

# ON THE SO CALLED CAPITULARY OF FRANKFURT AND COMMUNICATION BETWEEN CHARLEMAGNE AND BAVARIA AT THE END OF THE 8TH CENTURY<sup>[1]</sup>

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## ABSTRACT

The traditional view maintains that a document called the Capitulary of Frankfurt was a capitulary, a type of royal decree, issued at the assembly of Frankfurt in 794. Some historians further that it, like the *Admonitio generalis* of 789, was systemically copied and spread to every corner of the Frankish Kingdom. Such an assumption leads to the conclusion that political communication under Charlemagne was highly systematic and institutionalized. Building on recent research that has changed our understanding of the so-called capitularies in the Carolingian era, in this article, I focus on the context of the so-called Capitulary of Frankfurt and reevaluate previous understandings of it. Through this, I show the *ad hoc* nature of the political communication under Charlemagne, especially with respect to the use of the documents which have been traditionally called capitularies by historians.

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## 1. INTRODUCTION

In this article I focus on the text, which is usually called the Capitulary of Frankfurt<sup>[2]</sup> and reevaluate previous understandings of this text and its context in order to revise our picture of political communication under Charlemagne. Along with the Capitulary of Herstal of 779 and the *Admonitio generalis* of 789,<sup>[3]</sup> historians have usually seen this as one of the representative capitularies of Charlemagne during the first half of his reign. The generally accepted view is that the so-called Capitulary of Frankfurt was a royal decree, namely a capitulary, which was issued at the assembly of Frankfurt of 794 (as a summary of its discussion).<sup>[4]</sup> Some historians also assume it was systematically copied and spread to every corner of the Frankish Kingdom,<sup>[5]</sup> as we know happened with the *Admonitio generalis*.<sup>[6]</sup> Such an assumption leads to conclusion that political communication under Charlemagne was highly systematic and institutionalized. But recent research has changed our understanding of the so-called capitularies in the Carolingian era and has undermined this

[1] Some of the ideas exhibited in this article appeared in my Japanese paper titled "The "History of Historical Material" Relating to Document Born at the Council of Frankfurt in 794 and Document Utilization in the Sovereign Acts of the Carolingian Era," *Journal of Historical Studies (REKISHIGAKU KENKYU)*, 952, 2016, pp. 25-36.

[2] MGH Capit. 1, no. 28, pp. 73-78; MGH Conc. 2,1, no. 19, pp. 165-171.

[3] MGH Capit. 1, no. 20, pp. 46-51; *ibid.*, no. 22, pp. 52-62; *Die Admonitio generalis Karls des Großen*, eds. Hubert Mordek, Klaus Zechiel-Eckes and Michael Glathaar, MGH Fontes iuris 16 (Hannover, 2012).

[4] For example Wilfried Hartmann, *Die Synoden der Karolingerzeit im Frankenreich und in Italien* Konziliengeschichte: Reihe A Darstellungen (Paderborn, 1989), p. 105; Josef Fleckenstein, "Karl der Große und seine Hofgelehrten," in

*Das Frankfurter Konzil von 794. Teil I*, ed. Rainer Berndt SJ (Mainz 1997), pp. 27-48 (p. 43); Rosamond McKitterick, *Charlemagne. The Formation of a European Identity* (Cambridge 2008), pp. 240-242.

[5] Wilfried Hartmann, "Das Konzil von Frankfurt 794. Nachwirkung und Nachleben," in *Frankfurter Konzil von 794. Teil I*, ed. Berndt, pp. 331-355 (pp. 332f.); Hubert Mordek, "Aachen, Frankfurt, Reims. Beobachtungen zu Genese und Tradition des «Capitulare Francofurtense» (794)," in *Frankfurter Konzil von 794. Teil I*, ed. Berndt, pp. 125-148 (p. 125).

[6] *Admonitio generalis*, pp. 44-47, pp. 86-110. The editors of the new MGH-edition of the *Admonitio generalis* revealed from the analysis of the variants of texts that the *Admonitio* was reproduced in large numbers in a short time through dictation and was disseminated throughout the kingdom through *missi dominici*.

traditional picture.

Traditionally, a capitulary was seen as the decrees of the Frankish rulers, but recently some historians have started to doubt this interpretation<sup>[7]</sup>. Recent work emphasized the diversity of capitularies with respect to their forms, contents and contexts of production<sup>[8]</sup> and some historians have even come to the view that, in addition to not seeing capitularies in general as royal decrees, that at least during the reigns of Charlemagne and Louis the Pious, we should not talk about capitularies as a distinctive category of text.<sup>[9]</sup> In light of this research, we, therefore, have to also reconsider the nature of the so-called Capitulary of Frankfurt.

Given my position in this paper, continuing to use the term “the Capitulary of Frankfurt” is both confusing and misleading, since this gives the document the character of being a decree. Until now I have used the cumbersome term “the so called Capitulary of Frankfurt”. For simplicity, I will use the neutral Latin term *capitula*, meaning the text that is divided in chapters in the rest of this article.

## 2. THE CONTEXT OF THE CAPITULA OF FRANKFURT

To understand the nature of the *capitula* of Frankfurt, we must analyze not only its contents, but also its context. As far as I know, only Hartmann and Mordek have conducted intensive research on the circumstances of the *capitula*'s production, emission, and manuscript tradition.<sup>[10]</sup> I owe much of my information to both researchers, but I reach different conclusions.

### 2.1. THE ASSEMBLY OF FRANKFURT OF 794

The *capitula* of Frankfurt was purportedly written down at the assembly of Frankfurt of 794. Historians have repeatedly and appropriately emphasized and continue to emphasize the religious and political significance of this assembly. The Royal Frankish Annals calls it a *synodus magna* and explains that it discussed the theological problems of Adoptionism and Iconoclasm.<sup>[11]</sup> From the *capitula* itself we also know that this assembly dealt with the deposition of Tassilo III of Bavaria and that many other religious and political topics, notably those in line with the ecclesiastical reform of the *Admonitio generalis* of 789. The fact that many contemporaneous annals mentioned this assembly,<sup>[12]</sup> makes us assume that its contemporaries paid it special attention.

[7] Much of the prior work on capitularies, appears on the website for the project to produce a new edition of capitularies (<http://capitularia.uni-koeln.de/> [accessed 14 January 2020]). However the project title itself, “CAPITULARIA. Edition der fränkischen Herrschererlasse,” shows the survival of the old idea, which see capitularies as the decrees of the rulers.

[8] Since Pokorny pointed out the importance of inductive approach for the study of capitularies, it has been repeatedly emphasized: Rudolf Pokorny, “Eine Brief-Instruktion aus dem Hofkreis Karls des Großen an einen geistlichen Missus,” *Deutsches Archiv für Erforschung des Mittelalters* 52 (1996), pp. 57-83 (p. 78); Christina Pössel, “Authors and recipients of Carolingian capitularies, 779-829,” in *Texts and Identities in the Early Middle Ages*, Österreichische Akademie der Wissenschaften Philosophisch-Historische Klasse Denkschriften, 344. Band. Forschungen zur Geschichte des Mittelalters Band 12, eds. Richard Corradini, Rob Meens, Christina Pössel and Philip Shaw (Vienna 2006), pp. 253-274 (p. 255); McKitterick, *Charlemagne*, pp. 233f.; Simon MacLean, “Legislation and politics in late Carolingian Italy: the Ravenna constitutions,” *Early Medieval Europe* 18/4 (2010), pp. 394-416 (pp. 395-397); Britta Mischke, *Kapitularenrecht und Urkundenpraxis unter Kaiser Ludwig dem Frommen (814-840)*, Inaugural-Dissertation zur Erlangung der Doktorwürde der Philosophischen Fakultät der Rheinischen Friedrich-

Wilhelms-Universität zu Bonn (Bonn 2013), p. 22. See also informative lexicon article of the leading scholar in this field, Gerhard Schmitz, “Art. Kapitularien,” in *Handwörterbuch zur deutschen Rechtsgeschichte* 2, 15. Lieferung (Berlin 2012), Sp. 1604-1612.

[9] It seems that Steffen Patzold was the first to doubt the existence of capitularies as a clear category of texts: Steffen Patzold, “Normen im Buch. Überlegungen zu Geltungsansprüchen so genannter Kapitularien,” *Frühmittelalterliche Studien* 41 (2007), pp. 331-350 (pp. 349f.); Idem, “Capitularies in the Ottonian realm,” *Early Medieval Europe* 27/1 (2019), pp. 112-132 (p. 115 and pp. 118f.). See also Takuro Tsuda, “Was hat Ansegis gesammelt? Über die zeitgenössische Wahrnehmung der ‘Kapitularien’ in der Karolingerzeit,” *Concilium medii aevi. Zeitschrift für Geschichte, Kunst und Kultur des Mittelalters und der Frühen Neuzeit* 16 (2013), pp. 209-231; Idem, “War die Zeit Karls des Großen ‘die eigentliche Ära der Kapitularien?’” *Frühmittelalterliche Studien* 49 (2015), pp. 21-48.

[10] Hartmann, “Konzil von Frankfurt”; Mordek, “Aachen, Frankfurt, Reims”.

[11] MGH SS rer. Germ. 6, p. 94.

[12] See RI I n. 324a, in: Regesta Imperii Online, URI: [http://www.regesta-imperii.de/id/0794-06-01\\_1\\_0\\_1\\_1\\_0\\_879\\_324a](http://www.regesta-imperii.de/id/0794-06-01_1_0_1_1_0_879_324a) (accessed 14 January 2020).

Historians traditionally called this assembly in 794 the Synod or Council of Frankfurt. This word, however, connotes an exclusively religious character, which seems misleading to me. We cannot and should not draw a sharp distinction between a secular royal assembly and a religious synod in the era of Charlemagne and it is highly probable that Charlemagne's contemporaries also had no such a distinction.<sup>[13]</sup> Therefore, I think the more neutral term "assembly of Frankfurt" better captures and translates the nature of the gathering than using the word "synod" or "council".

## 2.2. VERY WEAK MANUSCRIPT TRADITION

The *capitula* of Frankfurt does not survive in original, as is usual with this sort of text from the Carolingian Age. The oldest manuscript which contains a copy of it is one that was owned by Hincmar of Reims from the late 9th Century.<sup>[14]</sup> All of other three surviving manuscripts, which contain this text, are its derivatives (or derivative of its derivative).<sup>[15]</sup> Therefore we have a very weak manuscript tradition for this text.

The sparsity of copies of any given *capitula* is always explained with the argument, that there must have been many copies lost accidentally and we have many cases where important capitularies survive in only a few manuscripts.<sup>[16]</sup> However, it is difficult to immediately accept such an explanation, when we take into consideration the fact that, among the documents which have been regarded as "capitularies", certain texts with a certain formal character survive in a large number of manuscripts,<sup>[17]</sup> such as the Capitulary of Herstal from 779, the *Admonitio generalis* and so-called *capitulare legibus additum* from 803.<sup>[18]</sup> As mentioned above, it is now clear that the *Admonitio generalis* was systematically copied and spread by the court, and it is considered that such conduct of the court is also reflected in the surviving number of the *Admonitio generalis*. Besides such *capitula* in decree-like style, we have some examples of the *capitula* for *missi dominici* with many surviving manuscripts.<sup>[19]</sup> In those cases, we can also assume systematic copying and distributing of those *capitula*, although their texts seem less formal and look like some kind of memoranda. On the other hand, the so-called *capitulare missorum generale* (or "programmatic capitulary") from 802,<sup>[20]</sup> which has been regarded as a typical example of the important capitulary surviving in only a few manuscript, is now regarded not as a royal decree, but rather as an amalgam of various fragments from the discussions in Aachen 802.<sup>[21]</sup> It seems to me that in most cases the manuscript tradition reflects the original nature and treatment of the text and we should avoid attributing the number of surviving manuscripts of each texts absolutely to accident.

## 2.3. THE ABSENCE OF ANY TRACE OF LATER CONSULTATION IN MEDIEVAL SOURCES

Another factor lends weight to denying that the very weak manuscript tradition for this *capitula* is merely accidental. While we have many examples for the later consultation and see verbatim quotation of the *Admonitio generalis* in other documents, historians still have not found any later consultations to the *capitula* of Frankfurt in medieval sources. Hartmann has tried to explain this

[13] Daniel Eichler, *Fränkische Reichsversammlungen unter Ludwig dem Frommen* (Hannover 2007). On the nature of this assembly see also Philippe Depreux, "L'expression «statum est a domno rege et sancta synodo» annonçant certaines dispositions du capitulaire de francfort (794)," in *Frankfurter Konzil von 794. Teil I*, ed. Berndt, pp. 81-101.

[14] Paris Bibliothèque nationale de France, MS lat. 10758.

[15] Mordek, "Aachen, Frankfurt, Reims," p. 136.

[16] Regarding the *capitula* of Frankfurt, see Hartmann, "Konzil von Frankfurt," pp. 331f.; Thomas Martin Buck, *Admonitio und Praedicatio. Zur religiös-pastoralen Dimension von Kapitularien und kapitularienahen Texten (507-814)* Freiburger Beiträge zur mittelalterlichen Geschichte Band 9, (Frankfurt am Main 1997), p. 15 and n. 7.

[17] On the manuscripts tradition of the texts which are edited in

MGH-edition of capitularies, see Hubert Mordek, *Bibliotheca capitularium regum Francorum manuscripta. Überlieferung und Traditionszusammenhang der fränkischen Herrscherlassense MGH Hilfsmittel*, 15 (Munich, 1995).

[18] MGH Capit. 1, no. 39, pp. 111-114.

[19] For example MGH Capit. 1, nos. 43 and 44, pp. 120-126.

[20] MGH Capit. 1, no. 33, pp. 91-99.

[21] Patzold, "Normen im Buch." Although Michael Glathaar, "Subjektiver und indirekter Stil in den Kapitularien Karls des Großen. Ein Beitrag zur Frage ihrer Entstehung," *Deutsches Archiv für Erforschung des Mittelalters* 70, (2014), pp. 1-42 (pp. 18-23) presents an interpretation that makes several important points and differs slightly from Patzold, his thesis does not seem to completely explain the low quality of Latin of the text and the weak manuscript tradition.

situation by arguing that the contents of the *capitula* of Frankfurt are practically a repeat of the regulations in the *Admonitio generalis*.<sup>[22]</sup> I do not, however, find his explanation convincing. Anyone who reads the *capitula* of Frankfurt can easily notice that it includes several original chapters. Furthermore, Mordek has rightly proved by careful comparison of texts that not only the *Admonitio generalis*, but also the *Collectio Dionysio-Hadriana* was consulted in order to compose the *capitula* of Frankfurt. This means that at the assembly of Frankfurt the participants did not simply reaffirm the regulations of the *Admonitio*, but rather tried to reevaluate and improve upon it by consulting their original source, i.e. the canons preserved in *Collectio Dionysio-Hadriana*.<sup>[23]</sup> One fruit of this process of reflecting and improving on the *Admonitio* along with discussions on other topics might be the *capitula* of Frankfurt.

But now we should be careful not to simply conclude from the *capitula*'s production in response to the *Admonitio* and the *Collectio Dionysio-Hadriana* that the *capitula* was composed as an "official" document of this assembly or a royal decree. Although the weak manuscript tradition and the absence of later consultation are enough to spark doubt about the official status of this document, I will offer further evidence that the *capitula* is not a royal decree.

#### 2.4. THE ABSENCE OF ANY REFERENCE TO THE *CAPITULA* OF FRANKFURT IN CONTEMPORANEOUS SOURCES

While in the entry for 794 the Royal Frankish Annals mentions the production of a *liber* at the assembly of Frankfurt, which condemned the heresy of Felix, i.e. Adoptionism,<sup>[24]</sup> we have no medieval historiography which mentions the production of any other documents at this assembly.

Of course, the absence of such historiographical evidence does not compel the conclusion that royal decree was not produced, systematically copied, and spread. The *Admonitio* and the Capitulary of Herstal are not mentioned in any contemporaneous annals, although we can assume in both cases the systematic copying and distributing by the court. However, we must take into account the difference between these two cases and the assembly of Frankfurt. For the two former texts, the historical sources mention neither their actual production nor the venues of their productions.<sup>[25]</sup> In contrast, we have many contemporaneous annals which refer to the assembly of Frankfurt as described above, but all of them are silent about the *capitula*. On the other hand, we have some examples of several entries in the contemporaneous historiographies which mention the production of a document at an assembly and, in some cases, their systematic distribution, such as: a series of *capitula* of 802-803; the so-called *institutio canonicorum aquisgranensis* of 816; a series of *capitula* of 818-819.<sup>[26]</sup> All these texts share the distinctive feature of having an abundant manuscript tradition.

Therefore if the *capitula* of Frankfurt was actually a sort of royal decree that had been issued, systematically copied and distributed at the assembly of Frankfurt, we ought to find at least some reference to this act in contemporaneous sources. The absence of such an information makes the traditional claim that this is a royal decree highly suspect.

#### 2.5. THE UNUSUAL FORM OF THE *CAPITULA* OF FRANKFURT

Many historians have already noticed that the *capitula* of Frankfurt is a heterogeneous text in its

[22] Hartmann, "Konzil von Frankfurt," p. 333.

[23] Mordek shows sixteen examples of major revisions or corrections to the regulations of the *Admonitio* in the *capitula* of Frankfurt, see Mordek, "Aachen, Frankfurt, Reims," pp. 139-148.

[24] MGH SS rer. Germ. 6, p. 94f. This *liber* is preserved in a manuscript written in 821 for Baturich, Bischof of Regensburg (München, Bayerische Staatsbibliothek, Lat. 14468) and in a manuscript written for Hincmar of Reims (Reims, Bibliothèque Carnegie, Ms. 385) at the end of 9th

Century. It is curious that both manuscripts don't include the *capitula* of Frankfurt. We can now read this *liber* in MGH Conc. 2,1, no. 19, pp. 142-157.

[25] The Capitulary of Herstal was issued at the assembly of Herstal in 779. The *Admonitio generalis* was composed by a relatively small circle of the royal court, see *Admonitio generalis*, p. 47f.; Glatthaar, "Subjektiver und indirekter Stil," pp.4f.

[26] For this sort of cases, see Tsuda, "War die Zeit Karls des Großen 'die eigentliche Ära der Kapitularien'?"

contents and the forms of its chapters: some chapters are very elaborate following the style of annalistic sources<sup>[27]</sup> and others are hardly more than a list of keywords.<sup>[28]</sup> Moreover chapters in which the King himself speaks in the first person coexist alongside those with the sentences in the third person which refer to “our lord King Charles”.<sup>[29]</sup>

Mordek argues that the diversity of forms and contents is a familiar characteristic of capitularies and this should not make us to see the *capitula* of Frankfurt as a private and unofficial text.<sup>[30]</sup> It is true that MGH-edition of capitularies include many texts with a heterogeneous character with respect to their forms and contents. But does this allow us to draw the conclusion that the *capitula* of Frankfurt was issued as an official text, i.e. a royal decree? I think that Mordek’s argument evidences a typical problem with the traditional studies of “capitularies”, which sees capitularies as a distinctive category of text and attribute to all “capitularies” characteristics which have only been detected in some texts without thinking about whether the category “capitulary” existed contemporaneously or has been artificially constructed by modern researchers. My suggestion is that we should tentatively abandon the text-category “capitulary” and evaluate the distinctive features of each of the individual texts in the MGH-compilation.

From my perspective, the unusual forms and varied contents in the *capitula* of Frankfurt are distinctive enough to make the official character of the text suspect, especially when we compare it to the texts that we have strong reasons to see as have some of the characteristics of royal decrees, such as the Capitulary of Herstal and the *Admonitio generalis*, which both have better organized structures and more consistently edited contents.

## 2.6. SUMMARY OF THIS SECTION

When we take into account the weak manuscript tradition, the absence of any trace of later consultation in medieval sources, the absence of any reference in contemporaneous sources and the unusual form and varied contents, the traditional idea that the *capitula* of Frankfurt was issued as a royal decree and systematically copied and spread to every corner of the Kingdom, must be abandoned.

But now we must cast our attention on a Bavarian text which allegedly mentions the *capitula* of Frankfurt and has been offered as the very evidence of the *capitula*’s systematic copying and spreading. This text and the claim that it refers to the *capitula* are widely known, but the veracity of the claim has been assumed rather than proven and needs to be more carefully analyzed.

## 3. BAVARIA AND THE CAPITULA OF FRANKFURT AT THE END OF 8TH CENTURY

### 3.1. THE PREFACE OF THE SO-CALLED TRIPLE SYNOD

In the summer of 798 Arn of Salzburg, after he received *pallium* from Pope as the Bavarian first archbishop in April of that year, announced a *synodale conlocuium* (i.e. a provincial synod) at Reisbach on 20th August in his letter to his suffragan bishops.<sup>[31]</sup> As the reason for this announcement

[27] Chapters 1-3 which deal with the theological problems (Adoptionism and Iconoclasm) and the deposition of Tassilo III are elaborated like annals or the proceedings of an assembly. The majority of the rest of chapters include regulations for the ecclesiastical reform, but some treat very specific cases which look like judgments by the King and the assembly.

[28] For example chapter 34 reads as “De avaricia et cupiditate calcanda”; chapter 35, “De hospitalitate sectanda”; chapter 43, “De arboribus et lucis destruendis canonica observetur auctoritas.” These themes had been dealt with in chapters 33, 75 and 65 of the *Admonitio generalis*.

[29] There is also a chapter where sentences in the first and third person coexist (chapter 6).

[30] Mordek, “Aachen, Frankfurt, Reims,” pp. 129-131.

[31] MGH Conc. 2,1, no. 22, pp. 196f. This letter was tradition-

ally seen as one of the grounds for the existence of the synod that was held in 798 in Reisbach, but now many historians think this synod to be the construction of modern historians, see Peter Landau, “Kanonessammlungen in Bayern in der Zeit Tassilos III. und Karl des Großen,” in *Regensburg, Bayern und Europa. Festschrift für Kurt Reindel zum 70. Geburtstag*, eds. Lothar Kolmer and Peter Segl (Regensburg, 1995), pp. 137-160 (p. 158); Kurt Reindel, “Bayerische Synoden im 8. Jahrhundert,” in *Bayern vom Stamm zum Staat. Festschrift für Andreas Kraus zum 80. Geburtstag Band 1*, eds. Konrad Ackermann, Alois Schmid and Wilhelm Volkert (Munich 2002), pp. 1-18 (p.13-15); Stephan Freund, *Von den Agilolfingern zu den Karolingern. Bayerns Bischöfe zwischen Kirchenorganisation, Reichsintegration und karolingischer Reform (700-847)* Schriftenreihe zur bayerischen Landesgeschichte

Arn states that a *synodale conloquium* was already held in *Francia* by bishops of the Kingdom.<sup>[32]</sup> Arn also demanded the *capitula* which was produced in the *synodo* in *Francia* be brought to the announced provincial synod.<sup>[33]</sup> However, this *synodale conloquium* seems to have not been held in August, perhaps because of the illness of Arn,<sup>[34]</sup> and to instead have been put off until next year. Then three provincial synods, the so-called triple synod, were held in succession at Reisbach, Freising and Salzburg.<sup>[35]</sup> The decisions of all three synods survive as a united text.<sup>[36]</sup> The preface of this text<sup>[37]</sup> refers to *capitulis collectis in loco nuncupato Francorum vado*, which Simpert, one of the suffragan bishops of Arn, brought to the synod in Reisbach. Because the Latin of this preface has grammatical flaws (*vis-à-vis* classical Latin), the meanings of sentences are sometimes unclear, as its Editor, A. Werminghof, already indicated.<sup>[38]</sup> What follows is the transcription of the edition of Werminghof with his punctuation:

[...] Simulque etiam in unum revolventes quod gloriosissimus rex constituerat ad emendationem totius ecclesiae, - hoc per virum venerabilem Sintbertum episcopum usque ad nos dirigere studuit cum aliis relegiosis viris, - quicquid ad Aquis de religionis statu vel vitae morum oportunitate, discerpit pariterque et illud, quod in magno concilio cum capitulis collectis in loco nuncupato Francorum vado quae per omnes provincias observare decrevit, nosque haec in medium deferentes studuimus ea per singula recitare et, in quantum potuimus, quae illic inserta non fuerant nos canonum auctoritate augere curavimus.[...]<sup>[39]</sup>

Band 144 (Munich 2004), pp. 211f.; Daniel Carlo Pangerl, *Die Metropolitanverfassung des karolingischen Frankenreiches* MGH Schriften Band 63 (Hannover 2011), pp. 204f. Davis is trying to revive the 798 synod, but it seems that she has not enough conferred with any prior research other than Pangerl and this makes her argument unconvincing. Jennifer R. Davis, *Charlemagne's Practice of Empire* (Cambridge 2015), pp. 251f.

[32] "[...] quia id ipsum a confratribus nostris episcopis hoc anno in regno domni senioris nostri in Francia est peractum." (MGH Conc. 2,1, p. 196). Some historians, including the editor of MGH-Edition, have found it difficult to identify the mentioned *synodale conloquium*, see MGH Conc. 2,1, p. 196, n. 1; Davis, *Charlemagne's Practice of Empire*, p. 70, n. 122. But the mentioned assembly seems to be the one of Aachen in 797. The *Annales sancti Amandi* describes "797. Carlus rex ad Aquis palatium concilium habuit cum episcopis, abbatibus, monachis, de coenobium sancti Pauli, qualiter constituere deberet." MGH. SS 1, p.14. It is unclear whether Arn participated in this assembly, but we should not overlook that the theme of the assembly was the reorganization of the monastery San Paolo fuori le mura, in which Arn was deeply involved. See Hartmann, *Synoden der Karolingerzeit*, p. 119.

[33] "[...] si illa capitula, quae in illa synodo in Francia gesta fuerunt, scripta habeatis, vobiscum deferite." (MGH Conc. 2,1, p. 196). In the assembly of Aachen 797 the so-called *capitulare saxonicum* was issued (MGH Capit. 1, no. 27, pp. 71f.), but it is not clear whether Arn knew of the existence of the *capitulare saxonicum* and demanded this specific *capitulare*. It seems to me also possible that Arn did not have in mind a specific *capitula*, but he sought any *capitula* made in *Francia* which could help his church reform in Bavaria.

[34] The letters show how Arn has suffered from illness several times during that summer and autumn. MGH Epp. 4, nos. 151, 152 and 158, pp. 247f. and pp. 256f. See Herwig Wolfram, *Salzburg, Bayern, Österreich* (Wien 1995), p. 292f.; Maximilian Diesenberger and Herwig Wolfram, "Arn und Alkuin 790 bis 804: zwei Freunde und ihre Schriften," in *Erzbischof Arn von Salzburg*, eds. Meta Niederkorn-Bruck and

Anton Scharer (Wien 2004), pp. 81-106, (p. 85).

[35] Many contemporary historians (excluding Davis) connect the above mentioned invitation letter to this triple synod, see Hartmann, *Synoden der Karolingerzeit*, p. 142; Reindel, "Bayerische Synoden im 8. Jahrhundert," p. 13f.; Freund, *Von den Agilolfingern zu den Karolingern*, p. 229, n. 325; Pangerl, *Metropolitanverfassung*, 204f.; Davis, *Charlemagne's Practice of Empire*, pp. 70 and 251f. However, the problem of the difference between the announced date (20. August) and the first session of the triple synod (20. January), which led Hauck to assume the synod of Reisbach in 798, has been unsolved, see Albert Hauck, *Kirchengeschichte Deutschlands II* (Leipzig 1912), pp. 458-461. What should not be overlooked here is that this text is only an invitation, not evidence that the assembly was in fact held. Therefore if we think that the synod was postponed to January 20 next year, the date gap can be explained. As shown below, Simpert brought *capitula* to the synod of Reisbach (first session of the triple synod) and this seems to be the response to Arn's demand in this invitation letter.

[36] MGH Conc. 2,1, no. 24, pp. 205-213. Opinions are divided among historians on the date of each synod, but a consensus is emerging that the synod of Reisbach was held on the 20th January in 799. On this problem, see Hartmann, *Synoden der Karolingerzeit*, p. 142; Egon Boshof, *Die Regesten der Bischöfe von Passau I 731-1206* (Munich, 1992), pp. 13f.; Hubert Mordek and Michael Glatthaar, "Von Wahrsagerinnen und Zauberern. Ein Beitrag zur Religionspolitik Karls des Großen," *Archiv für Kulturgeschichte* 75 (1993), pp. 33-64; Reindel, "Bayerische Synoden," p. 16; Freund, *Von den Agilolfingern zu den Karolingern*, pp. 229f.; Pangerl, *Metropolitanverfassung*, pp. 206-208.

[37] This "preface" is not included in MGH-Edition. For the text, see Albert Werminghof, "Zu den bayerischen Synoden am Ausgang des achten Jahrhunderts," in *Festschrift Heinrich Brunner zum 70. Geburtstag dargebracht von Schülern und Verehrern* (Weimar, 1910), pp. 39-55.

[38] *Ibid.*, p. 43, n. 4.

[39] *Ibid.*, p. 43.

We might safely conclude that the first mentioned text, which Charles at Aachen brought together, means the *Admonitio generalis*, since the *Admonitio* had actually been composed at Aachen and the decisions of the triple synod echo the reform program of the *Admonitio*.<sup>[40]</sup> Although some historians believe that this passage mentions an assembly in Aachen<sup>[41]</sup> besides that of Frankfurt, in fact, the *magnum concilium* is mentioned only in relation to Frankfurt. Thus, this passage is consistent with the circumstances of the production of the *Admonitio generalis*, which was written in a small circle centered on Charles in Aachen.<sup>[42]</sup>

The interpretative task we need to consider is the sentences that follow. Historians have generally believed the *capitula*, which the preface describes as having been collected at Frankfurt, to be the *capitula* of Frankfurt and they have assumed from this parts of text that Charlemagne sent the *Admonitio generalis* and the *capitula* of Frankfurt through Simpert to the synod of the recently founded Bavarian church province, because both texts should be observed at all church provinces in his kingdom. This assumption could easily lead us to the conclusion that the administration and political communication under Charlemagne was highly systematic and institutionalized, because it means that not only the *Admonitio generalis*, but also the *capitula* of Frankfurt had been systematically distributed to all church provinces and thereafter their original exemplars were preserved at the court archive for the future consultation or possible redistribution.

However this assumption conflicts with the very small number of surviving manuscripts of the *capitula* of Frankfurt mentioned above and the silence of contemporary annals about the *capitula*. Moreover the contents of the *capitula* of Frankfurt appear to have had no influence upon the decisions of the triple synod. Then how should we interpret the sentences of this preface? To answer this question we must look at the situation in Bavaria at the end of 8th Century.

### 3.2. BAVARIAN BISHOPS AND THE ASSEMBLY OF FRANKFURT

During much of 8th Century, Bavaria had some sort of semi-autonomous status under the Agilolfingian dukes, but in 788, when Charlemagne defeated the last duke of Bavaria, Tassilo III, it was annexed to the Frankish kingdom. Nevertheless the Bavarian bishops survived this political change and after 788 they emerged as *de facto* agents of Charlemagne used to control this region.<sup>[43]</sup> This was especially true of Arn of Salzburg who already had had some ties to *Francia* even before 788,<sup>[44]</sup> and after Bavaria's annexation into the Frankish Kingdom he became one of the most loyal servants of Charlemagne there. This might have lead Charlemagne to raise Salzburg, instead of the traditional Bavarian capital Regensburg, to the status of an archbishopric in 798.<sup>[45]</sup>

[40] Hartmann, "Konzil von Frankfurt," pp. 332f.; Mordek, "Aachen, Frankfurt, Reims," p. 126, n. 2; *Admonitio generalis*, p. 115. The notion that the so-called *Karoli regis mandatum* (edited in MGH Conc 2,1, pp. 213f; Mordek, *Bibliotheca capitularium*, pp. 974f.) is the text referred to here can be completely denied, because the use of the *Admonitio generalis* in the triple synod goes far beyond the content of the *mandatum* which contained only 8 extracted articles from the *Admonitio*. Although the 16th century manuscript from Salzburg which uniquely conveys this *mandatum* includes a note that "Charlemagne sent Simpert to Arn ...," this note is only a poor excerpt of the preface of the triple-synod, see Hartmann, *Synoden der Karolingerzeit*, p. 143, n. 9. It cannot be completely denied that this excerpt from the *Admonitio* is somehow related the triple synod, and perhaps it might be an excerpt created there, but it is difficult to make any further speculations.

[41] Hartman had maintained in 1989 that two ecclesiastical assemblies of Frankfurt and Aachen are mentioned here and stated that in Aachen the ecclesiastical assembly was held only in 797 and 800 and both of which left no decision, see Hartmann, *Synoden der Karolingerzeit*, p. 143, n. 9 (Rein-

del also followed him, Reindel, "Bayerische Synoden im 8. Jahrhundert," p. 17). Davis, *Charlemagne's Practice of Empire*, p. 243, n. 25 also tackles with this problem, but her argument has many confusions.

[42] On the circumstances of the production of the *Admonitio generalis*, see *Admonitio generalis*, p. 47f. The fact that the *Admonitio* was issued in Aachen by Charlemagne also becomes clear from this text itself, therefore those who were not participating in the place of its production can write the quoted part of the preface of the triple synod.

[43] Freund, *Von den Agilolfingern zu den Karolingern*; Davis, *Charlemagne's Practice of Empire*, pp. 69-77. On the activities of Bavarian bishops as *missi dominici*, see Shigetō Kikuchi, "Anhang: Prosopographie der Missi dominici (751-887/888)," in idem, *Untersuchungen zu den Missi dominici. Herrschaft, Delegation und Kommunikation in der Karolingerzeit* (Dissertation, LMU München 2013).

[44] He was the abbot of Saint-Amand from 782. His role in the takeover of Bavaria by Charlemagne is not clear. See Davis, *Charlemagne's Practice of Empire*, p. 69 and n. 119.

[45] On the raise of Salzburg to Archbishopric by the initiative of Charlemagne, see Pangerl, *Metropolitanverfassung*, pp. 108-

Did the Bavarian bishops participate in the assembly of Frankfurt in 794? The *capitula* does not provide a list of participants, but the *Annales Maximiniani* tell us, “King Charles held a great *synodus* with all bishops from Gaul, Aquitaine, Italy and Bavaria [...]”<sup>[46]</sup> Although this information is not definitive, since “the Bavarian bishops” are not named in the Royal Frankish Annals and other contemporaneous annals,<sup>[47]</sup> it is hard to imagine, that there were no Bavarian bishops at Frankfurt, where the resignation of the former Duke Tassilo was on the agenda. It is also noticeable that some minor annals from Bavaria mention the assembly of Frankfurt,<sup>[48]</sup> although they refer only rarely to assemblies.

On the other hand, the preface of the triple synod suggests that Arn did not possess the *Admonitio generalis* and *capitula collecta in loco nuncupato Francorum vado* of Frankfurt until 798, because the preface of the decisions of the triple synod describes Simpert as the one who brought these *capitula* to the synod. This information does not accord with the idea that the *capitula* of Frankfurt was systematically distributed after the assembly.

One possible explanation, which many historians seem to adopt, in most cases implicitly, is that the *capitula* had only been handed out to the archbishops at Frankfurt and after 798 Charlemagne sent it along with the *Admonitio generalis* to the newly raised archbishop through Simpert. But when we take into account the activity of Arn at the end of 8th Century, this idea cannot be sustained.

### 3.3. ACTIVITIES OF ARCHBISHOP ARN OF SALZBURG AT THE END OF 8TH CENTURY<sup>[49]</sup>

Perhaps after participating in the assembly of Aachen in October 797, Arn was dispatched to Rome by Charlemagne as one member of a twelve person Frankish legate at the end of this year. He received *pallium* from Pope Leo III in April 798 there. On his way back from Rome while heading to the north of the Alps, the Charlemagne’s envoy arrived to him with a letter (*epistola sua*), which demanded Arn go directly to the region of the Slavs (*partes Sclavorum*) in order to proselytize them.<sup>[50]</sup> But he did not follow this demand and went instead to Charlemagne in order to report the recent situation in Rome. After reporting to Charlemagne, Arn finally headed to the mission area.<sup>[51]</sup> The invitation letter of Arn to the provincial synod at Reisbach was probably issued around this time. According to the *Conversio Bagoariorum et Carantanorum* Arn then reported the results of his missionary activities to Charlemagne. It is unclear whether Arn was face-to-face with Charlemagne or Arn interacted with Charlemagne through envoys.<sup>[52]</sup> Since it is recorded that the two exchanged messages several times,<sup>[53]</sup> if the exchanges were conducted through messengers, there must have been multiple contacts.

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[46] “Carolus rex synodum magnam habuit ad Frangonofurt cum omnibus episcopis Galliae, Germaniae, Aquitaniae, Italiae, Baiowariae [...]”, MGH SS 13, p. 22. On this annals, see Florence Close, “Les Annales maximiniani. Un récit original de l’ascension des Carolingiens,” in : *Bibliothèque de l’École des chartes* 168 (2010), pp. 303-325. The context of their production is not yet clear.

[47] The Royal Frankish Annals mention only “episcoporum Galliarum, Germanorum, Italarum.” MGH SS rer. Germ. 6, p. 94.

[48] MGH SS 30,2, pp. 736f.

[49] The following itinerary of Arn is based on Wolfram, *Salzburg, Bayern, Österreich*, pp. 291-293; Freund, *Von den Agilolfingern zu den Karolingern*, p. 211, n. 240; Rudolf Schieffer, “Arn von Salzburg und die Kaiserkrönung Karls des Großen,” in *Bayern und Italien. Politik, Kultur, Kommunikation (8.-15. Jahrhundert)*. *Festschrift für Kurt Reindel zum 75. Geburtstag*, eds. Heinz Dopsch, Stephan Freund and

Alois Schmid (Munich 2001), pp. 104-121 (pp. 109-118); Diesenberger and Wolfram, “Arn und Alkuin,” pp. 84-86; Herwig Wolfram, *Conversio Bagoariorum et Carantanorum. Das Weissbuch der Salzburger Kirche über die erfolgreiche Mission in Karantänien und Pannonien*, (Laibach 2012), pp. 158-162.

[50] Wolfram, *Conversio Bagoariorum et Carantanorum*. c. 8, p. 70.

[51] Ibid. It is not clear where and when Arn met Charlemagne. Charlemagne was in this summer in Sachsen and according to the *Annales Mosellani* returned to Aachen in autumn. MGH SS 16, p. 499.

[52] Wolfram, *Salzburg, Bayern, Österreich*, p. 293 and idem, *Conversio Bagoariorum et Carantanorum*, p. 161 argued that this part of the *Conversio Bagoariorum et Carantanorum* does not imply the face-to-face meeting, but Diesenberger and Wolfram, “Arn und Alkuin,” p. 85 assumes that Arn visited the king at Aachen, without any basis.

[53] Wolfram, *Conversio Bagoariorum et Carantanorum*, c. 8, p.



The activities of Arn mentioned above show that he was in contact with Charlemagne many times directly and indirectly in 798. This means that Charlemagne had several chances to give Arn the *Admonitio generalis* or his other *capitula*. The traditional idea is that he had sent the *capitula* which are mentioned in the preface of the triple synod to Arn through Simpert and, setting aside the *capitula* of Frankfurt, there is no doubt that the *Admonitio generalis* was actually brought to the synod of Reisbach in January 799 by Simpert. But this leaves the question of why Charlemagne had not directly handed the *Admonitio generalis* to Arn.

The invitation letter from Arn at the summer of 798, which demands *capitula* be brought to the announced provincial synod, is also notable. It suggests that in this time Arn had strongly felt the need to acquire *capitula* which could prove useful for enacting the ecclesiastical reform in his church province. From this we could possibly infer that Arn himself was not previously in possession of the documents necessary to accomplish the reforms Charlemagne had directed. This raises the question: Why did not he then request such *capitula* directly from Charlemagne? Perhaps Arn did, but Charlemagne did not or could not respond to this request!

This situation leads us to the conclusion that Simpert brought *capitula* not by the initiative of Charlemagne, but in response to the demand of his archbishop, highly probably contained in the invitation letter of 798. And Simpert's *capitula* could not have been handed to him in this year by Charlemagne, because in this case we cannot explain why Charlemagne did not give these *capitula* directly to Arn. Simpert seems to have brought the *Admonitio generalis* from the archive of his bishopric. The last question we have to think about is why it was Simpert who brought the *Admonitio*.

### 3.4. BISHOP SIMPERT OF AUGSBURG/NEUBURG (†807)

While *Vita sancti Magni* <sup>[54]</sup> tells us, that Simpert was appointed bishop of Augsburg by Charlemagne, <sup>[55]</sup> Simpert is also referred to as Bishop of Neuburg in two sources: a letter of Pope Leo III in 798 which tells Arn's suffragan bishops that Arn has been elevated to metropolitan, <sup>[56]</sup> and the list of participants in the triple synod. <sup>[57]</sup> Simpert thus seems to have held two bishoprics at the end of 8th Century. <sup>[58]</sup> Neuburg is a Bavarian diocese which lay in the east part of the Lech and under Simpert it would be absorbed into Augsburg, probably at the first decade of 9th Century. <sup>[59]</sup> On the other hand Augsburg had not belonged to Bavaria during the 8th Century. <sup>[60]</sup> As evidence, take for example that no Bishop of Augsburg participated in the assemblies under Bavarian Dukes unlike the Bishop of Neuburg. <sup>[61]</sup>

The precise year of Simpert's appointment as the Bishop of Augsburg is not clear, but generally historians think it took place the year around 778 because he died in 807 and *Vita sancti Magni* states that after his coming to Augsburg he led his church *per annos fere xxx*. <sup>[62]</sup> It seems safe

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[54] On this source, see Dorothea Walz, *Auf den Spuren der Meister. Die Vita des heiligen Magnus von Füssen* (Sigmaringen 1989), pp. 9-100; RIplus Regg. B. Augsburg 1 n. 34, in *Regesta Imperii Online* (<http://www.regesta-imperii.de/id/bc60e510-275a-487e-964b-75c08f1e5bec>) (accessed 14 January 2020). This part of text is thought to be written in the middle of the 9th century.

[55] MGH SS 4, p. 425; Walz, *Auf den Spuren der Meister*, p. 184.

[56] MGH Epp. 5, no. 3, p. 58; Alberto Brackmann (ed.), *Germania Pontificia* 1 (Berlin 1911), no. 8, p. 8.

[57] MGH Conc. 2,1, no. 24, p. 215. This list might be the list of participant in the first session in Reisbach, since it is attached with the abstract of the decisions of Reisbach which survived only as a copy of 16th Century.

[58] See Peter Rummel (ed.), *St. Simpert, Bischof von Augsburg 778-807* (Augsburg 1978); Pankraz Fried, 'Simpert (Sintpert),' *Lexikon des Mittelalters* 7 (Munich – Zurich 1999), Sp. 1925; Stephan Freund, 'Sintpert, heiliger,' *Neue*

*Deutsche Biographie* 24 (2010), pp. 472-473 (<http://www.deutsche-biographie.de/pnd118797352.html> [accessed 14 January 2020]).

[59] On the identification of Neuburg, see Heinz Dopsch, "Die Zeit der Karolinger und Ottonen," in *Geschichte Salzburgs. Stadt und Land I-1. Teil*, ed. idem (Salzburg 1983), pp. 157-221 (pp. 168f.) and *Geschichte Salzburgs. Stadt und Land I-3. Teil*, ed. idem (Salzburg 1984), p. 1226, n. 107-109; Thomas Groll, "Bischof Sintpert in seiner Zeit," in *Der heilige Bischof Simpert – der fast vergessene Dritte im Bunde*, ed. Melanie Thierbach (Augsburg 2007), pp. 8-17; Brigitte Haas-Gebhart, "Sintpert Stafnensis Ecclesiae. Die Ausgrabungen auf der Insel Wörth im Staffelsee," *Der heilige Bischof Simpert*, pp. 52-59. The absorption of Neuburg into Augsburg under Simpert is described in *Vita sancti Magni*, MGH SS 4, p. 425; Walz, *Auf den Spuren der Meister*, p. 184.

[60] Augsburg belonged to the archbishopric Mainz, see Pangerl, *Metropolitanverfassung*, pp. 107-109.

[61] MGH Conc. 2,1, no. 15, p. 96.

to think that he was already Bishop of Augsburg in 789 and the *Admonitio generalis*, which was systematically distributed through the Kingdom, had also been sent to him. On the other hand we might imagine that the *Admonitio* was not distributed to Bavaria which had just recently been merged into the Frankish Kingdom. We know that the full integration of Bavaria was not immediately accomplished after the surrender of Tassilo in 788, but began only after the visitation of Charlemagne from 791 to 793<sup>[63]</sup>. The first surviving evidence for the activities of Arn of Salzburg as *missus dominicus* of Charlemagne emerged only after this time.<sup>[64]</sup>

As we have seen, it is highly probable that at the end of 8th Century Arn of Salzburg did not possess an exemplar of the *Admonitio generalis* or any other *capitula* of Charlemagne which could be useful for a planned provincial synod,<sup>[65]</sup> even after some direct or indirect contacts with Charlemagne and the Frankish court. This is why Arn demanded his suffragan bishops to bring *capitula* to the announced provincial synod. The only bishop who could respond to this demand was Simpert, because he was a bishop in the Frankish kingdom at Augsburg and a suffragan bishop to the Bavarian archbishop of Salzburg as bishop of Neburg. This means he might have been sent an exemplar of the *Admonitio* based on the former and been obligated to supply it based on the latter.

The manuscript tradition of the *Admonitio generalis* from Bavaria also does not conflict with this speculation that the Bavarian archbishop lacked copies of the documents. We have two 9th Century manuscripts from Regensburg and Niederalteich which are considered to be based on a lost exemplar of the *Admonitio*.<sup>[66]</sup> Although the modern editors of the *Admonitio* assumed that the lost exemplar was brought to Bavaria (Regensburg) by Charlemagne at his visitation from 791, this assumption cannot explain why (only) Simpert is mentioned as the person who brought the *Admonitio* to the Bavarian synod in 799. Therefore I would like to propose another scenario: that the *Admonitio generalis* brought by Simpert functioned as the exemplar of the surviving Bavarian *Admonitio*.

The reasoning behind this speculation is that we can see marginal notes identifying the original sources of each chapters of the *Admonitio generalis* from the Bavarian manuscript.<sup>[67]</sup> According to Landau, of the decisions of the triple synod, only the decisions from Freising used the old canons, especially those from *Collectio Dionysio-Hadriana*.<sup>[68]</sup> Therefore the church leaders of Bavaria had first held their discussions on the basis of the *Admonitio generalis*, which Simpert had brought, in Reisbach. Then, in Freising, they consulted not only the *Admonitio generalis* but also *Collectio Dionysio-Hadriana*, the main original source of the *Admonitio*. This method is exactly same as what was done in Frankfurt and perhaps the Bavarian bishops imitated what they had seen in Frankfurt. The *Admonitio generalis* with source information in the marginal notes, which only survives from Bavaria, is probably a by-product of this process in Freising.<sup>[69]</sup> From the manuscript tradition, we might expect that each participant in the triple synod received, besides its decisions, a copy of the

[62] MGH SS 4, p. 425; Walz, *Auf den Spuren der Meister*, p. 184.

[63] Dopsch, "Die Zeit der Karolinger und Ottonen," pp. 165f.; Freund, *Von den Agilolfingern zu den Karolingern*, pp. 160-178.

[64] We have no missatical cases in Bavaria which can be definitely attributed to the time before the visitation of Charlemagne in 791, see Davis, *Charlemagne's Practice of Empire*, p. 74, n. 141.

[65] In fact, at the end of the 8th Century the only *capitula* of Charlemagne that could meet these demands was the *Admonitio generalis*. Ubl rightly points out that Charlemagne's legislative work before his coronation as Emperor was concentrated around 789. Karl Ubl, "Die erste *Leges-Reform* Karls des Großen," in *Das Gesetz – The Law – La Loi*, eds. Andreas Speer and Guy Guldentops (Berlin 2014), pp. 75-92. Between the *Admonitio generalis* in 789 and a series of *capitula* in 802-803 there seems to have been no *capitula* which were systematically copied and spread like the

*Admonitio*.

[66] München, Bayerische Staatsbibliothek, Lat. 14468 which was written in 821 for Baturich, Bischof von Regensburg and Wien, Österreichische Nationalbibliothek, 2232 (early 9th Century, Southeast Germany). See also, *Admonitio generalis*, pp. 91f. To those manuscripts see respectively Mordek, *Bibliotheca capitularium*, pp. 335-339 and 912-915.

[67] *Admonitio generalis*, pp. 91f. and pp. 99f.

[68] Landau, "Kanonessammlungen," pp. 155-160. The *Admonitio generalis* was only used in Reisbach and Freising, see *Admonitio generalis*, pp. 115-117.

[69] It is not possible that the *Admonitio generalis* including marginal notes was already made at Frankfurt in 794. If we assumed that these marginal notes originated in Frankfurt, which had participants from all over the Kingdom, we could not explain for the fact that the *Admonitio generalis* with notes of the sources survives only in the two Bavarian manuscripts.

*Admonitio generalis*.<sup>[70]</sup>

The problem which we cannot yet resolve is concerning *capitulis collectis in loco nuncupato Francorum vado* that is mentioned in the preface of the synod of Reisbach. As argued above, it is unlikely that this mentioned *capitula* is the same text as the *capitula* of Frankfurt surviving in the manuscript of Hincmar. It can only be said that the text which is mentioned in the preface might be some document related to the assembly of Frankfurt. One candidate is the briefs which emerged from the assembly that condemn Spanish Adoptionism,<sup>[71]</sup> because those briefs are preserved in a Bavarian manuscript along with the *Admonitio generalis* which contains marginal notes<sup>[72]</sup> and the manuscript containing the decisions of the triple synod<sup>[73]</sup>, although this speculation cannot be proved definitively. In any case it is hard to imagine that only Simpert possessed this mentioned *capitula collecta in loco nuncupato Francorum vado*, because it is highly probable that other Bavarian bishops had also participated in the assembly of Frankfurt. Perhaps what the author of the preface of the synod of Reisbach was trying to explain as “what Simpert brought” was only *quicquid ad Aquis de religionis statu vel vitae morum oportunitate decerpit*, namely the *Admonitio generalis*.

#### 4. CONCLUSION

In concluding this article, I wish to summarize two points. First, the *capitula* of Frankfurt should not be seen as a royal decree and it was not systematically copied and spread in 794.<sup>[74]</sup> This *capitula* might be a private and unofficial text which emerged from the discussion of the assembly.<sup>[75]</sup> Second, Simpert brought the *Admonitio generalis* to the synod of Reisbach in response to the demand of his archbishop, not by the initiative of Charlemagne. What is especially notable is that before the synod of Reisbach Arn could not even obtain the *Admonitio generalis*, which was once systematically copied and spread in the Kingdom, despite interacting with Charlemagne directly

[70] Two of the three manuscripts which convey the decisions of the triple synod (München, Bayerische Staatsbibliothek, Lat. 28135 and Lat. 6333 [palimpsest]), do not include the *Admonitio generalis*. Although Wolfenbüttel, Herzog August Bibliothek, Blankenb. 130 does include those decisions and the *Admonitio generalis*, but this *Admonitio* lacks marginal notes. This situation can be explained by the argument that the *Admonitio generalis* and the decisions of triple synod were not simultaneously distributed in Bavaria. According to the editors of the *Admonitio generalis* the *Admonitio* in the manuscript of Baturich derives from a separate exemplar (*Admonitio generalis*, pp. 91f.), therefore the *Admonitio* with marginal notes and the decisions of the triple synod were not originally combined. And at the session in Salzburg the participants confer neither the *Admonitio* nor *Collectio Dionysio-Hadriana*, which suggest that the *Admonitio* was not distributed at the end of the triple synod (after the session in Salzburg), but rather at some earlier time, probably at the end of the session in Freising. For the manuscripts of Munich, see Mordek, *Bibliotheca capitularium*, pp. 364-367 and Alban Dold, “Die Texte der bayerischen Synodalstatuten von Reisbach und Freising,” in *Deutsches Archiv für Erforschung des Mittelalters* 8 (1951), pp. 364-383. For the Wolfenbüttel manuscript, see Mordek, *Bibliotheca capitularium*, pp. 920-943 (note relative later composition of this manuscript in the second half of the 9. Century). For the version of the *Admonitio generalis* in this manuscript, see *Admonitio generalis*, pp. 104-109.

[71] MGH Conc. 2,1, no. 19, pp. 122-164. These could also be called *capitula*, because of the existence of sections.

[72] München, Bayerische Staatsbibliothek, Lat. 14468 for

Baturich, Bischof of Regensburg. See Mordek, *Bibliotheca capitularium*, pp. 335-339, especially pp. 337f.

[73] München, Bayerische Staatsbibliothek, Lat. 28135 (early 9th Century Freising). See Mordek, *Bibliotheca capitularium*, p. 365.

[74] In this article, I do not consider why or from where Hincmar obtain this *capitula*. On this problem, see Hartmann, “Konzil von Frankfurt,” pp. 354f. The manuscript of Hincmar (Paris Bibliothèque nationale de France, MS lat. 10758) consists of several parts and the first part (pp. 1-59) contains *Libellus sacrosyllabus episcoporum Italiae* of Paulinus of Aquileia, the *capitula* of Frankfurt and the *Admonitio generalis*, see Mordek, *Bibliotheca capitularium*, pp. 587-605, especially p. 588 and pp. 591f. According to Werminghof, the brief of Paulinus is in two versions surviving, the “formal” version which was confirmed by bishops at the assembly of Frankfurt 794 and the “private” version in which only Paulinus speaks. The manuscript contains the latter version, MGH Conc. 2,1, p 130. I am not prepared to comment on this distinction, but if it is true, it is more likely that the *capitula* of Frankfurt is also an “informal text”.

[75] Recently Patzold, “Capitularies in the Ottonian realm,” p. 119, n. 40 articulates a similar view with the following words “The list of chapters called the ‘Frankfurt capitulary’ is rather a heterogeneous amalgam of excerpts from various narrative reports on the decision of the synod of 794[...], brief excerpts from the *Admonitio generalis*, and two royal judgements on individual cases.” He announced a detailed study of this topic is forthcoming theme, but it has not been published yet.

and indirectly several times in 798. About ten years after its promulgation the *Admonitio* was not in a state where it could easily be referred to and copied in Charlemagne's court.<sup>[76]</sup> This means, we should not assume that political communication under Charlemagne was highly systematic and institutionalized, at least with respect to the use of the documents which have been traditionally called capitularies by historians.

Jennifer Davis has recently emphasized that "the court obviously prompted the Bavarian regional reform councils" and seen those councils as part of the "experimentation" of Charlemagne,<sup>[77]</sup> but I think her argument is misleading if "experimentation" is to mean controlled well-thought attempts to see how different approaches went.<sup>[78]</sup> Although we can assume that in 798 Charlemagne instructed Arn not only to engage in missionary activity in the area of "Slavs" but also to accomplish ecclesiastical reform in Bavaria, we are to believe Charlemagne did not or could not give Arn any *capitula* that would help his reform activities in Bavaria. It was not Charlemagne's promotion or his "experimentation", but the presence of Simpert who was a Bavarian bishop as well as a Frankish one that enabled Arn's ecclesiastical reform activities in Bavaria, and his presence was merely a coincidence, not based on a careful consideration. Thanks to this coincidence, Arn could promote active church reform activities in Bavaria, and could implement the decisions of the triple synod and the *Admonitio generalis* throughout Bavaria. Davis has written elsewhere that "the Franks under Charlemagne employed the tools available to them ... in an *ad hoc* fashion, in reaction to events."<sup>[79]</sup> In this point, I can agree with her fully.

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[76] On the "Archiving of 'capitularies'" I am presently preparing another article for publication.

[77] Davis, *Charlemagne's Practice of Empire*, pp. 243-292. The title of the section is "The conquered region as arenas for experimentation". The quotation is from p. 290.

[78] One of the biggest problems with her argument is the use of terms such as "regional council," "reform council," "council records" and "capitulary" which requires that each term and its referents be carefully defined based on the relationship with contemporary concepts. This problem is not specific

to her, but rather reflects a pervasive problem in the prior work on this topic. Concerning the ecclesiastical assemblies, see Gerhard Schmitz, "Concilium perfectum. Überlegungen zum Konzilsverständnis Hinkmars von Reims (845-882)," *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Kanonistische Abteilung* 65 (1979), pp. 27-54. He has convincingly argued that in the early middle age there was not clear definition of the categories in ecclesiastical assemblies except the provincial synod.

[79] Davis, *Charlemagne's Practice of Empire*, p. 273.