

«Per Padum fluvium termino currente usque [...] Civitatem Novam atque Mutinam».
Consolidation and affirmation
of the Church of Modena and its bishops
in 9th-century Carolingian Italy*

by Edoardo Manarini

This paper seeks to trace the developments which led the Church of Modena and its bishops to acquire a pre-eminent position in its diocese in the second half of the ninth century and for much of the following one. The analysis sets out from the highly fragmented post-Roman territorial context and from the efforts made by Lombard kings, which were mostly directed towards the fiscal estate of Cittanova, rather than the ancient Roman *civitas* of Mutina. Particular attention is paid to the figure of Bishop Leodoin and to the manuscripts attributed to him in the Chapter Library, especially the famous *Codex legum* (O.I.2), for which a different production context is suggested, prior to its acquisition by the Church of Modena.

Middle Ages; 9th century; Italy; Modena; Leodoin; fiscal estates; bishops' soft power; lay manuscripts.

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Abbreviations

CDL III = *Codice diplomatico longobardo*, vol. 3, 1, ed. C. Brühl, Roma 1973 (FSI, 64).

ChLA², LXXXVIII = *Chartae Latinae Antiquiores*, 2nd series, part LXXXVIII, Italy LX, Modena-Nonantola I, ed. G. Cavallo – G. Nicolaj, publ. G. Feo – M. Modesti – M. Al Kalak – M. Mezzetti, Dietikon-Zürich 2008.

DD B I = *I diplomi di Berengario I*, ed. L. Schiaparelli, Roma 1903 (FSI, 35).

MGH, Capit. I = MGH, *Capitularia regum Francorum*, vol. 1, ed. A. Boretius, Hannover 1883 (Legum sectio, 2).

MGH, DD Kar I = MGH, *Pippini, Carlomanni, Caroli Magni Diplomata*, ed. E. Mühlbacher, Hannover 1906 (Diplomata Karolinorum, 1).

MGH, DD LdF = MGH, *Die Urkunden Ludwigs des Frommen*, ed. T. Kölzer, 3 voll., Wiesbaden 2016 (Diplomata Karolinorum, 2).

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

1. Introduction

Si vero Karolo et Hludowico viventibus Pippinus debitum humane sortis compleverit, Karolus et Hluduwicus dividant inter se regnum quod ille habuit, et haec divisio tali modo fiat, ut ab ingressu Italiae per Augustam civitatem accipiat Karolus Eboream, Vercellas, Papiam et inde per Padum fluvium termino currente usque ad fines Regensium et ipsam Regiam et Civitatem Novam atque Mutinam usque ad terminos sancti Petri. Has civitates cum suburbanis et territoriis suis atque comitatibus quae ad ipsas pertinent et quicquid inde Romam pergenti ad laevam respicit, de regno quod Pippinus habuit, una cum ducatu Spoletano, hanc portionem sicut praediximus accipiat Karolus¹.

This paragraph from the 806 *Divisio regnorum* establishes in what way, after the death of Charlemagne (768-814), the Kingdom of Italy's territories were to be divided in the event that the emperor's son Pepin (781-810) died before his brothers Charles (800-811) and Louis (814-840). Charles the Younger would receive that stretch of the Kingdom of Italy which extended southward along the Gallic route (*via publica*) from the entrance into Italy at Aosta, and which included the cities of Ivrea and Vercelli, as well as the kingdom's capital, Pavia. Bounded by the great river artery of the Po, it extended into the plain of eastern Emilia, which in the area of Bologna bordered with the Exarchate. From there, the subdivision continued down to Rome and encompassed the Adriatic stretch of the kingdom, roughly coinciding with the Duchy of Spoleto.

The text offers a representation of the territory in question as this must have been envisaged beyond the Alps, at Charles' court, in the early ninth century. What is striking about it is the varying attention to detail: an evocative bird's eye description characterises the first section, which comprises cities located along the Roman road leading from the Alpine passes to the plain, whereas the second stretch follows the Po's course as its northern limit and includes the plain down to the Apennine coastline to the south. A reference to

¹ MGH, Capit. I, n. 45, p. 128: «If however Pippin should come to the end of his allotted days while Charles and Louis are still alive, then Charles and Louis are to divide the kingdom which he held between themselves, and the division is to be made as follows: starting from the entrance to Italy at Aosta, Charles is to have Ivrea, Vercelli, and Pavia, and then, using the River Po as a boundary as far as the borders of Reggio, he is to have Reggio itself, Cittanova, and Modena as far as the boundaries of Saint Peter. These cities, together with their immediate neighbourhoods and territories and the countries pertaining to them, and everything from Pippin's kingdom which lies on the left of the route to Rome, with the addition of the duchy of Spoleto, this portion Charles, as we have said, is to take over».

cities was not enough to define the boundary of the eastern stretch of the Po Valley; other territorial and juridical points of reference were required. The mention of the Roman cities of Reggio and Modena is thus combined with that of the *fines Regensium* and of the main fiscal estate in this area, *Civitas Nova* – two territorial elements which had been part of the Lombard tradition and administration².

The rise of the Modenese bishops over the course of the ninth century revolved precisely around the duality between the *civitas Mutinensis* rooted in the Roman tradition and the *Civitas Nova*³ established by the Lombard central authorities at a time of major public investments in the Modena area. The political, social, and cultural transformations which occurred in the Carolingian period played a crucial role in this process. The present contribution aims to trace the developments that led the Church of Saint Geminianus and its bishops from a position of evident subordination compared to other leading actors in eastern Emilia, to one of pre-eminence in the episcopal context of the Kingdom of Italy.

So far historians have mostly attributed these developments to Bishop Leodoin (870–*ante* 898), compressing the process of self-affirmation of the Church of Modena into the years of his – certainly rather long – episcopate⁴. The first reason for this distorted perspective is the fragmentary nature of the documents from the *Archivio Capitolare*, which make it very difficult to reconstruct an overall picture of episcopal action for the tenth century⁵. The second reason is the relative abundance of manuscripts from Leodoin's age in the *Biblioteca Capitolare*⁶. Such codices bear witness to this bishop's considerable cultural, doctrinal, and pastoral commitment, as well as to the cultural liveliness of Modena in his time. However, both Leodoin's episcopate and, more generally, the process of self-affirmation of the Church of Modena in the Carolingian period, cannot fully be brought into focus without considering the relationship which the bishops of Saint Geminianus established, on the one hand, with kings and emperors and, on the other, with public officials active in the local area. What proves crucially relevant, from this perspective, is the dichotomy between the bishopric of Modena and the nearby fiscal estate of Cittanova.

The starting point for my analysis is therefore the evolution of the territorial and institutional situation in the Modena area from the early eighth

² On the *fines Regensium* see the general overview in Bonacini, *Terre d'Emilia*, pp. 132-133. Recently, the topics of the extension of the royal fisc and of the economic capacity of early medieval Western states have become a focus of renewed scholarly attention, see Gasparri, *Le basi economiche del potere*; Loré, *Introduzione. Risorse materiali*; Lazzari, *La tutela del patrimonio fiscale*; Loré, *Spazi e forme dei beni pubblici*; *Biens publics, biens du roi*.

³ Vito Fumagalli was the first to suggest a relationship of political-institutional conflict between the two settlements: see Fumagalli, *Terra e società*, pp. 90-91.

⁴ See Golinelli, *Cultura e religiosità*; Leonelli, *Storia dell'arcidiocesi*.

⁵ A commendable attempt, albeit one limited to the figures of Leodoin and Gotfredus (902-933), has been made by Al Kalak, *Storia della chiesa di Modena*.

⁶ See Vigarani, *Inventario dei manoscritti*.

century to the first decades of the ninth. Some important archaeological finds have recently made it possible to reconsider the desolate picture of early medieval *Mutina* that emerges from literary-historical narratives composed in the city in the post-Carolingian age⁷. The second step will be to examine the charter granted to the Church by the Emperor Louis the Pious (814-840) in 822: a genuine landmark charter that retraces and re-defines the relationship between the Church and the royal authorities over the course of the previous century. It constitutes a first piece in the puzzle of the Modenese bishops' self-affirmation within a narrative of remarkable political, patrimonial, and institutional continuity. The third point revolves around the figure of Bishop Leodoin, who brought this process of consolidation and self-affirmation to completion. An analysis of his personality, court relations, and outstanding effort to affirm the Carolingian ideal of episcopal superiority over society clearly brings out the lines of development destined to become the hallmark of Modenese episcopal power in the following century⁸. However, I believe that it is necessary to temper the picture of Leodoin's absolute pre-eminence, and especially the attribution of broad public authority and judicial prerogatives to him. This becomes particularly evident when we set episcopal developments within the broader territorial context of Modena where, as late as the end of the century, the royal authorities continued to take substantial measures and different political actors still enjoyed considerable leeway.

2. A polycentric and complex territory: the Modena area and royal measures in the eighth century

The polycentric situation described in the *Divisio regnorum* is also confirmed by local sources. The overall picture that emerges suggests an even greater degree of political and institutional complexity than the one drawn at Charlemagne's court.

After the military clashes involving *Mutina* in the aftermath of the Lombard expansion and of the Exarchate's reconquest, the situation became calmer for roughly half a century and the area turned into a buffer zone between the Lombard Kingdom of Italy and the Exarchate⁹. In relation to this time period, between the late sixth century and the early seventh, archaeological excavations have revealed that the Roman settlement of *Mutina* was affected by seri-

⁷ On these narratives, characterised by dramatic tones, see Vocino, *Ut hoc flagellum evadamus*, and Vocino, *Una comunità minacciata*.

⁸ On Bishop Leodoin's biography and intellectual activity see Scaravelli, *Leodoino*; Al Kalak, *Leodoino vescovo*; Heil, *Bishop Leodoin*; on his pontificate in the kingdom's framework see Manarini, *Politiche regie e conflitti*.

⁹ See Cosentino, *L'iscrizione ravennate*; Fasoli, *Tappe ed aspetti* also remains a useful source on these developments.

ous flooding¹⁰. The alluvial sediments from watercourses smaller than the two main rivers, the Secchia and the Panaro that do not flow through the settlement, significantly reshaped the area by levelling the terrain and erasing the height drops created by human habitation and activities in the Roman age. From the roughly 29 m.a.s.l. of the suburban western area to the south of the *via consularis* and the 31.2 m.a.s.l. of the paving in the basilica area in Late Antiquity, when an extramural necropolis was located there, the settlement reached a new ground level of 32.5 m.a.s.l.¹¹. The damage caused to the walls during the attack launched by the Exarch Romanus (590-596) in 590 and strong floods led to the gradual abandonment of the *civitas* in the early seventh century¹². The area of the *ad corpus* basilica of S. Geminianus must have found itself in an equally poor state. This church was built in the early fifth century around the tomb of the city's patron saint, in a cemetery area located on the *Via Emilia*, on the western outskirts¹³. As late as the eighth century, it was still partially buried, with a 1.5 m. drop between the exterior and the interior ground surface¹⁴. Given this marked structural crisis, it is unsurprising that the final conquest of the urban area of *Mutina* by Rothari (636-652) occurred without any bloodshed in 643. According to Paul the Deacon – who drew his account from the *Origo gentis Langobardorum*¹⁵ – the clash with the troops of the Exarch of Ravenna, Isaac, occurred further to the east, near the river *Scultenna*¹⁶ – today's Panaro – which, from the Modenese Apennines, cuts across the plain between Modena and Bologna. Although Rothari's army won the battle, it suffered serious losses, which halted his advance in that direction¹⁷.

At least at first, annexation into the Lombard Kingdom did not entail any perceptible changes. The *Rythmus de synodo Ticinense* of 698 credits King Cunipert (688-700) with the restoration of the *urbs* in the late seventh century: «Semidiruta noncupata Motina, Urbe pristino decore restituit»¹⁸. The archaeological data attest to reconstruction work over the course of the eighth century: land reclamation and levelling made the areas around the old basilica accessible again. Then this building was replaced by a new church with a baptistery, which became the centre of the new early medieval city and was

¹⁰ Cremonini – Labate, *Modena: un "dissesto"*; Labate, *Modena in età medievale*, pp. 258-261. The second flood has tentatively been identified with the *diluvium* mentioned by Paul the Deacon in the year 589: Paul the Deacon, *Historia Langobardorum*, III, 23, p. 127; concerning this hypothesis, see Cremonini – Labate, *Modena: un "dissesto"*; with regard to the use of this passage from Paul the Deacon, it is also worth considering the methodology outlined by Dall'Aglio, *Il "diluvium di Paolo Diacono"*.

¹¹ Benassi – Labate, *Le fasi costruttive*, p. 396; Cremonini – Labate, *Modena: un "dissesto"*, pp. 16-17.

¹² *Ibidem*, p. 258.

¹³ Golinelli, *San Geminiano e Modena*, p. 16.

¹⁴ Benassi – Labate, *Le fasi costruttive*, p. 396.

¹⁵ Cosentino, *L'iscrizione ravennate*, p. 37.

¹⁶ Paul the Deacon, *Historia Langobardorum*, IV, 45, pp. 170-171.

¹⁷ Fasoli, *Tappe ed aspetti*, p. 153; see also Cosentino, *L'iscrizione ravennate*.

¹⁸ *Rythmus de synodo Ticinense*, p. 729; see also Bonacini, *Regno ed episcopato*, p. 96; Vocino, *Una comunità minacciata*.

probably completed around the mid-eighth century¹⁹. The furnishings retrieved, along with the famous altar slab installed by Bishop Lopicenus (749-752), would appear to confirm this dating²⁰. During this period extending from the eighth century to the end of the ninth, the roads around the church were repaired by paving them with cobblestones from the rivers²¹. This vast, overall building effort was intended as a genuine urban planning project and may also have received public support – in what form, it is difficult to tell. In this period the sources first mention a new settlement, different from the Roman *Mutina*: the *civitas Geminiani*, whose identity evidently revolved around the figure of the city's first saint²². Historians have always confidently identified this new *civitas* with the site of the Lombard episcopal church and its annexes²³. In this regard, it is worth recalling Isidore of Seville's definition of *civitas* as a term describing the inhabitants of an urban space, rather than the material element – which is to say the buildings and stones of a city, for which the term *urbs* was used instead²⁴.

This picture is further complicated by the fact that in the same period a second *civitas* made its appearance, with a more conspicuous royal investment: the fiscal estate of *Civitas Nova*. While the local elites who identified with Saint Geminianus were promoting the building of the new church and the restoration of the infrastructures on the outskirts of the ancient Roman city, King Liutprand (712-744) chose to strengthen an ancient rural settlement located nearby, which he turned into a royal estate. Its foundation is attested by an eighth-century monumental slab discovered near the *pieve* of S. Peter of Cittanova in 1559. The inscription reports that King Liutprand founded and fortified a new *civitas* in that area²⁵.

The *curtis* of *Civitas Nova* was located along the *Via Emilia*, near the bridge of the Secchia, west of the Roman city, in an area better protected against flooding²⁶. This *curtis* became a centre for the public authorities in the Modena area, and the seat of a gastald. Probably reinforced with stone walls²⁷, it was directly connected to the great fluvial network of the Po Valley through the harbour of *Aqualonga* on the Secchia²⁸. It is difficult to determine whether this represented King Liutprand's solution to the problem of establishing the Modena territory within the Kingdom of Italy once and for all, a

¹⁹ Benassi – Labate, *Le fasi costruttive*, pp. 396-397.

²⁰ *Ibidem*, p. 397; Trovabene, *Il Museo Lapidario*, pp. 105-106.

²¹ Labate, *Modena alto medioevale*, p. 350.

²² On saint Geminianus' life and cult see Golinelli, *San Geminiano e Modena*.

²³ See Golinelli, *Città e culto dei santi*, pp. 24-29.

²⁴ Isidore of Seville, *Etymologiarum sive Originum*, 15, 2.2.

²⁵ Gelichi, *Studi e ricerche*, pp. 577-578; Bonacini, *Terre d'Emilia*, pp. 141-142; for an edition of this epigraphic text, see Montorsi, *L'epigrafe modenese di Liutprando*.

²⁶ Gelichi, *Studi e ricerche*, pp. 592-595.

²⁷ The fortification work is attested by DD LdF, n. 204, pp. 502-505. Owing to the intense human activity of the last century, archaeological excavations have brought to light only some segments of the medieval water channels: Gelichi, *Studi e ricerche*, p. 595.

²⁸ Bonacini, *Terre d'Emilia*, p. 143.

solution adopted while work on the new cathedral was underway. Certainly, in the last decades of Lombard rule, Kings Aistulf (749-756) and Desiderius (757-774) also contributed to shifting the territorial balance by introducing royal monasteries as a new way of managing the large fiscal complexes recently established in the area²⁹.

Aistulf and his brother-in-law Anselm founded the Abbey of S. Sylvester of Nonantola around the year 752, and did so within one of the fiscal estates on the plain north of *Mutina*, the *curtis* of Gena³⁰. Desiderius instead endowed the female monastery of S. Salvatore of Brescia – founded by him and his wife Ansa – with a large number of fiscal estates located between Reggio and Modena, most notably the estate of Migliarina³¹. Even the second monastic institution founded by Desiderius, San Benedetto of Leno, was endowed with fiscal estates in the Modena area³². In this case, however, it is difficult to propose any general reconstruction on account of the loss of the abbey's archives³³. The surviving royal and imperial charters and a patrimonial management document, drafted by Abbot Hubert in 938 and now in the *Archivio Capitolare* of Modena³⁴, show that San Benedetto's presence in that framework was significant, enduring, and consistently organised through the presence of the cell of S. Donatus in the *curtis* of Baggiovara, a few kilometres to the south of Modena³⁵.

3. *The 822 landmark charter of the Church of Modena*

Probably as a consequence of the turmoil caused by war and natural disasters, the Modena area presented itself as a complex territory which served as a playing field for several political actors directly in contact with the central authorities. There were many opportunities for self-affirmation, and they increased even further with the Carolingian conquest, when regime change opened up new possibilities for interaction. For example, as early as 780 Abbot Anselm of Nonantola successfully petitioned Charlemagne for the right to

²⁹ Lazzari, *La tutela del patrimonio fiscale*, pp. 108-110.

³⁰ On S. Sylvester of Nonantola see Manarini, *Politiche regie e attivismo*; Manarini, *Politiche regie e conflitti*.

³¹ Manarini, *Politiche regie e attivismo*, pp. 27-29. On S. Salvatore of Brescia's estates in Emilia see Mancassola, *Lazienda curtense*, pp. 182-187; on the fiscal estates of Migliarina see Mancassola, *La corte di Migliarina* and Carboni, *La curtis di Migliarina*; on S. Salvatore's function within the royal fisc see Lazzari, *Una santa*; Lazzari, Bertha, amatissima.

³² On the foundation of San Benedetto of Leno see Azzara, *Il re e il monastero*; on its patrimony see Baronio, *Il «dominatus» dell'abbazia*.

³³ Barbieri, *L'archivio*, p. 255.

³⁴ *Regesto della chiesa cattedrale di Modena*, n. 48.

³⁵ On royal diplomas for Leno, beginning with the one granted by Berengar II and Adalbert in 958, see Baronio, *Il «dominatus» dell'abbazia*. The localisation of the cell of S. Donatus is not clear, relying on later attestations Girolamo Tiraboschi located it some eleven kilometres far from modern Baggiovara in the location of *Pradelle*, modern San Donnino (Modena): Tiraboschi, *Dizionario topografico*, p. 265.

manage the *curtis* of Cittanova – among the many others already granted by Aistulf³⁶ – and its revenues through the levying of the *portaticum*³⁷.

In the early Carolingian period, the bishops of Modena would appear to have been chiefly engaged in strengthening their patrimonial position by protecting themselves against possible outside interference. The Modena archives preserve only one original document from this period: a charter by Charlemagne granting immunity to Bishop Geminianus (782) in 782³⁸. Later, thanks to the new sensibility towards the episcopacy shown by Louis the Pious³⁹, the situation also changed for Modenese bishops. In 822 Bishop Deusdedit (813-828) obtained a charter from Louis the Pious that in terms of its size and content may be regarded as a genuine landmark charter of the Church of Modena. The text illustrates the Modenese perspective on the relationship between the Church and Lombard and Carolingian royal power during the previous century.

The charter was issued in Aachen in February 822 and it is preserved through its original parchment, still kept in the *Archivio Capitolare* of Modena⁴⁰. Recent critical editions have identified two short interpolations attributed to tenth-century hands⁴¹. Some significant content features suggest that the Modenese must have provided a rough draft that the court then used to produce the final text. The central figures are Emperor Louis the Pious and the bishop of Modena, Deusdedit, who had been in office at least from August 813, but who on account of his advanced age and poor health, chose to be represented by a priest by the name of *Williarius*. The *narratio* continues by recounting how *Williarius* asked the emperor to issue a charter to confirm all properties and rights that the Lombard kings had either already granted to his Church or confirmed, after ascertaining the genuineness of the documents submitted by the priest. Louis then confirmed the confirmation charter by King Cunipert, four *praecepta* respectively by Kings Liutprand, Hildeprand (744), Ratchis (744-749), and Desiderius⁴², and two donations by Louis' father Charles. As a side note, it must be said that no trace of these documents is left in the *Archivio Capitolare* in Modena. The only Lombard royal document to have been preserved, albeit in an eleventh-century copy, is a *praeceptum* by King Aistulf⁴³ – the only king not mentioned in the previous list – but it has nothing to do with Louis I's charter as far as its object and patrimonial context are concerned⁴⁴.

³⁶ See Manarini, *Politiche regie e attivismo*, pp. 18-23.

³⁷ DD Kar I, n. 131, pp. 181-182. See also Manarini, *Politiche regie e attivismo*, pp. 24-25.

³⁸ DD Kar I, n. 147, pp. 199-200.

³⁹ See Patzold, *Episcopus*, especially pp. 105-184.

⁴⁰ DD LdF, n. 204, pp. 502-505.

⁴¹ *Ibidem*, p. 503; ChLA², LXXXVIII, p. 38.

⁴² CDL III, pp. 286-287.

⁴³ *Ibidem*, n. 24, pp. 115-118.

⁴⁴ The *praeceptum* concerns the donation of the estate of Gena, with its forest, to Bishop Lopecinus: CDL III, n. 24, pp. 115-118. This deed was copied into a scroll at some point in the eleventh century, along with another two deeds from 796 and 828, pertaining to the *pieve* of San Pietro in Sicculo (present-day San Pietro in Elda, Modena): *Regesto della chiesa cattedrale*, nn. 3, 11.

Louis' charter concerns four landed patrimonies, comprising either ancient and disputed properties or more recent acquisitions associated with joint involvement in the fiscal system. In this case, what the bishops obtained was control over the rural parish churches located within fiscal estates. In particular, it is worth noting the mention of the castle of Gavello, located in the *Saltus* to the north, towards the Po river – presented as a development of the patrimonial complex which in Late Antiquity was known as the *massa sancti Geminiani*⁴⁵ – for which the Church had already obtained no less than three of the aforementioned *praecepta*, by Liutprand, Ratchis, and Desiderius. The Modenese bishops' difficulty in managing this property is further reflected by the fact that at this point in the document we find the addition – on an erasure – of the words *cum suis pescariis*, probably in a tenth-century hand. Among the fiscal acquisitions associated with parish churches, the document also lists the *pieve* of S. Peter of Cittanova and that of S. Thomas within the *curtis* of Ganaceto⁴⁶.

Also relevant is the political-memorial perspective underlying the document. Through the charter's *narratio*, which we may regard as a genuine account of the history of the episcopal Church given to the emperor with the inclusion of its various *praecepta* and charters, the Church sought to present itself as a stable and constant counterpart to royal power. This narrative of continuity coincides with the beginning of the “new” history of the territory of Modena, a new history launched – after the late-antique break – by Cunibert's reign; indeed, through certain patrimonial elements, it may even be seen to serve as a link between the two phases.

The charter presents another two points of great interest. The first concerns the *curtis* of Cittanova and the parish church of S. Peter, which is said to have been granted by *praeceptum* to Bishop John by King Hildeprand. When defining the location of the building, the text uses the formula «de ecclesia sancti Petri intra muros civitas Geminianae, quae nunc Nova vocatur»⁴⁷. What is striking here is the assignment of the church of S. Peter – which is known for certain to have been located in the *curtis* – to the *civitas Geminiani*, which, as already noted, would instead appear to have been the new urban centre developed around the cathedral. This *civitas* is further described as *nova*, using the attribute applied to the fiscal estate. The passage is a problematic one, but these difficulties can hardly be due to slips on the

⁴⁵ On *massae* as agrarian structures of late and post-Roman Italy see Vera, *Massa fundorum*, especially pp. 1011-1013.

⁴⁶ Ganaceto is now a small village north of Modena. Other assets mentioned are the *villa Puziolo* (Portile, Modena), *Galaniticum* (unidentified), a watermill with a road and canal pertaining to the estate of Cittanova, the chapel of San Donnino near *Cluziam* (modern San Donnino, Modena), the chapel of Sant'Apollinare in Stagnano close to Monteveglio (Bologna), and finally some olive groves close to Monteveglio castle's wall. These latter properties in the Bolognese Apennines and the church of San Donnino had been previously donated to the Church of Modena by two *Romani homines* and their wives.

⁴⁷ DD LdF, n. 204, p. 504.

scribe's part⁴⁸. Instead, we may posit an attempt – a successful attempt – by the Modenese episcopal authorities to assert their influence over the *curtis* by altering the geographical description: the bishop thus obtained crucial access to the fiscal core of the area, in which Nonantola had already been operating for almost half a century.

A second point of interest is the formula used in the final section of the charter, which concerns the election of the bishops of Modena. In other words, Louis I granted the right to select the bishops from among the members of the Modenese clergy, as long as they respected the canons governing episcopal dignity and office⁴⁹. In its tone and meaning, this formula immediately brings to mind the right granted to monastic communities to elect an abbot freely. Its use in relation to an episcopal church poses quite a few puzzling questions. The drafter of the charter himself must have found it at least somewhat obscure, since – when going through the document again – he added *inter se* at the end of the passage for the sake of clarity. This formula could be read as a reassurance in favor of the Modenese chapter given the precarious health conditions of bishop Deusdedit and therefore the imminence of a new election. It may also represent a claim to autonomy with respect to the royal power, which perhaps used to select episcopal candidates without consulting the Modenese⁵⁰. Alternatively, this may be interpreted as an attempt to obtain the right to elect bishops, which emerged at the local level – although it is unclear what form this competition may have taken and what actors it may have involved. The *MGH* editor Theo Kölzer has acknowledged the peculiarly Italian nature of this formula, whose first occurrence he has identified in a charter issued to the Church of Piacenza in 819⁵¹. In this case, although the text has been preserved in a late copy of poor quality, the formula is much broader and more detailed⁵². In various parts it follows *verbatim* the second regulation in the *Capitulare ecclesiasticum*⁵³, issued by Louis himself not long before. This point is certainly worth exploring in greater detail. For now, I believe it is interesting to note that this particular formula appears in charters granted

⁴⁸ Addresses the issue, without however dwelling on the textual analysis of the diploma, also Golinelli, *Città e culto dei santi*, p. 25.

⁴⁹ DD LdF, n. 204, p. 505: «Concessimus etiam hoc privilegium memoratae ecclesiae, ut si post decessionem episcoporum ipsius sedis talis in clero inventus fuerit, qui secundum canones episcopatus honorem et officium habere possit, licentiam habeant eligendi inter se».

⁵⁰ On bishops' enrollment under the Carolingians see Savigni, *L'episcopato nell'Europa carolingia*.

⁵¹ DD LdF, n. 157, pp. 390-393.

⁵² *Ibidem*, p. 393: «De pontefice vero per auctoritatem domini et genitoris nostri in eadem ecclesia, si talis inventus ibi fuisset, qui eandem ecclesiam secundum doctrinam evangelicam vel statuta canonum plenissime regere valeret et regibus Francorum fidelis existeret, licentiam inter se eligendi habent, ita nos licentiam pontificem eligendi adtribuimus, sicut auctoritas sanctorum canonum sancit et sicut omnibus ecclesiis in imperio deo propitio nostro constitutis concessum habemus, videlicet ut per electionem cleri et populi, remota personarum et munerum acceptione, ob vite meritum et sapientie donum eliguntur, ut exemplo et verbo sibi subiectis prodesse valeant».

⁵³ *MGH*, Capit. I, n. 138, pp. 275-280.

to two bishops who necessarily had to engage with the two major royal abbeys of Bobbio and Nonantola⁵⁴.

To conclude, this charter offers a valuable snapshot of the development of the figure of the bishop of Modena in the early Carolingian period: the bishops of the Church of Saint Geminianus displayed a strong, solid connection with the royal authorities, through which they aspired to achieve a position of pre-eminence within the context of the ancient *territorium civitatis*, and to enjoy complete independence with respect to the other actors operating in this area. Furthermore, they aspired to gain stable access to the kingdom's fiscal patrimony and its management.

4. *Bishop Leodoin and codex O.I.2: episcopal authority and the exercising of law*

Louis II's reign (844-875) witnessed a further increase in the Modenese bishops' participation in the Carolingian system of power. After Bishop Walpertus (865-869), who acted as a royal envoy⁵⁵, the episcopal see was held by Leodoin, one of the leading bishops on the political stage in the second half of the ninth century.

We have no certain information about his background⁵⁶. It seems reasonable to assume that he was descended from the gastald named Leodoin – a personal name of Germanic origin that is quite rare in Italy – who in 842, together with his wife Cristeberga, signed an emphyteutic contract with Bishop Jonas (840-856)⁵⁷. This contract does not provide any detailed information about the gastald's patrimonial area or even the portion of the royal fisc assigned to him. However, the neat and steady handwriting in the subscription suggests the fair writing skills of someone used to dealing with documents. Prior to his election as bishop, Leodoin served in the royal chapel and also held various appointments at Louis II's chancery, for example as *grossator* and *recognitor* between 869 and 870⁵⁸. His career in the royal chapel was a swift one, as within a short time he was promoted from *sacerdos* to *archipresbiter palatinus*⁵⁹. By August 871 he was already *episcopus*⁶⁰. One biographical element which, if confirmed, would further illustrate his connections with the

⁵⁴ On Modena-Nonantola relations during the ninth century see Bonacini, *Relazioni e conflitti* and Manarini, *Politiche regie e conflitti*; on Piacenza-Bobbio see Piazza, *Monastero e vescovado di Bobbio*, pp. 12-20.

⁵⁵ See Manarini, *Politiche regie e attivismo*, p. 49.

⁵⁶ The hypothesis that Leodoin hailed from Modena and was educated at its cathedral school is upheld by Golinelli, *La città prima e dopo l'anno Mille*, p. 181 and Al Kalak, *Leodoino*, p. 5.

⁵⁷ ChLA², LXXXVIII, n. 11, pp. 50-51. On minor officials' presence and activities in the area see Santos Salazar, *Ufficiali minori e società*.

⁵⁸ DD Lu II, n. 49, pp. 161-162; n. 51, pp. 165-167. See Fleckenstein, *Die Hofkapelle*, pp. 129-131.

⁵⁹ DD Lu II, n. 49, p. 162: «sacerdos iussu imperatorio advice Farimundi»; n. 51, pp. 166: «sacerdos archipresbiter palatinus».

⁶⁰ ChLA², LXXXVIII, n. 18, pp. 69-71.

court milieu and the upper echelons of Italian aristocracy is his role as deacon during the founding of the female monastery of Fontebona by the Count of Siena, Winigis, and the latter's wife Richilda in 867⁶¹. The uniqueness of the Germanic name Leodoin/Liutwin in the Italian context makes this identification very likely⁶². Moreover, the time frame and geographical location – although the latter is not specified in the copy of the cartulary – would appear to be consistent with the presence of Louis II's royal court in central-southern Italy in that period⁶³.

Leodoin's political pre-eminence and cultural standing gave a decisive impulse to the consolidation process launched by the Church of Modena from as early as the eighth century. His twenty-year-long episcopate profoundly shaped the relationship between Modena and the royal authorities, a relationship which remained solid long after Louis II's death. The hallmark of Leodoin's pastoral measures is to be found in the creation and promotion of the Modenese ecclesiastical milieu, where we begin to identify a school, a library, a chapter, and the episcopal chancery⁶⁴. The manuscripts in the capitular library bear witness to an active, dynamic community that was also prolific from a literary point of view, as is shown by the poetic compositions that constitute the focus of Giorgia Vocino's research⁶⁵. Among the main codices to have survived from Leodoin's library we find the *Chronicon* and *Etymologies* by Isidore of Seville, a Gregorian missal, and Origen's commentary on the Book of Numbers⁶⁶.

Also prominent are legal manuscripts, which shed light on the issues addressed by Leodoin, who devoted particular attention to ecclesiastical canons and pontifical decretals in his effort to assert episcopal social pre-eminence⁶⁷. The library preserves a *Collectio canonum veterum* from the seventh-eighth century⁶⁸, which the bishop used for his doctrinal reflections, including two important letters to the abbot of Nonantola, Theodoric, and to the abbot of Galeata Ilarus⁶⁹. It also preserves a collection of decretals by pseudo-Isidorus (O.I.4) from the third-quarter of ninth century⁷⁰. This codex represents a genuine product of the Modenese school headed by Leodoin: in addition to

⁶¹ *Il cartulario della Berardenga*, n. 53, p. 428. On Count Winigis and the foundation of S. Salvatore at Fontebona see Cammarosano, *La famiglia dei Berardenghi*, pp. 64-70; Cortese, *L'aristocrazia toscana*, p. 102.

⁶² On the uniqueness of this anthroponym see Al Kalak, *Leodoino*, p. 3.

⁶³ See Bougard, *Ludovico*.

⁶⁴ Vocino, *Ut hoc flagellum evadamus*, pp. 351-358; concerning his patrimonial operations see Al Kalak, *Leodoino*, pp. 28-32.

⁶⁵ See Vocino, *Ut hoc flagellum evadamus*; Vocino, *Una comunità minacciata*, pp. 162-171.

⁶⁶ See Al Kalak, *Leodoino*, pp. 35-36.

⁶⁷ Heil, *Bishop Leodoin*.

⁶⁸ See Al Kalak, *Leodoino*, p. 34.

⁶⁹ Both letters have been published *ibidem*, pp. 11-28; an edition and English translation of the first is to be found in Heil, *Bishop Leodoin*, pp. 46-54; on its content see also Manarini, *Politiche regie e conflitti*, pp. 130-132.

⁷⁰ See Al Kalak, *Leodoino*, pp. 36-39.

the collection of decretals, it includes a miscellany of legal and poetic-literary texts that capture the lively cultural milieu of Leodoin's Modena⁷¹. Finally, we may add the famous codex of *leges* and Carolingian capitularies (O.I.2)⁷². Recent studies, particularly – yet not exclusively – on the local context, have suggested a close connection between the bishop and this codex, which according to this hypothesis bears witness to the legal functions he acquired over the course of his lengthy episcopate – functions also attested by the famous charter issued by King Guy I (889-894) in 891⁷³. I therefore wish to devote the last section of the present contribution to exploring this codex, as I believe it represents a significant element in the trajectory I have outlined so far, even though I do not accept its attribution to Leodoin and his teaching⁷⁴.

The codex is written in a Carolingian minuscule hand dated to the turn of the tenth century⁷⁵. It comprises three parts; the main one, from f. 9 to f. 205, makes up a legal codex, to which two quires have been added at the beginning and the end. The first has a didactic content and is written in an early tenth-century Carolingian minuscule hand; the second quire is devoted to liturgical and accounting matters, and has been dated to the end of the same century⁷⁶. The main section of the manuscript preserves the most complete version of the collection of laws called *Liber legum*. This has been traditionally attributed to Lupus of Ferrières (805-862/3), who is believed to have composed it around the 830s⁷⁷. The collection includes the Salic, Ripuarian, Lombard, Alemannic, and Bavarian laws, along with a series of Carolingian capitularies issued between 779 and 829⁷⁸, both for the general administration of the empire and for the specific governing of the Kingdom of Italy⁷⁹. Lupus probably composed this work during the time he spent at

⁷¹ Heil, *Bishop Leodoin*, p. 15; see also Vocino, *Ut hoc flagellum evadamus*.

⁷² See Golinelli, *Il codice delle leggi*; a thoroughly new examination of the manuscript is now available online within the project *Capitularia: Modena, Archivio Capitolare, O. I. 2*, < <https://capitularia.uni-koeln.de/en/mss/modena-bc-o-i-2/> >. Especially on the Frankish *leges* see the recent Faulkner, *Law and Authority*.

⁷³ *Ibidem* and Nicolaj, *Il Liber Legum di Everardo*. Guy I's charter has been published in *I diplomi di Guido*, n. 11, pp. 27-32.

⁷⁴ On codex O.I.2 within the framework of the circulation of law codes in the Carolingian period, see Pohl, *Le leggi longobarde*.

⁷⁵ Fornasari, *Collectio canonum Mutinensium*, p. 251; *Origo gentis Langobardorum*, pp. 59-61. Hubert Mordek has erroneously dated the whole manuscript to the late tenth century, based on the last quire, which includes the liturgical calendar for 991: Mordek, *Bibliotheca capitularium*, p. 256.

⁷⁶ Golinelli, *Il codice delle leggi*, pp. 11-13.

⁷⁷ Münsch, *Der Liber legum des Lupus*, pp. 65-69. Nicolaj instead suggests that the author of the Modenese copy of the *Liber legum* might be the *presbiter* Lupus who is the addressee of one of the two letters by Leodoin copied in codex O.I.4: Nicolaj, *Il Liber Legum di Everardo*, pp. 291-292. On Lupus' life and political relations see Ricciardi, *L'epistolario di Lupo*.

⁷⁸ See the detailed list in Mordek, *Bibliotheca capitularium*, pp. 257-267; Golinelli, *Il codice delle leggi*, pp. 13-21.

⁷⁹ Bonacini, *Le leggi germaniche*, p. 37. On manuscripts preserving collections of laws from Lombard and Carolingian Italy, and especially on the *Liber legum* by Lupus of Ferrières, see Pohl, *Le leggi longobarde*, pp. 427-437, especially pp. 433-434.

the *scriptorium* of Fulda Abbey, under Hrabanus Maurus' supervision⁸⁰. The monk then devoted the work to the Unruoching Eberhard, the emperor's son-in-law and a leading figure at the imperial court, who was also marquis of Friuli⁸¹. The purpose of the collection is clearly outlined in the introductory poem, where the compiler states that this *collectio* would enable the *prudens* Eberhard – «quisquis amat cunctas legum cognoscere causas arbiter et clarus vult omnibus ipse videri» – to fulfil the role of *arbiter clarus* in the best possible way⁸². Manuscripts such as this were therefore crucial for running the Carolingian empire, and were even accessible to – and owned by – leading lay officials⁸³.

The hypothesis that the present codex O.I.2 was copied from the original or from another copy in Modena in the second half of the ninth century, which is to say through Leodoin's direct intervention, is certainly intriguing, yet it does not seem to me to be supported by sufficient evidence⁸⁴. Hubert Mordek more prudently traces it back to northern Italy: indeed, an examination of the manuscript's extrinsic data does not allow us to be more precise⁸⁵. Upon a first analysis of the contents, it is difficult to identify with any certainty the context of the reception of the manuscript. The impression we get, however, is that it does not coincide with the Modena of Leodoin's day. The general structure of the texts it features makes it impossible to point to any specific milieu as far as its reception is concerned. We may note that specifically episcopal topics, as well as that of the structuring of monastic institutions within dioceses, which we know were dear to Leodoin⁸⁶, do not emerge in any prominent way from the series of capitularies copied into the codex. On the other hand, to affirm episcopal pre-eminence, Leodoinian texts rely exclusively on ecclesiastical canons, and not on material from the Carolingian imperial tradition. Besides, the impression we get from texts such as the letter addressed to Nonantola, or the collection of canons *De accusatione episcopi*, which Michael Heil has persuasively associated with Leodoin⁸⁷, suggests a picture quite different from the situation which would emerge from the hypothesis of Leodoin's own-

⁸⁰ Münsch, *Der Liber legum des Lupus*, pp. 66-67; see also Ricciardi, *L'epistolario di Lupo*, p. 14.

⁸¹ On Eberhard's family, life, and will see La Rocca – Provero, *The Dead and Their Gifts*; on his famous library see Riché, *Les bibliothèques de trois aristocrates*; on Lupus' dedication to him see Münsch, *Der Liber legum*, pp. 57-63.

⁸² Lupus of Ferrières, *Versus*, p. 1059.

⁸³ We must nonetheless bear in mind that the erudite character of this compilation is a rhetorical element typical of Carolingian poetics and derives from the Latin tradition: see Pohl, *Le leggi longobarde*, p. 433.

⁸⁴ Golinelli, *Il codice delle leggi*, pp. 23-24; Nicolaj, *Il Liber Legum di Everardo*, p. 305. In the past, the conventional dating of the codex to the mid or late tenth century instead had led to its attribution to Guy, Leodoin's successor as bishop of Modena between 940 and 967: Bonacini, *Le leggi germaniche*, p. 43.

⁸⁵ Mordek, *Bibliotheca capitularium*, p. 256.

⁸⁶ See Heil, *Bishop Leodoin*, pp. 9-31.

⁸⁷ Heil, *Bishop Leodoin*, p. 31.

ership of the codex: a situation in which the bishop, seated in a judge's chair, would be exercising jurisdictional duties over the whole Modena area⁸⁸.

So far as we can tell, before reaching the Chapter library, the manuscript may have been used by lay officials active in that area, who like the marquis of Friuli needed to know what laws to follow in fulfilling their function as judges. This practical context also seems more consistent with the extrinsic features of the manuscript which, notwithstanding its fine illustrations, presents several gaps – as noted by François Bougard⁸⁹ – and various editorial flaws⁹⁰. In other words, its overall quality is quite far from the standards of perfection attained by certain codices that stand as genuine gems or monuments, such as the many sacred codices owned by religious institutions. In this respect, I believe it is problematic to identify codex O.I.2 with the actual law book that is depicted as a gift to Saint Geminianus by Emperor Jovian on the bas-relief on the architrave of the *Porta dei Principi* in Lanfranco's cathedral⁹¹.

After the sporadic interest shown by Count Autramnus during Lothar's reign⁹², the Widonid kings made conspicuous public investments in the Modena area in the last decade of the ninth century⁹³. This may be a plausible context for the drafting of the copy of the *Liber legum*, the main section of our Modenese codex. King Guy entrusted a count – probably a nephew of his – also named Guy, with bringing the local societies of eastern Emilia together into a single administrative structure⁹⁴. To paraphrase Tiziana Lazzari, the creation of this territory established Guy at the head of a polycentric public entity, which in private documents, is referred to as the *iudiciaria Mutinensis* – an entity so large as to include the territories of Reggio, Modena, and partly Bologna, and therefore reminiscent of a March⁹⁵. The *placitum* of Cinquanta, presided over by Count Guy in 898, enables us to appreciate the royal authorities' action on the territorial level, and also the features of the *iudiciaria* from the point of view of public law⁹⁶.

In addition to the count – who described himself as *Mutinensis* – the assembly was attended by public officials who were part of his entourage: an imperial *vasso*, the *vicecomes* and some judges from Cittanova, and three gastalds and vassals of the count, along with a throng of notaries, *scabini*, and *boni homines* representing the many local communities that made up the *iudiciaria*. Within this framework, the *civitas Mutine* too was represented by

⁸⁸ This situation would indeed appear to have emerged in the Kingdom of Italy, but only towards the end of the tenth century: see Bougard, *La justice dans le royaume*, pp. 296-305, especially p. 297; see also Bordone, *Vescovi giudici*.

⁸⁹ Bougard, *Le livre de l'autorité*, p. 103.

⁹⁰ For instance, the illuminations on *folia* 42r and 111r are incomplete.

⁹¹ Golinelli, *Il codice delle leggi*, p. 31.

⁹² See Bonacini, *Terre d'Emilia*, pp. 99-106; Manarini, *Politiche regie e attivismo*, pp. 40-45.

⁹³ See Lazzari, *La creazione di un territorio*; Manarini, *A Marriage, a battle*, pp. 299-305.

⁹⁴ Lazzari, *La creazione di un territorio*, p. 105.

⁹⁵ On the *iudiciaria Mutinensis* and its development between ninth and eleventh century see Manarini, *Struggle for Power*.

⁹⁶ *I placiti del "Regnum Italiae"*, vol. 1, n. 106, pp. 385-396.

notaries and *scabini*, who, along with all the other representatives, engaged with the public authorities, taking an active part in the judicial assembly. The object of the *placitum* further clarifies the position of the episcopal Church with respect to the count: the assembly had been convened to certify the genuineness of the deeds that the Abbey of Nonantola was submitting to prove its ownership of a fiscal estate against the bishop of Modena, who had not shown up on this occasion⁹⁷.

It would therefore not be implausible to assume that the copy of the *Liber legum* was in use as a legal instrument among lay royal officials, possibly even count Guy and his officials, and that it was possibly kept on the fiscal estate of Cittanova, which, at the time, continued to serve as a seat of public power.

5. Conclusion: Bishop Gotfredus and the castrum at Cittanova

In the current state of research, this hypothesis, which places a copy of the *Liber legum* in the hands of count Guy of Modena, requires further studies. However, I believe that it helps to frame the presence and use of the law code in a broader context than the only episcopal cultural centre of the second half of the ninth century, by setting it within a social network in which the practice of law represented a common element shared by the representatives of many local communities. The pre-eminence achieved by the bishop of Modena in this territory over the course of the tenth century therefore represents the outcome of a process of construction of power which should not be assigned to earlier decades of the ninth century, despite the unquestionable impact of the figure of Leodoin. Possibly the scion of a family of public officials, by virtue of his training and charisma, he crucially contributed to the establishment of a close relationship between the Church of Modena and the royal authorities, not least in the light of the political and ideological changes that occurred at the Carolingian court.

The famous charter that Guy granted to Leodoin in 891 undoubtedly bears witness to a position of strength, which nevertheless does not overshadow the wide range of actors operating in the area in question. The main feature of the concession is the definite recomposition of the episcopal polity, centred on the Lombard cathedral, with the ancient urban centre of *Mutina*: after assigning the Modenese Church immunity in its own lands with respect to public officials' prerogatives, King Guy explicitly granted the Church those *loca* on which the episcopal *civitas* had been built over the course of the previous centuries⁹⁸. Although Guy invoked what had been done «ab antiquis antecessoribus nostris regibus», it is clear that his action constituted a highly signif-

⁹⁷ On this patrimonial dispute see Manarini, *Politiche regie e attivismo*, p. 62.

⁹⁸ *I diplomi di Guido*, n. 11, p. 30: «concedimus etiam eidem sanctae Motinensi aeccliesiae, sicut ei ab antiquis antecessoribus nostris regibus loca, in quibus civitas predicta constructa fuerat».

icant moment of legitimation for the bishops of Saint Geminianus: incapable of independently attaching themselves to the tradition of the Roman *Mutina*, as late as the end of the ninth century the bishops of the *civitas Geminiani* felt the need to officially assert their authority over the very episcopal buildings that, *de facto*, constituted the heart of the new urban settlement. From that moment onwards, Leodoin was also able legitimately to endow the new *civitas* with the infrastructures and defensive constructions it required⁹⁹: the material component of the city, the *urbs* of which Isidore of Seville speaks and which *Mutina* had lost over the course of the previous centuries. In the late ninth century, however, episcopal influence was limited within the one-mile circumference around the cathedral¹⁰⁰. The bishops' situation must therefore be viewed within the broader territorial framework of Modena, in which royal officials, the Abbey of Nonantola, and even local communities continued to enjoy considerable leeway.

At this point, I believe that we can make new sense of bishop Gotfredus' construction of a castle in the immediate environs of the *curtis* of Cittanova¹⁰¹, as though to recall the other *civitas Geminiani* mentioned in Louis the Pious' landmark charter. Royal recognition was immediately granted by Berengar I in 904 and also entailed the transfer of the market and related tax exemptions from the *curtis* to the castle¹⁰². This gave the episcopal Church an advantage over the fiscal estate, and it was to prove permanent. In the tenth century, Cittanova progressively lost its autonomy to the benefit of increasing episcopal and urban influence, so much so that over the course of the eleventh century the ancient settlement was abandoned¹⁰³. After some time, all that survived was the parish church of San Pietro¹⁰⁴. When Cittanova fell under the bishop's control and the Church obtained the fiscal jurisdiction hitherto exercised by the *curtis*' gastalds, this marked the end-point in the process of affirmation of its power at the local level, which the bishops of Modena had begun in the eighth century.

⁹⁹ *Ibidem*, p. 31: «liceat ei fossata cavare, molendina construere, portas erigere et super unum miliarium in circuitu ecclesiae civitatis circumquaque firmare ad salvandam et muniendam ipsam sanctam aeccliam suam constituta canonica et aquam aperire et claudere».

¹⁰⁰ *Ibidem*: «et super unum miliarium in circuitu aeccliae civitatis».

¹⁰¹ DD B I, n. 46, pp. 132-134.

¹⁰² *Ibidem*, p. 134: «et si fortasse iam fatus Gotfredus reverendus episcopus aut quilibet successor eius aliquando inibi mercatum constituerit atque collegerit quicquid regiae aut publicae parti de mercato pertinere videtur, per hoc nostrae inscriptionis statum parti ipsius aeccliae concedimus vindicandi, omni publica functione summota».

¹⁰³ Bonacini, *Terre d'Emilia*, p. 145; Vocino, *Una comunità minacciata*, p. 159.

¹⁰⁴ On these further developments based on archaeological excavations see Gelichi, *Castelli vescovili*, pp. 176-179.



1. The Modena area in the 8th century: a polycentric territory.



2. The lands and estates mentioned in Louis I's diploma (822).



3. Places related to the *placitum* of Cinquanta and to the *iudiciaria Mutinensis* (c. 890–c. 950).

Works cited

- L'abbazia di San Benedetto di Leno. Mille anni nel cuore della pianura Padana*, Atti della giornata di studio, Leno, Villa Seccamani, 26 maggio 2001, ed. A. Baronio, in «*Brixia sacra. Memorie storiche della diocesi di Brescia*», 7 (2002), 3.
- M. Al Kalak, *Leodoino vescovo. Cultura e diritto a Modena nel secolo IX*, in «Atti e Memorie della Deputazione di Storia patria delle antiche Province modenesi», 27 (2005), 11, pp. 3-47.
- M. Al Kalak, *Storia della chiesa di Modena. Dal Medioevo all'età contemporanea. Profili di vescovi modenesi dal IX al XVIII secolo*, Modena 2006.
- C. Azzara, *Il re e il monastero. Desiderio e la fondazione di Leno*, in *L'abbazia di San Benedetto di Leno*, pp. 21-32.
- E. Barbieri, *L'archivio del monastero*, in *L'abbazia di San Benedetto di Leno*, pp. 255-262.
- A. Baronio, *Il «dominatus» dell'abbazia di San Benedetto di Leno. Prime ipotesi di ricostruzione*, in *L'abbazia di San Benedetto di Leno*, pp. 33-85.
- F. Benassi – D. Labate, *Le fasi costruttive del Duomo di Modena sulla base delle recenti indagini archeologiche*, in *Mutina splendidissima. La città romana e la sua eredità*, ed. L. Malnati – S. Pellegrini – F. Piccinini – C. Stefani, Roma 2017, pp. 395-398.
- Biens publics, biens du roi. Les bases économiques des pouvoirs royaux dans le haut Moyen Âge*, ed. F. Bougard – V. Loré, Turnhout 2019 (Seminari del Centro interuniversitario per la storia e l'archeologia dell'alto medioevo, 9).
- P. Bonacini, *Le leggi germaniche raccolte nei codici dell'Archivio Capitolare di Modena*, in «Atti e Memorie della Deputazione di Storia patria delle antiche Province modenesi», 17 (1995), 11, pp. 35-56.
- P. Bonacini, *Regno ed episcopato a Modena nei secoli VII e VIII. Il periodo longobardo*, in «Studi medievali», 33 (1992), 3, pp. 73-108.
- P. Bonacini, *Relazioni e conflitti del monastero di Nonantola con i vescovi di Modena (secc. VIII-XII)*, in *Il monachesimo italiano dall'età longobarda all'età ottoniana (secc. VIII-X)*, Atti del VII Convegno di Studi Storici sull'Italia Benedettina, Nonantola (Modena), 10-13 settembre 2003, ed. G. Spinelli, Cesena 2006, pp. 643-677.
- P. Bonacini, *Terre d'Emilia. Distretti pubblici, comunità locali e poteri signorili nell'esperienza di una regione italiana (secoli VIII-XII)*, Bologna 2001 (Biblioteca di storia agraria medievale, 19).
- R. Bordone, *Vescovi giudici e critici della giustizia: Attone di Vercelli*, in *La giustizia nell'alto medioevo (secoli VIII-IX)*, Spoleto 1997 (Settimane del Centro italiano di studi sull'alto medioevo, 44), pp. 457-490.
- F. Bougard, *La justice dans le royaume d'Italie de la fin du VIII^e siècle au début du XI^e siècle*, Roma 1995 (Bibliothèque des Écoles Françaises d'Athènes et de Rome, 291).
- F. Bougard, *Le livre de l'autorité du siècle*, in *Imago libri. Rappresentazioni carolingiennes du livre*, ed. C. Denoël – A.O. Poilpré – S. Shimahara, Turnhout 2018, pp. 99-106.
- F. Bougard, *Ludovico II, re d'Italia, imperatore*, in *Dizionario biografico degli italiani*, 66, Roma 2006, pp. 387-394.
- P. Cammarosano, *La famiglia dei Berardenghi. Contributo alla storia della società senese nei secoli XI-XIII*, Spoleto 1974.
- B. Carboni, *La curtis di Migliarina. Formazione e sviluppo di una grande proprietà fondiaria medievale*, in *Storia di Carpi, 1: La città e il territorio dalle origini all'affermazione dei Pio*, ed. P. Bonacini – A.M. Ori, Modena 2008, pp. 251-282.
- Il cartulario della Berardenga*, ed. E. Casanova, in «*Bullettino senese di storia patria*», 21 (1914), 1, pp. 3-454.
- Chartae Latinae Antiquiores. Facsimile-edition of the Latin Charters*, 2nd series, ed. G. Cavallo – G. Nicolaj, part LXXXVIII, Italy LX, Modena-Nonantola I, publ. G. Feo – M. Modesti – M. Al Kalak – M. Mezzetti, Dietikon-Zürich 2008.
- Codice diplomatico longobardo*, vol. 3, 1, ed. C. Brühl, Roma 1973 (Fonti per la storia d'Italia, 64).
- M.E. Cortese, *L'aristocrazia toscana. Sette secoli (VI-XII)*, Spoleto 2017.
- S. Cosentino, *L'iscrizione ravennate dell'esarco Isacio e le guerre di Rotari*, in «Atti e Memorie della Deputazione di Storia patria delle antiche Province modenesi», 15 (1993), 1, pp. 23-43.
- S. Cremonini – D. Labate, *Modena: un "dissesto" di lungo periodo. Nuovi dati sull'alluvionamento solido della città*, in «*Geologia dell'ambiente*», 23 (2015), pp. 14-23.
- P.L. Dall'Aglio, *Il "diluvium di Paolo Diacono" e le modificazioni ambientali tardoantiche: un problema di metodo*, in «*Ocnus*», 5 (1997), pp. 97-104.
- I diplomi di Berengario I*, ed. L. Schiaparelli, Roma 1903 (FSI, 35).

- I diplomi di Guido e Lamberto*, ed. L. Schiaparelli, Roma 1906 (FSI, 36).
- G. Fasoli, *Tappe ed aspetti dell'avanzata longobarda su Bologna*, in «L'Archiginnasio», 44-45 (1949-1950), pp. 149-160.
- T. Faulkner, *Law and Authority in the Early Middle Ages. The Frankish leges in the Carolingian Period*, Cambridge 2016.
- M. Fornasari, *Collectio canonum Mutinensis*, in «Studia Gratiana», 9 (1966), pp. 247-356.
- V. Fumagalli, *Terra e società nell'Italia padana. I secoli IX e X*, Torino 1976.
- S. Gasparri, *Le basi economiche del potere pubblico in età longobarda*, in *Between Taxation and Rent: Fiscal problems from Late Antiquity to Early Middle Ages*, ed. P.C. Díaz – I. Martín Viso, Bari 2011, pp. 71-85.
- S. Gelichi, *Castelli vescovili ed episcopi fortificati in Emilia-Romagna: il castello di Gotefredo presso Cittanova e il castrum S. Cassiani a Imola*, in *Lo scavo archeologico di Montarrenti e i problemi dell'incastellamento medievale. Esperienze a confronto*, ed. R. Francovich – M. Milanese, Firenze 1990, pp. 171-190 (in «Archeologia medievale», 14).
- S. Gelichi, *Studi e ricerche archeologiche sul sito altomedievale di Cittanova*, in *Modena dalle origini all'anno mille. Studi di archeologia e storia*, Modena 1988, pp. 577-603.
- P. Golinelli, *Città e culto dei santi nel Medioevo italiano*, Bologna 1991 (Biblioteca di storia urbana medievale, 4).
- P. Golinelli, *La città prima e dopo il Mille*, in *Storia illustrata di Modena*, vol. 1, pp. 181-200.
- P. Golinelli, *Il codice delle leggi della Cattedrale di Modena (Archivio del Capitolo della Cattedrale di Modena, ms. O.I.2)*, in *Leges Salicae, Ripuarie, Longobardorum, Baioariorum, Caroli Magni. Archivio del Capitolo della Cattedrale di Modena, ms. O.I.2*, ed. F. Baldelli, Modena 2006, pp. 9-37.
- P. Golinelli, *Cultura e religiosità a Modena e Nonantola nell'alto e pieno Medioevo*, in *Lanfranco e Wiligelmo. Il duomo di Modena*, Modena 1985, pp. 121-128.
- P. Golinelli, *San Geminiano e Modena. Un santo, il suo tempo, il suo culto nel Medioevo*, in *Civitas Geminiana. La città e il suo patrono*, ed. F. Piccinini, Modena 1997, pp. 9-33.
- M.W. Heil, *Bishop Leodoin of Modena and the Legal Culture of Late-Ninth Century Italy*, in «Zeitschrift der Savigny-Stiftung für Rechtsgeschichte: Kanonistische Abteilung», 134 (2017), pp. 1-69.
- Isidore of Seville, *Etymologiarum sive Originum libri XX*, vol. 2, ed. W.M. Lindsay, Oxford 1911.
- C. La Rocca – L. Provero, *The Dead and Their Gifts. The Will of Eberhard, Count of Friuli, and His Wife Gisela, Daughter of Louis the Pious (863-864)*, in *Rituals of Power. From Late Antiquity to the Early Middle Ages*, ed. F.C. Theuvs – J.L. Nelson, Leiden 2000, pp. 225-280.
- D. Labate, *Modena alta medievale alla luce delle recenti indagini archeologiche*, in «Atti e Memorie della Deputazione di Storia patria delle antiche Province modenesi», 39 (2017), 11, pp. 349-355.
- D. Labate, *Modena in età medievale: le attestazioni archeologiche*, in *Il Medioevo svelato. Storie dell'Emilia-Romagna attraverso l'archeologia*, ed. S. Gelichi – C. Cavallari – M. Medica, Bologna 2018, pp. 258-268.
- T. Lazzari, *Bertha, amatissima. L'azione politica della figlia di Berengario I, badessa di S. Sisto e di S. Salvatore di Brescia, nel regno italico del secolo X*, in *I Longobardi a Venezia. Scritti per Stefano Gasparri*, ed. I. Barbiera – F. Borri – A. Paziienza, Turnhout 2020, pp. 195-203.
- T. Lazzari, *La creazione di un territorio: il comitato di Modena e i suoi "confini"*, in *Distinguere, separare, condividere. Confini nelle campagne dell'Italia medievale*, ed. P. Guglielmotti, in «Reti Medievali Rivista», 7 (2006), 1, pp. 101-118.
- T. Lazzari, *La tutela del patrimonio fiscale: pratiche di salvaguardia del pubblico e autorità regia nel regno longobardo del secolo VIII*, in «Reti Medievali Rivista», 18 (2017), 1, pp. 1-23.
- T. Lazzari, *Una santa, una badessa e una principessa: note di lettura sul capitello di santa Giulia nel Museo di Brescia*, in *Il monachesimo femminile in Italia nei secoli VIII-XI: famiglia, potere, memoria*, ed. V. West-Harling, in «Reti Medievali Rivista», 20 (2019), 1, pp. 421-446.
- A. Leonelli, *Storia dell'arcidiocesi di Modena-Nonantola*, vol. 1, Modena 1997.
- V. Loré, *Introduzione. Risorse materiali e competizione politica nell'alto Medioevo*, in *Acquérir, prélever, contrôler: les ressources en compétition (400-1100)*, ed. V. Loré – R. Le Jan – G. Bühner-Thierry, Turnhout 2017 (Haut Moyen Âge, 25), pp. 7-20.
- V. Loré, *Spazi e forme dei beni pubblici nell'altomedioevo. Il regno longobardo*, in *Spazio pubblico e spazio privato tra storia e archeologia (secoli VI-XI)*, ed. G. Bianchi – C. La Rocca – T. Lazzari, Turnhout 2018 (Seminari del Centro interuniversitario per la storia e l'archeologia dell'alto medioevo, 7), pp. 59-88.

- Lupus of Ferrières, *Versus*, ed. K. Strecker, Berlin 1923 (MGH, Poetae, 4.3), p. 1059.
- E. Manarini, *A Marriage, a battle, an Honor: The Career of Boniface of the Hucpoldings during Rudolf II's Italian Reign, 924–26*, in «Early Medieval Europe», 28 (2020), 2, pp. 289-309.
- E. Manarini, *Politiche regie e attivismo aristocratico nell'Emilia orientale. Il monastero di S. Silvestro di Nonantola*, in «Annali dell'Istituto italiano per gli studi storici», 30 (2017), pp. 7-74.
- E. Manarini, *Politiche regie e conflitti nell'Emilia orientale: la fisionomia del fisco regio, San Silvestro di Nonantola e le lotte per il regno dopo l'875*, in «Reti Medievali Rivista», 20 (2019), 1, pp. 120-156.
- E. Manarini, *Struggle for Power in the Kingdom of Italy. The Hucpoldings, c. 850–c. 1100*, Amsterdam 2022.
- N. Mancassola, *L'azienda curtense tra Langobardia e Romania. Rapporti di lavoro e patti colonici dall'età carolingia al Mille*, Bologna 2008.
- N. Mancassola, *La corte di Migliarina. Signori, rustici e comunità nella valle del Po tra VIII e XII secolo*, in *Le carte della «curtis» di Migliarina 767-1200*, ed. G. Archetti, in «Brixia sacra. Memorie storiche della diocesi di Brescia», 24 (2019), 3, pp. 11-47.
- MGH, *Capitularia regum Francorum*, vol 1, ed. A. Boretius, Hannover 1883 (Legum sectio, 2).
- MGH, *Pippini, Carlomanni, Caroli Magni Diplomata*, ed. E. Mühlbacher, Hannover 1906 (Diplomata Karolinorum, 1).
- MGH, *Die Urkunden Ludwigs des Frommen*, ed. T. Kölzer, 3 voll., Wiesbaden 2016 (Diplomata Karolinorum, 2).
- MGH, *Die Urkunden Ludwigs II.*, ed. K. Wanner, München 1994 (Diplomata Karolinorum, 4).
- Modena, Archivio Capitolare, O. I. 2*, in *Capitularia. Edition of the Frankish Capitularies*, ed. K. Ubl, Cologne 2014, < <https://capitularia.uni-koeln.de/en/mss/modena-bc-o-i-2/> >, [accessed on 31 October 2021].
- W. Montorsi, *Lepigrafe modenese di Liutprando e l'esametro ritmico longobardo*, Modena 1973.
- H. Mordek, *Bibliotheca capitularium regum Francorum manuscripta. Überlieferung und Traditionszusammenhang der fränkischen Herrschererlasse*, München 1995 (MGH Hilfsmittel, 15).
- O. Münsch, *Der Liber legum des Lupus von Ferrières*, Frankfurt am Main 2001 (Freiburger Beiträge zur Mittelalterlichen Geschichte, 14).
- G. Nicolaj, *Il Liber Legum di Everardo e altre storie*, in Nicolaj, *Storie di documenti, storie di libri: quarant'anni di studi, ricerche e vagabondaggi nell'età antica e medievale*, ed. C. Mantegna, Dietikon-Zürich 2013, pp. 279-306.
- Origo gentis Langobardorum. *Introduzione, testo critico, commento*, ed. A. Bracciotti, Roma 1998.
- S. Patzold, *Episcopus. Wissen über Bischöfe im Frankenreich des späten 8. bis frühen 10. Jahrhunderts*, Ostfildern 2009.
- Paul the Deacon, *Historia Langobardorum*, ed. G. Waitz, Hannover 1878 (MGH, SS rer. Germ., 48).
- A. Piazza, *Monastero e vescovado di Bobbio (dalla fine del X agli inizi del XII secolo)*, Spoleto 1997 (Testi, studi, strumenti, 13).
- I placiti del Regnum Italiae*, vol. 1, ed. C. Manaresi, Roma 1955 (FSI, 92).
- W. Pohl, *Le leggi longobarde nell'Italia carolingia: contesto e trasmissione*, in *Paolino d'Aquileia e il contributo italiano all'Europa carolingia*, Atti del Convegno Internazionale di Studi, Cividale del Friuli – Premariacco, 10-13 ottobre 2002, ed. P. Chiesa, Udine 2003, pp. 421-437.
- Regesto della chiesa cattedrale di Modena*, vol. 1, ed. E.P. Vicini, Roma 1931 (Regesta chartarum Italiae, 16).
- Rhythmi langobardici*, ed. K. Strecker, Berlin 1923 (MGH, Poetae, 4.3), pp. 728-731.
- A. Ricciardi, *Lepistolario di Lupo di Ferrières: intellettuali, relazioni culturali e politica nell'età di Carlo il Calvo*, Spoleto 2005.
- P. Riché, *Les bibliothèques de trois aristocrates laïcs carolingiens*, in «Le Moyen Age. Revue d'histoire et filologie», 69 (1963), pp. 87-104.
- I. Santos Salazar, *Ufficiali minori e società locali nell'Emilia orientale da Ludovico il Pio a Berengario*, in «Archivio storico italiano», 176 (2018), pp. 227-243.
- La sapienza degli angeli. Nonantola e gli Scriptoria padani nel Medioevo*, exhibition catalogue, Nonantola, 5 aprile – 20 giugno 2003, ed. G.Z. Zanichelli – M. Branchi, Modena 2003.

- R. Savigni, *L'episcopato nell'Europa carolingia e postcarolingia: reclutamento dei vescovi, rapporti con le élites locali e ricerca di una identità specifica*, in *Chiese locali e chiese regionali nell'alto medioevo*, Spoleto 2014 (Settimane del Centro italiano di studi sull'alto medioevo, 61), pp. 951-1036.
- I. Scaravelli, *Leodoino*, in *Dizionario biografico degli italiani*, 64, Roma 2005, pp. 404-406.
- Storia illustrata di Modena: Dalla preistoria al medioevo*, vol. 1, ed. P. Golinelli – G. Muzzioli, Milano 1990.
- G. Tiraboschi, *Dizionario topografico-storico degli Stati Estensi*, vol. 1, Modena 1824.
- G. Trovabene, *Il Museo Lapidario del Duomo*, Modena 1984.
- D. Vera, *Massa fundorum. Forme della grande proprietà e poteri della città in Italia fra Costantino e Gregorio Magno*, in «Mélanges de l'École française de Rome. Antiquité», 111 (1999), 2, pp. 991-1025.
- G. Vigarani, *Inventario dei manoscritti dell'Archivio Capitolare di Modena*, ed. F. Baldelli, Modena 2003.
- G. Vocino, *Una comunità minacciata in una città in rovine? Modena altomedievale tra realtà e rappresentazione*, in *Les communautés menacées au haut Moyen Âge (VI^e-XI^e siècles)*, ed. G. Bühner-Thierry – A. Grabowsky – S. Patzold, Turnhout 2021 (Haut Moyen Âge, 42), pp. 151-171.
- G. Vocino, *Ut hoc flagellum evadamus. Sublimating the Hungarian Threat in the Kingdom of Italy*, in *Culture and Knowledge in Times of Threat: Europe around 900*, ed. W. Pezé – P. Chambert-Protat, Stuttgart 2020 (Monographien zur Geschichte des Mittelalters, 69), pp. 343-373.

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