *missi*, Richolf and Gerold, heard a case *de ipsa ecclesia Arnonis et Wenilonis*.[75] It appears the right of managing the church still remained controversial, and was challenged after Tassilo's fall by Wenilo, who was probably a legal successor to Count Gunther. The *Notitia Arnonis,* written ten years prior to the *Breves Notitiae,* also reports that the cell *z'Ottinga* was taken from Salzburg *iniuste* and had to be restored after 788, which suggests a descendant of Count Gunther refused to relinquish it.[76] However, there is no discussion of episcopal or canonical rights in the earlier *Notitia Arnonis*. It states only that Gunther founded the church with ducal permission and gave it to the monastery of St. Peter, also with ducal permission.[77] It may be, that both the canonical argument and the claim that the church had been donated to the episcopal seat was added in the ten years between the writing of the *Notitia Arnonis* and the *Breves Notitiae*.

[74] *Breves Notitiae,* c. 3.9, p. 92.

[75] *Breves Notitiae,* c. 13.13, p.104.

[76] *Notitia Arnonis,* 6.23-25, p. 78.

[77] Jahn, *Ducatus Baiuvariorum*, p. 288. The cell name Otting has a root in the personal name Oto, so the property may have originally been a ducal benefice.

Warren Brown documents a similar attempt to assert canonical rights over proprietary rights in the Freising episcopate, noting the similarity of language between the description of Virgil's argument at Otting that he had canonical rights "just as he did the other churches of his diocese," and that of a charter at Freising which recognizes Bishop Atto's rights "to rule and dispose of [the church] just as he had the episcopal power to do with other churches."[78] Likewise, the *Notitia Arnonis* states it was "unjustly taken away," a phrase used frequently in postconquest Freising charters.[79] However, Brown rightly attributes this language to the later period in which the *Notitia Arnonis* and *Breves Notitiae* were composed, under new political conditions that favored strict interpretations in favor of the church.

Brown is not explicity concerned with the question of proprietary churches, centering his argument on the new mechanisms for conflict resolution which are introduced under the Carolingians. However, these disputes largely centered on the question of the episcopal church's formal rights to property, which challenged customary expectations of donor kindred. The evidence of the Freising and Salzburg sources indicate that the emphasis on canonical rights was largely a Carolingian phenomenon.[80] In early foundation accounts, there is often no mention of how the church was consecrated, for example, as the examples of Niederaltaich, Mondsee, and Rotthalmünster show.[81]

[78] TF 235.

[79] *Notitia Arnonis*, 6.25, p. 78.

[80] Brown, pp. 84-6.

[81] To the south of Passau, near the Inn river, was the oldest attested proprietary convent, Rotthalmünster. A donation document of its abbess, Irminswind, gives the early history of this *cellula*. It states that her father, Wilhelm, founded the convent under duke Hucbert. Duke Odilo, his successor, then permitted it to be passed on to Irminswind, who designated as her successors her niece Sapientia and then the nun (*sanctimoniali*) Ymma. After the death of Ymma it would pass to the guardianship of the episcopal church of Passau. No bishop is mentioned at the time of its foundation. TP 33a.; Jahn, *Ducatus Baiuvariorum*, p. 119. No Bavarian bishop is mentioned as being involved at Odilo's most important foundations of Mondsee and Niederaltaich. Jahn surmises that the establishment of Mondsee blocked the Salzburg episcopacy's influence region, in the same way Niederaltaich limited the claims by the episcopal sees of Regensburg and Passau, which it lay between. Jahn, p. 213.

The *Notitia Arnonis* was written in Salzburg around 788/90, and the *Breves Notitiae* around 798/800. Both were based on sections of an account of Virgil (the *Libellus Virgilii*), which no longer exists. The *Libellus Virgilii* owes its survival in the other two works to the fact that Arn and his clergy felt they could make Virgil's original claims stick in the new political climate of Carolingian Bavaria. The *Notitia Arnonis* concluded the account of the conflict over the cell of St. Maximilian by stating, "and so it remained, until Virgil died," but that was not the end of the story, for with this document Arn of Salzburg, Virgil's successor, made claims to the cell of St. Maximilian. With the fall of Tassilo, there was no longer a duke to guarantee the old practices, and Salzburg finally succeeded in its claims.

It is important to recognize that the efforts by the bishops were not exclusively about gaining property. Susan Wood, in her *The Proprietary Church in the Medieval West,* notes that while all authority was tinged with proprietary attitudes, there was a scale of meanings, shading from outright ownership in the sense of the right to alienate land, to *auctoritas* over how it should be used. Bishops had an acute sense of the difference between pastoral authority and property ownership. Wood cites the letter of the Bishop of Toulouse to a bishop with churches in another diocese; he refers to "churches of your *ius* situated in our *providentia*."[82]

In the case of Virgil and Gunther at Otting, she considers the bishop's demand to know "in whose *dominium* he wished the abbot and monks to be," and "to what place their direction and domination are to belong" (*ad quem locum illorum rectitude et dominatio constare debeat*). She notes that *rectitude* can have the meaning of "title" or property-right, but it can also mean

[82] *MGH Epp.* 5, No. 28, p. 295: *Denique illud vestrae paternitati non sileo, quod quedam vestri iuris basilicae in providencia nostra consistunt, quae nec mansorum subiectione fulciuntur nec sacerdotum praesentia custodiuntur.* For a fuller discussion, see Susan Wood, *The Proprietary Church*, chapter 20.

"direction" or jurisdiction. In her view, Virgil is not necessarily requesting alodial power; he is asking about the monks and the abbot, not lands.[83]

As I have suggested earlier, it may be that Virgil was not, in fact, demanding control of the property at Otting, but asserting what he saw as his spiritual and administrative rights over a new monastery in his diocese. He did not want to lose control as at St. Maximilian, where he and Bishop Liudo consecrated two competing churches in the same sacred site. As I suggested earlier, the stress on canonical language may very well have been a function of its re-copying into the Carolingian-era *Notitia Arnonis* and *Breves Notitiae*, and I believe the understanding of what it meant to control a given spiritual foundation was shifting towards the end of the eighth century, too.

As Warren Brown noted, the meaning of property was undergoing a change at this time, as interpretations of inheritance rights were being re-defined. It was a large-scale social shift, that is particularly noticeable in Bavaria because of the rapid change in attitudes toward land and place that were being carried out. The efforts of the bishops to build up their diocesan authority and the Carolingian-supported ecclesiastical movement to reform the church and exert more control, along with Carolingian-directed efforts to try to use agricultural land more efficiently, all came together to create a change in how land was described and used. Nevertheless, Wood has a very important point to make: profound change is often almost imperceptible to those undergoing it. There was no one conflict involving a bishop, no one capitulary issued, that caused this change, but rather a set of conditions and aspirations that cumulatively led to a new relationship with land as property.

[83] Susan Wood, pp. 207-8, versus the interpretation of Heinrich Wanderwitz "Der Libellus Virgilii und das Verhältnis von Herzog und Bischöfen in Bayern," *Virgil von Salzburg: Missionar und Gelehrter*, ed. Heinz Dopsch and Roswitha Juffinger (Salzburg,1985), pp. 357-361.

Bishops were not merely interested in becoming property-owners. Key phrases in the charters, such as *ecclesiae parriochialis, canonicus,* and *diocesis,* stressed land not in an agricultural or fiscal sense but in the administrative role of the church. The Freising bishops had faced challenges from the time of the establishment of Freising as a canonical bishopric by Boniface in 739. Early on, Bishop Joseph complained about the lack of material support for establishing his episcopal center.[84] In addition, since Boniface had not defined territorial dioceses, each bishop had to build up his authority and the reach of his episcopal jurisdiction on his own. While important families were willing to donate land to the episcopal church itself, establishing canonical rights over the proprietary rights of the same families' private churches proved more difficult. Both Virgil and Arbeo seem to have used the power of bishops to dedicate churches as leverage. The Freising charters stress this connection, repeatedly employing a donation script which by the time of Hitto's episcopal tenure, had become formulaic: *tunc querens episcopus, quomodo praedictum oratorium hereditare voluisset (then the bishop asked, in what way he wished the aforesaid church to be inherited).*[85] The donor immediately replies that he wishes the Freising church to inherit, the bishop then consecrates the church, and the donor approaches the altar and donates the dedicated church to Freising.[86] While Virgil may not have had immediate success in his attempts to assert episcopal property rights (if that is indeed what he tried to do), the fact remains that by the tenure of Archbishop Arn of Salzburg and Bishop Hitto of Freising, this had become standard.[87] During the time of Virgil, the assertion of canonical rights proved difficult in the case of monasteries and

[84] TF 4.

[85] TF 22, 24b, 28, 53, 51, 50, 54. According to the *Lexicon Mediae Latinitatis*, the verb hereditare could mean "to be inherited," but also, "to be left by inheritance."

[86] TF 328, 330, and 336.

[87] This transition will be described more fully in chapter seven.

churches founded with ducal participation or consent; the assertion of episcopal authority was outmatched by the authority of the duke as the head of the Bavarian church.

The bishops established in the four episcopal seats were under various pressures: to increase the holdings of the church, to spread canonical teachings, to maintain connections with the circle of supporting families (from whom the bishops themselves came), to establish the jurisdictional boundaries for their diocese, and, after the deposition of Tassilo, to maintain their holdings under a new political situation. A shift in the power of the episcopal church was brought about partly through the amounts of lands donated to it by the local nobility, partly through the political change which allowed bishops to use Carolingian courts to their advantage in securing land possession, and partly through the assertion of episcopal and papal authority to bring proprietary churches under their *dominatio*. Episcopal authority, initially backed by family prestige and the presence of translated saints such as Corbinian, was now backed by royal capitularies and Frankish synods. The church was useful in connecting Carolingian kings to local networks and in undertaking mission work to the east; and it continued to keep noble supporters in a close relationship through granting advantageous precarial tenures. Above all, the spiritual authority which the bishops exercised provided an image of "clean power" which rulers were eager to associate with their own rule.[88]

The eighth century proved to be a pivotal period in the redefinition of the social and legal roles of the episcopacy. In Bavaria, there was rapid change in the evolution from the primarily liturgical function (church dedications and baptisms) of the "wandering" bishops, to their

[88] Peter Brown uses this phrase in *The cult of the saints: its rise and function in Latin Christianity,* Haskell lectures on history of religions: n.s. 2 (Chicago, 1981), pp. 102-3, and Michael E. Moore applies it to describe the appeal which bishops and kings had for each other: the bishops were eager to reform kingship in order to service Christian ideals, and kings were eager to present their power in a benevolent light, and to garner the support of the spiritual realm for the legitimacy of their rule. Michael Edward Moore, *A Sacred Kingdom: Bishops and the Rise of Frankish Kingship, 300-850,* Studies in Medieval and Early Modern Canon Law: Volume 8 (Washington, DC, 2011), p. 370.

increased role in synods and missionization efforts under the control of Duke Tassilo, which set the stage for bishops to take their place under the Carolingian administration in the frontline of regional change. Much of this change was due to the efforts of the bishops themselves, as they worked to define the extent of their jurisdiction in the spiritual, legal, and spatial senses, leaving their mark on the Bavarian landscape.

Chapter Five:

Agilolfing Monastic Foundations

The sudden spate of monastic foundations during the reigns of Duke Odilo (736-748) and his son Tassilo (748-788) was nothing less than extraordinary. Nearly forty monasteries are thought to have been established under the leadership of the dukes.[1] Given the significant investment involved, the question arises why the dukes undertook such a determined alteration of the Bavarian social and religious landscape. What were the advantages to founding monasteries, and what were their functions in supporting the exercise of ducal authority in the region?

It has been estimated that in the core regions of Europe between a quarter and half of property changed hands within a century via donations to the church – a massive economic and social transformation.[2] In Bavaria this occurred primarily over one generation, so that the implications were still being worked out at the time of Charlemagne's takeover. In addition, a canonical episcopal structure had only recently been established in Bavaria; therefore the duke retained authority over the church and all donations, to an unusual degree.

This chapter covers, first, the evidence for early monasticism in the region, prior to Odilo's initiative. Next, the foundations of Odilo and Tassilo will be surveyed. These foundation histories must be placed in a political context, as the support of monastic houses benefited the dukes in the establishment of their authority. Monasteries were placed at strategic passes, and played a role in the support of the traveling military, as well as functioning economically as "the

[1] Fourteen of these foundations can be clearly attributed to the dukes; most others show evidence of foundation by a noble family with ducal participation or permission. A small number have undocumented foundation histories, although they appear to have been founded in this period.

[2] Matthew Innes, *State and Society in the Early Middle Ages* (Cambridge, 2000), p. 47.

multinationals of the middle ages."[3] Just as important, however, was their role in emphasizing the duke as the head of society and of the spiritual community, as well as the ultimate landlord. The most ideologically significant of these foundations, the monastery of Kremsmünster, both exemplifies the ways in which monasteries supported ducal prestige, and is exceptional in the ideological valence which it possessed as a symbol of Tassilo's past successes and future goals.

In chapter six, I will look at the Carolingian approach to these foundations after the fall of Tassilo in 788. The Carolingian kings were not founders of monasteries in this period. Rather, they extended control and opportunities by granting exemptions or making donations to important monasteries, by introducing their own personnel into significant institutions, and by promoting access to monastic land through precarial contracts.[4]

Early monastic communities in Agilolfing Bavaria

The history of Christianity in the region reaches back to legends of martyrdoms during the period of the Diocletianic persecutions. With the recognition of Christianity as the state religion of the Roman empire by Theodosius in 392, Christian life on the Danube became more firmly entrenched. The fifth-century *Vita Severini* attests to the work of Severinus in the area of Roman Batavis and Iuvao (later Passau and Salzburg), as well as the presence of priests, churches, and monasteries in the region. Not long after Severinus' death, Roman civil and military oversight was withdrawn from the province of Noricum Ripense, under pressure from the encroaching

[3] *Ibid.*

[4] The *Notitia de servitio monasteriorum* of 817, referred to hereafter as the Aachen List, separated former ducal and noble monasteries into categories of service to the king: those in the third category owed prayers (*orationes*), those in the second, gifts (*dona*) and in the first, gifts and military service (*dona et militiam). Notitia de servitio monasteriorum*, ed. Alfred Boretius, *MGH Capit. I*, pp. 349-52.

Ostrogoths.[5] The *Vita Severini* describes the retreat of Roman elites from Noricum, taking the bodies of their saints with them.[6]

Despite the abandonment of the region by its most privileged members, there is evidence for the continuity of Christian practice from the late antique period by those who remained in the region, as shown by archaeological finds and the persistence of early saints' cults.[7] Writing in the sixth century, Venantius Fortunatus mentions the veneration of St. Valentinus at Mais bei Meran, and of St. Afra in Augsburg. Likewise, archaeological finds, such as the church at Teurnia with its lively floor mosaics, confirm the presence of active Christian communities in the region. Although people called *Baiobari* are not mentioned in sources until the second half of the sixth century, the *ducatus Baioriorum* had a sacred history with firm roots in Roman Noricum. Despite their abandonment by Roman administration, people remained in this region and maintained old traditions, and these traditions were renewed and adapted by the new elites who came to rule the area. The Christian topography of the late antique period had not vanished, but it was no longer directly under the control of any institutional ecclesiastical authority or an organized civil administration. The last mention of ties to the metropolitan of Aquileia, which had overseen the churches of the two provinces of Noricum, was the Synod of Grado in 579. Lombard pressure on

[5] Eugippius, *Vita sancti Severini*, ed. Theodor Mommsen, *MGH SS rer. Germ*. 26 (Berlin, 1898), c. 44, p. 52.

[6] Eugippius, *Vita sancti Severini*, c. 46, pp. 54-6.

[7] Patrick Geary, "The Ancient Gods and the Venerable Protectors of this Place: Christianity on the Frontiers in the Early Middle Ages," in *Medieval Paradigms: essays in honor of Jeremy duQuesnay Adams*, vol. 2, ed. Stephanie Hayes-Healy (New York, 2005), pp. 25-38. At Lorch, archaeological excavations show there was a late Roman basilica of St. Laurentius, with a relic container with relics that appear to have been taken from a fourth-century cavity and re-buried sometime in the seventh- or eighth century, suggesting continued memory and veneration throughout the centuries (p. 30). Near Teurnia, at an eighth-century church of St. Tiburtius, there is a sixth-century inscribed gravestone for the deacon Nonnosus which was found in the baroque altar. The stone not only indicates there were Christian deacons in the area in 532, but that the memory of this deacon survived after his death, preserving his memorial up to the construction of the eighth-century church (p. 32). These excavations are discussed in further detail in articles from the archaeologists involved: Lothar Echkart, *Die Stadtpfarrkirche und Friedhofskirche St. Laurentius von Enns-Lorch-Lauriacum in Oberösterreich: die archäologischen Ausgrabungen 1960-1966* (Linz, 1981), and Franz Glaser, "Archäologischen Funde aus Oberkärten," *Carinthia I* 180 (1990): 137-45.

Aquileia in 568 led to the flight of Patriarch Paulinus to Grado, and by 600, pagan Slavic groups had moved into the region of Carinthia, cutting off the connection between the area north of the Alps and the Adriatic Mediterranean.

Monastic communities appear in sources which describe the late seventh century. These monastic cells were probably centered around the sites of old saints' cults, and in some cases were located in areas where populations called *romani* were established. The seventh-century monastic communities do not seem to have been organized under any institutional authority or any clear monastic rule. Our understanding of their organization is further obscured, because the distinction between monasteries and churches was not always straightforward in the seventh and early eighth centuries. From the late antique period, nobles had founded churches as proprietary burial places, and some of these churches supported religious communities of clerics or monks. However, the distinction between clerics and monks was often blurred.[8]

The evidence for monastic communities in seventh-century Bavaria is spotty. At ***Regensburg***, the traditional ducal seat, the *Vita Haimhrammi* (Life of St. Emmeram) mentions a church of St. George outside the walls of the city; however, the function of the *sacerdotes* at this church is not specified. Had Emmeram himself been the head of a monastic community, it seems likely Arbeo, the author of the *Vita*, would have mentioned it.[9] It is possible that the nearby

[8] Susan Wood, pp. 103-107, discusses the early foundations of churches by nobles as burial places in the wider European context. She notes these burials were increasingly *ad sanctos*, often with a relic placed under the altar, as is seen throughout the Freising *Traditionen.* On p. 109 she describes the difficulty of defining monasteries in this period: "Dealing separately with monasteries assumes a distinction; but this is not straightforward. In late antiquity monks and clergy could hardly be confused, nor could their establishments; but by the seventh century the opposite is true. Great basilicas or baptismal churches, staffed by clergy living collegiately, were called *monasteria*; a solitary and his acolyte might call their oratory a *monasteriolum*; small domestic churches in Italian towns were casually called monasteries….There were monasteries in the West, great and small, that were unmistakably monastic, their members (whether or not in orders) living by a more or less ascetic Rule; but there was a wide, blurred borderland where monks under mixed and various Rules overlapped with the clergy, or were distinguishable but lived in the same establishment."

[9] Arbeo, *Vita et passio sancti Haimhrammi martyris*, ed. Bernhard Bischoff (München, 1953), c. 5. Also in the *Vita,* c. 1.1, Duke Hucbert (727-37) is attested as donating to blessed George and saint Emmeram, *beato Georgio et s. Emmeramo,* though there is no mention of a monastery. Prinz discusses the early spiritual life of Regensburg in Prinz, *Frühes Mönchtum*, pp. 170, 380, and 385.

monastic community of **Niedermünster** had early origins, for the Confraternity Book of St. Peter in Salzburg lists a Bishop Erhard of Niedermünster after the names of Emmeram, Corbinian, and Agnellus, and beside the name of Bishop Vivilo of Passau, under the heading *ordo communi episcoporum vel abbatum defunctorum*.[10]

There is significantly more evidence for monastic activity at ***Salzburg***. This is due partly to the better source record for Salzburg, and partly to the continuity of Roman and Christian identity in the region.[11] The work of Rupert, the bishop of Worms, in Salzburg (696-712) was heavily supported by duke Theodo, who donated land for his endeavors, as did his son and successor, duke Theodbert. **St. Peter**, the monastic community at the Salzburg episcopal church, was probably based on a community already in existence prior to Rupert's arrival. Neither the *Notitia Arnonis* nor the *Breves Notitiae*, which give the history of the Salzburg church, mention its foundation by Rupert, although they do describe his foundation of the cell of **St. Maximilian** and the convent of Nonnberg. The cell of St. Maximilian may have had origins in an earlier cult site. In the accounts of the *Notitia Arnonis* and *Breves Notitiae*, two brothers, one a servant of Rupert and the other a servant of Duke Theodo, reported seeing lights in the forest at night. Rupert erected a small church on the site and settled monks there, receiving donations from duke Theodo or Theodbert.[12] This

[10] According to Prinz, Erhard may have been an uncanonical bishop, who left Regensburg for the monastery just outside the city when Boniface installed a canonical bishop. As for his dating in the Salzburg Confraternity Book, given in: *Liber confraternitatum s. Petri Salisburgensis vetustior*, ed. Sigismund Herzberg-Fränkel, *MGH Necr.* 2 (Berlin, 1904), p. 26, it is helpful to note that Emmeram was active in Bavaria in the second half of the seventh century, Corbinian from approximately 715-728, and Bishop Vivilo of Passau 739-746. A charter of Otto I says Niedermünster was dedicated by Saint Erhard: *monasterium sanctae Dei genetricis Mariae Christique confessoris beati Erhardi veneratione constructum*], but the Life of Erhard does not claim he was the founder of a monastery. *Diplomatum Regum et Imperatorum Germaniae I*, ed. Theodor Sickel, *MGH DD Ottonis* I (Hanover, 1879-84), Nr. 433, year 973, p. 586, and *Vita Erhardi*, ed. W. Levison, MGH SS rer. Merov. 6 (Hanover; Leipzig, 1913, pp. 1-21.

[11] Fritz Lošek, "Notitia Arnonis und Breves Notitiae," *Quellen zur Salzburger Frühgeschichte.* ed. Herwig Wolfram (Vienna, 2006), pp. 9-178. In the *Notitia Arnonis*, over half of the clerics/monks have Roman names. The *Notitia Arnonis* was probably compiled around 788, in order to confirm with Charlemagne the previous donations of dukes to Salzburg, while the *Breves Notitiae* is thought to have been put together closer to 798, when Salzburg was raised to the status of an archbishopric.

[12] It is Theodo in the *Notitia Arnonis* c. 8, but his son Theodbert in the *Breves Notitiae* c.3.

story likely reflects the attention shown by the bishop to a local shrine, dedicated to a local cult, which existed on the property of the family of these two influential brothers.[13] The convent of **Nonnberg**, on the other hand, was assuredly a new foundation. Rupert established it with his niece Erintrud as abbess and Theodo's son Theodbert endowed it.[14] Joachim Jahn calls it the first Bavarian ducal monastery, because of ducal support for the new foundation, because ducal family members formed part of the monastic community, and because it carried out local administrative tasks for the dukes.[15]

At ***Freising***, there was an old church dedicated to St. Stephan already in existence prior to Corbinian's arrival in 728/30 (later **Weihenstephan**). Corbinian built a monastic cell at this site, on a hill in the vicinity of the Freising *castrum*, according to the *Vita Corbiniani*.[16] Within the ducal fort of Freising itself, the church of St. Mary became the episcopal church when canonical episcopal seats were established by Boniface in 739. In 765 a ***monasterium sanctae Mariae*** is mentioned here, and by 769 it is referred to as a *monasterium sancti Corbiniani,* after the translation of the saint from his original burial place in Meran took place.[17] In addition, one of the Freising

[13] Prinz, *Frühes Mönchtum,* p. 403 suggests they found a Christian memorial with candles burning by night. There are two indications that this was a previously existing local cult: first, there was no Maximilian cult in Rupert's homeland; and secondly, the two brothers who discovered the memorial were from the Albina clan who owned the site. They subsequently gave their property to the monastery of St Peter and entered their nephews there for education. The reports of the *Notitia Arnonis* and *Breves Notitiae*, almost 100 years after the events, seem to reflect two ambitious brothers attaching their local cult to the new church center being supported by the duke, and advancing their nephews thereby.

[14] *Notitia Arnonis*, preface, *Breves Notitiae*, c. 4.

[15] Jahn, *Ducatus Baiuvariorum*, pp. 94-95, states that seven of the first twelve nuns, and around half of those who died before 784, had names that indicate their relation to the Agilolfing ducal house. Nonnberg until 788 doesn't appear in Salzburg sources, probably because it was not under the abbot of St Peter or the bishops of Salzburg,

[16] Arbeo, *Vita Corbiniani* .c. 27-8, pp. 136-138.

[17] TF 23: …*ipse rector qui tunc tempore ipso monasterio sanctae Mariae ad gubernandum praeesse videtur*…; TF 31: …*ipse rector qui tunc tempore ipso monasterio sancti Corbiniani ad gubernandum habere videtur*….

Traditionen mentions a donation to the church of St. Andreas, at the monastery of Hukiperht.[18] The foundation of the **Hugibertmünster** is dated to 726-36, the period just after Corbinians' activity in the region.

Little is known about the early history of the episcopal seat of ***Passau***, although the area's association with the activities of St. Severinus, and the existence of the first canonical bishop in Bavaria, Vivilo, suggest the presence of monastic societies there. To the south of Passau, near the Inn river, was the oldest attested proprietary convent, **Rotthalmünster**. A donation document of its abbess, Irminswind, gives the early history of this *cellula*. It states that her father, Wilhelm, founded the convent under Duke Hucbert. Duke Odilo, his successor, then permitted it to be passed on to Irminswind, who designated as her successors her niece Sapientia and then the nun (*sanctimoniali*) Ymma. After the death of Ymma it would pass to the guardianship of the episcopal church of Passau.[19]

In addition, **Herrenchiemsee,** on the lake between the Inn River and Salzburg, may have had early origins. It seems to have been in existence already around 740, when Bishop Virgil sent the priest Lupo there.[20] In 788, Herrenchiemsee was the first abbey taken by Charlemagne, which suggests it had been a ducal monastery, though not necessarily a ducal foundation.[21]

In summary, the sources detailing activity for the renewal of a Christian organizational structure under Duke Theodo (696-716/718) indicate that it was based on the survival of churches and monastic cells nearest to the centers of ducal power. From the sparse evidence of the later

[18] TF 26. The foundation of the church was assumed previously to be by a priest Hugibert. Gertrud Diepolder raises the possibility that duke Hucbert may have been the founder, but concludes it was more likely a noble related to both the duke and the priest later associated with the church. See Diepolder, "Freising - Aus der Frühzeit von Bischofsstadt und Bischofsherrschaft," p. 449. Also Jahn, *Ducatus Baiuvariorum*, p. 118.

[19] TP 33a.

[20] According to the later (ca. 870) *Conversio Bagoariorum et Carantanorum*, c. 4, p. 104.

[21] Charlemagne gave Chiemsee to the bishop of Metz. *DD Kar I*, Nr. 162, p. 219f.

eighth-century *Breves Notitiae* and *Notitia Arnonis*, as well as scattered records of donations, it is clear that ducal support for monastic communities under Duke Theodo formed part of his general plan of re-structuring the institutional bases of ecclesiastical life, on the model of the Roman church. Theodo's efforts included visiting Rome to meet with the pope, conceiving a plan to establish canonical dioceses, and inviting Rupert, Corbinian, and Emmeram to preach in Bavaria.[22] Duke Theodo donated heavily to Rupert's work in Salzburg, making donations to support the monastic communities of St. Peter's and the cell of St. Maximilian. His son, Theodbert, seems to have inherited Salzburg in a division of the duchy among four sons; he is mentioned in the *Breves Notitiae* and *Notitia Arnonis* as supporting the Nonnberg abbey.[23] Three of Theodo's sons died not long after their father, which left his son Grimoald in Freising and Theotbert's son Hucbert in Salzburg. Although the *Vita Corbiniani* reports that Grimoald was *dux totius gentis*, there appear to have been two centers to Bavaria, and enmity between them, which the Franks and the Lombards tried to exploit. In 725, and again in 728, Charles Martel intervened in Bavaria; Grimoald was killed in the second attack, and Hucbert then had the rule of all Bavaria.[24] In addition to donations by Hucbert and the local nobles to Salzburg, he is mentioned as donating to St. George and St. Emmeram at Regensburg, and was possibly involved in the foundation of the Hugibertmünster near Freising. It is likely this activity was related to the expansion of his rule over areas outside his father's center at Salzburg.

These early monastic communities appear to have functioned under mixed rule, and under no institutional authority. There were probably other independent monastic communities, in areas

[22] Theodo's plan of establishing episcopal seats was not carried out during his reign due to his death in 716.

[23] Theodo's rule began about 680; he died 715-6. The division of his duchy amongst his four sons placed Grimoald in Freising (attested in the *Vita Corbiniani*), Theodbert probably in Salzburg, Theotbald in Regensburg, and Tassilo in Passau. Theodbert's support for Nonnberg is mentioned in the preface to the *Notitia Arnonis*, and chapter 4 of the *Breves Notitiae*.

[24] According to the *Breves Notitiae*, *Notitia Arnonis*, and *Vita Bonifatii*.

that had maintained continuity with the region's Roman and Christian past, but it is only those which drew the support of dukes, nobles, and bishops, that are recorded.

In 736 Hucbert died and Odilo succeeded him. From the beginning, Odilo set out to reinforce his authority in Bavaria. As part of this, he revived Theodo's plans for the organization of episcopal seats, to be carried out by the papal envoy Boniface. Under Odilo, a second, new phase of ecclesiastical expansion began, in which the duke became an active founder of monasteries.

Ducal monasteries

Although Theodo and his sons had supported monastic foundations, Odilo was the first Bavarian duke involved in the foundation of new monasteries. Odilo was a relative outsider, coming from the neighboring duchy of Alemannia.[25] He seems to have had some trouble establishing himself with the indigeneous Bavarian nobles, and his revolt against the sons of Charles Martel in 743 earned him some enmity from the Franks as well.[26] Given his precarious position, the diversion of resources into monastic foundations can only be explained if the duke considered them as somehow necessary to his authority. The creation of a new monastery required, at the very least, the donation of sufficient agricultural land and associated workers to support the material needs of the monastic community; the building of a church and living quarters for the monks; the consecration of the monastic church by a bishop; and a certain

[25] Erich Zöllner convincingly argued that Odilo was a member of the Alemannic ducal family with Agilolfing connections. His name appears in the Salzburg Confraternity Book in the list of dukes, after the sons of Theodo. Erich Zöllner, "Die Herkunft der Agilulfinger," MIÖG 59 (1951), pp. 245-264 and "Das Geschlecht der Agilolfinger," *Die Anfänge des Klosters Kremsmünster* (Linz, 1978), pp. 83-110.

[26] The *Breves Notitiae*, c. 7.5, states: *In illis quoque temporibus Otilo dux expulsus ab emulis suis de Bawaria fuit cum domno Pippino rege in Francia multis diebus.* "Likewise at the same time duke Odilo, expelled from Bavaria by his opponents, went to lord king Pippin in Francia for some days." The revolt against the Franks is reported in Fredegar (Continuator), *Chronicarum et Continuationes, MGH SS rer. Merov.* 2, *Continuationes c.* 25, p. 180.

minimum of liturgical books and liturgical objects. [27] In addition, the monks themselves, along with an abbot sufficiently educated and knowledgeable in ecclesiastical matters, had to be obtained from another monastic house. At a time of subsistence-level agricultural production, there were very few men and women who possessed the resources to single-handedly endow all that was necessary.

Thus, the foundation of new monasteries must have provided benefits to the duke, which justified this investment of resources. These new foundations had a different function than the earlier independent monastic cells which sprung up around a saint's burial site, or small family memorial chapels which might support a few monks. The monasteries established by Odilo and his son helped consolidate their authority as dukes and supported their administrative tasks in a variety of ways. The new monasteries exploited agricultural land and established religious centers in previously ungoverned lands (colonization and mission); they provided support points for communications and military expeditions, supplying food, shelter, fodder, horses and metal-working for those traveling through under-settled areas; they strengthened connections between the dukes and local nobility who donated, or sent their sons and daughters to the monastery; and they created centers of spiritual power. In an under-exploited landscape with only two real ducal strongholds, at Regensburg and Passau, they created a network across the region that connected back to the duke, marking the land with reminders of his authority and largesse, which was maintained with the support of God and the saints.

The establishment of these new foundations was carried out in two major waves. First were those of Odilo's reign; then, after the fifteen-year hiatus of his son's minority, there was a renewed wave under Tassilo's leadership, marked by his encouragement of foundations by noble

[27] This would be a minimum; some monasteries could be quite extensive with *scriptoria*, a school, various outbuildings for livestock, an infirmary, bread-making and a brewery, such as the complexes at San Vincenzo al Volturno and St. Gall.

families. The culmination of this era of foundation was the monastery of Kremsmünster, which in some ways exemplified the various functions which monasteries provided, and in other ways was an exceptional case. One of the most remarkable facets of the ducal monasteries was that these religious institutions were established on the initiative of Odilo and Tassilo, and not by the local bishops. The dukes remained firmly in control of their foundations and the associated property. They created a monastic landscape in Bavaria, building an infrastructure upon which the Carolingian rulers could later base their own initiatives in the region.

The most significant of Odilo's foundations were Niederaltaich and Mondsee. Odilo fled to Francia in 740, and did not return to Bavaria until 741. In that year, Charles Martel's daughter joined Odilo in Bavaria as his wife, and gave birth to a son.[28] In that same year, Odilo established the monastery of **Niederaltaich**.[29] The *Annales Altahenses maiores* for the year 741 report: *natus est Thassilo. Monasterium Altaha construitur divo Mauricio*.[30] These annals report that the monastery was affiliated with Reichenau, in Alemannia. The *Brevarius Urolfi* likewise states that Odilo, with his *socii,* donated to the church of St. Mauritius and the monastery Altaha, and that twelve monks from Alemannia were established there with the permission of "King"

[28] The *Breves Notitiae*, c. 7.5, states: *In illis quoque temporibus Otilo dux expulsus ab emulis suis de Bawaria fuit cum domno Pippino rege in Francia multis diebus* (Likewise at the same time duke Odilo, expelled from Bavaria by his opponents, went to lord king Pippin in Francia for some days). The text has been edited by Fritz Lošek, "Notitia Arnonis und Breves Notitiae," *Quellen zur Salzburger Frühgeschichte,* ed. Herwig Wolfram, (Vienna, Oldenbourg, 2006). Fredegar (Continuator) reports that Hiltrude married Odilo against the wishes of her brothers, and that Odilo was then part of a revolt against the Franks: *Chronicarum et Continuationes, MGH SS rer. Merov.* 2, *Continuationes c.* 25, p. 180. Odilo's stay at the Frankish court is dated between August 740 and March 741. See Jorg Jarnut, "Studien über Herzog Odilo," *Mitteilungen des Instituts für österreichische Geschichtsforchung* 85 (1977), p. 283.

[29] Though there is no foundation charter as such, both the *Brevarius Urolfi* and the Altaich Memorial Book remember Odilo as the founder. *Annales Altahenses maiores saec* XI, ed. Edmund Freiherr von Oefele, *MGH SS 20* (Hanover, 1979), pp. 782-824, at pp. 782, entry for year 750, and *Breviarius Urolfi*, ed. Karl Roth, *Beiträge zur deutschen Sprach-, Geschichts- und Ortsforschung* 3, 11 (Munich, 1854), pp. 17-28, c.1.

[30] "Tassilo is born. The Altaich monastery is constructed to saint Mauritius." *Annales Altahenses maiores, MGH SS 20,* p. 782, entry for year 741. There is some question if Niederaltaich was founded in 741, as reported in the annals, or in 731 as reported by Hermann of Reichenau. Prinz thinks 731 is not believable because Hermann says three monasteries were established that year, each requiring twelve monks. Prinz, *Frühes Mönchtum,* pp. 417-9 and 436-8.

Pippin and the support of the bishop of Strasbourg, Heddo. [31] The connection with Reichenau is plausible, since Odilo was likely a member of the Alemannic ducal family.[32] In addition, the Mauritius *patrocinium* of Niederaltaich is found also at Reichenau and its affiliate Murbach.[33] The *Brevarius* goes on to list Odilo's numerous donations to the monastery, making it clear that he was the founder. Odilo's donations to Niederaltaich were in a relatively limited area around the Danube, with one salt-production location near Reichenhall. Nevertheless they were numerous: the *Brevarius Urolfi* lists 350 *mansi*,[34] and there were further donations, with the duke's permission, by his nobles.

Under the fractious rulership of Grimoald and Hucbert, the duchy had been divided (lingering animosities may have forced Odilo's sojourn in Francia); therefore, Odilo sought ways of putting ducal power on firmer ground. Although he involved noble donors in this enterprise, the foundations stood directly under the authority of the duke.[35] Niederaltaich was based on fiscal land, thus it was an exempt region that did not stand under the episcopal church in either a spiritual or a judicial sense. With its properties along the Danube between Regensburg and

[31] *Breviarius Urolfi*, c.1 The *Brevarius Urolfi* was probably written around the same time as the *Notitia Arnonis* in 790 for the same reason – to confirm property received from the duke with Charlemagne (Urolf was bishop of Niederaltaich 788-814). The anachronistic reference to "king" Pippin can be explained by the fact that the *Brevarius Urolfi* was written at a time when Abbot Urolf needed Charlemagne to confirm the episcopal properties. The reported agreement of Pippin may simply reflect the history of Reichenau, which was founded by Pirmin under Carolingian initiative. Likewise, Heddo of Strassbourg was a student of Pirmin, and maintained an involvement with Reichenau even after his elevation to the episcopacy.

[32] That Odilo was a son of Duke Gotfrid of Alemannia, and thus from a neighboring branch of the ruling Agilolfing family in Bavaria, was the thesis of Erich Zöllner in "Die Herkunft der Agilulfinger", *MIÖG* 59 (1951), pp. 245-264. Over the past fifty years, other scholars have found further arguments in support. See Jorg Jarnut, "Studien über Duke Odilo" in *MIÖG* 85 (1977), pp. 273-284, Zöllner, "Das Geschlecht der Agilolfinger" in *Die Anfänge des Klosters Kremsmünster* (Linz: 1978), pp. 83-110, and Wilhelm Störmer, *Adelsgruppen im früh- und hochmittelalterlichen Bayern*, Studien zur bayerischen Verfassungs- und Sozialgeschichte 4 (Munich, 1972), p. 16ff.

[33] Prinz, *Frühes Mönchtum*, p. 418, note 303.

[34] The *mansus* was a flexible agrarian production unit, which varied in size and in its products, but is thought to be the amount of land that could support one nuclear family. A detailed discussion of the use of the term *mansus* appears in Chapter Two.

[35] Jahn, *Ducatus Baiuvariorum*, p. 193.

Passau, the monastery possessed an area that did not belong to either diocese. The foundation of its dependent *cellula* at Auerbach further intensified this ducal-monastic region centered on Niederaltaich. Odilo gave the monastery the task to clear land and make it arable. His successor Tassilo gave this small cell the surrounding forest region, a kind of "encircling donation" typical for the establishment of monastic affiliates in undeveloped land, as in the example of the Maximilian cell in the Pongau.[36] Thus, the reason for the foundation of Niederaltaich appears to have been the colonization and missionization of the area.

The most important of Odilo's foundations was **Mondsee**, both in placement and in wealth. It was located in the Salzkammergut east of Salzburg, and the duke endowed it with four *villae*, a ducal forest-region and several ducal servants, including a cook.[37] As at Niederaltaich, no Bavarian bishop is mentioned as being involved. Jahn surmises that the establishment of the monastery blocked the Salzburg episcopacy's influence region, in the same way Niederaltaich limited the claims by the episcopal sees of Regensburg and Passau, which it lay between. [38]

The **Maximilian cell** of Salzburg also received support from Odilo. Although it had initially been founded by Rupert with the support of dukes Theodo and Theodbert, it had subsequently been destroyed by Slavic incursions, according to the *Breves Notitiae*. Upon his return from exile, Odilo revived the cell. He gave it, along with its possessions in Oberalm, as a benefice to his chaplain, the priest Ursus. By doing so, Odilo entrusted him with an important position in a border region with the Slavs. The continued donations of dukes, from Theodo to Tassilo, to this cell, as well as its geographical location, show its importance for the southeastern

[36] *Brevarius Urolfi*.

[37] Das älteste Traditionsbuch des Klosters Mondsee. Ed. Gebhard Rath and Erich Reiter. Forschungen zur Geschichte Oberösterreichs 16. (Linz: 1989), nr. 39, pp. 138-44. A forest (illa foreste nostra) is not necessarily a wooded region, but part of the public fisc, generally ducal or royal hunting grounds. Chris Wickham explores the history of the term in his article "European Forests in the Early Middle Ages: landscape, and land clearance" in L'ambiente vegetale nell'alto medioevo, Settimane di studio sull'alto medioevo 27 (Spoleto, 1990): pp. 479-548, particularly pages 484-487.

[38] Jahn, Ducatus Baiuvariorum, p. 213.

Bavarian region. The family of Ursus, the men of Oberalm, had held special positions under dukes Theodo and Theodbert, as well as under Odilo.[39] In addition, a second cell of the Salzburg monastery at **Elsenwang** was very likely based on donations by Odilo, and another cell at **Kufstein** was similarly established from fiscal property. [40]

In addition to these foundations, **Chammünster** was probably founded on the site of a ducal palace by Odilo, in a manner similar to Niederaltaich.[41] This cell may also have been part of the missionization of the Slavs, since the Cham River was an important transportation route between Bavaria and Bohemia. Further indication of the region's importance for colonization and mission is shown by Boniface's contemporaneous establishment of the bishopric of Eichstätt (where Odilo also donated), and the activity of St. Winnebald at Vils. Chammünster, Elsenwang, and Kufstein correspond in type to the dependent cells of Niederaltaich, but unlike Niederaltaich they were subordinate to the episcopal church at Salzburg.[42] They are indications of the close cooperation of Odilo with the Bavarian bishops in the interest of making more land available for agriculture, which balanced his determination to keep firm control over all aspects of the church in his duchy.

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[39] *Breves Notitiae*, c. 8. However, the arrival of Virgil in Bavaria, in 745, with his canonically grounded claims to churches and monasteries, led to a conflict between Odilo, Ursus and Virgil, as well as to a confrontation between Count Gunther and Virgil over a foundation at Otting. At the time the Maximilian cell had first been established, it was neither a ducal or episcopal proprietary church. The concept did not exist at that point, as there were then no canonically ordained bishops and the institution of a ducal church was only beginning to be developed. On the revival of the Maximilian cell, see Jahn, *Ducatus Baiuvariorum*, pp. 205-6. These conflicts, and the legal issues involved, will be covered in more detail in the following chapter.

[40] The *Breves Notitiae* mention a *locellus* which Odilo gave the Salzburg church on his return from Francia, together with hunting and fishing rights on the Fuschl and Abersee, and pastures and forests. The location was said to be in a *heremus* (an unruled region), and probably only functioned initially to support economically the monastery at Salzburg, although the *Notitia Arnonis* describes the donations of Odilo and Tassilo in the effort to build up the region. *Breves Notitiae*, c. 7.7, and *Notitia Arnonis*, c. 4.2. On Elsenwang see Prinz, *Frühes Mönchtum,* p. 416 and 423, and Jahn, p. 218.

[41] *Die Traditionen des Hochstifts Regensburg und des Klosters S. Emmeram,* Ed. Josef Widemann, *Quellen und Erörterungen zur bayerischen Geschichte* n.f. 8. (Munich, 1943), Nr. 16. For a discussion of the position of the cella "ad Chambe," see Prinz, *Frühes Mönchtum,* p. 419f. Like the Maximilian cell, Chammünster was on an important transportation route on the border of a Slavic settlement region. Hereafter abbreviated as TR.

[42] Jahn, *Ducatus Baiuvariorum*, p. 218.

The undertaking of the foundation of new monasteries by Odilo, rather than simply supporting existing communities, as in the case of the earlier dukes, emphasizes both the mission-colonization efforts of Odilo, and his efforts to unite and involve the nobles of the region on whose support the strength of his duchy depended. Odilo died in 748, after seven years of balancing his goals: to build a duchy between, and under pressure from, the militarily dominant Franks on one side, and the loosely governed pagan Slavs on the other; to maintain ducal rights over properties donated to episcopal churches and monasteries, or given as benefices to nobles;[43] to manage the claims of bishops which resulted from their canonical establishment by Boniface; and to maintain unity amongst his nobles. Odilo left these all of these challenges to his seven-year-old son Tassilo.

After Odilo's death, Grifo, the son of Charles Martel by the Bavarian Swanahild, found supporters in his bid for the duchy.[44] Grifo's half-brother Pippin, however, opposed him and supported Odilo's son Tassilo. Thus, Tassilo reached his majority under the protection of the Franks. According to the Carolingian *Annales regni francorum*, Tassilo was called to the assembly in Compiègne in 757 to take an oath to Pippin. The same royal annal alleges that six years later, Tassilo and the Bavarians deserted the Frankish army as they mustered against Aquitaine.[45] The reliability of this account has been called into question; whether these events occurred as reported in this single source or not, it is around this time that Tassilo sought closer

[43] In pre-Carolingian donation and benefice practices, rights to land overlap, so the right to alienate property and the right of use through inheritance can belong to two different parties.

[44] Grifo's mother, Swanahild, had been brought from Bavaria by Charles Martel in 725. Fredegar (Continuator), *Chronicarum et Continuationes, MGH SS rer. Merov.* 2, *Continuationes c.* 12, p. 175.

[45] *Annales regni francorum a. 763*, ed. Friedrich Kurze, *MGH SS rer. Germ. 6* (Hanover, 1895, reprinted 1950). The role of the *Annales regni francorum* in constructing the Carolingian version of events has been analyzed in Matthias Becher, *Eid und Herrschaft : Untersuchungen zum Herrscherethos Karls des Grossen*, Vorträge und Forschungen, Sonderband 39 (Sigmaringen, 1993) as well as Rosamond McKitterick, "Constructing the past in the early Middle Ages: the case of the Royal Frankish Annals," *Transactions of the Royal Historical Society* 7 (Cambridge, 1997), pp.101-129. Tassilo would have been 16-17 at the time he took his oath to Pippin, and 21-22 when he deserted him in 763.

ties with the papacy and the Lombards, marrying one of the daughters of the Lombard king. In 768 Pippin died, and while Charlemagne and his brother Carloman concentrated on maintaining the position their father had bequeathed them, Tassilo was left to continue building his independence.

This was the context in which Tassilo visited the Lombard king, Desiderius, in 769.[46] On his return from Italy, Tassilo stopped at Bozen (Bolzano), where he made a donation for the foundation of a monastery at **Innichen** (San Candido), on the borders of the Lombard and Slavic Carinthian territories. In his donation document, Tassilo gave land extending up to the border of the Carinthian lands, stating that the purpose of the monastery was to convert the Slavs.[47] This was a bold assertion of his authority, placing a monastery on an important route to the south, on the opposite side of the Alps from the core region of his rule, and close to the border with the Carinthians.[48] Avar lands were no more than a hundred kilometers away. Innichen lay at the mouth of the Drau River, which served as an important connection to the east for both trade and military purposes. A nearby Roman road ran from Aguntum on the Drau to connect with the Brenner Pass leading north over the Alps.[49] Thus, the placement of the monastery was significant for connections to the east and to the south.

[46] *Annales regni Francorum,* and *Annales mettenses priores*, ed. Bernhard von Simson, *MGH SS rer. Germ.* 10 (Hanover, 1905), The visits of Tassilo and the mother of Charlemagne, Bertrada, to Lombardy are also mentioned these two sources for the year 770.

[47] Tassilo stated that the places he was donating had been "empty and uninhabitable" *inanem atque inhabitabilem,* and so he was donating them for the purpose of "leading the unbelieving generations (peoples) of the Slavs to the path of truth" *propter incredulam generationem Sclavanorum ad tramitem veritatis deducendam* (TF 34). His interest in missionization/colonization paved the way for the military engagement which followed three years later, resulting in the subjugation of the Carinthians.

[48] Much has also been made of the fact that the donation is made *cum consensu optimatum.* While Tassilo gave land for the foundation of Innichen, the monastery itself was an affiliate of the monastery Scharnitz, which the powerful Huosi family group had founded. Some of the *optimates* who were named in Tassilo's donation were Oatachar, a founder of Tegernsee, Crimbert, who gave property to Salzburg and was close to Pippin, and Cundher, the founder of Otting, underscoring Tassilo's cooperation with the Bavarian leading families in carrying out the planned development of a network of monasteries at strategic points all around Bavaria.

[49] Aguntum, a bishopric until the seventh century, was located near the present-day town of Lienz in Tirol, Austria.

Much has been made of the fact that the donation is made *cum consensu optimatum*. While Tassilo gave land for the foundation of Innichen, the monastery itself stood as an affiliate of the west Bavarian monastery Scharnitz, which the powerful family group of the Huosi had founded.[50] Some of the *optimates* who were involved were Oatachar, a founder of Tegernsee, Grimbert, who gave property to Salzburg and was close to Pippin, and Gundher, the founder of Otting.[51] The donation document of Tassilo is significant, as it underscores his cooperation with the Bavarian leading families in carrying out the planned development of a network of monasteries at strategic points all around Bavaria.[52]

After the donation for Innichen, Tassilo continued to organize and strengthen Bavaria. In the next two years, he called two church councils.[53] Meanwhile, in December 771, Charlemagne's brother died, leaving him sole ruler of the Frankish kingdom. For Charlemagne, Tassilo was a threat: he represented a legally ruling family, secured through the birth of a son and protected by the pope.[54] Furthermore, in 772 Tassilo had a celebrated victory over the Carinthians which consolidated his support. His political and family connections with the

[50] This family is one of the five *genealogia* specified in the Bavarian Law Code as having twice the value (wergild) as ordinary free men.

[51] Count Grimbert/Crimbert appears in *Breves Notitiae* 14.4 and is called a *valde familiaris* of Pippin. Count Gundher/Cundher (*Guntherius quidam comes*) appears in *Breves Notitiae* c. 13.

[52] In *Frühes Mönchtum im Frankenreich*, Prinz developed a theory of Frankish-oriented nobles in the west of Bavaria who formed an opposition to Tassilo which led to his downfall. Later scholars such as Joachim Jahn, Ludwig Holzfurtner, and Stephan Freund (see note 49 below) have re-evaluated this theory, noting Tassilo's close cooperation with high-ranking nobles and ecclesiastics across his duchy. Friedrich Prinz, *Frühes Mönchtum im Frankenreich* (Munich; Vienna, 1965), p. 365 For references to Holzfurtner in this chapter, see: Ludwig Hozfurtner, *Gründung und Gründungsüberlieferung: Quellenkritische Studien zur Gründungsgeschichte der bayerischen Klöster der Agilolfingerzeit und ihrer hochmittelalterlichen Überlieferung,* Münchener historische Studien. Abt. bayerische Geschichte 11 (Kallmünz, 1984).

[53] The following year, in 770, he called a church council at Dingolfing and in approximately 771 he held another at Neuching. There was also a council at Aschheim, held ca.755-60, before his full independence. See: MGH Conc. 2.1, ed. Albert Werminghoff (Hanover, 1906): *Concilium Ascheimense*, pp. 56-58, *Concilium Dingolfingense*, pp. 93-96, and *Concilium Neuchingense*, pp. 98-105.

[54] The *Lex Baiwariorum* stated that the ruler of the Bavarians must be from the family of the Agilolfings. *Lex Baiwariorum* III.1, ed. F.E. von Schwind, *MGH LL nat. Germ*. 5.2 (Hanover, 1926), p. 313: *Dux vero qui preest in populo, ille semper de genere Agilolfingarum fuit et debet esse...* (The duke who is the head of the people, was and should always be from the *genus* of the Agilfolfings).

Lombards were additional advantages. Not least of all, at this point Charles had no legitimate heir, so in the event of his death, his cousin Tassilo was a possible successor.[55] In 774, Charlemagne took over the Lombard kingdom, and the two cousins were brought increasingly in conflict with each other. It was at this point in time, in 777, that Tassilo established the monastery of Kremsmünster.[56]

The Role of Monasteries in the Establishment of Secular Authority

The context of Kremsmünster's foundation partially illuminates why it played such a significant role in the construction of political authority in Bavaria. In this section, I will explore how it functioned to support Tassilo's ducal authority and political aspirations, and then, in the following chapter, how it came to legitimate royal authority in the Carolingian period. The foundation of a monastery brought about an organization and an investment of meaning to a given space, which bolstered the secular authority of the duke through a variety of processes: economically and militarily strategic placement, jurisdictional claims, and the definition of sites of sacrality and power.

[55] Stephan Freund, *Von den Agilolfingern zu den Karolingern: Bayerns Bischöfe zwischen Kirchenorganisation, Reichsintegration und Karolingischer Reform* (700-847) (Munich, 2004), p. 76. Tassilo had one, and possibly two, sons at this point. Charlemagne's illegitimate son Pippin the Hunchback was born 769; his legitimate son Charles the Younger in 772.

[56] In addition to the titles given in notes number 1 and 5, articles on Kremsmünster can be found in: *Die Anfänge des Klosters Kremsmünster*, ed. Siegfried Haider, Ergänzungsband zu den Mitteilungen des Oberösterreichischen Landesarchivs 2 (Linz, 1978); Kurt Holter, "Die Gründung von Kremsmünster und die Besiedelungsgeschichte des Mittleren Oberösterreich," *Mitteilungen des Oberösterreichischen Landesarchivs* 8 (1964), pp. 43-80; *Mittelalterliche Klöster und Stifte in Bayern und Franken: Aufsätze von Wilhelm Störmer*, ed. Elisabeth Lukas-Götz, Ferdinand Kramer, and Andreas Otto Weber. (St. Ottilien, 2008); and Max Fastlinger, *Die wirtschaftliche Bedeutung der bayerischen Klöster in der Zeit der Agilolfinger* (Freiburg im Breisgau: 1902). Articles on other aspects of monastic foundation in early Bavaria include: Wilhelm Störmer, "Zur Frage der Funktionen des kirchlichen Fernbesitzes im Gebiet der Ostalpen vom 8. bis zum 10. Jahrhundert," *Die transalpinen Verbindungen der Bayern, Alemannen und Franken bis zum 10. Jahrhundert*, eds. Helmut Beumann und Werner Schröder (Sigmaringen, 1987), pp. 379-403; Walter Steinböck, "Die Klostergründungen von Mondsee und Mattsee durch die Agilolfingerherzöge Odilo und Tassilo: Ein Beitrag zur rechtlichen Problematik des Frühmittelalters unter Berücksichtigung der Klostergründungen von Niederaltaich, Kremsmünster und Innichen" *Studien und Mitteilungen zur Geschichte des Benediktiner Ordens und seiner Zweige*, 85 (Ottobeuren, 1974), pp.496-530; Heinz Dopsch, "Zur Gründung der Abtei Mattsee: Die erste Klosterstiftung Herzog Tassilos III.?" *Tassilo III. von Bayern*; Erich Zöllner, "Der bairische Adel und die Gründung von Innichen," *MIÖG* 68 (1960), pp. 362-387; and Karl Bosl, "Die Gründung Innichens und die Überlieferung," *Zeitschrift für bayerische Landesgeschichte* 33 (1970), pp. 451-469.

A glance at the map of eighth-century Bavaria shows the position of Kremsmünster far to the east, in comparative solitude [**see attachment:** map]. The matter of Kremsmünster's placement forms part of a larger question, why secular authorities founded and supported monasteries at all. At the beginning of the eighth century, the Bavarian dukes had exercised power without practically any monastic or ecclesiastical foundations. Yet as the century unfolded, they vigorously built both. Duke Theodo visited Pope Gregory II in 715-6 to plan the establishment of episcopal seats, and Odilo (736-748) cooperated with Boniface to carry this out.[57] The phase of monastic foundations, however, was primarily a product of the reign of Odilo and his son Tassilo.[58] Their approximately fourteen foundations are contemporary with further donations and foundations by the Bavarian noble families. In contrast, the Carolingians in this period did not found monasteries, although they expanded their control in the east partly through connections with local monastic centers.[59]

The Case of Kremsmünster

[57] *Pauli Historia Langobardorum*, ed. Georg Waitz, *MGH Scriptores Rerum Langobardicarum et Italicarum* (Hanover, 1878), VI.44, p. 180, and *Liber Pontificalis*, trans. Raymond Davis, Translated Texts for Historians Volume 13 (Liverpool, 1992), p. 5.

[58] Odilo founded two monasteries during his reign, Niederaltaich and Mondsee, and was involved in the re-foundation of the Maximilian cell near Salzburg. He seems to have shown support for previously existing monastic communities such as Chiemsee, where according to the *Conversio Bagoariorum et Carantanorum* the Carinthian prince Chietmar was Christianized, and may have founded several smaller monasteries such as Chammünster (see Jahn, *Ducatus Baiuvariorum*, pp. 192-220). After his son Tassilo reached his majority, a rush of foundations started in 763 (I follow Holzfurtner in this assumption). In less than seven years, no fewer than twelve monasteries were founded. In the west were the ducal foundations of Polling, Thierhaupten, Wessobrunn, and probably Pfaffmünster and Moosburg, along with the powerful noble foundations of Tegernsee, Benediktbeuern, Schäftlarn, Scharnitz, and Schliersee, of which Tassilo was involved with four. In the east were the ducal foundations Mattsee and Kremsmünster, as well as Gars, Au, and Otting. On the Danube line sat Metten and Burg, both founded by nobles with the participation of Tassilo. Duke Tassilo's involvement at Innichen will be discussed below. On the foundation histories of Bavarian monasteries, see Ludwig Holzfurtner, *Gründung und Gründungsüberlieferung: Quellenkritische Studien zur Gründungsgeschichte der bayerischen Klöster der Agilolfingerzeit und ihrer hochmittelalterlichen Überlieferung*, Münchener historische Studien. Abt. bayerische Geschichte 11 (Kallmünz: 1984).

[59] Pippin of Herstal had vigorously built his family's influence through the control of monasteries such as Echternach, St Wandrille, Fleury, Lobbes and Nivelles, and he founded others with his family, such as St Hubert and Kaiserworth. Pippin's family failed to have much influence in the core region of the Neustrian elite, around Paris. However, after his victory at Soissons, Charles Martel took control of the region and appeared as the champion of St. Denis, a key Merovingian royal monastery. Charles was buried there, ensuring the family's ties with this important monastic church. Paul Fouracre, *The Age of Charles Martel* (Harlow, 2000) pp. 47-49 and 71. As Pippin III and Charlemagne expanded Frankish influence, they continued to follow this strategy that had proved so effective in their core region. Rather than creating new foundations, they targeted existing ones to which local elites had connections, extending their influence through donations, immunities, and protections.

As is the case with most Bavarian monastic foundations, no actual founding charter exists.[60] However, Charlemagne's confirmation of 791 states that it is based on Tassilo's donation charter, and there are three extant copies of Tassilo's charter, all from the second half of the thirteenth century.[61] Most historians accept that there was an original charter, and while we do not have the exact wording, the extant versions agree on the particulars of what was done and what was donated. The confirmation charter of Charlemagne states that Arn, who would be the future bishop of Salzburg, along with Fater, the arch-chaplain of Tassilo and now abbot of Kremsmünster, and count Hleodro, who was present at the Innichen donation in 769, together walked the borders of the land being donated. A similar inspection was carried out at Eporestal (Eberstallzell) by Count Saluhho along with Wenilo, the brother of Count Machelm, who oversaw the Traungau. [62] While important foundations were often built on sites with a sense of memory, this does not seem to be the case for Kremsmünster.[63] It was established, rather, in an

[60] Heinrich Fichtenau in"Die Urkunden Herzog Tassilos III. und der 'Stiftbrief' von Kremsmünster," *MIÖG* 71 (1963), pp. 1-23, observed that there are no extant foundation charters, rather, there are donation charters that give land to found a monastery, suggesting that there was a different practice in Bavaria (p. 20).

[61] The three versions of Tassilo's charter are the *Londsdorf Codex* from Passau, the *Codex Fridericianus* (a Kremsmünster manuscript), and the Niederaltaich copy of Abbot Hermann, which he stated he copied faithfully without any improvements. In the tenth century, Bishop Pilgrim of Passau forged a version of Charlemagne's confirmation, to make it appear as if Kremsmünster had been given to Passau (*DD Kar I*, Nr. 247, p. 348). This raised suspicion by historians that the thirteenth century versions might be based on the tenth century forgery, which was in turn based on Charlemagne's confirmation. However, the thirteenth century versions all agree in the main points, and agree likewise with Charlemagne's confirmation, which he stated was written after inspecting Tassilo's charter. Fichtenau put together a hypothetical reconstruction of Tassilo's original grant, based on the three copies mentioned above, all of which are included in Herwig Wolfram's article "Die Gründungsurkunde Kremsmünsters," in *Salzburg, Bayern, Österreich*, pp. 356-379 and an earlier version in *Die Anfänge des Klosters Kremsmünster* (Linz,1978), pp. 51-82. See also Fichtenau, "Die Urkunden Herzog Tassilos III. und der 'Stiftbrief' von Kremsmünster;" Bernhard Pösinger, *Die Stiftungsurkunde des Klosters Kremsmünster* (Linz, 1909); Heinrich Fichtenau, "Zu den Urkundenfälschungen Pilgrims von Passau," in *Beiträge zur Mediävistik: ausgewählte Aufsätze*, Vol. 2 (1964), pp. 62-99.

[62] Kerhpert was present at both of these inspections, at different times.

[63] For example, both Fulda and Salzburg were established on earlier remains. Despite the topos in the Vita Sturmi, that Fulda was built in the wilderness (*horrendum desertum*), Chris Wickham notes, "Fulda was in fact built on what looks like a former Merovingian royal *curtis* of some importance, on a major route center." Chris Wickham, *Land and power: studies in Italian and European social history, 400-1200* (London, 1994), p. 157. The 1953 publication of the excavations at Fulda by Heinrich Hahn, "Die Ausgrabungen am Fuldaer Domplatz 1953," Veröffentliehung des Fuldaer Geschichtsvereins 35 (= Sonderdruck aus *St. Bonifatius: Gedenkgabe zum zwölfhundertjährigen Todestag* (Fulda: 1954), pp. 641-93, revealed a substantial set of buildings under the monastery, including a large Merovingian stone building – the only pre-Carolingian stone structure known east of the Rhine, and a church that was apparently still standing when Sturm arrived in 743. *Eigilis Vita Sancti Sturmi*, ed. Georg Pertz, *MGH SS* 2, c. 8, p. 369. The *Breves Notitiae* relate Bishop Rupert's establishment of his church on the site of Roman ruins, where a monastic community already existed: Inveniens ibi multas constructiones antiquas atque dilapsas cepit ibi hunc locum

area where there were no previous foundations, and where development was limited. Most likely the area was primarily forest, as Slavs in the region are accused of unauthorized clearances.[64] At any rate, it appears to have been a contested region.[65] Like Innichen, the setting was so far from the core region of ducal power, that its foundation can only be explained as part of a stratagem on the part of the duke.

Kremsmünster was the first foundation east of the Traun River, and Tassilo gave it special importance, both in the people he called to be involved, and in the material support he gave it. This was clearly his most important foundation. The witnesses were the ecclesiastical leaders and nobility of Bavaria: the ducal chaplain, Fater, would act as abbot of the new foundation. The witnesses included three bishops (Virgil of Salzburg, Sindbert of Regensburg, and Waltrich of Passau) and the abbots of five monasteries (Oportunus of Mondsee, Wolfbert of Niederaltaich, Atto of Scharnitz-Schlehdorf, Hrodhart, probably the abbot of Chiemsee, and Gaozrih, whose abbacy has not been identified). In addition, there were three counts present.[66]

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expurgare, ecclesiam construere aliaque edificia erigere ad episcopii dignitatem pertinentia. ("Coming there he began to purify many ancient and decayed constructions there in the place, to build a church and other buildings pertaining to the honor of the bishop"). Lošek, "Notitia Arnonis und Breves Notitiae," *Breves Notitiae*, c. 2.2, p. 88. There was a later tradition at Kremsmünster that the monastery had been founded in memory of Tassilo's son Gunther, on a spot indicated by a white stag. However, Gunther is not attested in any contemporary source. It is possible that Kremsmünster was intended as a ducal burial site, but there were so many other points in favor of its location that cervine *inventio* as a sole factor seems unlikely. Rather, Kremsmünster seems to follow the model of other monasteries established in border areas with no history of ecclesiastical construction, such as Corvey.

[64] *Terram quam illi Sclavi cultam fecerunt sine consensus* (the land which those Slavs made arable without consent), in the Passau, Kremsmünster, and Niederaltaich copies of Tassilo's donation. Charlemagne's confirmation *(DD Kar. I*, Nr. 169) states: *illi Sclavi sine licentia Tassiloni ducis stirparaverunt*. In addition, Friedrich Prinz notes in *Frühes Mönchtum*, p.425, that there are no names with the '-ing' suffix in the area, indicating it was not a long-settled region.

[65] In this period, Bavaria was not defined as a territory with definite borders, but a *ducatus*, an area of influence and responsibility of the duke. A border was a region, in which lordship became progressively weaker. The Inn-Salzach region was Bavarian, and beyond the Enns the Avars ruled. Land in-between formed a buffer zone, with the fortified *castrum* of Wels on the Traun river to keep watch.

[66] Wolfram, *Die Geburt Mitteleuropas*, p. 156, notes that the bishops of Neuburg, Säben, and Freising were missing from this gathering, although in the place of Bishop Arbeo of Freising was the Freising priest Arn, (a future Salzburg bishop), who walked the borders with Abbot Fater. Jahn, *Ducatus Baiuvariorum*, p. 520, points out that because of the geography, it is simply harder to get to Kremsmünster from Freising and Säben. Fichtenau, in "Die Urkunden Herzog Tassilos III.," p. 26, notes the presence of three bishops and five abbots as extraordinary.

The foundation of a monastery took a considerable investment in terms of wealth, land and people. Given the scarce resources available in the early middle ages, the location and foundation of a religious house would have been thoughtfully assessed, to a degree obscured by later monastic foundation myths, which favored the supernatural election of a site. Wilhelm Störmer's research on the positioning of monasteries in this region emphasizes their function in supporting travelers and for military support.[67] Some monasteries, such as Tegernsee and Mondsee, became quite actively involved, as shown by their later appearance in the *Notitia de servitio monasteriorum* of 817, in the category of those owing military service.[68] Kremsmünster was in the second category, owing only gifts; however, Kremsmünster was also extremely close to Carinthian and Avarian border areas, so it was convenient both for missionary and for military forays.

Tassilo's new foundation was located on the river Krems, between the river Traun in the west, and the river Enns in the east, which formed the border with the Avars. The southern part of the Enns curved towards the west, and formed a division with Slavic Carinthia. While Kremsmünster was far in terms of distance from centers of Bavarian administration, it had transportion connections for goods and communication by road and river. Nearby was the fortified *castrum* of Wels, one of the seats of Count Machelm, who was a strong supporter of

[67] Wilhelm Störmer, "Fernstrasse und Kloster: Zur Verkehrs- und Herrschaftsstruktur des westlichen Altbayern im frühen Mittealter," *Zeitschrift für bayerische Landesgeschichte* 29 (1966), pp. 299-343, reprinted in *Mittelalterliche Klöster und Stifte in Bayern und Franken* (St. Ottilien, 2008), pp. 367-406. See also Wilhelm Störmer, "Engen und Pässe in den mittleren Ostalpen und ihre Sicherung im frühen Mittelalter," *Beiträge zur Landeskunde Bayerns und der Alpenländer*, Mitteilungen der Geographischen Gesellschaft in München 53 (1968), pp. 91-107. For the importance of ecclesiastical landholdings for the provisioning of armies, see also *Charles Bowlus, Franks, Moravians, and Magyars: The Struggle for the Middle Danube, 788-907* (Philadelphia, 1995), pp.25-32. Erwin Riedenauer reviews the latest literature on various aspects of transportation across the Alpine region in "Neue Beiträge zur Historischen Verkehrsfunktion des Alpenraums" in *Zeitschrift für bayerische Landesgeshichte*, Vol 73 (2010) , pp. 117-126.

[68] *Notitia de servitio monasteriorum*, ed. Alfred Boretius, *MGH Capit*. I, (Hanover, 1883) Nr. 171, p. 349ff. This list ranked monasteries according to duties owed the Carolingian emperor. Of Bavarian monasteries, only Tegernsee and Mondsee were placed in the first category: those owing gifts and military service (*dona et militia).* Kremsmünster was in the second category, owing only gifts; however, Kremsmünster was also extremely close to Carinthian and Avar border areas, so it was convenient both for missionary and for military forays.

Tassilo's. There was also an important road which ran from Wels past Kremsmünster to the Phyrn Pass, in the direction of Carinthia.[69] The line of the Inn and Salzach rivers, running between the ducal-episcopal cities of Passau and Salzburg, had long been the eastern limit of Bavarian authority, with the counts of the Traungau acting as a regional border watch.

In choosing the placement of Kremsmünster in the east, Tassilo was building on the efforts of his father. During his brief reign, duke Odilo had established the monastery of Mondsee in the east, and supported the eastern monastic foundation of Chiemsee. Tassilo is credited with the foundation of Mattsee, not far from Mondsee and sharing the same *patrocinium*.[70] Prior to the foundation of Mondsee, Mattsee, and Kremsmünster, a map of the east would have appeared relatively empty. Clearly the dukes were focused on strengthening and expanding the forested and underdeveloped eastern portion of territory.[71] The foundation of Kremsmünster, following on the heels of Tassilo's donation for the foundation of Innichen and his subsequent victory over the Carinthians, indicates a program of expansion. Expansion was

[69] The other major regional routes lay to the west as follows: 1) The Isar River to Salzburg, Kuchl, and Bishofshofen over the Radstadt pass to Teurnia, 2) Augsburg to the Zirl pass to Innsbruck, then over the Brenner Pass to Bozen and Verona, 3) LechRiver to the FernPass and then along the Inn to the Reschen pass to Meran and Bozen. In Raetia, one could travel from Lake Constance and over the Julian pass via Chur to Milan. Störmer, "Fernstrasse und Kloster," pp. 304-306.

[70] Odilo's donations to Niederaltaich were numerous, but in a relatively limited area along the Danube between Regensburg and Passau. Nevertheless, they were numerous (the *Brevarius Urolfi* lists 350 *mansi*) as Odilo gave the monastery the task to clear land and make it arable. The foundation of the dependent *cellula* Auerbach intensified this productive region centered on Niederaltaich. Tassilo gave to Auerbach the bordering and surrounding forest region, the kind of "encircling donation" typical for the establishment of monastic affiliates in undeveloped land (Jahn, *Ducatus Baiuvariorum*, p. 193). Chiemsee, as noted earlier, was well positioned for mission to the Carinthians. The next stage appears to have been this movement to build monasteries east of Salzburg. A surviving ninth century Traditionsbuch from Mondsee contains a document that is presumed to be a donation from Odilo (TM 39). It is the oldest recorded donation, estimated to be from circa 746-7, the years just before his death. In a notation for December 11 from a Mattsee calendar from the twelfth century, Tassilo is mentioned as founder: *Tassilo dux illustris Wawarie et fundator nostre Maticensis ecclesie obi[i]t* (The illustrious duke of Bavaria Tassilo, the founder of our church Mattsee, died). *Salzburger Urkundenbuch* 1, ed. Willibald Hauthaler (Salzburg, 1910), p. 888. In addition, the monastery's position in the *Notitia de servitio monasteriorum* (it was ranked in the same census class as Kremsmünster) further indicates Agilolfing origins, and the placement of the monastery, close to Mondsee, suggests colonization and mission tasks for Mattsee. It also shared the *patrocinium* of St. Michael with the ducal monasteries of Metten and Mondsee.

[71] They appear to have been building on the efforts of Duke Theodo, who had supported Bishop Rupert's development of Salzburg. Theodo's death and the subsequent partitioning of Bavaria amongst his sons arrested these efforts.

desirable because land, forested and arable, was wealth. The acquisition of more land gave a ruler an aura of success, and united his nobles in the common pursuit of opportunity.

Economic reasons were another factor in establishing the location of a monastery. The clearance of land going on in the region enabled more agricultural activity, and salt production was carried out in the area as well.[72] The region was not entirely isolated, as Tassilo also donated a village, a farm, a chapel, and two churches. In addition, the monastery was supported by five vineyards, six blacksmiths, two fishermen, and two beekeepers. Further evidence that the monastery would be instrumental in agricultural development is the donation to the monastery of local Slavic inhabitants, who were given the choice of either working for the monastery, or leaving the land they had cleared.[73] The donated region was placed under two Slavic agents, and its borders were confirmed with the Slavic leader, or *župan,* named Physso.

Beyond these pragmatic purposes, there was also an investment of meaning to a given space through the foundation of a monastery. This undefined border zone, between the centers of Bavarian settlement and those of the Avars and Carinthians, was being given an identity, through a variety of processes. Firstly, the presence of Bavarian authority was marked physically: borders were walked, buildings constructed, and forest cleared. Secondly, jurisdictional claims were being made by placing a ducally-protected monastery in the area. Its proximity laid the basis for claims over an important alpine pass, over the clear establishment of the border, and over the

[72] Several of Kremsmünster's properties were located on or nearby rivers: Alkofen, Weisskirchen, and Pettenbach. The donation also includes the places Sulzbach, Sipbach(zell) and Leombach, each with the "-bach" suffix indicating a stream. Tassilo donates three men who "cook salt" for the monastery at Sulzbach: *Sulzibah (et tres homines ibi habitantes salem coquentes)*, in the reconstruction from the existing copies of Tassilo's charter in Herwig Wolfram, "Die Gründungsurkunde Kremsmünsters," p. 76. The information is repeated in Charlemagne's confirmation charter for Kremsmünster, which he stated was based on Tassilo's original: *MGH DD Kar* I, Nr. 169, pp. 226-228.

[73] *Si voluerint iam fatam terram tenere, ad proserviendum contra ipsam casam dei teneant; si vero noluerint, liberi discedent*: "If they wish to have the afore-mentioned land, they may have it by serving that house of God; if they do not wish to do so, they depart as free persons." *MGH D Kar* I, Nr. 169, p. 227. This line is considered to be a Carolingian interpolation, but it does indicate that at the time of Charlemagne's confirmation (791), there were still Slavs employed in working the land here.

Slavs inhabiting the region. Finally, Tassilo was expanding the definition of sites of sacrality and authority in the *ducatus Baioriarum*: a sacred Christian site was being established on the border of a pagan region, and it was also meaningful for its symbolism of Tassilo's power, as an assertion of the reach of his control. In short, the establishment of a monastic center in this particular location mattered in military, economic, and ideological terms.

The Ideological Function of the Assembly at Kremsmünster

It was not only the physical establishment of the monastery which supported ducal authority, however, but also the act of marking the foundation by assembling the Bavarian elite, as represented in the charter. That it was a highly symbolic event cannot be doubted. Great preparations had been made, in drawing up the charter, having the boundaries surveyed, negotiating with the Slavic leaders, constructing a building, arranging for monks to be sent, and finally, inviting the most important lay and ecclesiastical persons in the land to witness what most likely was the dedication ceremony.

The public performance of the ducal foundation of Kremsmünster was a statement of achievement. It was a statement both of position - as dukes, nobles, bishops, counts – and of identity – as Agilolfings, as Bavarians, and as Christians. In the years following the foundation of Innichen, Tassilo was at the peak of his power. His son Theodo had been baptized and anointed by Pope Hadrian I in 772. 772 was also the year of his great Carinthian victory, which was compared in Salzburg and Regensburg with Charlemagne's destruction of the Saxon Irminsul.[74] Tassilo was thereby set on par with Charlemagne as military victor and champion of the Christian faith. Shortly after this victory, Tassilo used the title *Gloriosissimo atque precellentissimo Tassilo dux Bauuariorum vir inluster*, which intitulature set him on the same

[74] *Annales Iuvavenses maximi* and *Annales s. Emmerami maiores*, ed. Harry Bresslau, *MGH SS* 30.2 (Hanover, 1934), pp. 732-741, both under entries for the year 772.

level as Frankish and Lombard kings.[75] Only three years prior, a new cathedral had been completed in Salzburg, which was the largest church north of the Alps at the time, a statement of achievement and largesse. While Kremsmünster, as a monastery in a rather thinly inhabited area, was not architecturally in the same category, nevertheless it was rich in endowments of land and people.

It was likewise a display of power that Tassilo could summon such a prestigious assembly of churchmen and nobles to be physically present. The donation charter should therefore be interpreted in terms of that audience, with attention to how his authority was presented in it.[76] For Duke Tassilo was not only making a statement about past achievements and present identity in the foundation of this monastery, he was also making claims about future direction. Firstly, he was making claims in relation to the Slavs, stating in the charter that he is protecting land on which Slavs had been encroaching. The audience for this statement was not the Slavs, obviously, but the nobles in attendance. The actual negotiations with the Slavs had already been carried out; and some sort of agreement had been reached with a regional Slavic overseer. Although the message was that encroachment would not be permitted, the practical action was to extend lordship and protection over these people, incorporating them in the Bavarian polity.[77]

In a sense, the gathering at Kremsmünster was an assembly for the performance of foundation, and therefore additional future claims were being made through the very act of

[75] TM 27. Herwig Wolfram notes that the most illustrious titles given to Tassilo occur precisely in the border regions, at Bozen (Innichen), Mondsee, and Kremsmünster. Wolfram, *Die Geburt Mitteleuropas*, p. 154.

[76] Presumably the charter would have been read aloud for those assembled, but we cannot be certain that took place. However, even if the charter were not performed as part of a dedication ceremony, the audience/readership for a written charter would have been this same circle of court elites.

[77] The explicit involvement of Tassilo's son, the papally anointed Theodo, in the foundation would appear to make claims for his succession and the future of the Agilolfing duchy (dilectissimus filius ipsius Theoto hanc traditionem probavit). Both Fichtenau and Wolfram deem this a later interpolation, however. Wolfram, *Salzburg, Bayern, Österreich,* pp.370-1.

assembly, although they are not mentioned in the text. For example, the intended Christianization of the region was not overtly stated, as at Innichen, but the establishment of a monastery with such a high-ranking abbot in a non-Christian area made this clear. Those in attendance obviously considered this a worthy purpose: a culturally shared good, which would extend the protection of the saints to this region. In the same way, future claims were being made towards the Avars: by building up the Bavarian presence at the very limit of his authority, Tassilo was establishing more clearly how far it extended.

Most importantly, through this assembly, the duke was continuing to build relations with the Bavarian nobles, for he could not achieve his future goals without them. The foundation was not only a celebration of ducal achievement, but also of joint success: it acknowledged what they had accomplished together and encouraged good will for continued cooperation in the future. The act of assembly engaged them in the ducal program. Tassilo pointedly involved his lay and clerical nobility, to a degree beyond Innichen, having them certify the land borders and calling them together to witness the dedication. The foundation history of almost every monastery established during his reign shows the cooperation of Tassilo with his nobles. In the foundations of noble families, Tassilo was nearly always involved by either donating or giving consent for a donation [**see appendix A**]. Likewise, at Innichen and Kremsmünster, which were the duke's boldest statements, the participation of these nobles was emphasized. The evidence from the monastic foundations in this period underscores how important consensus was for the establishment of authority.[78]

[78] As Freund, p. 112, points out, this cooperation also occurred during the period of synodal activity (see footnote 20), in which the cooperation of the ecclesiastical sphere was highlighted. Cooperation between the monasteries themselves was also a feature, as in the Dingolfing *Notitia de pacto fraternitatis* (prayer confraternity) of 776/7. Listed here are the abbots of Mondsee (Oportunus), Niederaltaich (Wolfperht), Tegernsee (Adalperht), Schlehdorf (Atto), Benediktbeuren (Lantfrid), Mattsee (Albuinus), Thulach-Moosburg (Reginbertht), Berg (Wolchanhart) and Schliersee (Perhtcoz). There are thirteen signatories in all, the nine given here are those that can be assigned with certainty. *Notitia de pacto fraternitatis episcoporum et abbatum Bawaricorum*, ed. Albert Werminghoff, *MGH Conc.* 2.1 (Hanover, 1906), pp. 96-7. In *FrühesMönchtum im Frankenreich*, Prinz

Nobles cooperated not only by the foundation of monasteries, but also through influential donations. For example, the leading magnate Machelm, who worked closely with both Odilo and Tassilo, was not the founder of any monastery, yet he donated heavily to episcopal churches, with strategically selected properties which supported their goals. Just prior to the foundation of Kremsmünster, Tassilo and Count Machelm had begun strengthening their authority on the left bank of the Traun River. Machelm donated properties in the Traungau to the churches of Regensburg, Freising, and Salzburg, involving them in the responsibility for administering and developing the region. Now, with the foundation of the monastery on the Krems, the duke and his partners were ready to begin establishing a stronger presence on the right bank of the Traun.[79] Thus, the foundation of Kremsmünster was not just a singular act, but the culmination of a series of acts, including the church councils, the support of Innichen, and the Carinthian victory, which marked Tassilo's status as the Bavarian duke, and engaged the cooperation of his nobles.

Ducal *Klosterpolitik*

Kremsmünster was a unique case in that, more than any other monastery, it was meant to serve the duke in establishing his authority. Not all of the functions fulfilled by Kremsmünster were seen at every ducal monastery, but all were significant in terms of physical impact, jurisdiction over key assets and people, and in creating sites of sacred meaning. Above all,

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developed a theory of Frankish-oriented nobles in the west of Bavaria who formed an opposition to Tassilo which led to his downfall. Later scholars such as Joachim Jahn, Ludwig Holzfurtner, and Stephan Freund have re-evaluated this theory, noting Tassilo's close cooperation with high-ranking nobles and ecclesiastics across his duchy. More likely the loss of support happened in stages; Tassilo initially agreed to a negotiated compromise at the Lechfeld in 787, keeping his dukedom. Between that event and the trial of 788, Charlemagne was in residence at Ingelheim, presumably maneuvering to prepare support for the outcome. There lingered some continued opposition; even the *Annales regni francorum* acknowledges that a few Bavarians persisted in hostility towards Charlemagne and were exiled: …*et pauci Baioarii, qui in adversitate domni regis Caroli perdurare voluerunt, missi sunt in exilio.* ("…and a few Bavarians, who wished to remain hardened in adversity to Lord King Charles, were sent into exile.") *Annales regni francorum, MGH SS rer. Germ.* 6, p. 82. On the narrative of the events preceding Tassilo's trial, see Stuart Airlie, "Narratives of Triumph and Rituals of Submission: Charlemagne's Mastering of Bavaria," *Transactions of the Royal Historical Society* 9 (Cambridge, 1999), pp. 107-114.

[79] Machelm donated at Mondsee (TM1, TM 4), Passau (TP 10), and Regensburg (TR 4), as well as at Freising, according to the existing records of donation charters.

placement mattered. The ducal monasteries were placed away from the populated centers, constructing a topography of useful and meaningful places where before there had been none.

The foundation of ducal monasteries was initiated by Odilo with Niederaltaich; his last foundation was Mondsee. Between these two foundations was a period of several years, in which the duke possibly tried to reconcile the new Bonifatian ecclesiastical organization with the existence of independent monasteries. After his son Tassilo reached his majority, a rush of foundations started in 763.[80] In less than seven years, no fewer than twelve monasteries were founded.[81] It seems likely that Tassilo was building monasteries in border regions, first creating a chain of monasteries in the west, and after 777 concentrating on the east with the foundation of Kremsmünster and Mattsee, and his support for his father's foundation at Niederaltaich.[82] The role of Tassilo in the foundation of the western monasteries of **Staffelsee, Polling, Wessobrunn**, and **Thierhaupten** is alleged, but uncertain. **Pfaffmünster** is claimed in an inscription of the fourteenth century as a foundation of Tassilo's; although there is no other evidence that it is an Agilolfing foundation, it is located on a section of the Danube rich in ducal properties and Roman remains. [83] The monastery of **Weltenburg**, despite a house tradition which says it was

[80] I agree with the viewpoint of Holzfurtner, whose attribution of most foundations to this period between 763 and 788 fits both the sporadic documentary evidence and the political context.

[81] I place twelve foundations with relative certainty as taking place in this seven-year timeframe, based on the existence of donation records or other sources which make dating possible. Overall, between the reigns of Odilo and Tassilo, as many as thirty-seven monasteries were founded with their participation.

[82] According to a seventeenth century entry in the monastery's necrology, Thierhaupten was a foundation of Tassilo. It shared its *patrocinium* with Wessobrunn and St. Pölten; the fact that Wessobrunn and Polling fell to the Carolingian fisc is more compelling evidence that they may have been ducally supported foundations. The *Chronicon Benedictburanum,* from the eleventh century, reports that Wessobrunn was founded from Benedictbeueren, where ducal participation is documented. Its ducal foundation is generally accepted. Polling was also probably established with ducal consent. A trial at Schlehdorf reported in TF 184a and TF 184b states that Lantfrid unjustly took for himself property in Polling, which his father had donated to that church. The case was decided against him on the grounds that his father Irminfrid had donated in the time of Bishop Joseph with the permission of Tassilo. However, Polling is missing in all the sources where one would expect a ducal monastery: it was not made a royal monastery, nor does it appear in any confraternity books or at the Dingolfing council. *Chronicon Benedictburanum,* ed. Wilhelm Wattenbach, *MGH SS 9 (Hanover, 1851),*c. 5, p. 215.

[83] *Monumenta Boica*, vol. 13, ed. Bayerische Akademie der Wissenschaften (Munich, 1829), p. 301.

founded by Eustasius of Luxeuil, was most likely a foundation by Tassilo, as reported by the necrologies of Tegernsee and Weltenburg.[84] Likewise, **Münchmünster**, near Pfaffmünster along the Danube, can probably be attributed to Tassilo, although it was destroyed later and little is known of it.[85]

Taken altogether, in the west were the ducal foundations of Polling, Thierhaupten, Wessobrunn, and probably Pfaffmünster and Moosburg, along with the powerful noble foundations of Tegernsee, Benediktbeuern, Schäftlarn , Scharnitz, and Schliersee. [86] In the east were the ducal foundations Mondsee, Mattsee and Kremsmünster, as well as Gars, Au, and Otting. On the Danube line sat Weltenburg, and also Metten and Burg, both founded by nobles with the participation of Tassilo. The result of this activity was to cover the territory of the Bavarian duchy with monasteries at strategic points such as passes, rivers, old Roman roads, and border regions.[87]

Significantly, the foundation history of almost every monastery shows the cooperation of Tassilo with his nobles. In the foundations of noble families, Tassilo is involved as a donor, or gives consent for a donation. Conversely, even at Innichen and Kremsmünster, which were the

[84] The *Necrologium Tegernseense* and *Necrologium Weltenburgense* report Tassilo as founder. *Necrologium Tegernseense*, ed. Franz Baumann, *MGH Necr*. 3 (1905) p. 156. *Necrologium Weltenburgense*, ed. Johann Böhmer, *Fontes rerum Germanicarum* 4 (1868) pp. 568-572. See also Jahn, *Ducatus Baiuvariorum*, p. 517, Holzfurtner, pp. 217-220, and Christian Lohmer, "Die Anfänge des Klosters Weltenburg," *Ratisbona Sacra: Das Bistum Regensburg im Mittelalter*, ed. Peter Morsbach (Munich and Zurich, 1989), p. 35f.

[85] Peter Morsbach, "Münchmünster," *Ratisbona sacra: das Bistum Regensburg im Mittelalter: Ausstellung anlässlich des 1250 jährigen Jubiläums der kanonischen Errichtung des Bistums Regensburg durch Bonifatius 739-1989: Diözesanmuseum Obermünster Regesburg, 2. Juni bis 1. Oktober 1989*, (Munich, 1989).

[86] These last three eventually became Freising episcopal monasteries, though they had different foundation histories: Schäftlarn was a cooperative effort between a local cathedral cleric and his bishop; Schliersee, a family monastic cell that was commended to Freising, and Scharnitz a planned family foundation, which a bishop from the founder family took up. Holzfurtner, p. 271.

[87] Fastlinger saw in the placement of ducal monasteries a ring around the concentrated settlement regions of Bavaria (p. 150). Holzfurtner, p. 255, describes this circle formed by Weltenburg and Niederaltaich on the Danube; Mattsee, Mondsee, and Kremsmünster on the eastern border; and on the western border region, Wessobrunn, Polling, and Thierhaupten. Noble foundations filled in the gaps: Berg and Metten on the Danube, and a chain of noble monasteries along the routes to the Alps, from Benedictbeuren to Chiemsee.

duke's boldest statements, the participation of the nobles is emphasized. The evidence underscores how important consensus was for the establishment of authority.[88]

These foundations by leading Bavarian nobles took place in rapid succession between 763 and 788. Furthermore, they were established in places that had, for the most part, no sacred history, but were rather on important transportation links. Five of these, Scharnitz-Schlehdorf, Tegernsee (both founded 763), Benediktbeuern (after 760), Schäftlarn (before 764), and Schliersee (~776), were established in the same region around the Isar and Inn rivers at the foot of the Alps.[89] These monasteries had large endowments of land, and were founded by the leading nobility that had oversight of that region. [90] They were not, however, independent aristocratic initiatives, but under close ducal supervision. A donation with ducal permission was often an indication that part of the land being donated originated in fiscal lands held as benefices by the nobles. While Tassilo fostered a spirit of cooperation with the Bavarian leading men, he retained ultimate authority over the Bavarian church and over the alienation of land.

Another important point is that bishops seem to have had very little involvement with these new monasteries. Other than at older monastic churches which formed the basis for the establishment of episcopal cathedral churches (such as St. Peter's at Salzburg), there is little evidence of bishops exercising authority over the property or abbots of Bavarian monasteries in

[88] As Freund, p. 112, points out, this cooperation also occurred during the period of synodal activity, in which the cooperation of the ecclesiastical sphere was highlighted. Cooperation between the monasteries themselves was also a feature, as in the Dingolfing *Notitia de pacto fraternitatis* (prayer confraternity) of 776/7. Listed here are the abbots of Mondsee (Oportunus), Niederaltaich (Wolfperht), Tegernsee (Adalperht), Schlehdorf (Atto), Benediktbeuren (Lantfrid), Mattsee (Albuinus), Thulach-Moosburg (Reginbertht), Berg (Wolchanhart) and Schliersee (Perhtcoz). There are thirteen signatories in all, the nine given here are those that can be assigned with certainty.

[89] Scharnitz-Schlehdorf, Tegernsee, and Benediktbeuern were founded by nobles with ducal consent. Schäftlarn and Schliersee were founded by nobles in association with the Freising episcopacy.

[90] Also important is the relationship of the regional bishops to these monastic communities. This topic will be treated at greater length in the next chapter, but in the history of these foundations it is possible to see the development of episcopal authority. Slowly at first, bishops asserted certain rights over the monastic communities; this accelerated under the Carolingians to become control over both the interior life and the property of any monasteries within the diocese.

the mid-eighth century. They are present at church dedications and some donations, as witnesses or to perform consecrations. In the earliest examples from the reign of Odilo, his foundations were consecrated with the involvement of bishops from outside Bavaria, or outside the four Bonifatian episcopal seats. It appears both dukes were sending a message that their foundations were separate and exempt from the diocesan structure.

The carefully strategized placement of monasteries defined these as places appropriate for the exercise of ducal power, and further, defined that power as the authority to set transgressions aright. By extending spatial control over undefined border regions, and defining the meaning of a given space through the establishment of a monastery, Tassilo defined his jurisdiction over these places, as well as over the tasks of missionization they were intended to accomplish. He called together important people to participate in these foundations and to cooperate in marking his authority over Christian institutions in contested regions; this was one of the methods by which the dukes constructed consensus. Through creating these institutions, and keeping them under ducal control, ducal power was made manifest and was physically marked on the land, defining the extent of that power and making claims to extend the boundaries of Bavarian control. Agilolfing monasteries altered the landscape of Bavaria, visibly demarcating its extent with signifiers of sacred and secular power.

Chapter Six:

Bavarian Monasteries and the Carolingians

The following two chapters cover the same period, the years immediately following Charlemagne's deposition of his cousin, the Bavarian duke. The issues of the Carolingian approach towards monasteries and episcopal sees in the region will be treated separately. This is partly because the positions of both institutions were different: ducal monasteries had been supported by and closely tied to the ducal family, and their endowments consisted largely of fiscal property, whereas Bavarian bishops would benefit from the Frankish support of episcopal rights and from the potential for advancement of their noble lay kindred. On the face of it, monasteries had much to lose, and bishops much to gain by the Carolingian presence. Another reason to treat these two ecclesiastical institutions separately is that accommodation with important monasteries needed to be arranged in preparation for the Frankish attack on the Avars, and the missionary push into that region. Though negotiations took place with both bishops and abbots, it is my sense that it was more urgent to secure the support of the abbots, because they could be expected to be more resistant and wary than the bishops, and because of the great tracts of land which they held, and their potential for supplying the coming military expeditions.

Within a decade of the founding of Kremsmünster, the high point of Tassilo's rule, the political landscape had changed completely. In April 787 Tassilo had sent Bishop Arn of Salzburg and Abbot Hunrich of Mondsee to ask the pope for assistance in mediating with his cousin Charlemagne. According to the Royal Frankish Annals, the pope sided with the Franks, declaring they would be innocent of sin in any military operation against the Bavarians, since the

Bavarian duke owed them allegiance.[1] By July 787, the Frankish army presented itself on the borders of the Lech in the east, at Bozen in the south, and in the north on the Danube. Tassilo capitulated in October; in June of 788, Charlemagne called an assembly at Ingelheim at which Tassilo was tried, and, according to Einhard, found guilty of disloyalty.[2] Immediately in the next month, the Bavarians made an attack on the Avars with the assistance of Frankish troops, providing both a distraction for the Bavarian nobles, and an opportunity for them to prove themselves and compete for new honors in the re-ordering of the region.[3]

By October of 788, Charlemagne came for the first time to Bavaria, according to the Annals of Salzburg and of St. Emmeram in Regensburg.[4] He is said to have ordered the *fines et marcas* of the region while in Regensburg, and on October 25 he issued a charter giving the ducal monastery of Chiemsee to Bishop Angilram of Metz.[5] His takeover of authority in Bavaria was so recent that he added an explanatory clause: "Because the Bavarian dukedom of our Frankish kingdom was disloyally drawn away and alienated from us in former times by the evil

[1] *Annales regni Francorum inde a. 781 usque ad 829, qui dicuntur Annales Laurissenses maiores et Einhardi* (a. 787), ed. G.H. Pertz, *MGH SS rer.Germ.* 6 (Hanover, 1895), pp.75 -79. Not long after Hadrian became pope in 772, Desiderius invaded territory ruled by the papacy, and Hadrian asked Charlemagne for aid. In 774, Charlemagne deposed Desiderius and took the title King of the Lombards. Given the context, Hadrian's diplomatic choices were somewhat limited.

[2] Both the Royal Frankish Annals (*Annales regni francorum*) and Einhard's *Life* of Charlemagne (*Vita Karoli Magni*) are Carolingian sources which present the events as a result of wrong-doing on the part of Tassilo. Lacking other sources, all that can be said with absolute certainty is that the duke was deposed at this time.

[3] Karl Brunner has suggested that the war against the Avars, who had presented little threat during the reigns of Odilo and Tassilo, was partly motivated by a need to occupy the power of the nobles and do away with domestic political difficulties. Karl Brunner, *Oppositionelle Gruppen im Karolingerreich* (Vienna, 1979).

[4] *Annales sancti emmerammi ratisponensis maiores*, ed. G.H. Pertz, *MGH SS* 1 (Hanover, 1826), p. 92: *carolus primo in Baiowaria.*

[5] *Annales regni francorum* a. 788, states, *fines et marcas Baioariorum disposuit, quomodo salvas contra Avaros esse potuissent* ([he]arranged the borders and marches of the Bavarians so that they could be held against the Avars). Charlemagne had arrived in October and was preparing for battle with the Avars, possibly surveying military preparations or arranging for them to be carried out. Five months earlier, Tassilo had been tried at the court in Ingelheim in June of 788. Immediately in the next month, fighting broke out with the Avars in several locations. The Bavarians fought the Avars on the Ybbsfeld with the assistance of Frankish troops, providing both a distraction for the Bavarian nobles, and an opportunity for them to prove themselves and compete for new honors in the re-ordering of the region. In spring of 790 Charlemagne held an assembly at Worms, to which his sons Louis and Pippin came, and embassies were sent to and from the Avars (*Annales regni francorum* a. 790) to attempt to settle a dispute over where the borders should be.

men Odilo and Tassilo, our kinsmen…we call it back to our control."[6] The king portrayed Bavaria as an integral part of the Frankish lordship, asserting a degree of control that had never been exhibited in the Merovingian period.[7] The independence of Odilo and Tassilo was described as unfaithfulness, just as Tassilo's crime at his trial was framed as breaking an oath of vassalage.[8] Nevertheless, Charlemagne was careful to emphasize to his noble audience that the Bavarian polity still existed: there would simply be a change at the top, and it was, after all, the same family, as his use of the term *propinquum nostrum* implied.

After Tassilo and his immediate family had been consigned to religious houses, Charlemagne did not return to Bavaria himself until 791, when he came to prepare a Frankish offensive against the Avars. It was just prior to his return that Abbot Fater of Kremsmünster must have approached him. Kremsmünster lay in the region bordering the Avar lands which would serve as a staging ground for the planned Frankish attack, and with the expectation of Charlemagne and his army in the neighborhood, the abbot of Kremsmünster took the initiative. Fater sought out Charlemagne and asked him to confirm what Tassilo had given the monastery at its foundation.[9]

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[6] *DD Kar* I, Nr. 162 (a. 788): *Igitur quia ducatus baioarie ex regno nostro francorum aliquibus temporibus infideliter per malignos homines odilonem et tassilonem, propinquum nostrum, a nobis subtractus et alieantus fuit,…ad propriam revocavimus dicionem.*

[7] As Carl Hammer notes, Bavaria was also absent from the political testaments of Charles Martell and King Pippin (Fredegar (Continuator), *Chronicarum et Continuationes, MGH SS rer. Merov.* 2, *Continuationes c.* 23, p. 179 and c. 53, p. 192), an indication that it was not included amongst the lands they claimed. Hammer, *From Ducatus to Regnum*, p. 103.

[8] The most thorough, and most biased, account comes from the *Annales regni francorum* a. 788, *MGH SS rer Germ* 6, pp. 80 and 82. It states that Charlemagne gathered a synod at Ingelheim, "whence came Tassilo on the order of the lord king, just as the others of his vassals." Bavarians loyal to Charlemagne then stated that Tassilo only pretended to be faithful. The portrayal of the duke as a vassal who had to come when summoned was deliberately insulting; it was a lowly status to attribute to this nearly regal duke: *Tunc domnus rex Carolus congregans synodum ad iam dictam villam Ingilenhaim, ibique veniens Tassilo ex iussione domni regis, sicut et ceteri eius vassi; et coeperunt e fideles Baioarii dicere, quod Tassilo fidem suam salvam non haberet, nisi postea fraudulens apparuit, postquam filium suum dedit cum aliis obsidibus et sacramenta, suadente uxore sua Liutbergane .* See Karl Brunner, *Oppositionelle Gruppen im Karolingerreich* (Vienna, 1979), pp. 58-60, and the works cited in notes 12 and 41 by McKitterick, Becher, and Airlie, which evaluate the reliability of the *Annales regni Francorum* as a source for these events.

[9] *DD Kar I,* Nr. 169, p. 227.

Charlemagne had many monasteries under his protection: the offer of a few more prayers by Kremsmünster is not likely to have persuaded the king to confirm the prior donations of a political enemy. That he found it in his interest to do so indicates the significance of monastic support for secular authority in ways beyond the spiritual.

While Abbot Fater may have sought the protection of Charlemagne, Charlemagne needed Kremsmünster too. The geographic position of the monastery relative to the Avars, its wealth in people and agricultural lands, and most of all, its symbolic capital as the most important of Tassilo's foundations, made it a key institution for successfully positioning himself as the legitimate ruler over the Bavarians.

The abbot's request for confirmation of the monastery's properties was not an act of supplication to a conqueror, but a negotiation.[10] Though Abbot Fater saw the need to protect the properties of his monastery, he certainly also had much to offer. He would have made clear what Charlemagne would gain from confirming the monastery's legal titles. Charlemagne needed Kremsmünster, for many of the same reasons it had been important for Tassilo: mission, military strategy, and as a way of supporting his regional authority. In fact, he perhaps needed it more, since unlike Tassilo he fully intended to attack the Avars and he also needed to establish legitimacy in a way the Agilolfing duke had not. As a symbolic center of Tassilonian culture, the support of Kremsmünster offered legitimization, it offered a way to re-write the memory of the region, and it offered wealth. Tassilo had donated to the monastery from fiscal lands, and Charlemagne was at pains to emphasize that he had legally taken that over.

Charlemagne's confirmation charter for Kremsmünster stresses that Abbot Fater presented the original donation charter of Tassilo to the king. Fater was not alone in seeking the

[10] As Barbara Rosenwein notes, all charters are reports of accommodation between parties. Rosenwein, *Negotiating space: power, restraint, and privileges of immunity in early medieval Europe* (Ithaca, NY, 1999), p. 115.

confirmation of his monastery's properties. Arn, the bishop of Salzburg, had prepared the *Notitia Arnonis*, a record of the history of ducal and noble donations to his diocese, sometime between the deposition of Tassilo in 788 and 790, the date when he received confirmation of those properties. Likewise, the *Brevarius Urolfi* of Niederaltaich and property lists from Passau and Benediktbeuern seem to have been compilations with a similar goal.[11]

In spring of 790 Charlemagne held an assembly at Worms which was attended by an embassy of the "Huns," and it was after this meeting that he began to prepare his return to Bavaria with the intention of attacking the Avars.[12] In preparation, he settled his position with important ecclesiastical leaders, confirming property to Salzburg in December 790 and a month later, on January 3, 791, confirming the properties of Kremsmünster. Salzburg and Kremsmünster were, respectively, the most important episcopal seat and monastery in the eastern border region near the Carinthians and Avars; both controlled properties on the important routes to the east.[13] Monastic support for provisioning traveling armies was necessary, as were their prayers and, as the later *Notitia de servitio monasteriorum* shows, the responsibility for providing a number of men and horses for the army. At least two bishops were involved directly

[11] The *Brevarius Urolfi* was probably written around the same time (788-790) as the *Notitia Arnonis* of Salzburg for the same reason – to confirm with Charlemagne property received from the duke (Urolf was bishop of Niederaltaich 788-814). A partially preserved property list for the episcopal church of Passau is found in TP3. The *Rotulus historicus* of Benedicktbeuern monastery also shows traces of a property list that may have been prepared around this time. *Rotulus historicus*, ed. Wilhelm Wattenbach, *MGH SS* 9 (Hanover, 1851), pp. 212-216.

[12] Charlemagne and the Avars where the exact location of the frontiers should be: *Agebatur inter eos de confiniis regnorum suorum, quibus in locis esse deberent*. *Annales qui dicuntur Einhardi* (a. 790), *MGH SS rer. Germ.* 6, p. 87. The *Vita Hludowici* reports that Charlemagne's son Louis was in Bavaria by March of 791, having already sent the largest part of the army there, and Charlemagne himself was in Regensburg by August. On September 5, a three-day liturgical celebration was held beside the river Enns, the border between Bavaria and the Avars, prior to the Frankish attack.. On Louis' arrival: Thegan**,** *Vita Hludowici imperatoris*, ed. Georg Pertz, *MGH SS* 2, (Hanover, 1829), c. 6, pp. 591-2. The arrival of the army is reported in *Annales Laureshamenses***,** *MGH SS* 1 (Hanover, 1826), pp. 34-5. The three days of masses are described in *Annales qui dicuntur Einhardi*, a. 791, p. 88.

[13] If, as Herwig Wolfram believes, Mondsee, Kremsmünster and Mattsee were part of a wide-ranging monastic region, with exemptions over both church and territory, then this area would have been particularly important to secure. Wolfram, *Grenzen*, p. 130.

in the foray against the Avars in September 791, as it was noted that Bishops Angilram of Metz and Sintbert of Regensburg died during the retreat.[14]

This period proved a pivotal point, testing the king's leadership. Not only did Charlemagne need the support of local ecclesiastical centers and elites for a successful campaign, he also needed to more firmly establish his legitimacy. The king's sojourn in Bavaria from spring 791 to early winter 793 was the longest time he had spent away from the Frankish heartlands, suggesting the transition to Frankish rule was not entirely smooth. In 792, a conspiracy at Regensburg against Charlemagne was uncovered, led by his illegitimate son Pippin the Hunchback. Two years later, Tassilo was made to appear once more to renounce all claims, perhaps to quiet further resistance. Indeed the war against the Avars, who had presented little threat during the reigns of Odilo and Tassilo, may have been motivated partly by a need to occupy the power of the nobles and do away with domestic political difficulties.[15] Such political instability would have given Fater a continued leverage. The symbolic capital of the former arch-chaplain of Tassilo accepting the king as legitimate, and as a supporter of this ducal foundation, was of high value. As a symbolic center of Tassilonian culture, Kremsmünster's support offered legitimization and a way to re-write the memory of the region.

Charlemagne used the disposition of ducal monasteries to send powerful messages. One of his first actions in 788 was the gift of the venerable ducally-supported monastery, Chiemsee, to his arch-chaplain, Bishop Angilram of Metz. In stark contrast, two years later, Kremsmünster was not only left under the direction of its abbot, but the abbot who had been the arch-chaplain

[14] The deaths of Angilram, Charlemagne's chaplain, and Sintbert, Bishop of Regensburg (Charlemagne's capital in Bavaria) demonstrates the involvement of ecclesiastics as key figures in the execution of Carolingian policy. *D Kar* I, Nr. 161 attests to Angilram's position as *capellanus* (chaplain of the royal court).

[15] This was the suggestion of Karl Brunner in *Oppositionelle Gruppen im Karolingerreich*, pp. 63-4. He further suggests that Charlemagne's Rhine-Danube canal project, the *Fossa Carolina*, may have been intended partly to provide a distraction.

of his enemy Tassilo.[16] A clear message was sent that those who cooperated with Charlemagne would keep their power, or have it expanded.

There was a change in tone, as well, from the earlier charter by which Charlemagne donated the monastery of Chiemsee to the Bishop of Metz. That document presented the Agilolfing dukes as *malignos homines* who had alienated monastic property from Charlemagne (property to which in reality, he had no prior claim).[17] By 790, in the confirmation of Salzburg properties, he began to downplay this position, confirming whatever was donated "by kings or queens or dukes or other god-fearing men…." [18] The confirmation for Kremsmünster, however, repeatedly mentioned Tassilo and the existence of his earlier charter, rather than trying to ignore the past ruler. Perhaps it would have been impossible to do so in the matter of this most ideologically significant of Tassilo's foundations, in which case it was better to emphasize the legality of Charlemagne's confirmation: that it had been requested by Abbot Fater, and that it was based precisely on the earlier charter. However, a new step was also taken, as Charlemagne explicitly stated that his confirmation was necessary, because whatever Tassilo did before was no longer legally valid: "this donation by the aforesaid Tassilo can by no means endure [as] firm and stable."[19] In this sentence, Charlemagne not only claimed the authority to determine the legality of property donations, but also sought to erase prior ducal authority from the monastery and from the region.

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[16] Josef Sturm, *Die Anfänge des Hauses Preysing* (Munich, 1931, reprinted 1974), pp. 54, 99, 181, 195, and Wilhelm Störmer, *Früher Adel I,* p. 384, connect Abbot Fater to the noble family of the "Preysinger" holding properties *in pago quae dicitur Prisingas* (Langenpreising), as seen in TF 24c.

[17] In fact, he accuses the dukes of alienating the entire duchy from the Frankish kingdom, to which he asserted it belonged: *Igitur quia ducatus Baioarie ex regno nostro Francorum aliquibus temporibus infideliter per malignos homines Odilonem et Tassilonem, propinquum nostrum, a nobis subtractus et alienatus fuit , quem nunc moderatore iusticiarum deo nostro adiuvante ad propriam revocavimus dicionem…. DD Kar I,* Nr. 162, p. 219.

[18] *DD Kar I*, Nr. 168: *…que a longo tempore tam de datione regum aut reginarum seu ducum vel reliquorum deum timencium hominum ibidem iuste et racionabiliter tradite vel delegate sunt…confirmare per nostrum auctoritatem deberemus.*

[19] *DD Kar* I, Nr. 169:*…sed quia iam per dicti Tassilonis traditionem hoc firmiter et stabile minime permanere poterat.*

The wording of the charter shows the process of accommodation; a toning down of antagonistic rhetoric as the possibility for cooperation with key Bavarian elites developed. The terms of exchange seem clear: Kremsmünster would keep the property Tassilo donated, without any change in the terms and conditions, and that would be confirmed legally; at the same time, the legality of Tassilo's actions would be accepted as no longer valid, and the monastery would serve Carolingian interests. The properties stood only because Charlemagne would write a legal document permitting this, the acceptance of this document formed an acknowledgement that he had the right to do so.

There were further advantages to Charlemagne in finding a *quid pro quo* with Kremsmünster, in addition to support for his military campaign and recognition of his legitimacy. Kremsmünster offered wealth, and the control of fiscal land. The right of administering the fisc was paramount, as it was access to these lands that allowed a ruler to reward followers with benefices to that land in exchange for their support and services. Tassilo's foundation of the monastery derived from fiscal lands, and Charlemagne emphasized that he had legally taken that over by stating that the monastery was *infra waldo nostro*. Carolingian documents reflect this use of the word *wald* to designate an organizational form of royal property that meant something like "fisc."[20] A similar claim had been made in a charter to the important and strategic Lombard monastery of Sesto, which confirmed property that had been donated by the former Lombard king Adelchis. Here, too, Charlemagne confirmed the property "from our fisc."[21]

[20] *Wald* in this period did not mean a forest, but was a protected land whose rights belonged to the ruler. It could contain a forest, and the granting of hunting rights was one of the privileges associated with the king's land, hence the modern sense of the word *wald* in German.

[21] In *DD Kar I*, Nr. 134 Charlemagne confirms the property of Sesto from Lombard King Adelchis: *quod adelchis, qui fuit rex langobardorum, suo dono ei concessisset ex fisco nostro.* Although Adelchis was called "king of the Lombards" yet the donation

It is worth comparing the terms of confirmation for Sesto, Chiemsee, Salzburg and Kremsmünster, in order to see how exceptional the diploma issued to Kremsmünster was. Chiemsee was given in its entirety to Bishop Angilram. The Salzburg diploma confirms the property of the cathedral church, but does not list what that included. In neither of these documents was the property described in detail. Only in the confirmation for Sesto of 781, in which Charlemagne confirmed donations of Adelchis, the son and co-regent of Desiderius, were properties described. The situation at Sesto was similar to that of Kremsmünster, in that the donations of a deposed ruler were confirmed during a politically sensitive period. At Sesto, as at Kremsmünster, it was stipulated that Adelchis' donation could not be considered legal, but Charlemagne would make it legal by confirming it. A survey of the extant property confirmations made to monasteries by Charlemagne shows that detailed descriptions are not generally found, except in a few instances in which controversy might be expected.[22] Even among these, Kremsmünster's confirmation is exceptional: the properties are noted in detail, down to the beekeepers, with the witnesses who walked the borders named in the document itself. Particularly in comparison to the Salzburg document, issued a month earlier, it is striking that this confirmation spells out in precise legalistic terms what is included. That such specificity of terms was deemed necessary is further evidence that King Charlemagne and Abbot Fater engaged in negotiating an agreement.

Thus, there are two rhetorical registers utilized in the Kremsmünster charter. Property is described explicitly, but less directly stated is a rhetorical strategem which asserts and naturalizes Charlemagne's legitimacy through the employment of terms such as *nostrum*, *wald* and

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is "from our [Charlemagne's] fisc." Likewise, in *DD Kar I,* Nr. 162 , the donation of the monastery of Chiemsee to the archbishopric of Metz, was carried out "in our city Regensburg" (*in reganesburh civitate nostra*).

[22] A few examples in which there is a description of the land donated : *DD Kar I,* Nr. 114 (January 777), a description of fishing rights awarded to Lorsch; *DD Kar I,* Nr. 111 (June 776), the confirmation of the properties of Farfa; and *DD Kar I,* Nr. 211 (June 811), which confirmed the diocesan border between Salzburg and Aquileia.

auctoritas. The implied message is that relationships are being re-constructed: Fater is cooperating, Kremsmünster is no longer a ducal institution, and Tassilo's actions are now legally invalid.

A careful reading of Charlemagne's confirmation for Kremsmünster contributes to our understanding of how Charlemagne solidified his legitimacy and expanded his rule across a good part of Europe, and how his successors maintained similar policies to engage the support of local elites in their projects. The king needed nobles, bishops, and abbots to work in cooperation with him. In the absence of strong "state" institutions, the ability to build an infrastructure of personnel through which the king could administer was key. It is possible to see here the mechanisms of negotiation, underscoring the importance of Kremsmünster and its support to the Carolingians.

During the later years of the reign of Charlemagne and early years of Louis the Pious, the administration of Bavaria was left primarily to bishops and counts. However, Carolingian rulers continued to personally support monasteries through donations. Numerous donations of land in the east were given to Kremsmünster, Mondsee, and Niederaltaich, confirming the importance of these abbeys in the efforts of rulers to secure and incorporate the region. In 811, Charlemagne donated property "in the Avar land" to Altaich,[23] and in 822 Louis the Pious and Lothar donated land in Grunzwitengau to Kremsmünster.[24] Another royal donation by Louis is known from a diploma of 877 by Carloman, who confirmed what was given earlier without a charter.[25]

[23] *DD Kar I*, Nr. 212.

[24] *Urkundenbuch für die Geschichte des Benedictiner Stiftes Kremsmünster seiner Pfarreien und Besitzungen vom Jahre 777 bis 1400*, ed. Theodorich Hagn (Vienna, 1851), Nr. 4 (828 March 22), p. 9. Grunzwitengau was an area on the north shore of the Danube in present-day Oberösterreich.

[25] Carloman confirms another donation to Kremsmünster of land in the east by Louis the Pious in *DD Kn* 3, and makes his own donation of land in the Traungau to Kremsmünster in *DD Kn* 11. *DD Kn* 2 and 14 are donations to Carloman's foundation Ötting, to which he gives Mattsee and property in Carinthia.

Kremsmünster eventually passed into the possession of the Bishop of Passau, most likely when the former court chaplain, Burchard, became Bishop of Passau in 903. He was the abbot of Altötting and Mattsee, and may have been abbot of Kremsmünster as well. Though still effectively under royal control, the monastery was apparently no longer as necessary to the king as it had been under Louis the Pious, when it was included in the list of royal monasteries owing services to the emperor.

Thus, Kremsmünster, a symbol of the achievements and aspirations of the Agilolfing dukes, became just one monastery among many. Though Charlemagne and Louis the Pious had an interest in playing down its prestige as a ducal foundation, it had proved important for its geographical and social position, and in establishing the authority to take over everything the duke had possessed or done.

The fate of Agilolfing monasteries

Monasteries were not simply taken over, like hostile acquisitions. Charlemagne needed the Bavarian nobles: many formed part of his administration and he could not risk alienating them by crudely grabbing their foundations. Rather, these associations had to work for everyone involved. Access to land through precarial grants was one incentive for cooperation. Likewise, episcopal or royal protection may have sometimes been seen by abbots of monasteries as useful in preventing property claims by family members of donors, or allowing the abbot to concentrate on the spiritual aspects of monastic life. Through negotiation and legal finesse, the end result was that the monasteries of Bavaria were brought under episcopal or royal control within a relatively short timeframe.

In Bavaria and elsewhere, a pattern emerges, in which Pippin III and his son Charlemagne found local elites willing to cooperate with them, and property and positions were

confirmed or newly awarded. This allowed minimal disruption in local administration. In Lombardy, for example, Charlemagne kept many Lombard dukes in their posts in exchange for their loyalty, but upon their deaths replaced them with Frankish office-holders. Likewise, in the time of Charles Martel, the *rector* Abbo (founder of Novalesa), who was without heirs, was made *patricius* of Provence.[26] After the death of these key figures, however, the property or the right to award a position passed to the Carolingians. In the same way, the fate of monasteries in Bavaria followed the pattern successfully employed by Charlemagne in Lombardy twenty years earlier, suggesting a carefully considered program rather than *ad hoc* solutions.

Pippin III and Charlemagne were not themselves founders of monasteries; rather, their strategy was to extend their protection to regional monastic foundations in areas that were recently taken over. This process began early in Bavaria. In the five years between 788 and 793, the eastern monasteries Mondsee, Kremsmünster, and Mattsee were all in the possession of the Frankish king, as well as other foundations of the Agilolfing dukes and their nobles. The founder and abbot of Berg im Donau gave his monastery to the Frankish king for protection and

[26] In Alemannia, the Udalriching family group stabilized their status through the marriage alliances of Imma to Gerold, a Frankish noble, and her daughter Hildegard to Charlemagne. Either through his marriage or through confiscations during the reorganization of Alemannia, Gerold acquired extensive properties in the Neckar basin region. Imma's sons Gerold and Udalrich both held the offices of count. Gerold *filius* administered only briefly in Alemannia before being transferred as prefect of Bavaria after the fall of Tassilo. Gerold died in the war against the Avars in 799. In Raetia, the long-established family of the Victoriden, who held both secular and ecclesiastic power in the offices of *praeses* and bishop, were replaced by the bishop/*rector* Constantius, who was Raetian, but not a member of the Victoriden family. Upon his death, he was replaced by Bishop Remedius, who appears to have been an outsider to Raetia.

Monasteries, too, could benefit from cooperation. In Alsace, when Count Wulfoald was defeated, his foundation was granted immunity and became a royal monastery, and the counts' private lands were confiscated and given to yet another royal monastery. In Bavaria, the noble founder of Berg im Donaugau**,** abbot Wolchanhard, gave his monastery to Charlemagne and received for it immunity and *mundiburdis* (protection). Holzfurtner surmises that Wolchanhard may have felt pressured to commend his foundation to Charlemagne because it had been founded with properties received from the duke. By commending his monastery to the king, he kept use of any ducal property which had been given for the monastery's use.

On Alemannia, see: Michael Borgolte, *Geschichte der Grafschaften Alemanniens in fränkischer Zeit* (Sigmaringen, 1984), and Borgolte, *Die Grafen Alemanniens in merowingischer und karolingischer Zeit : eine Prosopographie*, (Sigmaringen, 1986). On Alsace: Hans Hummer, *Politics and power in early medieval Europe: Alsace and the Frankish Realm, 600-1000*, (Cambridge, 2005). On Lombardy: Chris Wickham, *Early Medieval Italy: Central Power and Local Society, 400-1000* (London, 1981), and Neil Christie, *The Lombards* (Oxford: 1995). On Provence: Patrick Geary, *Aristocracy in Provence: the Rhône Basin at the dawn of the Carolingian age*, (Stuttgart, 1985). On Raetia: Reinhold Kaiser, *Churrätien im frühen Mittelalter: Ende 5. bis Mitte 10. Jahrhundert*, (Basel, 1998).

immunity.[27] Metten and Tegernsee were two other significant foundations taken under Carolingian protection in this period.[28]

Barbara Rosenwein has shown how royal immunities and episcopal exemptions were transformed under Charlemagne by the addition of the term *tuitio*.[29] The exact sense of the word is difficult to translate, but it carried the idea of "protection" for the monastery, which, as Rosenwein points out, meant control. Kings and bishops styled themselves as the shephards of the church, and the original intent of immunities, as a "pledge of state restraint" now became an assertion of authority over the monastery's activity. The idea was introduced that the church only needed a certain amount of property sufficient to carry out its duties, which the king's protection would establish and guarantee. At the same time, church councils held in Francia under the direction of Boniface emphasized episcopal control of the property of the church.[30] Working together, bishops and Carolingian kings brought churches and monasteries founded by laymen under their control.[31]

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[27] Abbot Wolchanard gave Berg im Donau to Charlemagne, according to Louis the Pious' immunity of 815, which was issued to Sighard, then abbot of Berg (*Monumenta Boica* 28, n. 7 (Munich, 1829), pp. 11-13.

[28] Notably, it was Tegernsee and Mondsee which were placed in the first order monasteries owing military duty in the Aachen list of 817. Mondsee went to Archbishop Hiltipald of Cologne in 803: Tr Mondsee 99. Often there is no extant diploma from Charlemagne's reign, but a later diploma will state that it confirms an earlier grant by Charlemagne or Louis the Pious. Placement on the *Notitia de servitio monasteriorum* of 817 also indicates that a monastery had become royal sometime in the prior twenty years. Mondsee appears in the first category of the *Notitia de servitio monasteriorum*, and a donation charter (TrM 99) names Archbishop Hiltipald of Cologne as rector of the monastery after 803. Mattsee also appears on the 817 list. In addition, Louis the German confirmed Charlemagne's immunity for Metten in *DDLD*, Nr. 20, and donated twenty *mansi* to Mattsee in *DDLD*, Nr. 101. Tegernsee is a strange case, as it is in the first category of monasteries in the 817 list, yet in the *Passio* of its founder, neither the duke nor any other donors are mentioned. However, Tegernsee shares the *patrocinium* of St. Salvator with the ducal monasteries of Kremsmünster, Chiemsee, and Polling. Holzfurtner, p. 258, suggests that Polling and Thierhaupten were given away like Chiemsee, since they were ducal monasteries yet do not appear on the list of 817.

[29] Barbara H. Rosenwein, *Negotiating space: power, restraint, and privileges of immunity in early medieval Europe* (Ithaca, NY, 1999).

[30] There were also several capitularies issued which related to episcopal control, such as the 779 Capitulary of Herstal, which places bishops under metropolitans, and all priests under their diocesan bishop. *Capitularia*, ed. A. Boretius, *MGH Capitularia regum francorum*, I, (Hanover, 1883), 20.13, p.50. Others will be discussed in the following chapter.

[31] The move to extend episcopal authority over proprietary monasteries began in Salzburg and Freising. The monastic communities at Bischofshofen, Nonnberg, Elsenwang, Bisonzio, Kufstein, Gars, Au, Otting and Chiemsee eventually came under the authority of Salzburg; Isen, Schäftlarn, Scharnitz, Innichen, Schliersee, and Moosburg came under Freising. Maria Wörth in Carinthia was founded from Innichen sometime before 870 as a Freising monastery. The bishops of Regensburg secured Berg

This process is often only evident in the sources when a monastery acquired by Charlemagne is later given to another church; others we know about when one of his successors alienates a church or monastery, and states that it had been given to their ancestor. For example, we know that Wolchanard donated his foundation of Berg to Charlemagne only through Louis the Pious' later immunity defense granted to Abbot Sighard of that monastery. Other acquisitions are proved through the granting of a royal diploma in favor a monastery that has become "royal" by being taken under the king's defense.[32]

Thus, the Carolingians were able to connect themselves to local and regional networks by extending charters of immunity. In addition, the establishment of rent on precarial tenures was a new feature exploited by Charlemagne. In the documents of the episcopal church of Freising, there is a noticeable emphasis on the process of awarding *beneficia,* starting with charters datable to around 788-92. The concept and term *beneficium* existed in pre-788 charters, in which some nobles are seen donating lands they held as benefices from duke Tassilo.[33] However, there is a significant increase in the number granted after 788, and there is a major change in the use of the term *census,* or payment for use of an ecclesiastical property. This occurs only four times in the 108 charters before the year 788 (one specifying *beneficium sine censum*), eight times in the 191 charters of Bishop Atto's period (783-811), and 41 times in the 300 charters of Hitto's tenure (811-835). Hans Hummer noted the increase in precarial *census* at the monasteries of

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and Chammünster, which Bishop Baturich obtained in 819, as well as Engelbrechtmünster in 821 and Mondsee in 833. Mattsee was ceded to the royal abbey of Altötting in 877 by Carlomann.

[32] Susan Wood, p. 225. This is the case of the monastery of Berg: see footnote 27.

[33] TF 63, 118, 120. Up to the end of Bishop Atto's tenure, the frequency of the word *beneficium* appears constant at about 13-14%. (There are, in addition, many conditional grants, which are similar in concept but do not specifically use the word *beneficium*. Instead, it is stipulated that the donor will maintain use for life, and the donation will take effect *post obitum*.) However, in the charters from Bishop Hitto's period, 31% use the word *beneficium* (Again, this count only includes charters that specifically state a grant in *beneficium*).

Weissenburg, Fulda, Farfa, and Freising, after the capitulary of Herstal in 779, which stated a *census* should be paid on lands granted in *precaria* from ecclesiastical properties.[34]

Carolingian successors

In 814, after Charlemagne's death, his son Emperor Louis the Pious made Bavaria a sub-kingdom under his eldest son Lothar. This was a change from Charlemagne's rule, during which he replaced the Agilolfing dukes with an Agilfolfing prefect, Gerold; after Gerold's death another prefect, Audulf, was put in office. Now, however, Bavaria would be under direct control of a regional king, which at the same time drew it under Frankish hegemony and emphasized its local autonomy.

Louis the Pious and later Carolingian rulers continued to personally support monasteries. Donations of land in the east were given to Kremsmünster, Mondsee, and Niederaltaich, confirming the importance of these monasteries in the efforts to secure and incorporate these new regions.[35] In 822, Louis the Pious donated land in Grunzwitengau to Kremsmünster. We know of other royal donations from a confirmation of 877 by Karlmann, who confirmed earlier donations given without charters.[36] Louis was a great supporter of Benedictine monasticism; like his forebears he understood the support his family had received from cultivating special relationships with bishops and monasteries across the realm. In his capitulary of 817, the Aachen List of monasteries which defined their responsibilities to the emperor, there were fifteen royal

[34] Hummer, *Politics and Power in early medieval Europe* (Cambridge, 2005) pp. 84-92. Hans Hummer's work on Alsace describes the monastic foundations of the Etichonids as the method of control, in contrast to the counts of Alemannia. He finds that the transition to Carolingian power was smoothed by their donations to the local monasteries. Their introduction of the *precaria verbo regis* met with resistance from the nobility, but was supported by the clerics who benefited. In Hummer's view, this was a conscious Carolingian move to undermine the aristocracy. For the capitulary of Herstal: *MGH Capit. I*, 20.13, p.50.

[35] A selection of the most important royal donations are *DD Kar I* 212; *DD LD* 2, 3, 80, 101, 109, 116; *DD Kn* 3; *DD Arn* 120; and the transfer of Mondsee to Bishop Hildiblad, the archbishop of Cologne and chaplain to Charlemagne, in TM 99.

[36] Karlmann either confirms a prior donation, or makes one of his own, in *DD Kn* 3, 11, 15, 17, 19.

monasteries in Bavaria. By 900, only six of these were royal.[37] He also continued his father's policy of issuing immunities. Charlemagne had brought monasteries under his practical control, enriching them with donations of lands in the east. Salzburg had been a particular beneficiary of Charlemagne, yet it was Louis who formalized the relationship by issuing an immunity for Salzburg in 816.[38] On the same day, he issued a document for Freising, returning the monastery of Innichen, which had previously been given to Archbishop Arn of Salzburg as a benefice. It is not known when it was given to Arn; possibly it was 811, after the death of Atto and in the same year the border was drawn between the dioceses of Salzburg and Aquileia. The re-assignment to Arn appears to have been connected to the Salzburg mission in Carinthia, which will be discussed in the next chapter.[39]

Louis the Pious does not seem to have ever come to Bavaria. Freising documents from the period 814-7 note the reign of Louis' son Lothar, but in practical terms Bavaria was governed until 819 by the prefect Audulf, and Lothar also may have never gone there. [40] With the *Ordinatio Imperium* of 817, Louis re-assigned the *provincia Bavaria*, along with Carinthia and the Bohemian and Avar territories to Lothar's younger brother Louis the German. When Audulf died in 819, no new prefect was assigned; Bavaria was under the control of Louis the Pious until his son Louis was old enough to take up his position in Bavaria in 825.Louis was only twelve years old at the time; in 826 he was old enough to take up the administration of his territories and came to Bavaria, where he made his center at Regensburg. The first document from his reign still

[37] *Notitia de servitio monasteriorum, MGH Capit 1*, p. 349ff. Friedrich Prinz notes the decrease in royal monasteries over time in Max Spindler, *Handbuch der bayerischen Geschichte*, Vol 1 (Munich, 1967), pp. 375-6.

[38] Susan Wood, *The Proprietary Church*, p. 298.

[39] Brigitte Merta, "Salzburg und die Karolinger im Spiegel der Königsurkunde," in *Erzbischof Arn von Salzburg, p. 61*.

[40] TF 397c (a. 819) states that Audulf received the rule and governance of the province from Louis the Pious: *Audulfus…a Hluduuuico eandem potestatem accepit hanc provinciam praevidere regere et gubernare.*

extant is a confirmation for Niederaltaich in 830. Louis' special relationship with Niederaltaich continued throughout his reign. His palace chaplain Gauzbald was made abbot there, and the monastery received lands in the east, as well as grants and immunities. The new king also worked closely with the church to develop the east. His diplomas show him giving lands to the dioceses of Regensburg, Passau, and Salzburg, encouraging their mission work in the Slavic lands. [41] In addition, he worked closely with Bishop Hitto of Freising, the abbot of Innichen, to secure the Brenner Pass and Carinthia, the same areas Tassilo had worked so hard to secure. [42]

Louis the German's rule lasted fifty years (826 to his death in 876). In the latter part of his reign, his three sons chafed to establish kingdoms of their own; during their rebellions in the 860's, the bishops of Freising, Salzburg, and Regensburg, and abbot Otgar of Niederaltaich, remained loyal to Louis. None of his three sons proved particularly good donors. Carlomann spent little time in Regensburg, and Louis the Younger had most of his landed property and most loyal followers in regions outside Bavaria. The youngest, Charles, made a few gifts to Otting and Wessobrunn, and confirmed some property exchanges. Due to a lack of heirs, eventually the entire empire of east and west Francia came to Charles. He was challenged in the eastern region by his nephew, Arnulf of Carinthia, an illegitimate son of Carlomann, who had a base of support in Carinthia and Bavaria. Arnulf became king of the East Franks in 888. Part of his success was the support of the religious leadership: bishops and abbots played a major role in his assemblies,

[41] Louis worked closely with the church to develop the east. His diplomas show him giving lands there to the dioceses of Regensburg, Passau, and Salzburg, encouraging their mission work in the Slavic lands. Donations to episcopal churches are preserved in *DD LD* 4, 8, 9, 64, 96, 102, and 115. Louis' donations of eastern lands to the monasteries of Neideraltaich and Mattsee are preserved in *DD LD* 2, 80, 100, 101 and 109.The first document from his reign still extant is a confirmation for Niederaltaich in 830. Louis' special relationship with Niederaltaich continued throughout his reign (there are nine preserved *diplomata* to Altaich from his reign). His palace chaplain Gauzbald was made abbot there, and the monastery received lands in the east, as well as grants and immunities. Louis also issued diplomata for Metten, Mondsee, and Berg.

[42] According to Eric Goldberg's study of Louis' reign, Louis helped engineer the downfall of Count Balderic of Friuli, whose lands in Carinthia were now ceded to him. A donation (TF 550a) made in December of the year before to Innichen secured the Brenner Pass leading to those lands. See Goldberg, *Struggle for Empire: Kingship and Conflict under Louis the German, 817-876* (Ithaca, 2006), pp. 49-50. The downfall of Balderic is reported for the year 828 in the *Annales regni francorum.* Louis had been assigned the rule of Bavaria in 817, as described in the *Ordinatio imperii,* ed. Alfred Boretius, *MGH Capit. I* (Hanover, 1883),p. 271.

and he donated strongly to their institutions. There are twenty-nine surviving transactions over Arnulf's twelve-year reign; in comparison, we have forty for Louis the German over forty-seven years.[43] Arnulf favored the monastery of Kremsmünster, as well as the eastern monasteries of Metten, Otting, and St. Florian. The power of the episcopacy also influenced the reigns of both Louis the German and Arnulf of Carinthia. Louis had a constant struggle to maintain his control in East Francia, as he lacked the support of the Archbishop of Mainz (who was a supporter of Louis' brother) and the bishops under his authority. Arnulf, lacking legitimacy by birth, was especially conscientious in the courting of bishops and monasteries, which was a factor in his success.

Some of the changes that were carried out after Tassilo's deposition, such as the introduction of the *missi*, did not last.[44] Yet the period of intense restructuring under Charlemagne altered the political, social, and religious landscape of Bavaria. The east was suddenly open to agricultural development and mission, after the destruction of the Avars. There was a new judicial court system, and new practices of precarial benefices with the payment of a census, as well as a marked decrease in new foundations and donations, all of which changed the relationship between noble families and the monasteries.

The Carolingian ninth century was above all the period of increased episcopal authority over monasteries. Only a very few new monasteries were founded during this time. The move to extend episcopal authority over proprietary monasteries began in Salzburg and Freising. The monastic communities at Bischofshofen, Nonnberg, Elsenwang, Bisonzio, Kufstein, Gars, Au, Otting and Chiemsee eventually came under the authority of Salzburg; Isen, Schäftlarn,

[43] Arnulf's donations in Bavaria are preserved in *DD Arn* 7, 9, 20, 21, 22, 44, 63, 75, 76, 91, 97, 98, 115, 120, and 136.

[44] On the judicial courts under the Carolingians, see Warren Brown, *Unjust Seizure: Conflict, Interest, and Authority in an Early Medieval Society* (Ithaca, 2001).

Scharnitz, Innichen, Schliersee, and Moosburg came under Freising. Maria Wörth in Carinthia was founded from Innichen sometime before 870 as a Freising monastery. The bishops of Regensburg secured Berg and Chammünster, which Bishop Baturich obtained in 819,[45] as well as Engelbrechtmünster in 821 and Mondsee in 833. Mattsee was ceded to the royal abbey of Altötting in 877 by Carlomann. When Burchard, the former court chaplain, and abbot of Altötting and Mattsee (and possibly Kremsmünster), became bishop of Passau in 903, these monasteries passed to the possession of the see of Passau.

Summary

Monastic foundations in Bavaria had developed in roughly three overlapping phases: ducal foundations, cooperative foundations with noble families, and the transition to episcopal control. After the fall of Tassilo in 788, almost all noble proprietary monasteries were taken up either by the bishops or by Charlemagne. Generally, ducal monasteries were claimed by the king due to their basis on fiscal land, while those of the nobles fell under either episcopal or royal jurisdiction, depending on the circumstances. Henceforth monasteries would be under either episcopal or royal jurisdiction. Though families soon ceased to donate at the rate they had previously, they still kept ties with local foundations. These centers remained important in terms of family identity, their memorial function, and the powerful protection of a saint. This important connection was heightened by a significant increase in the granting of precarial tenure. Particularly when a family had a history of donations to a monastic foundation, descendents could ask for the use of donated family lands, as well as other properties of the monastery to be granted in benefice, though the ultimate right of disposal remained with the bishop or king.[46]

[45] TR 16.

[46] Hans Hummer, *Politics and Power in early medieval Europe* (Cambridge, 2005) discusses *precaria* and their development under the Carolingians on pp. 19-22 and 80ff.

With the deposition of Tassilo, Bavaria became part of the Frankish Empire, and was no longer described as a duchy. The monastic constellation so determinedly built by the Agilolfing dukes were equally, if not more, important to Charlemagne. Control of the largest and most strategically placed monasteries supported the authority of the king in many of the same ways they had strengthened ducal authority. Their purpose as spiritual centers cannot be separated from their role as political centers in this period. Their importance for military as well as economic strategy has been touched on; equally important was their function as communication centers. Monasteries established important networks of communication with other ecclesiastical centers, in addition to supplying hospitality and transportation support for traveling secular authorities. Notary, scribal, and educational activities were carried out under the auspices of monasteries,[47] as well as judicial courts. Because of their significance for communications, and because they were supported by the leading regional nobles (many of whom had family connections to monks within these institutions), they became political centers with connections to high-ranking nobles. Though this study concentrates on political aspects, the powerful belief in the presence and protection of the saints, and of the power of prayer in support of righteous rulers, formed a significant part of both the medieval outlook and the political theory of the early medieval world.[48] To paraphrase Richard Hodges, in this period, monasteries passed from limited functional variability, to centers controlling regions: many became "the legionary

[47] Rosamond McKitterick, *The Carolingians and the written word* (Cambridge, 1989) and Yitzhak Hen, *Roman Barbarians: The Royal Court and Culture in the Early Medieval West* (New York, 2007), pp. 159-165.

[48] Mayke de Jong, "Carolingian monasticism: the power of prayer," *The New Cambridge Medieval History* Vol II (Cambridge, 1995), pp. 622-53, writes, "It is no coincidence that the first networks of prayer developed in the very area and period which saw the consolidation of Carolingian power. The authority of this dynasty was founded on prayer as well as on military might." Two fascinating studies of the social meaning of monasteries and their sacred power are Barbara Rosenwein, *To be the neighbor of Saint Peter*, and Régine Le Jan, "Convents, Violence, and Competition for Power in Seventh-Century Francia" in *Topographies of Power*, p. 243f.

fortresses of the Carolingian period,…places from which the new ideology might be propagated."[49]

Whereas the dukes had been the founders and legitimate possessors of the monasteries, however, Charlemagne needed to gain control of them, in order to gain control of Bavaria. Through the monasteries, he could gain power over large holdings of fiscal land, control important points for military excursions and communications, connect with important indigenous nobility, align himself with local spiritual power, and stamp the topography with Carolingian identity. The monasteries had been so much a part of the way that the duke ruled and asserted his position – what we might call ducal identity – that it was vital for the new ruler to erase prior ducal authority and replace it with his own. Thus, there were very few new foundations in the Carolingian era, with the exception of the areas added to the east in present-day Austria, through missionization and colonization.

Kremsmünster, the easternmost monastic foundation of the *ducatus Baioriarum*, served as a summation point in the history of ducal Bavaria, representing the culmination of an era of monastic foundations, which saw the increasing importance of monasteries to the exercise of secular authority. However, it also represents a turning point, as the Carolingians harnessed this power in the service of the burgeoning Frankish Empire, by re-fashioning proprietary monasteries into royal monasteries that served Carolingian goals.

[49] Richard Hodges, *Towns and Trade in the Age of Charlemagne* (London, 2000), p. 84.

Chapter Seven:

Carolingian Bavaria

After the attack on the Avars in September 791, in which the Avars simply retreated over the river Raab, the Frankish army returned to Bavaria, and wintered at Regensburg. A description of the 792 assembly complained that "the Saxons, thinking that the *gens* of the Avars should revenge themselves against the Christians…returned to the paganism which they rejected previously."[1] The new rhetoric of kingship which Charlemagne was forging, justified as protection of a Christian empire, was jeopardized – his tenuous hold over the Saxons and Bavarians was threatened by an undefeated Avar kingdom – and so, as the annals reported, the king made plans for a new war against the Avars in 793.

This tenuous hold was reflected in the conspiracy against Charlemagne uncovered at Regensburg the same year, led by his illegitimate son Pippin the Hunchback, in collusion with some of the Frankish counts. In August these conspirators were dealt with at Regensburg. Charlemagne stayed in Bavaria from spring 791 to early winter 793, the longest time he had spent away from the Frankish heartlands, indicating a need for his presence there.

[1] *Annales Laureshamenses, MGH SS* 1, p. 35: *Sed et propinquante aestivo tempore Saxones, aestimantes quod Avarorum gens se vindicare super christianos debuisset, hoc quod in corde eorum dudum iam antea latebat, manifestissime ostenderunt: quasi canis qui revertit ad vomitum suum, sic reversi sunt ad paganismum quem pridem respuerant, iterum relinquentes christianitatem, mentientes tam Deo quam domno rege, qui eis multa beneficia prestetit, coniungentes se cum paganas gentes, qui in circuitu eorum erant. Sed et missos suos ad Avaros transmittentes conati sunt in primis rebellare contra Deum, deinde contra regem et christianos.* See also *Chronicon Moissiancense, MGH SS* 1, p. 299: "The Saxons, thinking that the people of the Avars wanted to revenge themselves, showed clearly what was hidden in their hearts. Just as a dog that returns to his vomit, so they returned to paganism, which they had first refused, they left Christianity again, in conjunction with the pagans who surrounded them, but also sending emissaries to the Avars, they tried to rebel against God, in the first place, then, against the king." *Saxones, aestimantes quod Avarorum gens se vindicare voluisset, hoc quod in corde eorum dudum latebat manifestissime ostenderunt. Quasi canis, qui revertitur ad vomitum suum, sic reversi sunt ad paganismum, quem primum respuerant, relinquentes iterum christianitatem, coniungentes e se cum paganis qui in circuitu eorum sunt, sed et missos suos ad Avaros transmittentes, conati sunt rebellare in primis contra Deum, deinde contra regem .*

The Frankish king responded to the rebellion with multiple approaches. He held a second assembly in winter of the same year (792), in which those who had been faithful were rewarded in silver and gold.[2] It is reported at the same time that the king was also planning the new war against the Avars and building moveable rafts for use on the Danube to transport supplies. In the following year, the Salzburg Annals reported "King Charles gives all churches their properties," securing the support of the monasteries and bishops whose cooperation would be necessary for the subjugation of the Avars.[3] Charlemagne marshaled his support, calling his sons Louis and Pippin to visit their father in Bavaria. In addition, he put numerous men to work on the *fossatum magnum*, an attempt to build a shippable canal between the Altmühl and the Rednitz to connect the Danube and the Rhine.[4] In early 794, Charlemagne made a donation of land to the church of St. Emmeram at Regensburg, emphasizing his position as a patron of the local spiritual center.[5] That was the same year Tassilo was brought out of his monastic retirement to appear publicly and renounce all claims once more. Finally, to consolidate Frankish authority, on the first of June a synod and assembly was held in Frankfurt, with bishops from every province present.

All of this activity can be seen as a multi-pronged response to the threat of rebellion. Charlemagne rewarded the faithful nobles; distracted the rest with ditch-digging, raft-building, and military expeditions against the Avars; confirmed and donated properties to the Bavarian church; and arranged for Tassilo to renounce his claims; all towards the end of securing his authority. The result was a consolidation of support under Charlemagne, and a shift in attitude

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[2] *Cum cognovisset fideles suos, episcopos, abbates et comites, qui cum ipso ibi aderant, et reliquum populum fidelem, qui cum Pippino in ipso consilio pessimo non erant, eos multipliciter honoravit in auro et argento et sirico et donis plurimis. Chronicon Moissiancense, MGH SS* 1, p. 300.

[3] *Annales Iuvavenses maximi et Continuationes* (a. 793), *MGH SS* 30.2.

[4] See Paolo Squatriti, "Digging Ditches in Early Medieval Europe," *Past and Present* 176 (2002).

[5] *DD Kar* I 176, pp. 236-7.

toward Tassilo. At the same time, the king opened new opportunities for the Bavarian elite, providing new land via precarial benefices, mission and war, and the creation of new offices.

New offices

The establishment of new leadership in Bavaria, in the form of a prefect and an archbishop, was a major factor in the re-shaping of both the structural organization and the physical configuration of the region. These leaders had, among other responsibilities, the charge of the missionization and control of new lands after the Avar defeat.

It is not certain when Gerold, the brother-in-law of Charlemagne from his first marriage to Hildegard, was given the responsibility for administering Bavaria. He is mentioned for the first time in Bavaria in 791, sitting as *iudex* in judgement of a Huosi property conflict, along with Bishop Arn of Salzburg.[6] The *Annales mettenses priores* for the year 799 refer to *Geraldus comes, quem rex Alemannis et Bawariis prefecerat*.[7]

Gerold had been one of Charlemagne's most dependable supporters since the king's marriage to Hildegard in 771. This union had been part of an effort by Charles to secure the loyalty of the Alemmanic nobles after his brother Carloman's portion of the kingdom fell to him.[8] The family formed a branch of the Agilolfing kin group, so Gerold's role as *praefectus* in

[6] TF 142.

[7] Christof Paulus, *Das Pfalzgrafenamt in Bayern im frühen und hohen Mittelalter*, Studien zur Bayerischen Verfassungs- und Sozialgeschichte 25 (Munich, 2007), p. 18. Gerold is called prefect of the eastern lands in the *Annales Mettenses Priores* for the year 799, *MGH SS rer. Germ*. 10, p. 84. The title *Praefectus Barioariae* is given in a description of his death by Einhard: *Einhardi Vita Karoli, MGH SS rer. Germ* 25, c. 13, p. 16: *Duo tantum ex proceribus Francorum eo bello perierunt, Aericus dux Foroiulanus, in Liburnia iuxta Tharsaticam, maritimam civitatem, insidiis oppidanorum intercoeptus, et Geroldus Baioariae praefectus, in Pannonia, cum contra Hunos proeliaturus aciem instrueret, incertum quo, cum duobus tantum qui eum obequitantem ac singulos hortantem comitabantur, interfectus est.* On Gerold's family connections, see also Michael Borgolte, *Die Grafen Alemanniens in merowingischer und karolingischer Zeit*, ed. Hans Ulrich Nuber, Karl Schmid, Heiko Steuer, Archaeologie und Geschichte 2 (Sigmaringen, 1986) p. 122-126.

[8] Michael Mitterauer**,** *Karolingische Markgrafen im Südosten,* Archiv für österreichische Geschichte 73 (Vienna, 1963), p. 10.

Bavaria can be seen as "a gesture to Agilolfing legitimacy" on the part of Charlemagne.[9] The family of Gerold, with their core region in the Thurgau in Alemannia, as well as in Bavaria (in Freising, Rottbach, and Schäftlarn), and in Alsace and the middle Rhine, supported Charles in the regions core to their power, as well as abroad.[10] It is almost certain Gerold took part in the defeat of Lombards in 773/4, and he is reported as participating in wars against the Saxons, Slavs, and Avars. Most likely he was administering Bavaria at the latest by 791, the end of Charlemagne's period of stay there. In 799, Gerold was killed fighting against the Avars.

Another new office was introduced into Bavaria at this time: Salzburg was raised to an archbishopric. The incumbent of this seat, Arn of Salzburg, had succeeded Virgil as bishop in 785. After Charlemagne, it was Arn who had the most influence on the new landscape of Bavaria in this period of transition. It was Arn who, two years after his elevation to bishop, was sent along with Abbot Hunrich of Mondsee to the pope in an attempt to negotiate on Tassilo's behalf in his conflict with the Frankish king. Soon after the takeover of Bavaria, Arn began work on the *Notitia Arnonis*, completing it sometime in 790. The completion of this work was in the interest both of Charlemagne and the bishop, as it provided the king with a survey of fiscal property, and resulted in the confirmation of episcopal properties for the bishop.[11] In 798, Pope Leo III bestowed upon Arn the *pallium*, and Salzburg was raised to an archbishopric. This does not seem to have been immediately acceptable to the other Bavarian bishops, as in April 800, the pope sent a letter confirming this elevation.

Arn of Salzburg

[9] Warren Brown, *Unjust Seizure*, p. 103.

[10] Christof Paulus, *Das Pfalzgrafenamt in Bayern im frühen und hohen Mittelalter* (Studien zur Bayerischen Verfassungs- und Sozialgeschichte 25 (Munich, 2007), p. 120-1

[11] Brigitte Merta, "Salzburg und die Karolinger im Spiegel der Königsurkunde," *Erzbischof Arn von Salzburg*, p. 58. For aspects of Arn's episcopacy and elevation to the archbishopric, see this and other essays in *Erzbischof Arn von Salzburg*, ed. Meta Niederkorn-Bruck and Anton Scharer, Veröffentlichungen des Instituts für Österreichische Geschichtsforschung 40 (Munich, 2004).

Arn came from a high-ranking family with properties scattered around the Isen. After his dedication to the Freising cathedral in 758, he is attested in the Freising charters as a deacon in 765, and a priest in 776. By 778 he had left Bavaria for the monastery of St. Amand, located within the Frankish core territories. After the death of the abbot in 782, Arn became the new abbot of St. Amand.

Josef Sturm and Wilhelm Störmer carried out research on Bavarian donation charters in order to determine where this family had most of their property concentrations, and which other families they were associated with as donors and witnesses. They identified a family group around the Bittlbach, with connections to the family that would later be identified as the Preysingern.[12] Störmer found connections with a number of leading families with properties across the south of Bavaria such as the Toto family and the Wilhelminer kin group. The latter included Count Graman, who took part in the Avar siege of 788, already in cooperation with the Franks, and became a *missus* along with Arn in later years.[13] Störmer also considered associations which were not necessarily family connections, formed through the shared *patrocinium* of churches, or through education at the same cathedral school.[14] He noted the

[12] Several connections with the Preysinger group are found in the Freising charters. TF 105a shows Arn cooperating with Fater, later abbot of Kremsmünster, to donate at *villa publica Prisingas*; see also TF 299, in which Arn testifies that he saw with his own eyes that Priso gave his church to Bishop Arbeo. Wilhelm Störmer, "Die junge Arn in Freising: Familienkreis und Weggenossen aus dem Freisinger Domstift," *Erzbischof Arn von Salzburg*, ed. Meta Niederkorn-Bruck and Anton Scharer (Vienna, Munich, 2004), pp. 9-26; Josef Sturm, *Die Anfänge des Hauses Preysing* (Munich, 1931, reprinted 1974).

[13] Störmer identified as a close neighbor Willihelm, the first non-ducal benefactor of Mondsee (TM 123), who made a donation in a ducal court (*villa publica*) for the soul of Odilo, and was likely the same as the founder of the first noble convent Kühbach-Rotthalmuenster (TP 33). He counts Count Graman, mentioned in the *Breves Notitiae* as a donor in Kirchheim bei Laufen, as a Wilhelminer. Störmer, "Die junge Arn in Freising." See also Jahn, *Ducatus Baiuvariorum*, pp. 218-220 and Störmer "Besitz und Herrschaftsgefüge im Passauer Raum des 8./9. Jahrhunderts," *Das Christentum im bayirischen Raum*, ed. Egon Boshof and Hartmut Wolff, Passauer Historische Forschungen 8 (Cologne, Weimer, Vienna, 1994), pp. 391-422, at p. 407f. On Graman see Mitterauer, *Markgrafen*, pp. 26-35.

[14] St. Zeno was the patron of the church on the Isen, where Arn was dedicated to the Freising church. Duke Odilo, as well as Bishop Joseph, donated to it (TF4), and the donor group associated with it had properties around the Isen, as well as connections to the group on the lower Amper (the Presyingern and Graman). Störmer notes that Zeno was a former bishop of Verona, and the cult was probably brought from there by Corbinian, who dedicated his church in Mais bei Meran, in the South Tyrol, to St. Zeno and St. Valentinus of Raetia.

connections of Bavarian ecclesiastics in the southern regions of France, as well as at Fulda and northern Italy.[15] Although some of the connections he suggests lack sufficient documentary evidence to be certain, Störmer builds a picture of a young man with a rising ecclesiastical career and good connections in the Frankish region. Clearly Arn must have had some family or mentorship connection to bring him to St. Amand; it should also be recalled that Amandus himself had made a missionary foray into Bavaria and Carinthia a century before. While at St. Amand, Arn became friends with Alcuin, the leading intellectual of Charlemagne's court and from 796 abbot of St. Martin's in Tours.[16]

There are two significant points which can be gleaned from this background on Arn. The first is that Arn was in St. Amand at a critical period during the growing dissension between Charlemagne and Tassilo.[17] The second is Arn's unique skill set. He was clearly intelligent and capable, as shown by his advancement through the ecclesiastical ranks, his preferment as an ambassador to the pope by Tassilo, his friendship with Alcuin, and his promotion by Charlemagne. In addition, he was well-connected through both family and ecclesiastical networks, and he had language skills. Störmer points out that Bavaria still possessed pockets of *romani*, which may have been an advantage in Arn's ecclesiastical education. Despite Latin being the language of written communication, the number of people who were truly skilled in it would have been a small percentage, as the Carolingian efforts to improve education

[15] Amongst these, he counts a bishop of Vienne, Wolfher, Abbot Eigil of Fulda and Abbot Sturm of Fulda, and two bishops of Vicenze, Andreas and Francho, who were both educated in the Fresing cathedral and appear in charters there. He asserts that Schäftlarn founder Waltrich was also the bishop fo Langres and abbot of S. Beningne in Dijon, as well as bishop of Passau, an identification that is possible, but not proven. He also notes in the eighth century six *principes Baioarios* in the neighboring bishopric of Auxerre. Leidrat, Archbishop of Lyon, donates in Bavaria in TF 95 and TS10, in the year Arn went to St. Amand. A letter from Alcuin to Arn around 790, sent greetings to Leidrat.

[16] Warren Brown, p. 104.

[17] Jahn, *Ducatus Baiuvariorum*, p. 522ff.

demonstrate. The need for educated men, literate in the deepest sense and not merely alphabetically capable, was urgent both in lay and in ecclesiastical government.[18]

The elevation of Salzburg to archbishopric signaled the important role Charlemagne intended this see to play in the future of the region. Arn had received the *pallium* at Charlemagne's request, which made him pre-eminent over the other Bavarian bishops, and the director of the entire ecclesiastical program in the region. However, Arn was much more than an archbishop under Charlemagne. He travelled to Rome in 797 with twelve other *missi* to manage a dispute between Pope Leo III and the Roman nobility, and was instrumental in helping return Leo to power. Arn also participated in Charlemagne's imperial crowning, and was a signatory to Charlemagne's will. It appears Arn had a role in planning at the imperial level: there is evidence in his correspondence with Alcuin of his role in helping to create and organize the *missatica*, defined territories in which the *missi dominici* operated. These defined territories are evident in the west only, but functionally, Bavaria was a *missaticum* for the activities of Arn and prefect Gerold.[19] As bishop and archbishop, Arn oversaw a series of synods in Bavaria between 794 and 810, which planned the re-organization of the Bavarian church along the lines of the Frankish and Roman models.[20]

In Bavaria, Arn was active in two spheres of activity: as a *missus* in the Carolingian judicial courts, and in the mission field to the east. He appears to have been the person who negotiated the administrative re-organization of the region; Count Gerold was prefect, but that

[18] Störmer, "Die junge Arn in Freising," p. 22; McKitterick, *Frankish Church*, p. 8.
[19] The assertion that Arn helped to systemize the *missatica* is based on his correspondence with Alcuin. Warren Brown, pp. 104-5; McKitterick, *Frankish Kingdoms*, pp. 93-97; Wolfram, "Arn von Salzburg und Karl der Grosse," *1200 Jahre Erzbistum Salzburg: Die älteste Metropole im deutschen Sprachraum: Beiträge des Internationalen Kongresses in Salzburg vom 11. bis 13. Juni 1998*, MGSL 18 (Salzburg, 1999), pp. 26-27; Heinz Dopsch, "Die Zeit der Karolinger und Ottonen," *Geschichte Salzburgs: Stadt und Land*, vol. I, ed. Heinz Dopsch (Salzburg, 1981), pp. 157-73; Karl Ferdinand Werner, "Missus-marchio-comes: Entre l'administration central et l'administration locale de l'empire carolingien," *Histoire comparée de l'administration*, ed. W. Parvicini and K.F. Werner, Beiheft der Francia 9 (Munich, 1980), pp. 191-239.

[20] Especially *Concilium Rispacense* (a. 798?) and *Concilia Rispacense, Frisingense, Salisburgense* (a. 800), *MGH Conc.* 2.1, pp. 196-201 and pp. 205 – 219.

office included military defense, so that the two worked together in their separate areas of expertise to carry out regional changes. The *Conversio Bagoariorum et Carantanorum,* for example, shows both men traveling together to Carinthia in 798 to install the newly dedicated *chorepiscopus* Deoderic there.[21]

Warren Brown has written about the new resource for handling disputes which Carolingian rule brought to Bavaria: judicial assemblies headed by office-holding figures such as *missi*, counts, and judges. The *missus dominicus* was something new in Bavaria, he was an envoy of the king. The office was initially appointed on an *ad hoc* basis, but clarified and put on a more regular basis in 802. The judicial courts appear to have been welcomed by the Bavarian bishops because they upheld the formal terms of donation charters in favor of the episcopal church; lay landholders allied with the bishop were also able to turn this tendency to their advantage.[22]

Arn played a major role in these courts, appearing disproportionately in dispute charters from 791-811.[23] In addition, the Frankish-style *placitum* report was introduced into Bavaria by Arn and appears only in connection with his cases until 811. Thus, he was key in bringing Frankish legal practice into the region.[24] Brown notes that Arn managed to arrange compromises in a number of disputes, opining that it was Arn's local connections that enabled him to bring about these difficult negotiations.[25] Brown sees his authority as due less to his title than to his personal and political connections on both the local and imperial levels. Other *missi* do not appear to have exerted the same influence that Arn did, and his episcopal successor was not

[21] *Conversio Bagoariorum et Carantanorum*, c. 8, p. 116.

[22] See chapter three of Brown, *Unjust Seizure*, pp. 102-123, especially pp. 120-122.

[23] Arn appears in half of the TF disputes; if only formal adjudications are counted, he appears in 15 of 19. He is also involved in disputes regarding Regensburg (TR11, TF 181, 131), Passau (TP 13, 50, 54), and Salzburg (TF 248, TP 50, TP 54). The only person involved in more disputes was Bishop Atto of Freising, because he was a litigant so frequently. Brown, p. 106.

[24] Brown, p. 111.

[25] Brown, p. 114. Cases involving Arn's mediation: TF 184, 193a , and 197.

involved in the courts as a *missus*.[26] Thus, it appears to be a combination of personal qualities and extensive connections which allowed him to function so efficiently.

With the elevation of Salzburg, Charlemagne gave the see special responsibility for missionization. While the church had played a significant role in mission and development under the Agilolfing dukes, the role of bishops was now considerably strengthened by Charlemagne and his successors. The Carolingian kings embraced bishops as their foremost allies, increasing their powers and privileges. However, the influence ran both ways, as Michael Moore notes: "From its inception, the Carolingian dynasty was conceived in terms drawn from the social thought of episcopal councils."[27] While Charlemagne shaped the episcopate, the bishops were at the same time forging a new conception of Christian kingship.

Archbishops

The program to establish one correct form of rule for the church, and to empower bishops to oversee all aspects of Christian life in their dioceses, was already underway when Charlemagne took the throne. Two innovations which strengthened church authority were the institution of the archbishopric, and the promulgation of canon law. Under Pippin, there had been an attempt to revive the concept of metropolitan bishops, as part of the reforms promoted by Boniface. There had once been twelve metropolitan provinces, based on Roman *civitates*, but the re-introduction of these compromised episcopal independence, since the metropolitan bishops were to have authority over all bishops within their archdiocese. [28] Thus, the measure faced some resistance. At Soissons, in 744, a church council established two new archbishops and re-asserted the prerogatives of older metropolitan sees. The reform of the church was further promoted in the

[26] Brown, p. 120.

[27] Moore, *A Sacred Kingdom*, p. 244.

[28] Moore, pp. 226 and 233.

"Frankish Council" of 747, which declared the authority of the archbishops. As Boniface reported: "We have determined that it shall be the special duty of the metropolitan to inquire into the conduct of the bishops under him and their care for the people." [29] The Council of Ver (755), stated that "we establish bishops in a metropolitan city so that other bishops might obey them in all things according to the canons."[30]

The royal abbey of St. Denis and its abbot, Fulrad, had supported the Arnulfing rise to the throne, and were at the center of the reform movement, as well. According to Moore, the clerics who assumed control of eastward missionary activity in its earliest phase came from families establishing far-flung estates in those areas as part of Frankish expansion into southern Germany.[31] The Frankish episcopate could now participate in affairs that reached far beyond the Frankish core regions.[32] This expanding geographical horizon was accompanied by a re-visioning of the Frankish state: "Frankish society, so long characterized by diffuse localized power, was now asked to imagine the kingdom as a highly centralized, sacred entity."[33]

In the Earlier Annals of Metz and the Royal Frankish Annals, the doctrine of sacred kingship was connected to the rise of the Carolingian family.[34] As the Frankish kings and bishops forged closer ties with the papacy in Rome, the Franks began to portray themselves as the guardians of the Church and the Christian faith: "These themes soon coalesced in Frankish

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[29] Boniface Letters LXII [78], p. 115: *Statuimus, quod proprium sit metropolitan iuxta canonum statute subiectorum sibi episcoporum investigare mores et sollicitudinem circa populous, qualis sit….*

[30] *Concilium Vernense*, c. 2, *MGH Capit.* I.3, p. 33: *Episcopos quos in vicem metropolitanorum constituimus, ut ceteri episcopi ipsis in omnibus oboediant secundum canonicam institutionem….*

[31] Moore, p. 233.

[32] Friedrich Prinz refers to this as the "instrumentalization" of the Frankish episcopate by the monarchy. Prinz, "Der frankische Episkopat zwischen Merowinger und Karolinger," *Nascita dell'Europa de Europa Carolingia, un'equazione da verificare:19-25 aprile 1979*, ed. G Antonelli, Settimane di studio del Centro italiano di studi sull'alto Medioevo, 27 (Spoleto: 1981), pp. 127-28.

[33] Moore, p. 246.

[34] Rosamond McKitterick, "The Illusion of Royal Power in the Carolingian Annals," *English Historical Review* 115 (2000), pp. 1-20.

aggression in Saxony and Bavaria. The reform of church and society provided the theoretical basis for…the development of a new form of kingship soaked in religious symbology." [35]

Canon law

Charlemagne continued to increase episcopal jurisdiction, issuing the Capitulary of Herstal in 779, which ensured episcopal power over the clerics in their parishes, and affirmed the episcopal right to the "tenth," a donation of one-tenth of all income.[36] He also added a new element, focusing on the dissemination of one approved version of canon law.

In 774, Charlemagne received a copy the *Dionysio-Hadriana*, a collection of Roman canon law, and published a selection of these canons deemed most useful for the Frankish church in his *Admonitio Generalis* of 789. Rosamond McKitterick notes that "[a] particular feature is the careful definition of the place and extent of the jurisdiction of each order in the ecclesiastical hierarchy." The *Admonitio generalis* proposed a kingdom-wide program of church reform: it emphasized the episcopal government of monks and clerics and the organization of bishops under metropolitans. In addition, bishops were forbidden to act in any diocese other than their own.[37] The same terminology of rulership, *rectores*, was applied to both kings and bishops: Charlemagne was referred to as *rex et rector regni Francorum*, and the bishops as *venerabiles pastores et rectores ecclesiarum Dei*.[38] The significance of this promotion of canon law went

[35] Moore p. 203.

[36] *Capitulare Haristallense* (a.779), *MGH Capit.* I, pp. 46-51: *De decimis, ut unusquisque suam decimam donet, atque per iussionem pontificis dispensentur*…(p. 48); *Ut episcopi de presbiteris et clericis infra illorum parrochia potestatem habeant secundum canones*…(p. 47).

[37] McKitterick, *Frankish Church*, pp.3-4. *Admonitio generalis*, MGH Capit. I, pp. 53-61.

[38] For Charlemagne as *rector*, see *Admonitio generalis*, *MGH Capit.*1, p.53. For the bishops, p. 61.

beyond ecclesiastical regulation; indeed, the *Admonitio Generalis* was "a comprehensive plan for the building of society in a particular form."[39]

In 802, Charlemagne promoted the *Dionysio-Hadriana* as the official body of canon law for the empire, and issued his *Capitularia missorum specialia*, making obedience to the Christian God an expression of loyalty to the king.[40] Because Charlemagne's vision for a re-ordered society would perforce involve the Church, the church became incorporated into Carolingian administration. There followed a number of "Reform Councils," at Arles, Chalon, Mainz, Rheims and Tours in 813, which derived their canons from the *Admonitio Generalis*. Their jurisdiction covered most of the Frankish core territories. These councils did not include Bavaria, already under its own archbishop, although it certainly must have influenced currents there.[41]

Mission

The shared importance of mission to both Charlemagne and the bishops is one key to understanding this era. Earlier, Pope Gregory the Great had thought of mission in terms of the Christianization of territory that had once been part of the Roman empire.[42] Under the influence of the missionary bishop Boniface, however, the new Carolingian ideology of royal power was attached to the theme of conflict with paganism.[43] The conversion of the Avars was presented as the purpose of a war against the Avars, thus legitimizing the establishment of Carolingian power in the region.[44] Religious and political goals were easily fused in this matter. For the bishops, a

[39] McKitterick, *Frankish Church,* p. 5.

[40] McKitterick, *Frankish Church,* p. 10.

[41] McKitterick, *Frankish Church,* p. 12.

[42] Ian Wood "Missionaries and the Christian Frontier" *Transformations of Frontiers*, p. 211.

[43] Moore, p. 203.

[44] Helmut Reimitz speaks of "Carolingian efforts to establish their 'order of things' along the Danube," in"Conversion and Control," p. 189.

mission program offered a way to build up the authority of a diocese; for Charlemagne, it supported the rhetoric of the emperor as the protector of Christendom; and for the Frankish and Bavarian nobles, it presented opportunities in the form of prestige, land, and Avar treasure.

Several sources illuminate the events of this period, beginning with the ninth-century *Vita Constantini*, which contains information about mid-ninth-century conflicts over the mission to the Slavs. These were conflicts between the Franks and local leaders who looked to Byzantine alternatives in order to break Frankish hegemony. The Moravian leader Rastislav, seeking an alternative source of senior clergy, requested from the Byzantine emperor someone who could teach in Slavonic. The missionaries Constantine and Methodius were sent circa 862. According to the *vita*, the Franks responded by insisting there were only three holy languages (Hebrew, Greek, and Latin), one way of denigrating the suitability of the Slavic missionaries for the task. After some time in Moravia, Methodius was made archbishop of Sirmium by Pope Hadrian II. He was then invited to Carinthia by the ruler Kotsel, who was perhaps also interested in distancing himself from Frankish Bavaria. Meanwhile, back in Moravia, Rastislav had been deposed by his rival, with the help of Louis the German; when Methodius arrived there, he was taken to Regensburg for trial by the episcopate on the charge of infringement of ecclesiastical jurisdiction. He was freed after papal intervention two-and-a-half years later.[45]

Another valuable resource regarding the earlier history of mission in this region is the *Conversio Bagoariorum et Carantanorum*, either commissioned or written circa 870 by the Archbishop of Salzburg, Adalwin (859-873), to support the Salzburg claim to Lower Pannonia, and combat the Greek mission to the Slavs. In this work, Adalwin, in conflict with Archbishop Methodius, portrayed the Christianization of Bavaria in terms of the establishment of the diocese

[45] Reimitz "Conversion and Control," p. 204; Wolfram, *Salzburg Bayem, Osterreich*, pp. 207 ff.; Wolfram, *Grenzen*, pp. 259 ff.

of Salzburg; and was primarily concerned with demonstrating ecclesiastical jurisdiction over Carinthian Slavs. The work combined the life of St. Rupert with the history of the conversion of the Bavarians and Carinthians, a catalog of bishops and abbots of Salzburg, an account of Virgil's arrival, and an account of Archbishop Arn. According to the *Conversio*, Arn was ordered by Charlemagne to preach to the Slavs in 798. The Lower Pannonian Slavic lands were portrayed as an expanded Carinthia, which three different popes of the eighth century had assigned to the Salzburg church as a mission region.[46]

One interesting feature of this work is its legalistic tone. It uses perambulations as a way of expressing legal claims, as was common in donation charters and the Bavarian Law Code, provides lists of churches founded and priests ordained, and utilizes legal *formulae*. Furthermore, its focus remains only on property that reflects jurisdictional claims of Salzburg in what was formerly Pannonia.[47] Regarding Arn, it states that he was given the region around Lake Balaton by Charlemagne in 796 and 798.[48] Arn's task was to consecrate churches and ordain priests subject to Salzburg. After his death in 821, Adalram continued these tasks, and missionary bishops and priests sent to the region remained subject to Salzburg.

The *Conversio* also lists all lay officials in the region down to the time of Louis the Pious. The Slavic leader Priwina was granted a benefice in Pannonia, which was eventually granted to him outright by Louis the German in 848, with the exception of the ecclesiastical lands belonging to Salzburg. This close relationship continued under two of Priwina's successors, and it is asserted that Salzburg was the only ecclesiastical authority in the region from Charlemagne's original grant to the coming of Methodius 75 years later.

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[46] Charlemagne had recognized the Salzburg claim to Carinthia north of the Drau in *DD Kar I* 211.

[47] Wood, *The Missionary Life*, pp. 168-176.

[48] *Conversio Bagoariorum et Carantanorum*, c. 6 and 8, pp. 110 and 116.

Though the *Conversio* is only concerned with Salzburg's ecclesiastical jurisdiction over the Carinthian Slavs, other Slavic groups, specifically the Moravians and Bohemians, are mentioned in additional sources. The *Notae de episcopis Pataviensibus* **(**831) describes the mass baptism of the Moravians by the Passau bishop Reginhar, suggesting Passau was to Moravia what Salzburg was to Carinthia in the sphere of missionary work. [49]

In the 790s, the Franks invaded Avar territory repeatedly. In the same period, several church councils were held, which articulated the new rhetoric of Frankish authority as protectors of the faith and used the mission to the pagans as a legitimizing argument for Frankish imperial control. In 792, a council was held at Regensburg, which addressed the Spanish heresy of Adoptionism. Regensburg was by then a royal center with Charlemagne in residence, and therefore a center for the intense missionary activity to the east. Moore argues that the Regensburg synod can be seen as a forerunner of the Council of Frankfurt in 794, since both councils emphasized the cultural integration of the Carolingian empire.[50]

The Franks, together with the Bavarians, finally destroyed the Avar *hring* in 795. Bishops took part in this undertaking; led by Arn of Salzburg, they held a council on the banks of the Danube regarding the Christianization of the newly conquered lands. The destruction of the Avars was portrayed as a "just judgement of God,'' and the bishops were determined to bring the

[49] Wood, *The Missionary Life*, pp. 174. Other sources related to the issue of later jurisdictional claims to Slavic regions are the letter of Bishop Theotmar to Pope John IX, which is an account of the Christianization of Moravia in which Theotmar claims the area is subject to Passau; and the letters of Pope Nicolas, who wrote to Khan Boris in Bulgaria on the problems of Christianization, and to the Dalmatian Church, claiming that only the papal see had a right to establish *basilicae* and *ecclesia*. The ninth-century *Descriptio civitatum et regionum ad septentrionalem plagam Danubii* is a list of places and districts north of the Danube, perhaps relating to Bavarian ecclesiastical strategies at the time of Methodius (Mss.: Munich, Staatsbibliothek, lat. 560; also online at: http://daten.digitale-sammlungen.de/bsb00018763/image_321/). The provenance of this document is disputed. Although early commentators suggested that it could have been compiled in Regensburg, Bischoff attributes it to a monk active at Reichenau from the 830s to 850s. Nazarenko finds it more probable that the list was composed in the 870s, when Saint Methodius is believed to have resided at Reichenau. The document may have been connected with his missions in the Slavic lands. Bernhard Bischoff, *Die südostdeutchen Schreibschulen und Bibliotheken in der Karolingerzeit* (Wiesbaden: 1960) and Aleksandr V. Nazarenki, *Nemetskie latinoyazychnye istochniki IX-XI vekov: teksty, perevod, kommentarii* (Moscow: 1993).

[50] Moore, p. 265. Council of Frankfurt (*Concilium Francofurtense* a. 794), ed. Albert Werminghoff, *MGH Conc.* 2.1 (Hannover and Leipzig, 1906), pp. 110-71.

"sacred mysteries" to this "brutish people, clearly irrational or idiotic, and illiterate."[51] As in the earlier liturgical ceremonies held on the banks of the Enns, these rituals show the significance for the Franks of crossing the eastern border.[52] The stakes were high, as failure could be taken as evidence against the legitimacy of Carolingian rule.[53]

Secular organization of the march

There was a difference, of course, between imagining the re-ordering of the region and actually carrying it out. Earlier historiography considered the establishment of the march as an immediate accomplishment, however, researchers are coming to perceive the complexity of establishing a march region. Concomitant with this is the understanding that frontiers were "dynamic regions rather than static borders," and the march was "not a stable construction" but an area of "ill-defined domination."[54]

Helmut Reimitz discusses the Carolingian imagination of the frontiers, noting that the *Conversio* actually straightens the Danube and changes the orientation of the Drau, in order to schematize its organization.[55] Likewise, narratives of "positive affirmation," such as descriptions of embassies at court or the *gentes* participating in a given military battle, aided in portraying

[51] Council on the Banks of the Danube (*Conventus episcoporum ad ripas Danubii* a. 796), *MGH Conc*. 2.1, pp. 172-76, here at p. 174: *Haec autem gens bruta et inrationabilis vel certe idiotae et sine litteris tardier atque laboriosa ad cognoscenda sacra mysteria invenitur.*

[52] *Annales qui dicuntur Einhardi* (a. 791), *MGH SS rer. Germ.* 6, p. 88: "Hurrying to the Enns river, there they stationed themselves, working successfully, celebrating for three days solemn masses; they asked the solace of God for the safety of the army and the help of the Lord Jesus Christ and for victory and revenge on the Avars." *Ad Anisam vero fluvium properantes ibi constituerunt laetanias faciendi per triduo missarumque sollemnia celebrandi; Dei solatium postulaverunt pro salute exercitus et adiutorio domini nostri Iesu Christi et pro victoria et vindicta super Avaros.*

[53] Helmut Reimitz, "Conversion and Control: The Establishment of Liturgical Frontiers in Carolingian Pannonia," *The Transformation of Frontiers: From Late Antiquity to the Carolingians*, ed. Walter Pohl, Ian Wood, and Helmut Reimitz, p. 201.

[54] Reimitz, "Conversion and Control," pp. 191-3. Reimitz quotes Julia Smith's "Fines Imperii" here.

[55] Ibid., pp. 192.

Carolingian overlordship. Texts such as the Annals of Metz functioned as rhetorical strategies to define and give place to both the subjected peoples and the Franks themselves.[56]

Herwig Wolfram argues the Carolingian frontier was a creation of the late eighth century, and although the term "march" was used interchangeably with the Latin terms *finis, limes, terminus*, there was not continuity with the late Roman border system of organization.[57] It was only with the subjugation of the independent duchies surrounding the core Frankish lands that the problem of establishing a frontier arose, therefore, it was not a problem with which the Franks had direct experience. Thus, the development of the eastern march was a work-in-progress. [58] There was a difference between the frontier of a kingdom or province as a delimitation of power and responsibility, such as had existed between Agilolfing Bavaria and the Avars and Carinthians, and a frontier which was organized with its own leadership.[59]

Missionary bishops were already present in regions under Slavic control, but there are at least two instances in the *Conversio* in which bishops refused to work in the region due to unrest.[60] In 805, the Thionville capitulary regulated the sites where trade with the Slavs and Avars could take place.[61] In the Bavarian region, these sites were Regensburg and Lorch, overseen by Count Audulf in the stretch between Forchhaim and Regensburg, and Count Werner

[56] Ibid., p. 195.

[57] Herwig Wolfram, "The Creation of the Carolingian Froniter-System c. 800," *The Transformation of Frontiers*, p. 234.

[58] Ibid., p. 237.

[59] On territorial units marches see Wolfram, *Salzburg, Bayern, Österreich*, p. 70, also Wolfram "The Creation of the Carolingian Frontier-System c. 800," *The Transformation of Frontiers*, p. 235. He notes that in the *Divisio regnorum* (806), frontiers of kingdoms are called *termini*.

[60] *Conversio Bagoariorum et Carantanorum*, c. 5, p. 106.

[61] *MGH Capit*. I .4, ch. 7, p. 123. The Danube valley was a major trade route between western and eastern Europe, and at the beginning of the tenth century the Bavarians complained about the levels of taxation on this trade. The court of Louis the Child appointed a commission to meet at Raffelstetten to determine reasonable tolls, which give a picture of the commerse here. On the results of this commission, see M. Mitterauer, "Wirtschaft und Verfassung in der Zollordnung von Raffelstetten," *Markt und Stadt im Mittelalter: Beitrage zur historischen Zentralitatsforschung*, Monographien zur Geschichte des Mittelalters 21 (Stuttgart, 1980), pp. 235-63.

at Lorch in the Traungau. Werner's mandate region extended to the Drau river, which Herwig Wolfram argues was a march. Charlemagne's *Capitulare Baiwaricum* spoke of *marca nostra*.[62] By the mid-ninth century, documents speak of a *marchia orientalis* established as a freestanding militarily organized frontier region.[63]

Carolingian Counties

As discussed in chapter two, "counties" (*Gaue*) were not originally contiguous with counts. Although there had been men attested as *comites* in Alemannia and Bavaria in the pre-Carolingian period, there was not a system of regular *pagi* administered by appointed counts. The assignment of a *comes* to oversee *Gau* was an innovation by Carolingian rulers after their eighth-century conquest of the region.[64] Administration through counts was a strategy the Carolingians exercised across Europe, by eliminating the highest level of political resistance, the dukes, and replacing them with appointed comital office-holders.[65]

The replacement of semi-autonomous dukes by representatives under central control was carried out over a relatively short period of time. In Provence, Charles Martel forced the duke Maurontus to flee and made Abbo *rector* in his place; in Burgundy, he exiled the powerful prince-bishops and left his followers in control; in Alemannia the ducal family was exterminated by Pippin and Carloman and administration handed over to the counts Warin and Ruodhart; in Alsace the transition was accomplished more peacefully when the Etichonid duke died without

[62] *Capitulare Baiwaricum* (ca. 810), *MGH Capit.* I .4, c. 9, p. 159 Herwig Wolfram dates this to 803, using the Pertz MGH edition of 1835; however, the Boretius edition of 1883 estimates this capitulary was issued closer to 810. Wolfram, "The Creation of the Carolingian Frontier-System c. 800," p. 240.

[63] Wolfram "The Creation of the Carolingian Frontier-System c. 800," *The Transformation of Frontiers*, pp. 236-7.

[64] On the Carolinigan administration of the march: K.F. Werner, "*Missus – Marchio – Comes*," Entre l'administration centrale et l'administration locale de l'Émpire carolingien." *Histoire Comparée de l'administration (IVe-XVIIe siècles)*, ed. W. Paravicini and K.F. Werner, Beihefte der Francia 9, (Munich, 1980), pp. 191-239. Reprinted in *Vom Frankenreich zur Entfaltung Deutschlands und Frankreichs. Ursprünge, Strukturen, Beziehungen; ausgewählte Beiträge; Festgabe zu seinem 60. Geburtstag*, ed. K.F. Werner (Sigmaringen: 1984), pp. 108–56.

[65] McKitterick, *The Frankish Kingdoms*, p. 67.

heirs; and in Thuringia, dukes cease to exist after 717, though it is unclear how this came about. In Aquitaine, Charles Martel's conflicts with duke Eudo continued into the second generation; however, eventually Eudo's older son was sent to a monastery, and his younger son hanged by Pippin in 768. Bavaria proved the exception, as the Agilolfing dukes were actually growing stronger in this period, and at times it proved a haven for disaffected members of Charles Martel's own family. This process continued under Pippin and Charlemagne, with the takeover of Lombardy and Bavaria, as well as in dependent principalities, such as Chur in 806, and Carinthia and Carniola in 828.[66] Across the board, as the dukes were eliminated, another form of administration was needed to replace them. The office of the count as a representative of central power was developed more strongly.

The Carolingian count exercised a royal mandate; his area of responsilibity was said to be his *ministerium*.[67] In general, Charlemagne was careful to only allow a count to administer one *pagus*, though there were certainly exceptions when the need to protect a boundary arose, such as the prefect Gerold who was not only an Alamannic count, but also *comes et missus* of Bavaria and later the Avar regions.[68] The system of counties run by counts was a Carolingian "ordering" of an existing situation. Before the mid-ninth century, some charters designated the location of donations by the phrase *in pago, in comitatu*.[69] However, Wolfram found that during the ninth

[66] Wolfram, *Salzburg, Bayern, Österreich,* p. 159.

[67] Capitulare Baiwaricum (ca. 810), *MGH Capit*. I .4, c. 4, p. 158. See also Wolfram, *Salzburg, Bayern, Österreich,* p. 156.

[68] *Annales regni Francorum* (a. 799), *MGH SS rer. Germ.* 6, p. 108. The placement of a count did not always correspond with a particular *Gau*. While counts were associated with *pagi*/*Gaue*, these were of such a variety of sizes and strategic and economic significance, that to conceptualize them as correspondingly equivalent offices would be inaccurate. One count might be associated with several *Gau*, or with only a share of one. Wolfram, *Salzburg, Bayern, Österreich,* p. 156.

[69] Ibid., p. 159. Charter TF 419 (a. 819) refers to an holding in Pannonia as lying within *ipso comitatu*: *Qualiter Meginhardus vassus dominici reddidit in manus Hittonis episcopi pro manice cervino capsam quam a dome sanctae Marie cum reliquiis accepit Uuasucrim aramiator, et ipsam quam iam dudum fecit traditionem iterum renovavit eo modo, in ipso comitatu quem contra Liuduuinum hostiliter carpebant dies suusi eum prosequeretur, IIIIa pars de iumentis salvaticis cum IIIto warinone pro remedium et indulgentiam animse sue omni perseverantia ad domum beatae Marisae tenerentur.*

century, the connection between count and *pagus* "had lost much of its original dynamic," so that a *comitatus* no longer corresponded to a *pagus*.[70]

In the newly conquered Avar regions, only the Grunzwitengau can be considered a "true" *Gau*. It is mentioned in royal grants in 828 and in 888. Kremsmünster received a large grant from Louis the Pious in this *Gau*.[71] The Carolingian counties in the colonization region were established with boundaries, which were the same as for their dioceses, earlier than they were in the settled Bavarian region.

On a lesser scale, a Freising charter from 827 documents a negotiation between Bishop Hitto of Freising and Count Wilhelm, and the local Slavs, over the borders of the Puchenau parish. Wilhelm had been ordered to seek out the oldest men of the Bavarians and the Slavs, to find out where the proper boundaries, *rectissimum terminum*, should be between the church at Puchenau and the Slavs.[72] In this charter, it was agreed that the *marca* of the church should run from the river Deozinpah where it meets the Danube, then skirt the old rocks up to Caestinincperg, then to the east to the boundary which ran to Linz, marked by three beech trees. This may have been the land which Bishop Atto of Freising had previously acquired from the abbot of Moosburg in 807.[73] In the 827 charter the distinction in clear between the *terminum*,

[70] Wolfram gives the example of the Eisack River valley, which was overseen by counts, yet in charters such as the Quartinus charter, TF 550, or the donation of Brixen to Säben, neither region corresponded to a *pagus*. Wolfram, *Salzburg, Bayern, Österreich*, p. 163.

[71] The only "real" Gau east of the Enns owes its origin to the regional planning immediately after the conquest of the Avars, the center of the expansion region between the Enns and the Vienna Woods. Wolfram, *Salzburg, Bayern, Österreich,* p. 164.

[72] TF 548 (a. 827): *Convenientibus venerabilibus viris Hitto episcopus et Uuillihelm comis ad illo loco quae dicitur Pohinauua et in illum campum qui sic dictum est Caestinincperg et alii quam plurimi noblies viri recte difiniendum et dirimendum terminum illum inter ipsa casa dei ad Pochinauua et inter Sclauaniis ibidem prope commanentibus, ut nulla contentio inde elevaretur. Tunc vero Uuillihelm comis secundum Keroldi iussionem quesivit inter vetustissimis viris Baiouuariis et Sclauaniis ubi rectissimum terminum invenire potuissent et ita se concordantes inter ambobus, ut ipsa marca ad casa dei pertinere deberet de illo rivolo qui dictur Deozinpah ubi ipse fluxit in Danubium et deinde circumiens ad veteranis petris usque ad Chestinperc, deinde ad orientalem partem ad illo temino quae marchit ad Linza et in medietatem favas III virentes et illae signas in eis habent usque ad aliis terminis.*

[73] TF 257 (a. 807-8): *Notitia de convenientia seu cambio Attonis episcopi et Reginperhti abbatis, hoc est de territorio sancti Corbiniani et territorio sancti Castoli. Dedit enim Atto episcopus Reginperhto abbati in loco qui dicitur Perga quod Pero*

which are linear boundaries, and the *marca*, which is the land contained within, a zone within the jurisdiction of the church into which the Slavs will not encroach.

Ecclesiastical organization of the march

The *Conversio Bagoariorum et Carantanorum* gives a retrospective account of the ecclesiastical viewpoint on the establishment of the march. There may have been a diploma of Charlemagne which did not survive, creating a jurisdictional zone for episcopal administration in the Avar region between the Raab, Drau, and Danube rivers, as the *Conversio* states that his son Pippin was given the organization of mission in this region.[74] According to this account, Pippin passed on the responsibility of teaching and ecclesiastical organization in the region to Arn. This was not the region immediately adjacent to the core Bavarian regions (the later Ostmark between Lorch and Vienna), but the very frontier of the newly gained region. It is stated that Arn sent priests to the dukes and counts in Carinthia and Pannonia: besides responsibility for the lands donated to the Salzburg cathedral, he had a larger responsibility as archbishop for supplying areas which were being fortified by Slavic princes (*duces*) and Frankish counts with their ecclesiastical needs.[75] A later passage describes the artisans sent to the Slavic leader Priwina by

presbiter seu antecessors eius traderunt ad domum sanctae Mariae ad Firgisinga. Econtra Reginberht abbas donavit Attone episcopo in loco nuncupante…Poachinauua quiquid ibidem legitime habere se videbatur.

[74] The *Conversio Bagoariorum et Carantanorum*, c. 6, p. 110, states that his son Pippin was given the organization of mission in the Avar region between the Raab, Drau and Donau rivers: *Qui inde revertens partem Pannoniae circa lacum Pelissa, inferiris ultra fluvium, qui dicitur Hrapa, et sic usque ad Dravum fluvium et eo usque, ubi Dravus fluit in Danubium, prout potestatem habuit, praenominavit cum doctrina et ecclesiastico officio procurare populam, qui remansit de Hunis et Sclavis in illis partibus, Arnoni Iuvavensium episcopo usque ad praesentiam genitoris sui Karoli imperatoris.* In 803 Charlemagne came to Salzburg and the position was granted (*fieri concessit*), which sounds like wording of a diploma, according to Brigitte Merta, "Salzburg und die Karolinger im Spiegel der Königsurkunde," *Erzbischof Arn von Salzburg*, p. 60.

[75] *Conversio Bagoariorum et Carantanorum*, c. 7, p. 112: *Simili modo etiam Arn episcopus successor Virgilii sedis Iuvavensis deinceps curam gessit pastoralem, unidque ordinans presbyteros et mittens in Sclaviniam, in partes videlicet Quarantanas atque inferioris Pannoniae, illis ducibus atque comitibus, sicut pridem Virgilius fecit.*

Archbishop Liutpram in his Christianization efforts: bricklayers and painters, smiths and carpenters.[76]

The extent to which Arn exercised lordship in what we would consider a non-religious sense is difficult to ascertain. Bishops and abbots were landlords, and undertook all the economic, administrative, and legal matters which that entailed. He must have been involved at several levels, fully administering over the Salzburg possessions, overseeing the pastoral care of the larger region, and working with the dukes and counts in the mission work of lands still not fully under control. The *Conversio* states that Archbishop Adalwin and Bishop Osbald "ruled the people," and that Liutpram exercised his duties with priestly power, *in illa regione ministerium sacerdotale potestative exercuit*.[77] The *Conversio Bagoariorum et Carantanorum* mentions counts who administered the *plaga orientalis*, while noting that at the same time some *duces* (probably Carinthian Slavic princes) lived in the parts belonging to the episcopal see (*in illis partibus ad iam dictam sedem pertinentibus*).[78]

One of the first tasks was the creation of diocesan borders, which served equally as comital borders. This was carried out in the eastern region before diocesan borders were established in the settled regions of Bavaria; it was a simpler process, as the east did not yet have the long history of the culturally-ingrained Bavarian *Gaue*. However, the constant battles between various Slavic factions in the region suggest that these newly imposed jurisdictions did not map with pre-existing Slavic and Avar communities, which must have created some difficulties. Archbishop Liutpram is shown consecrating churches in areas which Priwina is

[76] Ibid., c. 11, p. 126: *Postmodum vero roganti Priwinae misit Liuprammus archiepiscopus magistros de Salzpurc, murarios et pictores, fabros et lignarios*.

[77] Ibid., c. 9: *Osbaldus episcopus Sclavorum regebat gentem,* and *Adalwinus archiepiscopus semet-ipsum regere studet illam gentem*; for Liutpram see c. 11, p.124.

[78] *Conversio Bagoariorum et Carantanorum,* c. 10, p. 120.

colonizing; it is notable that he allows the prince to choose where these new churches will be located.[79] The Slavic leader must have had a better sense of the local alliances and strategic advantages.

In 811, Charlemagne issued a charter making the Drau River the border between the sees of Salzburg and Aquileia, for the first time territorially delineating the extent of Salzburg's jurisdiction.[80] Herwig Wolfram has suggested that as long as Tassilo was duke of Bavaria, belonging to a diocese in a legal connection had been unimportant.[81] He surmises that the monasteries of Mondsee, Kremsmünster and Mattsee, on the former frontier between the Bavarian and Avar lands, must have been part of a *parrochiae*, a monastic zone with exemptions over both church and territory, which limited the extent of the jurisdiction of Passau and Salzburg. Under the Carolingians, the Salzburg and Passau mission regions expanded eastward, until blocked by the efforts of Byzantine missionaries, and then the increasing presence of the Magyars.

The tone of the *Conversio* is legalistic, and it appears to incorporate some legal documents within the story, which perhaps served as sources for its composition. Names and dates are given, such as a list of all the border counts who held that post.[82] The area of the Salzburg jurisdiction is described when Arn sends Bishop Theoderic to work "in the region of the Carinthians and their neighbors on the western part of the Drau River, up to where the Drau

[79] Ibid., c.11, p. 126: *Liuprammi ecclesiae dedicatae sunt...ubi Priwina et sui voluerunt populi.*

[80] *DD Kar I*, nr. 211.

[81] Wolfram, *Grenzen*, p.130.

[82] Ian Wood notes the former Salzburg bishops are not portrayed in a hagiographical light, but as church officials in *The Missionary Life*, p. 172.

flows into the Danube."[83] Elsewhere, it is mentioned that Priwina was baptized in Traismauer, now clearly under Frankish control, but the Bulgar lands are outside that control, as Priwina fled there after a conflict.[84]

As Priwina proved a successful military leader, he was given land in the region as a benefice. Notably, Priwina was colonizing the region, first building a fort, then establishing a church inside it:

> Meanwhile on another occasion, secured by the request of the *fideles* of the aforesaid king, the king handed over in benefice to Priwina a part of Lower Pannonia near the Sala river. Then he [Priwina] began to dwell there and built a fortification in a certain wood and marsh of the Sala river, and people settled around that and improved much in that land. And after he had built the aforesaid fort, he first constructed inside it a church, which Archbishop Liutpram…consecrated in honor of Mary, the Holy Mother of God, in the year 850.[85]

This description appears to have been excerpted from a donation charter, as it proceeds with a witness list, and then is followed in formulaic language to describe an dated agreement (*complacitatio*) between Liutpram and Priwina, in which Priwina gives a priest into "the hand and the power" of the archbishop. Liutpram then grants to the priest permission (*licentia*) to celebrate mass, and entrusts him with the church and the pastoral care of the people, as is

[83] *Conversio Bagoariorum et Carantanorum,* c. 8, p. 116: "Then, on the order of the emperor, Deoderic was ordained bishop by Archbishop Arn of Salzburg. Whom Arn and count Gerald led into the Slavic lands and gave him into the hands of the prince, commending to the bishop the region of the Carinthians and their areas in the western part of the Drau River, up to where the Drau flows into the Danube, so that he would rule the people strongly with his preaching and with the Gospel teach them to serve God."

Tunc iussu imperatoris ordinates est Deodericus episcopus ab Arnone archiepiscopo Iuvavensium. Quem ipse Arn et Geroldus Comes perducentes in Sclaviniam dederunt in manus principum commendantes illi episcopo regionem Carantanorum et confines eorum occidental parte Dravi fluminis usque dum Dravus fluit in amnem Danubii, ut potestative populum regeret sua praedicatione et evangelica doctrina doceret servire Deo.

[84] Ibid., c. 10, p. 120.

[85] Ibid., c.11, p. 122-124: *Aliqua veero interim occasione percepta rogantibus praedictis regis fidelibus prestavit rex Priwinae aliauam inferioris Pannoniae in beneficium partem circa fluvium, qui dicitur Sala. Tunc coepit ibi ille habitare et munimen aedificare in quodam nemore et palude Salae fluminis et circumquaque populos congregare ac multum ampliari in terra illa. Sed postquam praefatum munimen aedifidcavit, construxit infra primitus ecclesiam, quam Liuprammus archiepiscopus… in honore sanctae Dei genetricis Mariae consecravit, anno videlicet DCCCL*.

demanded of the priestly order.[86] On the return trip, Liutpram dedicates another church, with the borders marked as they normally are in donation charters.[87] A list of all the churches founded through the efforts of Priwina with the cooperation of Liutpram follows. Priwina eventually enters into a patronage agreement with the East Frankish king, Louis the German, which sounds remarkably similar to a feudal pact: the Slavic duke agrees to serve Louis, and he is granted the land he has held in benefice. This account, too, includes a witness list, date clause, and place of enactment. The following passage describes the decision of Louis:

> It therefore came to the attention of Louis, the most pious king, that Priwina was devoted to the service of God, and to him. On the frequent urgings of some of his *fideles*, he conceded to him everything in ownership, which he had earlier in benefice, except those properties which belonged to the episcopal church of Salzburg, that is to say, to Saint Peter the first of the apostles, and the blessed Rupert, where his body rests, and where at this time the present rector Archbishop Liutpram is recognized to be in charge.[88]

[86] Ibid., c. 11, p. 124: *Tunc dedit Priwina presbyterum suum omine Dominicum in manus et in potestatem Liuprammi archiepiscopi, et Liuprammus illi presbytero licentiam concessit in sua diocese missam canendi commendans illi ecclesiam illam et populum procurandum, sicut ordo presbyteratus exposcit.*

[87] Ibid., c. 11, pp. 124-6: Returning from there, the bishop and with him, Chezil, consecrated the church of the priest Sandrat, to which Chezil gave a wood and meadows in the presence of the abovementioned men, and they walked around its boundary. Then Chezil also donated at the church of the priest Ermperht, which the aforementioned prelate consecrated, just as Engildeo and his two sons and the Priest Ermperht had, and the aforesaid men walked those boundaries.

Indeque rediens idem pontifex et cum eo Chezil consecravit ecclesiam Sandrati Presbyteri, ad quam Chezil territorium et silvam ac prata in praesentia praefatorum virorum tradidit, et circumduxit hoc ipsum terminum. Tunc quoque ad ecclesiam Ermperhti presbyteri. Quam memoratus praesul consecravit tradidit Chezil, sicut Engildeo et filii eius duo et Ermperht presbyter ibi habuerunt, et circumduxit praefatos viros in ipsum terminum.

[88] Ibid., c. 12, p. 128: *Pervenit ergo ad notitiam Hludowici piissimi regis, quod Priwina benivolus fuit erga Dei servitium et suum. Quibusdam suis fidelibus sepius ammonentibus concessit illi in proprium totum, quod prius habuit in beneficium exceptis illis rebus, quae ad episcopatum luvavensis ecclesie pertinere videntur, scilicet ad sanctum Petrum principem apostolorum beatissimum Hrodbertum, ubi ipse corpora requiescit, ubi tunc ad praesens rector venerabilis Liuphrammus archiepiscopus praeesse dinoscitur.*

Conclusion

In these three areas of cooperation – the courts, canon law, and mission – the Frankish king and his bishops pursued both joint and separate goals. Charlemagne had particularly good working relationships with a number of individual bishops, but it is clear that he made it a priority to strengthen the role of all bishops, as well. For the king, his symbiotic association with the episcopate had several purposes. Firstly, in the expansion of Frankish judicial courts into the Bavarian region, he was clarifying both the royal and the episcopal relationship with public power, as well as clarifying their relationship with the landowners of the area. It was made clear that previous customary practices of land-owning would be secondary to the letter of the legal terms included in donation charters, and also to the general principle that churches and abbeys, with their properties, should come under not only the authority but the possession of the bishop.

Secondly, bishops were being included in the administrative tasks of the region in a wider sense. Their expertise was required for judicial decisions, their experience in the management of large estates, their experience in diplomacy and arbitration, and the education of lay and secular leaders. With the aid of the bishops, the duties and areas of jurisdiction belonging to administrative posts were clarified. As the control of the bishop over his diocese was strengthened, it was increasingly obvious that these dioceses required more territorial definition. In the delineation of dioceses and comital districts (usually coterminous) in the newly conquered Avar lands, the first attempts at establishing linear territorial borders were carried out.

Thirdly, the regal-episcopal nexus yielded a legitimizing rhetoric and an ideological power that fortified Carolingian rule. More than any other element, it was this rhetoric of the king as defender, not just of his own *regnum*, but of all Christendom, that trumped other models

of legitimization. Simply in the sheer scale of its assumption, it was impossible for a ruler of a province, such as Tassilo, to maintain his legitimate claims to rule his region, in the face of a larger rhetorical paradigm. This approach lifted the constant competitive strife between aristocratic kin-groups into the realm of doing what was morally right. The result was the sacralization of a kingship that had started out on the wrong side of the law, so to speak, with the usurpation of the Merovingian right to rule.

It should be remembered, of course, that royal piety was not merely a matter of propaganda. Liturgical ritual and prayer were extremely important sources of social and spiritual power. Only through the bishops could a layperson have access to the *loca sancta* and the holy relics, which were so necessary for a sense of stability in the always challenging environment of the medieval world. If the saints were intercessors with God, the bishops were the intercessors with the saints, and their ability to mobilize prayer and saintly action was valuable in itself.

Finally, there was an advantage to kingly cooperation with the bishops, in the ability to formulate and promulgate law. With the earlier gentile law codes, the law was seen as a *pactus*, something that existed by custom between a people, which held them together. The king presented and upheld the law, but he did not legislate. However, as Michael Moore noted, "There was an important distinction to be drawn between all these law codes, on the one hand, and episcopal law, on the other. Conciliar law was the result of legislation by men with a special prerogative to make law…."[1] This is not to say kings had been unable to innovate in the past; one of the charms of customary law is that it can be re-interpreted by each generation to fit the current needs of the community. Nevertheless, through the episcopal synods, and the use of the royal capitularies, Charlemagne had innovated methods to forge new written laws which were

[1] Moore, p. 133.

clear in their intent, if not always successfully implemented. This new level of administrative control must have had an effect, though it is difficult to measure directly without better source evidence. The work of Rosamond McKitterick and Janet Nelson, who show more clearly the effectiveness of Carolingian communications under Charlemagne and Charles the Bald, indicates the shift to greater managerial control than had existed in the century prior.[2]

On the side of the bishops, there were likewise a number of goals which could be better accomplished through the support of the Carolingian project. The most obvious was the definition and increase of episcopal authority. Diocesan borders were more clearly defined, as were episcopal rights over monasteries and proprietary churches, and rights vis-à-vis other bishops and metropolitans. Secondly, as the litigious activities of Bishop Atto show, both Carolingian courts and the capitularies that were issued on the rights of bishops favored increased control over property. This included monastic lands, donations which still remained under family use, and tithes. The desire to control property in the fullest sense was not an episcopal goal only; there was a general trend under the Carolingians towards more enumeration and control of economic processes such as tolls, mints, and the management of large estates.

Yet another benefit was the expansion of the field of pastoral care under Carolingian rule. The ideal Christian life was expounded in Charlemagne's capitularies, at the same time that the empire was expanding in size. Bishops were required to inquire more deeply into the lives of their clergy and parishioners, while at the same time casting a wider net of vision beyond the frontiers of the empire, in the mission to the pagans. Their responsibility was extended empire-wide in terms of remaking society into a Christian kingdom. This influence was not exerted downwards only, however. Working in such close communion with the king, episcopal advisors were able to exert an influence on the nature of rulership, and to move into areas of secular

[2] McKitterick, *The Carolingians and the written word (*Cambridge, 1989) and *Charlemagne* (2008); Nelson, *Charles the Bald.*

authority with advice and persuasion. Given the nature of Charlemagne's role in upholding papal authority, bishops were even indirectly (and sometimes directly, as in the rescue mission of the bishops to Pope Leo) able to influence papal decisions.

To a degree, these conclusions can oversimplify the picture of royal and episcopal aspirations. Though at times bishops saw themselves, and acted as, a class, they were equally individuals who were called upon to make independent decisions within their given jurisdiction. One study by Frans Theuws looks at the actions of bishops as part of their membership in aristocratic groups, noting that episcopal power depended, in part, on competition between aristocratic families. The occupation of the episcopacy was an element in a family's regional control.[3] This view challenges explanations of actions that are made from an institutional perspective only. For example, the re-location of a bishopric might have less to do with the institutional needs of the church, than with the needs of the aristocracy in the region, who wished to reinforce one of the power centers in their area of influence.[4] Likewise, Theuws suggests that the missionary activities of bishops should be looked at in light of the extension of elite networks into new areas.[5] Theuws also emphasizes the negotiation of meaning amongst different social groups in the interpretation of places of power, in contrast to earlier approaches, in which the setting was seen as "either a backdrop to or a product of power relations."[6] There were multifarious factors at work which determined the goals of any particular bishop, and numerous actors influencing every scenario.

[3] Frans Theuws, "Maastricht as a Centre of Power," *Topographies of Power*, p. 180.

[4] Theuws offers the example of bishop Hubert, who creates a new power center by moving the episcopal see to Liège. He sees this as a move at the behest of the Pippinids, who needed a new center in a region beyond Merovingian control. Ibid., p.181.

[5] Ibid.

[6] "Centres of power" were places "where values, norms and ideas were given form, and were reproduced, represented, interpreted and negotiated upon by different groups in society." Ibid., p. 158.

The active shaping of the social, intellectual, and physical landscape by the Frankish royal-episcopal complex is evident in all the aforementioned endeavors. The connection of activity and piety seems to be a particular feature of Charlemagne's reign, and environmental change was one part of a larger cultural program. The directives for land use; the frequent military campaigns; and activities such as the draining of swamps, the control of forest use, and the attempt at building canals, all reveal a set of theological, political and social assumptions. Set against the intellectual concerns of the period, the idea emerges of the king as a finisher of nature, carrying out God's work. [7]

Clarence Glacken, whose *Traces on the Rhodian Shore* (1967) refreshed scholarly interest in the history of environmental attitudes, notes that throughout Western thought, the question of man's role in the world has proved a persistent theme.[8] Such inquiries were often phrased as moral questions, with the questions themselves posing ontological stances. For instance, the question of whether it is wrong to change nature from its presumed pristine condition, suggests that man is separate from nature, while the fact that he can do so, elevates him to a partnership with God, improving and cultivating an earth created for human needs.[9]

Jacob Nuesner, discussing the creative impetus for the Christian liturgical year, comments on man's impulse to classify and thereby "create" his environment: "Man, like God, makes the world work. If a man wills it, all things fall subject to that web of intangible status and incorporeal reality, with a right place for all things, each after its own kind, all bearing their proper names, described by the simple word, sanctification. The world is inert and neutral. Man

[7] Clarence Glacken, *Traces on the Rhodian Shore* (Berkeley and Los Angeles, 1967), pp. 322 and 348. Also pp. 710-13.

[8] Ibid., p. vii.

[9] Ibid., p. viii.

by his word and will initiates processes which force things to find their rightful place on one side or the other of the frontier, the definitive category, holiness."[10]

Charlemagne's rule consisted of many successes and failures; his real achievement, arguably, was shaping the story of that rule into one of consistent triumph. This shaping was an argument for the rightness of the empire he forged; an empire defined not by linear borders on a map, but by his claim to have placed things in their rightful place, to have sanctified the land he controlled. Charlemagne was compared by contemporaries to the Old Testament King David, who united the people of Israel, led them to victory in battle, conquered land, and paved the way for his son to build the Holy Temple of Jerusalem. The Carolingian empire was never depicted, to our knowledge, as a cartographical entity with delineated borders. Rather, the themes of unity-victory-holiness were stamped on the memory of the Frankish people through the creation of places linked to meaningful events, and through a carefully crafted rhetoric into which elites could situate their activities. There is scarcely a part of the western European landmass that was not marked by the memory of a Carolingian battle, his physical presence was remarked everywhere. However, his real genius was articulating the reason behind every action, creating a discourse of cultural categorization. To borrow a statement by the cultural geographer Peter Jackson, "Cultures are maps of meaning through which the world is made intelligible."[11] The effectiveness of such maps of meaning depends equally on their reception and reproduction by the receiving audience; the fact that so many Carolingian productions survive from a period in which we have few sources elsewhere testifies that this rhetoric resonated greatly in its own age, and beyond.

[10] Jacob Nuesner, *Judaism: The Evidence of the Mishnah* (Chicago, 1981), p. 282.

[11] Peter Jackson, *Maps of Meaning* (London, 1989), p. 2.

Conclusion

In this dissertation, I have sought to understand how the established cultural topography of Bavaria was altered by the Frankish takeover of 788. Despite the challenging barrier of the Alps, Agilolfing Bavaria had been oriented towards the south, through Lombard political connections, a religious focus on Rome, and economic ties to the Sudtirol. This orientation was transformed by the Frankish political takeover, which drew Bavaria into the politics of a European empire, embroiling it in the dynastic squabbles of the sons of Louis the Pious. Bavaria now looked north, realigning the connections of its religious institutions to those of the Frankish heartlands and to Mainz; it also looked east, towards the mission lands.

One element in bringing about this reorientation was the rhetoric of landscape. I have argued that this rhetoric translated community bonds which had been forged by proximity and shared interest to a larger, imperial scale. This landscape of Agilolfing Bavaria had been constructed through the emplacement of episcopal sees, saint's tombs, and monasteries; by securing the land arrangements of the nobility; and by building consensus for ducal rule at the level of the province. The Carolingians accomplished the construction of a new Bavarian landscape by offering new opportunities to bishops and monasteries, by their emphasis on mission to the east, and by the removal Lombard and papal support from the south. Carolingian rhetoric utilized concepts such as fidelity to the king, the community of Christendom, and the renewal of the unity of the Roman empire. Transitions are never smooth: this alteration was accomplished through a series of false starts and reversals, and competing systems of organization and representation were filtered until one narrative of legitimate authority came to dominate.

In neither instance was political control defined by natural geographical limitations: Duke Tassilo was not constrained by the Alps from making claims in the Sudtirol or Carinthia, and Charlemagne was not constrained by the river Lech from making claims to Bavaria, nor by the Enns from his holy war against the Avars. Rather, after the retreat of Roman authority, this region was redefined through various political articulations. In tracing these redefinitions, I have sought to understand how space became re-articulated with each shift in the concept of the political community.

An assessment of Bavaria prior to the imposition of Carolingian political presence in the region raises the difficult question of what Bavaria was in terms of territory, claims, and perceptions. Pre-Carolingian sources identify how land was organized in this period. The key here was the meaning of the *Gaue*, as this was the level that connected land at the individual level of experience to the most abstract political level, that of the *provincia*. Pre-788 Bavaria was structured according to *Gaue*, but these were not administratively structured regions, nor were they connected to comital office; rather, local responsibility for communal decisions arose from autogenic communities, which the duke sought to incorporate at a higher level for the exercise of his *provincia*. The ducal success in forging this large-scale political community was one reason the Carolingian takeover at an even higher scale, that of the empire, was fairly easily accomplished. Much of the organization carried out by the eighth-century dukes aided in the smooth transition and integration into the larger Frankish political entity.

Although there was some symbolic capital to proto-urban centers, which possessed ducal forts, episcopal churches, and a Roman past, these centers were functionally not much different than the monasteries and rural ducal palaces which served equally as points for assembly and consensus. There was a network of multiple, smaller-scale centers which served to support the

maintenance of social and political ties amongst a land-owning elite who carried out judicial and administrative functions at a local level.

Another area of inquiry was the identification of the shared beliefs and thought processes that underlay the physical organization of the land. This included conceptual categories such as "empty," "owned," and "sacred" land. It also encompassed the developing sense of public land, as places open to all for public justice or use, and private land, such as the *forestum*, which had protected and exclusive rights of usage. The law of the Bavarians elucidated the contemporary understanding of inheritance practices, and described the nature of the relationship between people and land in both a legal and a social sense. In the articles of the *Lex Baiuvariorum*, we have examples of the forms of control over land were legally available (such as land ownership or land possession), and what were considered transgressions against property ownership.The granting of consent to inheritance and donation practices formed a part of ducal jurisdiction, though consent could also be sought by the duke himself, as a way to maintain his authority by seeking consensus.

Yet another aspect of the spatial definition of Bavaria was the role of religious foundations. Two new components were established by Odilo and Tassilo in the service of the ducal program: canonical episcopal sees and ducal monastic foundations. The bishops faced particular challenges to their authority, in the lack of defined dioceses and the existence of supernumerary bishops. A third challenge was the determination of Duke Odilo and his son Tassilo to keep control of their monastic foundations and support the traditional property rights of noble families, which blocked the extension of episcopal control over proprietary churches and monasteries. The activities of the bishops cannot be examined only in light of the institutional church, however, but must also be considered in terms of the extension of elite

networks into new areas. It was Carolingian rulers who gave the struggling Bavarian bishops the tools they needed to argue for a jurisdiction that included more than spiritual authority, an accommodation that may have appealed to individual bishops due to the opportunities it presented for family advancement.

Monastic foundations, on the other hand, functioned to support ducal authority, as the case study of Kremsmünster shows. There were an extraordinary number of foundations, both by dukes and in cooperation with noble founders. Monasteries emphasized the duke as the head of society and of the spiritual community. The establishment of monasteries was significant in terms of topographical placement, jurisdiction over key assets and people, and in creating sites of sacred meaning. Through the creation and control of these institutions, ducal power was made manifest and was physically marked on the land, defining the extent of that power and making claims to extend the boundaries of Bavarian control.

The fate of Agilolfing monasteries under the Carolingians was determined by the degree to which the Frankish kings needed monastic support: monasteries possessed both strategic and spiritual power, and functioned as important centers of noble identity and cooperation. Precisely because monasteries had been so much a part of the way that the duke ruled and asserted his position, it was vital for the new ruler to erase prior ducal authority and replace it with his own. Important monasteries were placed under either episcopal or royal jurisdiction. In Bavaria, as elsewhere, Pippin III and Charlemagne were not themselves founders of monasteries; rather, their strategy was to extend their protection to regional monastic foundations through new instruments such as charters of immunity, donations of land in mission regions, and *beneficia*.

Equally important was the role of monasteries in the efforts to secure and incorporate new regions, through mission. Various dioceses of Bavaria made historical claims to hegemony

over Slavic areas, based on their record of missionary activity in the area. Late seventh-century foundations such as Rupert's Nonnberg and the cell of St. Maximilian, which stood beyond the settled lands of Bavaria, already show the early use of monastic foundations for making claims to land and authority. Although clerically defined areas did not always map with politically defined landscapes, they often preceded them; thus, the monasteries of Mondsee, Kremsmünster, Mattsee, and the St. Maximilian cell cleared new land in the eastern, Slavic areas. Passau seems to have been significant in Moravian conversions in same way Salzburg was to the Carinthians, though it left no similar record. A key component of the Carolingian strategy was the appointment of bishops and abbots as governors over vast areas of land – and consequently over people and economic production.

Finally, it is important to recognize the new features of Carolingian rule that redefined Bavaria spatially, jurisdictionally, and in terms of identity: mission, canon law, and new offices (archbishop, *missi*, counts, and judicial courts). After the defeat of the Avars, the Franks and Bavarians directed their common efforts to the organization of the march, which was a process undertaken on both the ecclesiastical and military fronts. The assignment of appointed *comites* to oversee particular *Gaue* was an innovation by Carolingian rulers after their eighth-century conquest of the region, while in the ecclesiastical sphere, one of the first tasks was the creation of diocesan borders.

Furthermore, the legalisms of the *Conversio Bagoariorum et Carantanorum*, a production of the Salzburg archiepiscopal court, created claims to jurisdiction in the face of encroachment by Byzantine missionaries to the Slavic lands. Missionary claims to bordering Slavic lands, asserting that these peoples and regions "belonged" to certain Bavarian dioceses, were part of the process of creating a new way of looking at these neighbors, as well as for building a new

identity for the Bavarian church. This process also relied heavily on a memory of the deeds of past missionary founders, often being created retroactively through the writing of hagiographies. Most importantly, there was a new rhetorical element underlying all these practices, which justified Charlemagne's claims to region, recasting it in terms of righteousness of Christian faith.

In these three areas of cooperation – the courts, canon law, and mission – the Frankish king and his bishops pursued their goals in symbiotic association. Charlemagne made it a priority to strengthen the role of all bishops, and I expounded the benefits to the king in nurturing this association. Besides gaining able administrators, and sacralizing his own role as emperor, through this partnership the king clarified the royal and the episcopal relationship with public power, and created a unifying, legitimizing rhetoric at a higher scale: the defense of Christendom.

With the takeover of Bavaria, a strategically significant region was absorbed into the Carolingian empire. Charlemagne's intention was to rebuild society as a whole, standardizing agrarian production and homogenizing the legal status of his subjects into *liberi* and *servi*, and establishing standards for everyone, from the field laborer to the archbishop. As Henri Lefebvre observed:

> … the rational and political principle of unification… subordinates and totalizes the various aspects of social practice – legislation, culture, knowledge, education – within a determinate space; namely, the space of the ruling class's hegemony over its people….Each state claims to produce a space wherein something is accomplished – a space, even, where something is brought to perfection: namely, a unified and hence homogeneous society.[12]

[12] Henri Lefebvre, *The Production of Space*, trans. Donald Nicholson-Smith, originally published as *La Production de l'espace* (Oxford, UK; Cambridge, MA, 1991), p. 281.

Agilolfing dukes, peripatetic bishops, and newly-minted Carolingian kings: each made claims to authority and legitimacy. There was not a clear trajectory from one social landscape to the other, yet Bavaria in the early eighth century was profoundly different from that of the ninth century. Significant changes were made in how land was owned and transferred, in which places became the important centers of political and sacral power, in its position in the larger network of communication across the empire, and in the position of its frontier. These changes were not random results of political changes, but were at the heart of how political change was effected.

Rulers made conscious decisions about where important rituals would take place, how to represent their control over the land, and how to imagine it as a unity. Real places in the land were also sites of imagination, built by means of verbal descriptions, so that they became abstract representations of space, resonate with memory. Thus, group cohesion was established by the creation of places of meaning, through "the linguistic mapping of possession and identity."[13] This kind of mapping as a mental process was employed by rulers to legitimize their power, by means of "acts of visualizing, conceptualizing, recording, representing and creating spaces."[14] People live in physical space, but what gives those lives meaning are the ways in which we imagine the space we inhabit as a coordinate in a range of values that form our social *milieu*.

I opened this study with the question raised by Frans Theuws, regarding how the Carolingians transformed the royal topography of the Frankish heartlands. Returning to that question, it is evident that what we see being brought about by Charlemagne in the Frankish kingdom, has its own development in Bavaria under the Agilolfing dukes. Furthermore,

[13] Chris Wickham, "Introduction," *Topographies of Power*, p. 8.

[14] *Mappings*, ed. Denis Cosgrove, Critical Views (London, 1999).

Charlemagne then exported his own methods of spatial organization and "rhetoric of landscape" to carry out the political subjugation of his Tassilo's duchy. Taken together with evidence from other peripheral duchies, it appears that there was indeed a Carolingian program, and that the creation and representation of political landscapes was not simple *ad hoc*. In the attempt to control the discursive fields which were codified in the delineation and possession of boundaries, rights, and of the *terra* itself, political actors sought to impose their meanings as widely as possible in the search for social order and cohesion.[15]

This study contributes to an understanding of how one region was shaped and transformed by ducal leadership, and illuminates how the Carolingians transformed areas formerly outside their control and brought them under the umbrella of a hegemonic ideal.

[15] Denis Cosgrove, *Palladian Landscape*, p. 7.

Appendix A: Monastic foundations by nobles

There is some debate whether there were any foundations by nobles during Tassilo's minority, but this seems unlikely.[1] Most nobles did not have adequate resources for it, and Odilo had maintained it as a ducal prerogative. Although nobles had participated in the foundations of Niederaltaich and the re-foundation of the Maximilian cell, there is only one noble proprietary monastic foundation that can be firmly dated to the reign of Odilo.[2] Probably there were a few more small convents along the lines of Rotthalmünster and Enknach which functioned to preserve family *memoria*. However, a somewhat different development took place around 763, as Tassilo reached his majority and began to assert leadership independent of the Franks. A number of larger monasteries, founded cooperatively between several nobles and with the permission of the duke were founded in areas of great importance near the Alpine passes to the south and the east. Below is a brief survey of the known monastic foundation histories by noble families prior to the deposition of Tassilo.

Scharnitz was founded by the brothers Reginperht and Irminfrid, their mother Ackilinda, and their relatives Otilo and Croso.[3] Reginperth, as head of the family, gave the Peterskirche founded by him in Scharnitz to Arbeo, who was the *archipresbiter*, not bishop, at Freising.[4] This

[1] While Wilhelm Störmer saw the beginning of noble foundations as occurring just after the death of Odilo, Ludwig Holzfurnter disputed this, arguing convincingly for a wave of monastic foundations (both ducal and noble) beginning in 763, the year Tassilo signaled his independence by deserting the army of his uncle Pippin, king of the Franks. For a discussion of the scholarship on this topic, see Freund, p.109 and note 384; Holzfurtner, p. 272.

[2] In the first year of Odilo's rule (737/8), the convent of Enknach was founded by the noblewoman Cotafrid, who gave her daughter there as oblate. Bishop Vivilo of Passau dedicated the convent, which probably lay on the river Enknach on the outer western border of Passau episcopal influence. *Die Traditionen des Hochstifts Passau*, ed. Max Heuwieser. *Quellen und Erörterungen zur bayerischen Geschichte* n.f. 6. (Munich, 1930), nr. 2. See also Carl I. Hammer, "For All The Saints: Bishop Vivolo Of Passau And The Eighth-Century Origins Of The Feast" *Revue Mabillon*, n.s., t. 15 (= t. 76), 2004, pp. 5-26.

[3] TF 19. In 769-72 the community moved to Schlehdorf.

[4] Arbeo became the bishop of Freising the following year, in 764.

transaction was not called a *traditio* (donation) but a *commendatio ad regendum*; in other words, the episcopal church had no ownership claims to it.[5] The monastery was unusually richly endowed. With its properties before the Zirl Pass, in the Scharnitz valley, and before the Fern [Phyrn] pass, it controlled the most important connection of Bavaria to Italy from the Inn valley, overseeing the strategic long-distance transportation to the South Tirol, Upper Italy, and Rome. Schäftlarn and Benediktbeuern were similarly located by strategic passes; because of this both the consent of the duke and the cooperation of leading regional nobles were necessary. Repeated ducal permissions for donations to Scharnitz suggest a family connection of the founding family with the duke himself.

The timeframe of the monastery's establishment suggests a political background. Its foundation in cooperation with important Bavarian nobles, in the year that Tassilo deserted Pippin, indicates that Tassilo saw his relationship with the Bavarian nobles as secure. He was beginning to secure the west and south flanks of the duchy. Six years later, Tassilo's foundation of Innichen would be placed under the oversight of the Scharnitz abbot, Atto.[6]

While Scharnitz eventually came to belong to the Freising episcopal church, it is difficult to determine if it was initially intended as such. In contrast, Schliersee and Schäftlarn were founded from the beginning with the cooperation of the Freising bishops.

The foundation of **Schliersee** is reported in a donation document of 779.[7] This document is the first time Schliersee is called a *monasterium* under the Benedictine rule; the original *cellula* was probably established around 776. The brothers Adalunc, Hiltipalt, Kerpalt, Antonius, and Otakir built an *oratorium* with the permission and consecration of Arbeo, now the bishop of Freising. The brothers then commended it to the protection of Arbeo, who established a Freising cleric, Pertcoz,

[5] Jahn, *Ducatus Baiuvariorum*, p. 415.

[6] Up to 776 were no donations to Schlehdorf without his consent. Tassilo's donation to Innichen in 769 is recorded in TF 34.

[7] TF 94.

as *magister*. The brothers lived at their foundation as monks, and two years later elected Pertcoz as their abbot, again with the permission of Arbeo. Arbeo appears to exercise more authority here than at Schlehdorf, dedicating the foundation and receiving it under his *ditio* (control); yet it appears the founders did not completely release their rights until the monastery was placed under Benedictine rule. No ducal consent is mentioned in the document: if it was conceptualized from the beginning as a monastery under the bishop's authority, then ducal consent may have been unnecessary.

Schäftlarn was founded around 760-4 by the priest Waltrich and his family, and it too appears to have been planned with the cooperation of the Freising bishops. However, there is some question as to when it actually became a Freising proprietary monastery. According to the first Schäftlarn donation, Waltrich called Bishop Joseph to dedicate his church, and the bishop asked under whose authority it would be placed.[8] In a symbolic act, Waltrich placed it in the hands of the bishop, recognizing his spiritual authority. However, as Jahn points out, this did not necessarily mean he promised ownership rights.[9] In a later donation charter, the nobles Adalgart and Odalger, members of Waltrich's family group, built an *oratoriuim* which was dedicated by Waltrich, and then given to the Freising bishop, Arbeo. However, this *traditio* did not have a corresponding *susceptio*, the transfer clause usual in the canonical acceptance of property by the dedicating bishop.[10] The status of Waltrich creates some confusion. He was the only founder in the Freising region who was also the abbot of his foundation, and in the Schäftlarn *Traditionen*, he is designated as a bishop. Some scholars think he is the same as the homonymous bishop of Langres, while others assume he must have been some sort of *chorepiscopus* (a rural bishop, having no fixed territory or

[8] TS1ab.

[9] See Jahn, *Ducatus Baiuvariorum*, chapter 9.2: "*Eigenkirche und canones*."

[10] TF 88; see Jahn, *Ducatus Baiuvariorum*, p. 364 on the *susceptio* clause.

see).[11] Jahn sees a similar case to Schlehdorf, in that it was initially exempt from the local bishop's power. The monastery was under the bishop's spiritual authority, but was not his possession. Rather, it seems to have remained under the power of the founder family until the time of Bishop Hitto in 828, when he is seen giving out property of the monastery as *beneficia*.[12]

Schäftlarn was located at an important river crossing over the Isar, bordering the fiscal property at Föhring, with the northern demarcation of its property near the ducal *castrum* Freising. The monastery and its properties controlled the region between the Isar River and Lake Starnberg.[13]

Scharnitz-Schlehdorf, Schliersee, and Schäftlarn were all monasteries founded by noble families (and, with the exception of Schliersee, with explicit ducal consent) that eventually became Freising proprietary monasteries.[14] The monasteries of Tegernsee, Benediktbeuern, and Metten were also founded by nobles close to the duke, but remained independent of episcopal control in this period.

Tegernsee was founded around 760 by the nobles Adalperht and Otakar, who entered their foundation as monk and abbot. The evidence for the foundation exists only in a tenth century *Passio sancti Quirini* and a diploma of Otto II in 978 which names Adalbert and Otkar as founders. There is no mention in the Tegernsee tradition about ducal involvement. There is, however, some circumstantial evidence that Tassilo may have been involved. In the first place, Tegernsee was later advanced to a royal monastery. It appears in the first rank on the Aachen List of 817, highly unusual

[11] Waltrich and his successor Petto are designated as bishops in TS 3 and TS 18.

[12] TS 25, 26, 26 = TF 568.

[13] Jahn, *Ducatus Baiuvariorum*, p. 368.

[14] TS 6.

for a noble monastery.[15] Secondly, its location in the Sundergau, where there was a high concentration of ducal properties, is suggestive.[16] Thirdly, Bruno Krusch identified the Otakar involved in the foundation of Innichen as the same as the Tegernsee founder. If valid, this would be further evidence of cooperation in the region between leading nobles and the duke. Finally, the first church at Tegernsee, according to an earlier *Passio*, was dedicated to the Savior, in common with the ducal monasteries of Chiemsee, Kremsmünster, and Polling.

Metellus wrote a foundation history in which Adalperht and Otakar founded **Ilmmünster** and St. Pölten as subsidiary monasteries of Tegernsee.[17] The grounds for St. Pölten are weak, as it is first mentioned in 976, when the Holy Roman Emperor Otto confirmed it to the Bishop of Passau. Ilmmünster, however, is described in 902 as an affiliate of Tegernsee, and a reclamation list of Tegernsee from around 1000 shows that the property of Ilmmünster was located within the Huosi property complex of Geroldshausen-Haushausen, suggesting close connections between the Ilmmünster and Tegernsee founders.

After Tegernsee, the monastery of **Benediktbeuern** was richest in donations. According to the house tradition, Lantfrid, Waltram, Eliland were the founders of the monastery. However, this history was written by Gottschalk, a monk at Benediktbeuern around 1050. The *Rotulus historicus* and eleventh century *Chronicon Benedictoburanum* both report that the history of its foundation had been lost and was only reconstructed with difficulty. The *Chronicon Benedictoburanum* lists donations which are mostly from Tassilo. Nothing is known of the property of the founders, casting

[15] Holzfurtner pp. 182-183f. Out of ten noble foundations, only four made the Aachen List (Tegernsee in the first category, Benedictbeuern in the second, and Metten and Berg in the third). The founders of these monasteries were all nobles close to the duke. All other noble monastic foundations became episcopal monasteries.

[16] Holzfurtner, p. 183f.

[17] Metellus of Tegernsee was a monk at Tegernsee who around 1170 wrote, among other poetic works, the *Quirinalia*, the life and passion of St. Quirinus. See Metellus of Tegernsee, *Die Quirinalien des Metellus von Tegernsee*, ed. P.C. Jacobsen (Leiden, 1965).

some doubt on their role. Lantfrid appears as abbot in the Dingolfing abbot list; he and a certain Hrimcrim are also named in the *Rotulus historicus* and *Chronicon Benedictoburanum*, as well as in the Confraternity Book and *Liber vitae* of the Salzburg monastery of St. Peter. Lantfrid must have been close to the duke, which was practically a pre-requisite for founding a monastery in Bavaria; furthermore, the duke donated fiscal property to the monastery. The type of foundation process appears similar to that of Scharnitz, although attempts to link Benediktbeuern with the Scharnitz Reginperht family are problematic.

According to the *Rotulus historicus* of the *Chronicon Benedictoburanum,* Lantfrid had established monks in Schlehdorf, Staffelsee, Wessobrunn, Sandau and Polling.[18] The *Rotulus historicus* also names the first abbess of **Kochel**, Gailswind, as a sister of Lantfrid, Waltram, and Eliland.[19] **Siverstatt** has also been connected with the three brother-founders, but with no certain evidence other than its later affiliation with Benediktbeuern.

Metten was founded around 770 by the nobles Utto and Gamalbert on the bank of the Danube.[20]The only source for the pre-Carolingian history of Metten is the *Vita Gamalberti*, which comes from the eleventh century. The *Vita* reports that Charlemagne took the monastery into his protection and gave it immunity, and the monastery owed a large part of its property holdings to Carolingian donations. Metten only appeared in the third class of monasteries on the Aachen List, so it probably only began to develop under the Carolingians. Whatever existed before that does not appear to have been particularly well-endowed. Nevertheless, the possibility of Agilolfing

[18] *Chronicon Benedictburanum,* p. 215 and p. 230.

[19] Ibid., p. 213.

[20] *Vita Gamalberti presbyteri Michaelsbuchensis*, ed. Bruno Krusch and W. Levison, *MGH SS rer. Merov.* 7 (Hanover and Leipzig, 1920), pp. 183-91. On Metten, see Friedrich Prinz, "Die Anfänge der Benediktinerabtei Metten" *Zeitschrift für bayerische Landesgeschichte* 25 (1962), pp. 20–32, here at p. 20. For the suggestions of Metten's ducal connections, see Holzfurtner.

participation should not be dismissed. In the first place, it has St. Michael as a patron, as did the ducal monasteries Mondsee and Mattsee. Secondly, Abbot Utto is mentioned in the *Ordo Abbatum* of the Salzburg Confraternity Book, at the head of the list alongside the abbots of the ducal monasteries Niederaltaich, Mondsee and Matttsee. Thirdly, it was taken up as a royal monastery by Charlemagne, which was generally the fate of ducal monasteries. Finally, it is located in an area where other Agilolfing donations are known. It may have been the case that Gamalbert or his family held property from the dukes and it was given to Utto for a monastery with the permission of Tassilo, as was the case elsewhere.

The foundation of **Berg im Donaugau** is emblematic of the fate of most Bavarian monasteries after the fall of duke Tassilo. Without ducal protection, monasteries either fell to the king or under a bishop. Some abbots of smaller foundations sought out the protection of the king; by commending their monastery to him, they kept use of their donated property and any ducal property which had been given for the monastery's use, at least for their lifetime, and sometimes for a successor, as well.

Berg is dated to 768-770 because its abbot, Wolchanhard, took part in the Dingolfing synod.[21] According to a confirmation charter of Louis the Pious, Wolchanhard gave his monastery to Charlemagne and received for it immunity and *mundiburdis* (protection, trusteeship).[22] The location of the monastery is controversial, though it was located somewhere in the Donaugau.[23] Because the Donaugau was a strong Agilolfing position, the monastery could not have been given to Charlemagne anytime before Tassilo's fall. Agilolfing participation in the foundation should not

[21] *Concilium Dingolfingense, MGH Conc.* 2.1, p. 97.

[22] Wolchanard is still there as abbot in 807 according to TF 248. The donation of Berg to Charlemagne is confirmed by its inclusion in the 817 Aachen list.

[23] Holzfurtner, p. 222.

be excluded, since like Kremsmünster and Chiemsee, its patron was the Savior, and many ducal properties, such as those of Niederaltaich, lay nearby. Wolchanhard may have felt pressured to commend his foundation to Charlemagne because it had been founded with properties received from the duke. Like Metten, the fact of its commendation to Charlemagne suggests the closeness of the founder to the duke.

About two other noble foundations, little is known; but their placement in the strongest regions of the west and northern Danube regions in Bavaria suggests their contemporary significance. **Altomünster** was founded sometime between 763-788.[24] It was positioned midway between, but slightly closer to, Augsburg and the Lech River than to Freising and the Isar. The *Vita Altonis* written by Otloh of Emmeram, states that it had originally been the cell of the hermit Alto. Alto appears in a Freising document as a *reclausus*, appearing as witness to David of Mammendorf's commendation of his church and himself.[25] David's property had such strategic significance, that it is very probable he belonged to the Huosi group.

In a charter datable to 785-797, there is mention of an abbot Roodlant and a *monachorum congregatio* on the island Wörth on the Danube.[26] Likewise, one of the first Regensburg *Traditionen* concerns a small noble monastery given to St. Emmeram, which was enacted in the church of St. Peter at "Uuerid," in **Wörth an der Donau**, where there was a small monastic community. From these documents, it appears the foundation of this monastery must have occurred sometime between 765 and 788.[27]

[24] The *Vita Bonifatii* states that Boniface dedicated the Marienkirche of Alto, which makes the early history of the cell in the 740s possible.

[25] TF 12.

[26] TP 13 of 785-797. See also Jahn, *Ducatus Baiuvariorum*, p. 519.

[27] TR 2. A noble by the name of Opi donated, with ducal license, half of his property on the island known as Opinesaldaha (probably today's Altach).

In summary, Tegernsee, Benediktbeuern, Metten, and Berg, were noble monasteries founded without explicit involvement by either duke or bishop. However, Berg and Metten had indications of ducal cooperation, and both are located in the area of the thickest ducal properties.[28] Berg and Tegernsee shared the patron of the Savior with Tassilo's monasteries of Kremsmünster, Polling, and Chiemsee, and Metten was under the protection of St. Michael, seen at the Agilolfing monasteries of Mondsee and Mattsee.

There were, in addition, several foundations by nobles in the eastern part of Bavaria, which were reported by the *Notitia Arnonis* and *Breves Notitiae*. These two documents state that the priests and brothers Boso and Johannes donated property at **Zell am See** (Bisoncio), Saalfelden (Salafelda) and Wals (Vicus Romaniscus), with the permission of Tassilo.[29] The necessity of ducal permission indicates that Tassilo still maintained the right of disposal of this property. Although the duke was not a direct donor of these properties, he was their ultimate owner. The cell in Bisoncio was an affiliate of the Salzburg monastery, stationed on an important transport route from Reichenhall to the Plöcken Pass.[30] Boso also founded the cell **Gars am Inn**, also with the permission of Tassilo, and gave it to Salzburg. The nearby foundation of **Au am Inn** was created by the priests Baldun and Hrodbert with the permission of Tassilo, in the same way as Gars, and later given to the Salzburg monastery. Jahn notes that Boso was given to Salzburg along with his cell, and compares his social and legal position to those of the clerics from Oberalm, who are also

[28] Holzfurtner, p. 262f.

[29] *Notitia Arnonis,* c. 6.2, p. 76 and *Breves Notitiae,* c. 14.1-2, p.106.

[30] Wilhelm Störmer, "Engen and Passe in den mittleren Ostalpen and ihre Sicherung im frühen Mittelalter," *Mitteilungen aus der Geographischen Gesellschaft* (Munich, 1968), p. 97f.; Wilhelm Störmer, *Adelsgruppen im früh- und hochmittelalterlichen Bayern* (Munich, 1972), p. 67 and p. 83.

mentioned in the *Breves Notitiae*. It appears the properties of Johannes and Boso in the Pinzgau were part of a colonization process, similar to the duties of the Albina clan in the Pongau.[31]

The *Notitia Arnonis* and *Breves Notitiae* also describe the foundation of **Otting** by Count Gunther. Besides his own alienable property, his *alod*, Gunther gave property from a ducal benefice to his foundation. Virgil of Salzburg made the dedication of the monastic church dependent on it being turned over to the Salzburg bishopric; Gunther agreed to give it into his *dominatio*, although it is not clear this was carried out, as Salzburg was still trying to claim the cell under the Carolingians.

There were also some smaller foundations about which little is known. Because they do not seem to have had great importance, they were likely not ducal foundations. **Tegernbach** was founded on land where Scrot, the son of Toto, had holdings. This family controlled land north of Freising and on the Isen. Arn, a member of the Haholt family related to Archbishop Arn of Salzburg, was abbot of Tegernbach. The *cellula* **Rimbach** and the *monasterium* "Rota" (**Postmünster**) were taken over by Passau in the Carolingian period, so they likely already existed from the Agilolfing period.[32] There was also a convent on **Frauenchiemsee**, probably a double monastery with Herrenchiemsee. From archaeological evidence, this seems later than the men's monastery. Its patron St. Michael hints at ducal involvement, which would not be unlikely given ducal support of the men's monastery. However, there is no tradition as to the founder.[33]

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[31] Jahn, *Ducatus Baiuvariorum*, p. 40.

[32] "Rota" is Postmünster, in TP 73a and TP 74; Rimbach is mentioned in TP 73b. On Postmünster see Maximilian Hartmann**, "**Kirchen im Rottal**,"** *Ostbairische Grenzmarken* 7 (1964/65), pp. 162-198, here p. 165, and Wilhelm Störmer**, "**Probleme des frühmittelalterlichen Adels im ostniederbayerischen Raum," *Ostbaierische Grenzmarken* 18 (1976), pp. 49-62, here p. 58f.

[33] Prinz, *Frühes Mönchtum im Frankenreich* (Munich; Vienna, 1965), pp. 433-4 thinks Chiemsee was probably a double monastery, but the convent is archaeologically not past the second half of the 9th century. The Salzburg and Reichenau Confraternity Books also indicate the presence of monks as well as *nones. Liber confraternitatem vetustior* and *Necrologia S. Rudberti Salisburgensis*, ed. Sigismund Herzberg-Fränkel, *MGH Necr.* 2 (Berlin, 1904), p. 22f and p. 191.

There are, in addition, several monastic foundations by nobles which most likely occurred during the reign of Tassilo or his father, but for which there is no foundation history. **Moosburg,** just north of Freising, was founded sometime before 788. It is first mentioned in 807/8 as an exchange partner with the bishop of Freising.[34] Its abbot, Reginperht, is known from the Dingolfing synod and the Salzburg Confraternity Book. Reginperht may have been a founder-abbot, but nothing more is known of him. Tassilo owned property in Moosburg, but he had donated it to Freising, not to the monastery. Nevertheless, his involvement at some level is plausible. Moosburg became a royal monastery under Charlemagne, and its mention in the Salzburg Confraternity Book also suggests its special position. More tellingly, although it was located very close to Freising, it remained independent of the bishop, suggesting ducal protection. **Siverstatt**, and **Wörth im Staffelsee** were also probably noble foundations from Tassilo's reign, while **Michaelbeuren**,[35] **Schönau**, and **Engelbrechtmünster** seem to have been founded during the eighth century, but are very sparsely documented.

[34] TF 267.

[35] Michael Filz, *Geschichte des Salzburgischen BenediktinerstiftesMichaelbeuren*, vol. 1 (Salzburg, 1883).

Figure One: Agilolfing Family Tree

Agilolfing Family Tree

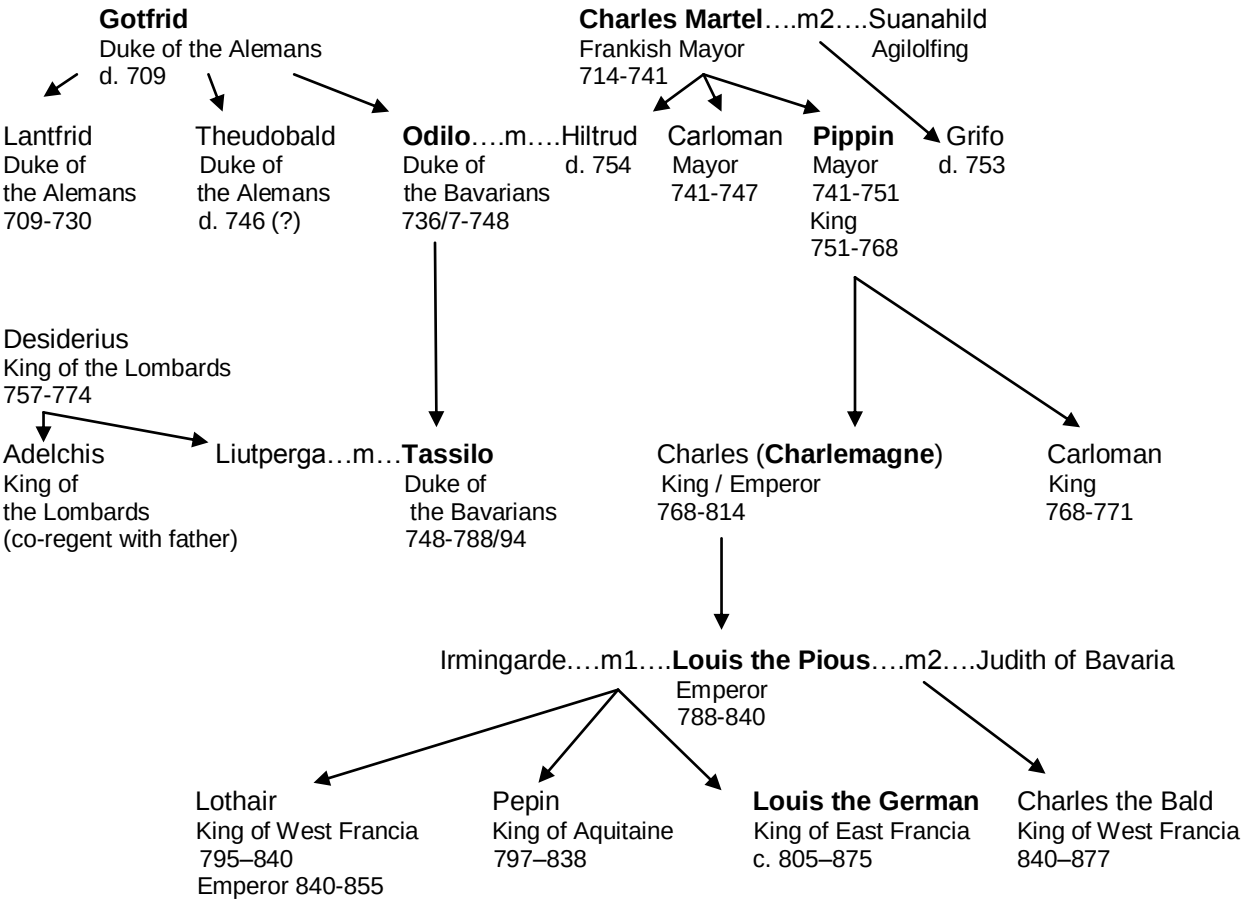
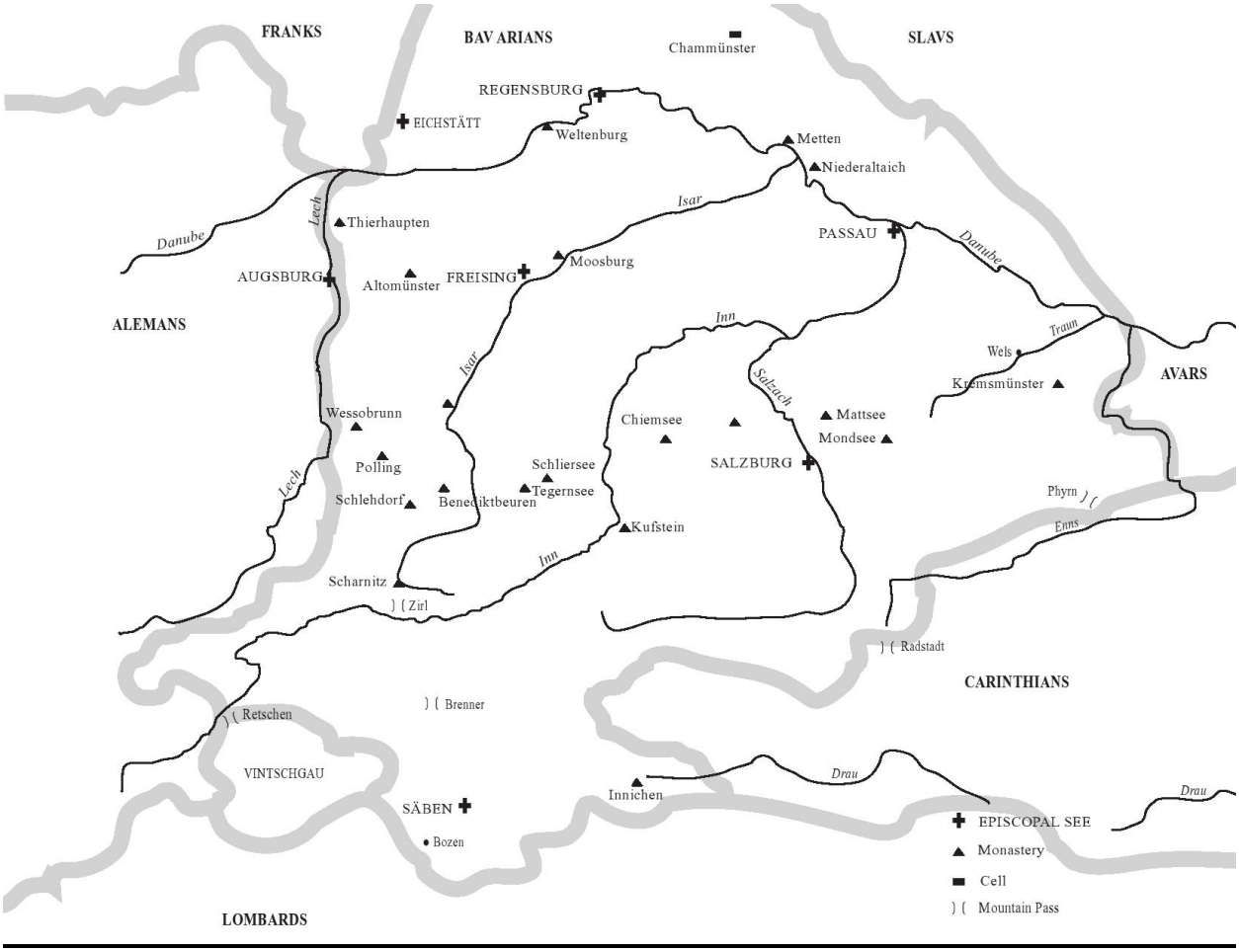


Figure Two: Map of Bavaria ca. 788



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Kremsmünster foundation charter
Lonsdorfer Codex = Bayerisches Hauptstaatsarchiv München, Abt. I, HL Passau 3.
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