

**«Stilo... memoriaeque mandavi»:
Two and a Half Conspiracies.
Auctors, Actors, Confessions, Records, and Models***

by Danuta Shanzer

Conspiracies frustrate contemporaries, historiographers, and historians. This article explores roles, focalization, and confession in three conspiracies related to Italy, from the sixth, fourth, and ninth centuries respectively. The protagonists include Boethius, Silvanus, and Theodulf of Orléans. The main contribution is a philological and historiographical re-evaluation of Theodulf's role in the revolt of Bernard of Italy against Louis the Pious (817-818), arguing that Theodulf advised Louis about the punishment of the conspirators. Boethius first emerges as a historico-political exemplum (though his *Consolatio*) in Modoin's *rescriptum* (Theodulf, *Carmen* 73 [820-821]).

Early Middle Ages; Late Antiquity; Louis the Pious; Theodulf of Orléans; Boethius, Reception; Boethius, Consolation of Philosophy; Ammianus Marcellinus; Silvanus; Revolt of Bernard of Italy (817); Confession; Conspiracies.

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Abbreviations

CCM = *Chronicon Moissiacense Maius*, ed. J.M.J.G. Kats – D. Claszen, Leiden 2012.

LLT = Library of Latin Texts.

MGH, Conc. 2, Suppl. 1 = *Opus Caroli regis contra Synodum (Libri Carolini)*, ed. A. Freeman, Hannover 1998 (Concilia, 2, Suppl. 1).

MGH, Epp. 5 = *Epistolae Karolini aevi* (III), ed. E. Duemmler, Berlin 1899 (Epistolae [in Quart], 5).

MGH, LL 1 = *Capitularia regum Francorum* (I), ed. A. Boretius, Hannover 1883 (Leges [in Folio], 1).

MGH, LL 5 = *Leges Saxonum. Lex Thuringiorum. Edictum Theoderici regis. Remedii* (...), Hannover 1875-1889 (Leges [in Folio], 5).

MGH, Poetae 1 = *Poetae Latini medii aevi Carolini* (I), ed. E. Duemmler, Berlin 1881 (*Poetae Latini medii aevi*, 1).

MGH, SS 1 = *Annales et chronica aevi Carolini*, ed. G.H. Pertz, Hannover 1826 (Scriptores [in Folio], 1).

MGH, SS rer. Germ. 44 = Nithard, *Historiae*, ed. E. Müller, Hannover 1907 (Scriptores rerum Germanicarum in usum scholarum separatim editi, 44).

MGH, SS rer. Germ. 6 = *Annales regni Francorum inde a. 741 usque ad 829*, ed. G.H. Pertz – F. Kurze, Hannover 1895 (Scriptores rerum Germanicarum in usum scholarum separatim editi, 6).

MGH, SS rer. Germ. 64 = Thegan, *Gesta Hludowici imperatoris*. Astronomus, *Vita Hludowici imperatoris*, ed. E. Tremp, Hannover 1995 (Scriptores rerum Germanicarum in usum scholarum separatim editi, 64).

SS rer. Lang. 1 = *Scriptores rerum Langobardicarum et Italicarum saec. VI-IX*, ed. G. Waitz, Hannover 1878 (Scriptores rerum Langobardicarum et Italicarum, 1).

PL = Patrologia Latina.

SC = Sources Chrétiennes.

«Happy families are all alike; every unhappy family is unhappy in its own way»

L. Tolstoy, *Anna Karenina*

«Aber hilft er (sc. der Begriff 'politischer Mord') auch, Tötungen in anderen Epochen der Geschichte zu analysieren?»¹

1. *Introduction*

Conspiracies are treacherous: self-concealing they create an extra wall between historians and their sources. For evil or for good, they seek to subvert a status quo. They can stem from injustice, ambition, oppression, revenge, discontent, or envy. They thrive on secret communication and can employ fraud and forgery. Many roles are available in these dramas: spies, informers, councilors, ring-leaders, those turned state's evidence, and victims (the targets to be felled) of course, but also fall-guys and collateral damage. All conspiracies share common elements, so much so that modern historians can write manuals for *coups d'état*², and Netflix can help us all become tyrants³. Conspiracies unmasked face judicial sanctions. Suddenly, defendants scuttle away from the light of investigation or claim different roles. But some are tortured, some confess. The process of discovery develops its own grim momentum. The truth is rarely discovered, which in turn leaves work for historians and apologists. Their written accounts and other forms of commemoration have their own reception. Eventually conspirators may look to earlier conspiracies for role models or ways to dramatize themselves. I take the above to be self-evident.

This volume explores relations between Ostrogothic and Carolingian Italy. This paper gelled around two conspiracies. The Senate and Byzantines against Theoderic in the first instance and Bernard of Italy and his allies against Louis the Pious in the second. In the middle, the forgery of letters

¹ Patzold, *Zwischen Gerichtsurteil und politischem Mord*, p. 38.

² Luttwak, *Coup d'État*.

³ <https://de.wikipedia.org/wiki/How_to_Become_a_Tyrant>.

links what may seem like a radically different case-study, where an innocent was framed, and where the conspirators were the framers, not the victim-target. This dizzying narrative of wheels within wheels is that of the Frank Silvanus (in Ammianus Marcellinus), who was accused of usurpation against Constantius. We are confined to available sources for reconstructing these events. The conspiracies add their extra layers of concealment, time shows only the top of the iceberg, but, in each case, confession lies at the center. We have three central figures with differing roles. Boethius' autobiographical voice justifies himself from prison, but in fact confesses. Ammianus related events in which he participated as an actor. His *Res Gestae*, however, set the record straight after the fact and confess his own role. And third comes a figure who was arguably collateral damage: Theodulf of Orléans. In his case I will be re-litigating his involvement in the revolt of Bernard of Italy and making some new suggestions about its nature. One of Theodulf's own consolors cited Boethius as an exemplum. This led me to explore the reception of the fall of Boethius in the earlier Carolingian period to suggest that his exemplum was not available to Theodulf for self-fashioning.

In this paper, a comparative study of conspiracies was struggling to emerge, something about center vs. periphery, about transalpine communications, about Italy, her passes, and her political perils: invaded, threatened with invasion, occupied, liberated, or demoted⁴. But in the end the piece is not primarily a contribution to *histoire événementielle*, but to illustrating how figures caught up in conspiracies styled themselves, and what and who their models were.

2. *Boethius at the Ostrogothic court*

Boethius' setting was Theoderic's court (Ravenna and Verona) and the Senate at Rome (where he was found guilty by his peers)⁵. The protagonists were an embattled⁶ and now aging⁷ Theoderic; Albinus, a pious Roman senator; Cyprian, the *referendarius*; Opilio⁸; Boethius, the *magister officiorum*; his guardian and father-in-law Symmachus; various courtiers-turned-*delatores*; the pro-Byzantine Pope John, and unnamed correspondents at Justin I's court.

The ingredients involve treason, the end of a religious schism⁹, Roman patriotism, barbarian kingship and succession, international relations and

⁴ The ghost of Thomas Hodgkin whispers in my ear.

⁵ He was imprisoned at Pavia.

⁶ Loss of Eutharic (522); dynastic marriages compromised by events (Burgundy [Sigistrix], Africa [Amalafrida]).

⁷ Carducci «vecchio e triste» (*La leggenda di Teodorico*, 8; below, note 152). Theoderic's age and his succession were factors in Boethius' downfall. See Moorhead, *Boethius' Life*, p. 19.

⁸ Cassiodorus, *Variae*, VIII, 6-7.

⁹ The Acacian Schism that compromised relations between the Papacy and Constantinople had ended in 519 with the death of the miaphysite emperor Anastasius in 518, so a path was open to reconciliation.

threat of reprisals against religious opponents¹⁰, delation¹¹, personal quest for gain, a whiff of sorcery, torture, execution, and – to be avoided – martyrdom¹².

The issue was *maiestas*: had Boethius engaged in treasonable correspondence hoping for Roman *libertas*? An autobiographical outburst (*Consolatio*, I, 4, 20-27) provides his perspective. He frames his apology unrepentantly:

20 At cuius criminis arguimur summam quaeres? Senatum dicimur saluum esse uoluisse. 21 Modum desideras? Delatorem, ne documenta deferret quibus senatum maiestatis reum faceret, impedisse criminamur. 22 Quid igitur, o magistra, censes? Infitiabitur crimen, ne tibi pudor simus? At uolui nec umquam uelle desistam. Fatebimur? 23 Sed impediendi delatoris opera cessauit. An optasse illius ordinis salutem nefas uocabo? Ille quidem suis de me decretis uti hoc nefas esset effecerat. 24 Sed sibi semper mentiens imprudentia rerum merita non potest immutare nec mihi Socratico decreto fas esse arbitror uel occuluisse ueritatem uel concessisse mendacium. 25 Uerum id quoquo modo sit, tuo sapientiumque iudicio aestimandum relinquo. Cuius rei seriem atque ueritatem, ne latere posteros queat, stilo etiam memoriaeque mandauit. 26 Nam de compositis falso litteris, quibus libertatem arguor sperasse Romanam, quid attinet dicere? Quarum fraus aperta patuisset si nobis ipsorum confessione delatorum, quod in omnibus negotiis maximas uires habet¹³, uti licuisset. 27 Nam quae sperari reliqua libertas potest? Atque utinam posset ulla! Respondissem Canii uerbo, qui cum a Gaio Caesare Germanici filio conscius contra se factae coniurationis fuisse diceretur: 'si ego', inquit, 'scissem, tu nescissem'.

He does not deny his desire to protect the Senate: he supposedly tried to impede a *delator* from making an accusation. He set down an account of what happened, probably independent of what he narrates in the *Consolatio*, for *seriem* sounds narrative and sequential. He claims that his alleged desire for Roman *libertas* appeared in forged letters. *Delatores* had been examined (under torture?) and admitted the forgery, but Boethius hadn't been able to use their confessions in his defense. He is defiant and unrepentant: he makes it clear that he wanted a Roman *libertas*¹⁴ that was no longer possible. One notes his *Romanitas* in his defense of the Senate that betrayed him¹⁵. And his re-deployment of Canius' grim joke (*uerbo*)¹⁶. His apology ends with a mad-scene, an almost infernal vision (I, 4, 46, «videre autem uideor») of the «nefarias sceleratorum officinas», the hellish kitchen where plots are hatched. The phrasing can be

¹⁰ Catholics under Theoderic vs. Arians under Justin.

¹¹ See Boissière, *L'accusation publique*, and Boissier, *Les Délateurs. Edictum Theoderici*, 49, allows slave testimony in cases of treason: «Hoc etiam de familiaribus seruari debere censemus, qui cuiuslibet familiaritate vel domui inhaerentes, delatores aut accusatores emerint: excepto tamen crimine maiestatis». *Edictum Theoderici*, 50, disallows anonymous denunciations and subjects unsuccessful *delatores* to the death-penalty: «Occultis secretisque delationibus nihil credi debet; sed eum qui aliquid defert, ad iudicium venire convenit; ut si, quod detulit, non potuerit adprobare, capitali subiaceat ultioni».

¹² See Bark, *The Legend of Boethius' Martyrdom*.

¹³ Confession under torture?

¹⁴ Code for replacement of Gothic rule in Italy? See Moorhead, *Boethius' Life*, p. 20.

¹⁵ E.g. his historical exemplum of defiance to Caligula. See Rand, *Founders*, pp. 158-159, for Boethius' Ciceronian dedication to eternal Rome. See Fichtenau, *The Carolingian Empire*, p. 115, on the loss of the concept of honest public service under Charlemagne. For more on this theme, see Ganz, *The Epitaphium Arsenii*, p. 544, and De Jong, *Epitaph for an Era*, p. 5.

¹⁶ Iulius Can(i)us is known from Seneca, *Dialogi*, IX, 14, 4-10. The joke is found only there. For the typology, see Shanzer, *Laughter and Humour*, pp. 35-36.

compared to that at Ammianus, XXIX, 1, 34, where Valens investigated a plot in Antioch in 371: «cogitati sceleris officina». Boethius-prisoner focalizes from the receiving end of the Later Roman justice system.

The other main source – with far more circumstantial detail – is the *Anonymus Valesianus*, 85-87:

85 Post haec coepit adversus Romanos rex subinde fremere inventa occasione. Cyprianus, qui tunc referendarius erat, postea comes sacrarum et magister, actus cupiditate insinuans de Albino patricio, eo quod litteras adversus regnum eius imperatori Iustino misisset: quod factum dum evocatus negaret, tunc Boethius patricius, qui magister officiorum erat, in conspectu regis dixit: 'falsa est insinuatio Cypriani'¹⁷, sed si Albinus fecit, et ego et cunctus senatus uno consilio fecimus; falsum est, domine rex'. 86 Tunc Cyprianus haesitans non solum adversus Albinum sed et adversus Boethium, eius defensorem, deducit falsos testes [adversus Albinum]. sed rex dolum Romanis tendebat et quaerebat quem ad modum eos interficeret: plus credit falsis testibus quam senatoribus. 87 Tunc Albinus et Boethius ducti in custodiam ad baptisterium ecclesiae. rex vero vocavit Eusebium, praefectum urbis, Ticinum et inaudito Boethio protulit in eum sententiam. quem mox in agro Calventiano, ubi in custodia habebatur, misere fecit occidi. qui accepta chorda in fronte diutissime tortus, ita ut oculi eius creparent, sic sub tormenta ad ultimum cum fuste occiditur.

The Anonymous both corroborates and fleshes out Boethius' account. Here too are letters, specifically addressed to Justin I, but attributed to Albinus. Boethius is depicted as having dived in with fatally rash support for Albinus, denying the truth of the accusation, but then in effect handing both himself and the Senate over as accomplices: «If Albinus did it, we all did it»¹⁸. One thinks of the meme, «I am Spartacus». This placed Boethius in the cross-hairs, and one can imagine how the Senate (far off in Rome) jumped to dissociate itself – at the cost of sacrificing Boethius¹⁹. Cassiodorus seems to have been a *tertius gaudens*²⁰.

3. *A detour to Ammianus (half a conspiracy?)*

Boethius' allusion to forged letters reminds us of the features shared by conspiracies. Were these the ones supposedly written to Justin by Albinus? Or were these different (forged) letters intended to incriminate Boethius, a sort of widening stain? We can compare the deadly role of forgeries in Ammianus

¹⁷ See Troncarelli, *Inaudita in Excerpta*, p. 167, for the difficulty of the phrase. It could also mean: «The document introduced into the *acta* by Cyprian is fake».

¹⁸ Troncarelli, *Inaudita in Excerpta*, pp. 168-171, ingeniously sees a hypothetical syllogism. I see a rhetorical strategy of solidarity that backfired.

¹⁹ The beaver was said to castrate itself when pursued for its medicinal testicles: see Isidore of Seville, *Etymologiae*, XII, 2, 21: «Castores a castrando dicti sunt. Nam testiculi eorum apti sunt medicaminibus, propter quos cum praesenserint uenatorem, ipsi se castrant et morsibus uires suas amputant. De quibus Cicero in Scauriana: "Redimunt se ea parte corporis, propter quod maxime expetuntur". Iuuenalis: Qui se eunuchum ipse facit, cupiens euadere damno testiculi».

²⁰ He stepped into Boethius' post as *magister officiorum*, for which see PLRE II, p. 267, and Barnish, *The Variaie*, p. XLVIII.

(XV, 5 and 6), Silvanus' framing and forced usurpation in Cologne²¹. It started with forged letters, and includes instructions for how a documentary forgery can be contrived and then compounded²². I'll touch quickly (in no particular order) on some of its related themes: 1) Outsiders/insiders: the loyal Franks serving deceitful Romans (inverted in Boethius' case, where questionably loyal Romans serve Ostrogothic masters). 2) Envy and enmity as triggers: it is precisely good public servants who are framed by corrupt ones²³. It is the accusers who constitute the real conspiracy, not the accused, and there are wheels within wheels in this journey into fear²⁴.

3.1. *Historical / Historiographical models*

And models? The essence is that Silvanus' hand was forced into usurpation²⁵. There is no obvious intertextuality, Ammianus doesn't quote Tacitus' epigram, but he may have had *Historiae*, II, 76 in mind, where Licinius Mucianus invited Vespasian *ad imperium*: «abiit iam et transvectum est tempus quo posses videri non cupisse: confugiendum est ad imperium!»²⁶. Even though Silvanus didn't want to be emperor²⁷, he had nowhere to go but up: «In consilia agitabatur extrema (...) ad culmen imperiale surrexit» (XV, 5, 15). "Deniability" is also important in the story: Constantius' distance from Cologne permitted him to pretend that he didn't know about the usurpation: «it hadn't happened»²⁸.

3.2. *Shadows of recent wounds?*

Frustratingly, we lack Ammianus' own narrative of Magnentius' revolt and the ensuing civil war²⁹. But we might try to read Ammianus' account of

²¹ See Matthews, *The Roman Empire*, pp. 37-38, for a sober English summary.

²² The signature *manu propria* was retained, while seditious text was inserted into the body of the letter that had been drafted by the secretary. The explanation in the *De Boetio Senatore* involves abuse of an authentic seal of Boethius'. See Troncarelli, *Inaudita in Excerpta*, p. 172.

²³ Dynamius, Lampadius, Arbitio, Apodemius.

²⁴ The commander sends one person he doesn't trust (Ursicinus) to deal with someone else he doesn't trust (Silvanus). Worst case scenario: that they both join up against him. Ideal scenario: both kill one another. Reasonable expectation: one will kill the other, so one less problem.

²⁵ Contrast simply being accused of it, as in Sidonius, *Epistulae*, I, 7, 11: «(Arvandus) tum demum laboriosus tarda paenitudine loquacitatis inpalluisse perhibetur, sero cognoscens posse reum maiestatis pronuntiari etiam eum, qui non affectasset habitum purpuratorum».

²⁶ The striking phrase, brought to my attention by Roger Tomlin, had been picked up by Syme, *Tacitus*, p. 166.

²⁷ According to Ammianus' narrative, which is all we have. His loyalty was proven by his *largitio* in Constantius' name at XV, 6, 3. See below note 29 for Magnentius' quite different behavior!

²⁸ Ammianus, XV, 5, 21: «quo commento Silvanus gesta etiam tum imperatorem ignoraret». More at XV, 5, 24 where Constantius' party tries to forestall rumor by forced marches.

²⁹ Which would have been in Book 13. See Gardthausen, *Ammiani Marcellini*, p. 3, for evidence. For a modern account of Magnentius' usurpation, see Barnes, *Athanasius and Constantius*, pp. 101-106. We have only the bitter aftermath in Britain in Ammianus, XIV, 5.

Silvanus' uprising at Cologne against this recent (lost) trauma. David Hunt pointed out parallels between Silvanus and Magnentius³⁰. And there was personal history in Constantius' case, for his victory at Mursa on the 28th of September in 351 would not have been possible had Silvanus not deserted to his side³¹. There is a drumbeat problematizing Frankish *fides* in XV, 5, 6, where the *homines dicati imperio*, Malarichus and Mallobaudes, must stand surety for one another's loyalty.

Philologists pull at loose threads. And in this case a stray word attracts attention. In XV, 5, 29, Silvanus' soldiers in Trier are depicted as burning to burst through the passes of the Cottian Alps: «causantis inopiam militis et rapida celeritate ardentis angustias Alpium perrumpere Cottiarum». Why «Cottian»³²? The Brenner seems to have been the most direct route from Cologne to Italy³³. I can only suggest that a model, a recent memory, was present in Ammianus' mind: namely Magnentius' last stand at Mons Seleucus (La Bâtie-Montsaléon), very much in the Cottian Alps³⁴.

3.3. A confession

Buried deep in the account is the phrase: «inter quos ego quoque eram» (XV, 5, 22). Ammianus was with Ursicinus, so this is at least in part eyewitness testimony. In 355 the traumatic question must have been: would Silvanus be the next Magnentius? In XV, 6, 4 Ammianus knows of Poemenius' loyalist counter-insurgency against Decentius at Trier. We could guess or speculate about how Ursicinus (and Ammianus perhaps?) "turned" Silvanus' élite Germanic auxiliaries³⁵. Had these very troops been at Mursa³⁶? We could read the Silvanus episode as a confession: we have an eyewitness narrator

³⁰ Cameron – Garnsey, *The Late Empire*, pp. 14-15.

³¹ Ammianus, XV, 5, 33.

³² No explanation in De Jong, *Philological and Historical Commentary*, ad loc.

³³ According to Stanford's Orbis (<<https://orbis.stanford.edu>>): Ara Agrippinensium to Mediolanum.

³⁴ Which is narrated in Julian, *Oratio*, 2, 74C: «τῶν γε μὴν πρὸς τὸν τύραννον πραχθέντων ὁ τε ἐπὶ Σικελίαν ἔκπλους καὶ ἐς Καρχηδόνα, Ἡριδανοῦ τε αἱ προκαταλήψεις τῶν ἐκβολῶν ἀπάσας αὐτοῦ τὰς ἐν Ἰταλίᾳ δυνάμεις ἀφελόμεναι, καὶ τὸ τελευταῖον καὶ τρίτον πάλαισμα περὶ ταῖς Κοττίαις Ἄλπεσιν, ὃ δὴ βασιλεῖ μὲν παρέσχεν ἀσφαλῆ καὶ τοῦ μέλλοντος ἀδεῶ τὴν ὑπὲρ τῆς νίκης ἡδονήν, τὸν δὲ ἡττηθέντα δίκην ἐπιθεῖναι δικαίαν αὐτῶ καὶ τῶν ἐξειργασμένων πάνυ ἀξίαν κατηγάγκασε». Zosimus, II, 53, 3, must be wrong.

³⁵ Ammianus, XV, 5, 30, Brac[c]hiati and Cornuti. Both were *auxilia palatina*, listed by the *Notitia Dignitatum*, pp. 122; 128; 130; 133; 135; 140. Speidel, *Ancient Germanic Warriors*, p. 42, shows one of the latter on the Arch of Constantine. Both were Germanic auxiliaries who would fight at Strasbourg in 357 to dramatic effect per Ammianus, XVI, 12, 43; Speidel, *Ancient Germanic Warriors*, p. 102. For their venality, see Ammianus, XV, 5, 30.

³⁶ Magnentius had a large barbarian army. See Hoffmann, *Das spätrömische Bewegungsheer*, p. 144. Constantius took over many of the Western troops after Mursa. See Hoffmann, *Das spätrömische Bewegungsheer*, p. 480, Silvanus' troops ended up with Julian in Gaul. See Hoffmann, *Das spätrömische Bewegungsheer*, p. 202. I have been unable to pin down the Bracchiati and Cornuti at Mursa, but consider the possibility worth raising.

(the *auctor*) who regards his subject as innocent³⁷, but also described how he and his master Ursicinus (both *actores*) had to contribute to that innocent's downfall-murder, in fact, in a Christian building³⁸. According to Matthews, he «wrote of the outcome with detachment as merely a question of expediency and efficiency»³⁹. I am not so sure and prefer to see something closer to «Those that I fight I do not hate / Those that I guard I do not love»⁴⁰.

4. *Back to Boethius*

Like Silvanus separated from his ruler⁴¹, Boethius lamented his distance from his judges and his lack of opportunity to defend himself⁴². His connection to the conspiracy is unclear, but – one must make no mistakes – he was sympathetic to it. He tried to help by impeding an informer and was himself delated. He then risked a dangerous move (the “Spartacus strategy”) that misfired, and found himself alone and condemned. By when he wrote the *Consolatio* he wanted to set the record straight, but had largely given up on his own personal safety⁴³. Hence his defiant tone. He stylizes himself as the philosopher before the emperor⁴⁴. Both his and Silvanus' stories share issues of ethnicities in uneasy collaboration.

I'd like, however, to note an important point and eventual distinction. Both stories include an initial element of personal enmity and envy. Silvanus was completely framed; Boethius however was delated by informers. At that point he seems quixotically to have collaborated in his own downfall and in the eventual damage-control for other senators. Both he and Silvanus however took voluntary fatal dives.

5. *A Carolingian conspiracy*

The third conspiracy is the Revolt of Bernard of Italy against Louis the Pious in 817-818. The main historiographical sources are the *Annales Regni*

³⁷ Perhaps again by contrast-imitation with Magnentius who offered a donative in connection with his usurpation. See Zonaras, XIII, 6.

³⁸ Ammianus does not use the Christian terminology, but seems to be implying that Silvanus expected sanctuary.

³⁹ Matthews, *The Roman Empire*, p. 38.

⁴⁰ William Butler Yeats, *An Irish Airman Foresees His Death*.

⁴¹ Ammianus, XV, 5, 15: «timensque ne trucidaretur absens et inauditus». This is a concern about a hit-squad.

⁴² Cf. Boethius, *Consolatio*, I, 4, 36: «Nunc quingentis fere passuum milibus procul muti atque indefensi ob studium propensius in senatum morti proscriptionique damnatur».

⁴³ His wife Rusticiana (*Consolatio*, II, 4, 6: «Viuit uxor ingenio modesta, pudicitia pudore prae-cellens et, ut omnes eius dotes breuiter includam, patri similis») and father-in-law Symmachus (*Consolatio*, I, 4, 40) were still safe.

⁴⁴ Not the biblical prophet before the king, on which see Fontaine, *Une clé littéraire*. For more examples, but no discussion of Boethius, see Van Renswoude, *The Rhetoric of Free Speech*.

Francorum, the *Moissac Chronicle*, and Thegan's and Astronomus' biographies of Louis the Pious. These can be assembled as a composite⁴⁵, divided and conquered, or read as memory with hindsight and propaganda⁴⁶. I'll begin with what is undisputed. Bernard was prompted to rebel by Louis' *Ordinatio* of July 817 which made Lothar emperor, while subjecting Pippin and Louis to him⁴⁷. It failed to include Bernard of Italy in its provisions, thereby implicitly disinheriting the latter's son Pippin. Bernard is presented as egged on by evil counselors⁴⁸. His goals vary according to source: sole rulership of Italy, usurpation of Louis' imperial power and dethroning him, or perhaps only gaining traction for negotiating. Italy and Francia confronted one another over the Alps, passes were occupied⁴⁹, Louis mustered troops⁵⁰, but there is no evidence for battle⁵¹. Bernard surrendered to his uncle at Chalon-sur-Saône⁵² and was tried in Aachen⁵³. He was condemned to death, but the sentence was commuted to blinding. He died in custody three days later (17 April 818). From injuries? Resisting arrest⁵⁴? Or by his own hand⁵⁵?

6. *Midpoint: so far, so good?*

The three conspiracies are differently focalized. Silvanus, the man framed, is presented extra-diegetically by Ammianus. Only later comes the admission that makes the author an *actor* and triggers my "confessional" reading of the account. In Boethius, the virtuous sympathizer with patriotic treason, we see a man pushed, perhaps from the margins, to become a fall guy. His autobiographical outburst is not an overt confession, but an unrepentant apology; his models are Roman. In the third conspiracy, my focalizer, Theodulf,

⁴⁵ See, as an example, Von Simson, *Jahrbücher*, pp. 112-126.

⁴⁶ Patzold, *Zwischen Gerichtsurteil und politischem Mord*, pp. 37-38, takes the latter approach.

⁴⁷ *Capitularia regum Francorum*, 136 (MGH, LL 1, pp. 270-273).

⁴⁸ Astronomus, *Vita*, 29, and Thegan, *Gesta*, 22. In the *Moissac Chronicle*, the idea is initially his own. See CMM, p. 149: «cogitavit consilium pessimum». But then "Achiteus" and others are named as counselors (p. 150).

⁴⁹ Aggressively or defensively? Dahlhaus-Berg, *Nova antiquitas*, p. 16, sees Bernard's actions as purely defensive. Likewise, Jarnut, *Kaiser Ludwig*, p. 641.

⁵⁰ Hard documentary evidence in Hetti of Trier's letter to Frothar (MGH, Epp. 5, pp. 277-278).

⁵¹ Moissac alone presents Bernard as captured by an army. See CMM, p. 149.

⁵² Malfatti, *Bernardo*, p. 35, saw no reason for him to have given himself up and saw him as heading to Francia, but not expecting resistance. He follows the Italian tradition in Andreas of Bergamo, *Historia*, 6, where Irmengard falsely promised Bernard safety in Francia. This tradition is also taken seriously by Werner, *Hludovicus*, pp. 43-45. The Moissac Chronicle presents him as, in essence, giving up, terrified by the Lord upon hearing that Louis was guarding the passes into Italy. See CMM, p. 149.

⁵³ Any honest treatment has to skate over the military aspects of the revolt. See Dutton, *The Politics of Dreaming*, p. 70, for one sentence.

⁵⁴ Airlie, *Making and Unmaking the Carolingians*, p. 137: «shot while trying to escape».

⁵⁵ This must be the force of Astronomus, *Vita*, 30: «mortis sibi consciverunt acerbiteratem». There is not «schillernd mehrdeutig», as suggested by Patzold, *Zwischen Gerichtsurteil und politischem Moder*, p. 52. Depreux, mentioned by Patzold, is right.

is someone whose involvement and role remain unclear and debated, but who left us autobiographical poetry. I hope here to have a contribution to make about what his crime may have been, who his model was, and how he was seen. There will be a *Nebenbefund*, about the *fortuna* of Boethius in the early ninth century.

7. Theodulf: collateral damage?

The Carolingian historians mention Theodulf of Orléans alone among Frankish bishops as involved in Bernard's uprising⁵⁶. He had been a leading intellectual of Charlemagne's: a *missus dominicus*⁵⁷, a poet, intellectual, and theologian⁵⁸, and as of ca. 798 a bishop, a prince of the church, not just a bureaucrat. Transitions and successions are perilous. Theoderic turned into his own evil twin in ca. 523⁵⁹. Louis the Pious succeeded Charlemagne in 814. Theodulf had successfully bridged the transition from Charlemagne's to Louis' court⁶⁰, only to find himself on trial in connection with Bernard's revolt. He was deposed from his see in 818⁶¹ and imprisoned in monasteries at Angers and then Le Mans⁶². Like Boethius, he wrote in and from his confinement. Two of his verse epistles (*Carmen* 71 to Aiulfus of Bourges and *Carmen* 72 to Modoin of Autun) and *Carmen* 73, Modoin's answer, have survived and are the only evidence for his delict. Theodulf never unambiguously revealed what he did. Instead, came procedural objections: that he had been tried at court⁶³, had never confessed, and that only the Pope had the right to judge him⁶⁴. Things ended in an impasse: Modoin had brokered amnesty from Louis in return for a blanket confession (*pura confessio*) from Theodulf that the latter refused to make⁶⁵. He

⁵⁶ His name is mentioned by Thegan, *Gesta*, 22; Astronomus, *Vita*, 29; CMM, p. 150; and by *Annales Regni Francorum*, but without further clarification.

⁵⁷ Monod, *Les moeurs judiciaires*.

⁵⁸ He is considered the author of the *Libri Carolini*, which would have been an imperial commission.

⁵⁹ My phraseology for the diptych clearly visible in the Anonymus Valesianus. Zimmermann, *Theoderich der Grosse*, p. 37, sees two authors within the Chronicle.

⁶⁰ Rzehulka, *Theodulf*, p. 50; Liersch, *Die Gedichte Theodulfs*, pp. 23-24. Also Noble, *The Revolt*, p. 30.

⁶¹ His successor Jonas was in office by July 818: Liersch, *Die Gedichte Theodulfs*, p. 24.

⁶² Schaller, *Theodulfs Exil*.

⁶³ Dahlhaus-Berg, *Nova antiquitas*, p. 20, before a *Hofgericht*.

⁶⁴ See Theodulf, *Carmina*, 72, 55-56 and 65-66 for Leo III's conferral of the pallium. *Carmen*, 72, 56: «non est confessus praesul et ecce perit»; 63-67: «Esto: forem fassus, cuius censura valeret / dedere iudicii congrua frena mihi? Solius illud opus Romani praesulis exstat / cuius ego accepi pallia cerat manu».

⁶⁵ Theodulf, *Carmina*, 73, 85-92, Modoin promises him amnesty from Louis, release from imprisonment, and return to court, as long as he confesses. See Schaller, *Philologische Untersuchungen*, p. 26, for a second plausible allusion to this issue in *Carmen*, 17, 17: «Pallia apostolica data tunc de sede vigeabant/ Iusque potestatis vestis et ordo fuit», if one dates it later. On *confessio pura*, see Stella, *Carlo e la sua ombra*, p. 23, n. 39.

died in prison before 821⁶⁶. Dieter Schaller saw a *damnatio memoriae*, which could explain the state of the evidence⁶⁷. But two epitaphs for Theodulf survive in manuscripts, the second of which, a longer composition in first person, states that Louis listened to informers against his archbishop, even though he wanted to bring him back⁶⁸.

7.1. Carmen 34

Like Boethius, Theodulf became entangled in a conspiracy, whose details remain obscure. Most modern scholarship regards him as innocent of involvement with Bernard's uprising⁶⁹. And Exhibit A is *Carmen*, 34, 1-8⁷⁰:

Fabula Geryonem tricipem regnasse canit, quod
Unum cor potuit fratribus esse tribus⁷¹.
Pagina veridico recinit sermone beata,
Figmenta exsuperans omnia lege pia,
Terrea germanos ob regni culmina reges
Crudeli quosdam fraude dedisse neci. 5
Omnibus hoc votis, omni est hoc arte cavendum,
Ne nostro in saeclo tale quid esse queat⁷².

The poem must be a political allegory supporting primogeniture as opposed to partition (power-sharing) among royal heirs. But this still leaves two possible contexts. One is 806, Charlemagne's *divisio imperii*, which would position Theodulf in opposition to Frankish custom and Charlemagne's disposition⁷³. The alternative is 817, which would put Theodulf in harmony with Louis' *ordinatio*, where Pippin I and Louis the German were subjected to Lo-

⁶⁶ The *terminus a quo* is provided by Louis' amnesty of October 821 for those associated with Bernard's uprising. See Dahlhaus-Berg, *Nova antiquitas*, p. 21.

⁶⁷ Schaller, *Theodulfs Exil*, p. 91. Theodulf is not mentioned in Schwedler, *Vergessen*.

⁶⁸ See Theodulf, *Carmina*, p. 444, vv. 17-20: «Qui delatorum contra me falsa nocentum / suscepit verba, quam pius certe mihi / (...) Unde quidem voluit me revocare satis». Compare Anonymus Valesianus, 86: «plus credidit falsis testibus quam senatoribus».

⁶⁹ For innocence, see Rzehulka, *Theodulf*, 52-57; Schaller, *Briefgedichte*, p. 113; Schaller, *Theodulfs Exil*, p. 91: «einer kaum schuldhaften Verstrickung» in Bernard's fate. Likewise, Godman, *Poets and Emperors*, p. 105; and Greeley, *Raptors*, p. 46.

⁷⁰ Transmitted by Sirmond's 1624 edition alone, which is to be found in PL 105.

⁷¹ Isidore of Seville, *Etymologiae*, XI, 3, 27, from Justin's *Epitome of Pompeius Trogus' Philippica*, XLIV, 4, 16.

⁷² «Mythology sings that three-headed Geryon reigned because three brothers could share one heart (cf. *Acta Apostolorum*, 4, 32: «Multitudinis autem credentium erat cor unum, et anima una: nec quisquam eorum quae possidebat, aliquid suum esse dicebat, sed erant illis omnia communia»). But the blessed page resounds in truth-speaking words trumping all such inventions with its pious law that kings who were brothers once condemned some [people] cruelly and deceitfully to death because of earthly ambitions. We must beware in all our prayers and devices that nothing of the sort occur in our times».

⁷³ This was the date supported by Hauréau, *Singularités*, pp. 88-89. Likewise by Noble, *Some observations*, p. 33.

thar, and Bernard of Italy was written out of the picture⁷⁴. But if the poem dates to 817, its content is in line with the *ordinatio* and out of line with Bernard, thereby rendering Theodulf's condemnation odd⁷⁵. Accusation of intellectual complicity in opposition to the *ordinatio* seems unlikely on the basis of this poem⁷⁶. Godman thus read it as an attempt at *ingratiatio* by Theodulf with Louis' policy and his heir⁷⁷. I would add some additional caveats here. Is the poem complete? Suppose it dated to after Theodulf's condemnation and represented a change of heart⁷⁸? But if one accepts that he was innocent of conspiring with the young king of Italy against Louis, can one get a better sense of what he did do?

7.2. Theodulf's non-confession: Carmen 71

Discussions of the conspiracy don't always use Theodulf effectively⁷⁹. In his *Carmen*, 71, 71-78, to Aiulfus of Bourges he said:

Non regi aut proli, non eius crede iugali
peccavi, ut meritis haec mala tanta veham.
Crede meis verbis, frater sanctissime, crede
me obiecti haudquaquam criminis esse reum.
Perderet ut sceptrum, vitam, propriumque nepotem: 75
haec tria sum numquam consiliatus ego
Addimus et quartum: mihi non fuit illa voluntas
utcumque ut rerum, haec mala tanta forent.

From these hints we must reconstruct the accusations. I read the first couplet (71-72), not as the substance of accusations, but as what Theodulf didn't do and was known not to have done⁸⁰. Clearing the decks, as it were: nothing against Louis, Lothar, or Irmengard⁸¹. The *crimen obiectum* first comes, I think, in 75-76⁸².

This key passage needs to be unpacked and translated correctly. The key questions are: 1) What is the syntax of *ut* in v. 75? A result clause? Or a jussive noun-clause? 2) Who is the subject of *perderet*? And what does *perdo* mean here?

⁷⁴ Godman, *Poets and Emperors*, p. 99.

⁷⁵ Already noted by Noble, *The Revolt*, p. 32, who admits the lack of clarity.

⁷⁶ Unless one assumes a complicated hypothesis, such as a change of heart and a different dating of *Carmen* 34. But *entia non sunt multiplicanda*.

⁷⁷ Godman, *Poets and Emperors*, p. 99.

⁷⁸ See Schaller, *Philologische Untersuchungen*, for alarming warnings about the transmission of Theodulf's poems and the failings of Duemmler's edition.

⁷⁹ See Schaller, *Studien*, p. 108, on the need for philology to speak.

⁸⁰ Disagreeing with Noble, *Some observations*, p. 31.

⁸¹ This syncs with later traditions about the empress' enmity to Bernard. See *Visio Pauperculae*, etc. Dutton, *The Politics of Dreaming*, p. 73, sees her as having made a deposition against Bernard (reading *depositionis* with the MS, not taking Wattenbach's conjecture *desponsationis*).

⁸² Disagreeing in this with Schaller, *Briefgedichte*, p. 115.

Consilior can mean either «to deliberate about» or «to give advice». I take the syntax as indirect command, giving the substance of what Theodulf is supposed to have recommended⁸³.

«I never advised, that [Louis] should lose his scepter, his life, and his own sons» (Liersch)⁸⁴.

«I never advised these three things: that he [who?] should lose the sceptre, his life, and his own descendant» (Alexandrenko)⁸⁵.

«I have never counselled these three things: that he should lose his throne, his life, and his nephew [Bernard]» (Godman)⁸⁶.

These translations⁸⁷ all take *perdo* as «lose», all entail different problems, and are all colored by that red herring – that Theodulf was Bernard's co-conspirator. I prefer to translate *perdo* as «destroy», with Louis as subject, in which case the scepter and life are Bernard's. In my interpretation, *nepotem* can then be very precise («nephew»); *proli*, already denoted Lothar. Theodulf thus emerges as someone accused of being an evil counselor (Dante had a place for them!)⁸⁸ and of having caused Louis to destroy a kingdom, a life, his very own nephew. As Thegan, *Gesta*, spins it: «*Illud iudicium mortale (...) imperator exercere noluit, sed consilarii Bernhardum luminibus privaverunt*».

«I didn't, believe me, sin against the king, his son, or his wife so as to rightly bear the brunt of such great evils. Believe my words, holy brother, believe them. By no means believe me guilty of the charge leveled against me. That he should destroy a scepter, a life, and his very own nephew: I never counselled these three measures. I have added a fourth point, namely that it was never my desire that such terrible evils happen»⁸⁹.

We need to hold this thought, that Theodulf, on my interpretation, became embroiled as, accessory not to Bernard's revolt, but to Louis' sentencing of his nephew, an action for which the emperor would do penance at Attigny

⁸³ Schaller, *Briefgedichte*, p. 115, notes rightly «seine Beratung».

⁸⁴ This was the route of Liersch, *Die Gedichte Theodulfs*, 25: «Nie hab' ich geraten, dass der kaiser das scepter verlieren solle, das leben, die eignen söhne, niemals habe ich zu diesen dreien geraten». The scepter is imperial, the threat was to Louis' life, and *nepos* is taken as a collective for «offspring.» intending some threat to all of Louis' sons. He followed Von Simson, *Jahrbücher*, p. 115, n. 1.

⁸⁵ Alexandrenko, *The Poetry of Theodulf*, p. 298. *Perderet* means «lose», but the subject could be Bernard (?), in which case *nepotem* must be a vaguer «descendant».

⁸⁶ Godman, *Poets and Emperors*, p. 101: But Godman's rendition doesn't really make sense, for loss of Bernard is not immediately compatible with the two other items, unless it refers to loss of a loving relationship.

⁸⁷ The passage was also discussed by Noble, *Some observations*, p. 34, but he didn't translate it. He concentrated on the singular *proli*, referring to Lothar. It is worth noting, though, that *prolibus* is a rare form, occurring only 21 times in the whole LLT Corpus.

⁸⁸ In the 8th Bolgia. Also *Psalmi*, 63, 3: «absconde me a consilio malignorum a tumultu operantium iniquitatem».

⁸⁹ This is the tragedy that «would haunt Louis in years to come», De Jong, *The Penitential State*, p. 29.

in 822⁹⁰ and again in 833⁹¹. Theodulf was accused of advocating capital punishment or the blinding that eventually was inflicted. Now for models.

7.3. *Naso and Naso: Carmina 72 and 73*

In 819 Theodulf addressed a long elegiac plea (*Carmen* 72) from his monastic confinement to Bishop Modoin of Autun. The latter had survived the transition from Charlemagne's court to Louis⁹² and was in a position to intercede for him⁹³. The packet, interestingly, also included accounts of several natural wonders: a drought affecting the river Sarthe and two battles of birds, one near Toulouse and one near Lyon⁹⁴. Modoin replied in *Carmen* 73 with consolatory exempla about «gnawing envy», *livor edax*. The first historical victim is Ovid, “Naso”⁹⁵, which matches Theodulf's own self-stylization⁹⁶ and Modoin's own poetic nickname (“Naso”)⁹⁷. The second exemplum, however, is my concern, our topic being the reach of models between the Ostrogothic Kingdom and Carolingian Italy.

Ipsē Severinus magna est deiectus ab urbe,
Consul Romana clarus ab urbe procul.

50

Severinus is our Boethius. And it makes perfect sense for Modoin to cite him. But how informed and how deep did this model run for both the correspondents? Who is Modoin's Boethius and where does he come from? He is depicted as cast down and exiled from the City (Rome), an assimilation perhaps to Ovid in the previous lines. We need some *Überlieferungsgeschichte*.

7.4. *The historical reception of Boethius' fall in the early Carolingian period*

The transmission of the *Consolatio* is murky between the sixth and the ninth century with dead silence after the 520's, and real uncertainties surrounding its journey to Northern Europe. Did it make its way to Vivarium

⁹⁰ De Jong, *The Penitential State*, p. 122. The atonement for Bernard is narrated in the *Annales regni Francorum*, a. 822 (MGH, SS rer. Germ. 6, p. 158). See De Jong, *The Penitential State*, pp. 126-127, for Radbert on Louis' (insincere) penance. Radbert alluded to Bernard's eyes. In general, Guillot, *Autour de la pénitence publique*, and Depreux, *The Penance of Attigny*.

⁹¹ See Booker, *Past Convictions*, and De Jong, *The Penitential State*, p. 128.

⁹² See Noble, *The Revolt*, pp. 319-320, for Louis' mistrust and clean-up (he sent his own sisters away, also Adalhard and Wala) and his liquidation of Charlemagne's central administration.

⁹³ Manitius, *Geschichte der lateinischen Literatur*, p. 549. He was appointed by Louis in 815.

⁹⁴ On these prodigies, see Dutton, *The Politics of Dreaming*, pp. 84-86.

⁹⁵ Theodulf, *Carmina*, 73, 45-48.

⁹⁶ See *Carmen* 72's intertextualities with the *Tristia* and the *Epistulae ex Ponto* (Duemmler apparatus).

⁹⁷ MGH, *Poetae* 1, pp. 382-384. For more on Carolingian nicknames, see Garrison, *The Social World of Alcuin*, and De Jong, *Epitaph for an Era*, pp. 132-136, on «nicknames, bynames, pseudonyms, and aliases».

and thence to Monte Cassino and to Fleury⁹⁸? Was it in England in the Early Middle Ages⁹⁹? Alcuin and his homeland used to be considered key¹⁰⁰. It now seems, however, that Alcuin encountered the *Consolatio* and first used it in Francia¹⁰¹. Indicators seem to converge on Fleury¹⁰², the abbey that Charlemagne had given to Theodulf¹⁰³. And from there emerged perhaps the earliest surviving manuscript of the *Consolatio*, Orléans, Bibl. Mun, 270¹⁰⁴. So we could imagine the *Consolatio* as a hot and topical intertext in Francia at the time. After all, Theodulf has been claimed as «certainly as great an admirer of Boethius as [Alcuin]»¹⁰⁵. The basis is, however, one reference in the *Opus Caroli*, to Boethius' commentary on Aristotle's *Peri Hermeneias*¹⁰⁶.

7.5. *Consolatio*, I, 4

How much could Modoin and Theodulf have known about Boethius' fall? In the commentary and glossing on the historical realia in *Consolatio*, I, 4, one finds little accurate historical knowledge or understanding of the text. Theoderic was a tyrant, Conigastus a *barbarus*, the coemption involved selling the king's grain¹⁰⁷, the *palatinae canes* were greedy men's wives¹⁰⁸. This is derived from guesswork and from the *Consolatio* itself and is reminiscent of James Willis' «A View of Medieval Philology»¹⁰⁹.

7.6. *Vitae*

Particularly important then should be the narratives about Boethius to be found in commentaries and paratexts surrounding the *Consolatio*. But the six Boethian *Vitae* published by Peiper fail to impress: Boethius is dated under Marcian (450-457) by some: Rome was captured by Theoderic when Boethius was consul¹¹⁰; Odoacer invaded Italy in 405¹¹¹.

⁹⁸ This was the path posited for some Vivarium books by Courcelle, *Les lettres grecques*, pp. 382-388.

⁹⁹ Troncarelli, *Tradizioni perdute*, pp. 112-124.

¹⁰⁰ Courcelle, *La Consolation de philosophie*; Courcelle, *Les sources antiques*.

¹⁰¹ Courcelle, *Les sources antiques*. This was in his *De grammatica / Disputatio*, on which see Copeland – Sluiter, *Medieval Grammar*, pp. 272-275, who date it between 790-800.

¹⁰² Papahagi, *The Transmission*, pp. 5-8.

¹⁰³ Dahlhaus-Berg, *Nova antiquitas*, p. 9.

¹⁰⁴ For a detailed description, see Troncarelli, *Cogitatio mentis*, pp. 149-150.

¹⁰⁵ Papahagi, *The Transmission*, p. 7.

¹⁰⁶ *Opus Caroli regis*, IV, 23, pp. 545, l. 37, and 546, ll. 1-4.

¹⁰⁷ Contrast Troncarelli, *Inaudita in Excerpta*, p. 165.

¹⁰⁸ Details from the commentary in the MS Digby 174 edited by Silk, *Commentarius*, pp. 32-47. Now seen as twelfth century and derived from Remigius. See Love, *The Latin Commentaries*, p. 106.

¹⁰⁹ Willis, *Latin Textual Criticism*, pp. 126-130.

¹¹⁰ Peiper, *Philosophiae Consolationis*, pp. XXXII-XXXIII.

¹¹¹ *Ibidem*, p. XXXV.

Modoin's emphasis on Boethius' consulship suggests that he knew his Boethius from sources such as the *Vitae* collected by Peiper¹¹². *Vita* I: «consul in urbe fuit»; *Vita* II: «consul fuit Romanorum»; *Vita* V: «Tempore quidem consulatus Boetii capta Roma». The *Consolatio* alludes to Boethius' sons' consulship¹¹³, but not to his own of 510. No clear intertextuality points to the text of the *Consolatio*. Even educated ecclesiastics read the historical background of the *Consolatio* in the Carolingian Empire through a glass darkly.

7.7. *Near miss / Close call*

In this story we see a close call, an intersection that didn't happen. Modoin's historical memory of Boethius seems dependent on Peiper's *Vitae*. Fleury emerges as the home of the earliest known manuscript of the *Consolatio*, one that has been dated to 825 – just a few years too late for Theodulf, who was dead by 821¹¹⁴. And what of Theodulf? I would argue *ex silentio* that Theodulf had never read the *Consolatio*, despite one citation of Boethius' *logica* in the *Libri Carolini*. He didn't demonstrably use the *Consolatio* in an obvious place, his poems about the theodicy, *Carmina* 7¹¹⁵ and 13, which, as Schaller pointed out, are more plausibly dated late¹¹⁶. *Carmen* 13 includes an allusion to the *rota fortunae* and also to *Liber sapientiae*, 8, 1, both of which also feature in the *Consolatio*¹¹⁷, but the latter passage was frequently cited in relation to questions of divine justice, and former had been a *topos* since Cicero¹¹⁸.

Self-dramatization as Boethius would have been irresistible for someone in Theodulf's tight corner with his ruler. And, arguably a better choice for a respectable clergyman, than “Naso”¹¹⁹. Now, at the opening of *Carmen* 72 Theodulf's Thalia-Erato makes her way *de carceris antro*¹²⁰ to supplicate Modoin. I find this scenario unlikely for an author, who had internalized how Philosophy banished Boethius' theatrical hussies in *Consolatio*, I, 1, 8. In Theodulf we see a purely Ovidian poet in exile, whose *error* we have to work

¹¹² *Ibidem*, pp. XXX-XXXV.

¹¹³ *Consolatio*, II, 3, 8, and II, 4, 7.

¹¹⁴ See Troncarelli, *Cogitatio mentis*, pp. 249-250; pp. 243-244, where he lists BAV, Vat. Lat. 3363, dated by Bischoff to the first thirty years of the ninth century. and perhaps also written at Fleury. Love, *The Latin Commentaries*, p. 94, dates it to the first half of the ninth century.

¹¹⁵ Which draws on Old Testament voices: David, Jeremiah, and Job.

¹¹⁶ Schaller, *Philologische Untersuchungen*, pp. 24 and 26.

¹¹⁷ *Consolatio*, II, 1, 19, «rotae impetum», and II, 2, 9, «rotam volubili orbe versamus». See *Consolatio* III, 12, 22. There are 51 hits in Augustine alone for *fortiter* + *suaviter*, echoing *Liber sapientiae*, 8, 1.

¹¹⁸ See Cicero, *In Pisonem*, 22, and, for fortune's wheel in general, Gruber, *Kommentar zu Boethius*, p. 170, and also p. 75. Also Courcelle, *La Consolation de philosophie*, pp. 127-134.

¹¹⁹ Note how the latter nickname would be used by his enemies against Bernard of Septimania accused of adultery with Judith. See De Jong, *The Penitential State*, p. 109.

¹²⁰ Not sufficiently close to *Consolatio*, III, 2, v. 18: «ales caveae clauditur antro» to qualify for intertextuality.

out from his *carmina*¹²¹. It is a pity that he quarreled so violently with Alcuin in 801-802¹²². Alcuin knew the *Consolatio* and could have sent him a copy¹²³ to provide philosophical solace. The *Consolatio* would soon be cited in Carolingian discourse about Theoderic, but that would first be in Walahfrid's *De Imagine Tetrici*, 42-43 and 256-257 (*Consolatio*, I, 4), a poem that can be dated to spring 829¹²⁴.

8. *Conspiracies in general: into orbit?*

Conspiracies are by their nature difficult for judges and historians. Sparse and over-allusive sources make it doubly difficult for pre-modern historians to try to work out what happened inside ancient and medieval conspiracies. And autobiographical poets must be the trickiest sources¹²⁵. We soon begin to sound like conspiracy-theorists ourselves¹²⁶. And there are dismal paranoid refrains: it's always about envy¹²⁷.

8.1. *Attempting an alternative narrative*

Editors must print a text, and translators must agree on a translation. I'm going to take the risk that no novelist can avoid, namely imagining a scenario to account for the meagre evidence. Theodulf's own writings on kingship make him a most unlikely co-conspirator of the young king of Italy. I have already re-interpreted his autobiographical statement about what he didn't and did do to exclude involvement in Bernard's uprising. He refused to confess his guilt, but we have to reconstruct the charges against him from allusive formulations. I focused on *consiliatus*, reading it as «having counselled». It seems to me that the historiographical sources concentrate heavily on that word in the assignment of blame. For the most part, Bernard was presented as susceptible to evil counsel (hence as to some degree innocent), while on the other end, all the surviving sources aim to disculpate Louis the Pious¹²⁸, sad-

¹²¹ Thinking of Ovid, *Tristia*, II, 207, «duo crimina, carmen et error», and Theodulf, *Carmina*, 44, 15-16. This is what Noble, *Some observations*, p. 33, seeks to profile. For Ovid, already Von Simson, *Jahrbücher*, p. 122.

¹²² Meens, *Sanctuary*.

¹²³ See above, §7.4.

¹²⁴ Homeyer, *Zu Walahfrid Strabos*, p. 904.

¹²⁵ See the wisdom of Schaller, *Briefgedichte*, p. 109, on the slipperiness of literary epistles and how their facts can be denatured by their literary models.

¹²⁶ Syme, *History in Ovid*, p. 216 on the range.

¹²⁷ Theodulf, *Carmina*, 71, 25-26, of Sintegaudus' removal from his bishopric; 73, 45, for Theodulf's fall.

¹²⁸ Astronomus, *Vita*, 29 (p. 382), improbably has Louis boosting Bernard before Charles! Even Andreas of Bergamo in the later ninth century aims to do so by making Irmengard responsible! See Andreas of Bergamo, *Historia*, 6.

dled with his nephew's corpse and with the onus of his death. He could have spared Bernard's life and tonsured him, he could have executed him, but what he did was have him blinded¹²⁹. Bernard, for whatever reason, did not survive this judicial mutilation, whatever its intention was. And the weight of Charles' instructions about how his descendants were not to be harmed lay heavy on Louis' conscience¹³⁰:

De nepotibus vero nostris, filiis scilicet praedictorum filiorum nostrorum, qui eis vel iam nati sunt vel adhuc nascituri sunt, placuit nobis praecipere, ut nullus eorum per quaslibet occasiones quemlibet ex illis apud se accusatum sine iusta discussione atque examinatione aut occidere aut membris mancare aut excaecare aut invitum tondere faciat; sed volumus ut honorati sint apud patres vel patruos suos et obedientes sint illis cum omni subiectione quam decet in tali consanguinitate esse¹³¹.

8.2. *A hard decision and the subsequent blame game*

All the sources are united in emphasizing the difficulty of the decision about Bernard's punishment. Astronomus, *Vita*, 30 (p. 384) described an "execution" party, while Louis' choice of blinding is seen as milder (*indulgentius agente*). P. 386 emphasizes what Louis didn't call for: no executions; no further mutilations. It is almost as if Astronomus is thinking of Charles' strictures in the *Divisio regnorum*, 18. Thegan, *Gesta*, 23, p. 212, presents Louis as against capital punishment: it is his *consiliarii* who had Bernard blinded. He presents the penance at Attigny as if it directly followed Bernard's death. Both Thegan and Astronomus simply listed Theodulf among the rebellious with no further comment.

The CMM likewise disculpates Louis, though less extravagantly:

Tunc pariter iudicaverunt eos omnes dignos ad mortem. Sed piissimus imperator percipit vitae illorum iussitque Barnardo oculos erui. Sed cum factum fuisset die tercio mortuus est.

It ends, apparently, before Attigny. But Moissac alone provides some more detail about Theodulf:

Teudulfum vero episcopum Auriliense, qui et ipse auctor predicti maligni consilii fuit, synodo facto episcoporum vel abbatum nec non et aliorum sacerdotum, iudicaverunt

¹²⁹ The actual blinding is said by Nithard, *Historiae*, I, 2, to have been performed by Bertmundus, the *praefectus* of the *provincia Lugdunensis*. On this punishment in general, see Bühner-Thierry, 'Just Anger' or 'Vengeful Anger'?

¹³⁰ See *Capitularia regum Francorum*, 45 (*Divisio regnorum*), 18 (MGH, LL 1, pp. 129-130). Jarnut, *Kaiser Ludwig*, p. 647, drums in his own awareness of his guilt.

¹³¹ «As for our descendants, the sons of my aforementioned sons, those either already born or who have yet to be born – I have decided to advise that none of them should on any occasion either execute, mutilate or blind or [even] tonsure, if he be unwilling, one of them accused before him without a judicial inquiry and trial. We desire that they be respected by their fathers and uncles and that they obey them with every sign of respect that should obtain in such family relations».

tam ipsum, quam omnes de ordine aecclesiastico, episcopos, abbates vel ceterum clericum, qui de hoc maligno consilio conscii venerant (fuerant in BN lat. 5941) a proprio deciderent gradu quod ita factum est¹³².

8.3. *The dangers of counsel*

Moissac's language is very repetitive and is focused on ill-intentioned counsel (*malignum consilium*), which is also applied to Achiteus/Eggideus *qui auctor consilii maligni fuerat*. The apparatus for the *Moissac Chronicle*, shows that the word *praedicti* is missing from one of the MSS¹³³. The manuscript in question, Paris, BN lat. 5941, AA, or "Aniane Annals"¹³⁴, has been described as «heavily interpolated»¹³⁵. But although the archetype (Ω)¹³⁶ must have read *praedicti*, the reading could have been an error¹³⁷. If that is the case, the passage means:

But they convened a synod of bishops or abbots and also other priests, and judged Theodulf, the bishop of Orléans, who was himself too the originator of an evil counsel, as well as all the ecclesiastics, bishops, abbots and the rest who had come as parties to this evil counsel [that they should] be deposed from their rank, which is what was done.

The second *malignum consilium* is not specified, but I am suggesting that it was connected with the debate about the punishment of the captured conspirators. Fulda had asked for clemency¹³⁸. Theodulf, I propose, was, as senior archbishop, somehow involved in Louis' decision-making about the conspirators. Theodulf either made a suggestion that was not interpreted as he intended it to be, or he was accused of making a suggestion that he had not made. In either case he could be presented as responsible for the tragic death of Bernard.

8.4. *Counsel and punishment*

Theodulf had been a judge (*missus dominicus*) himself in 797-798. He understood ambiguous oaths and judicial stratagems¹³⁹. But he also warned

¹³² CMM, p. 150.

¹³³ *Chronicon Moissiacense*, MGH, SS 1, p. 313, deest in MS. 2. Kats – Claszen, CMM, p. 150, notes «not AA». AA is the siglum for BN lat. 5941, which has been digitized and is easily available.

¹³⁴ See CMM, p. 15.

¹³⁵ Kramer, *A Crowning Achievement*, p. 232. The interpolations are primarily from Einhard's *Vita Karoli*. See Kats – Claszen, CMM, p. 37.

¹³⁶ *Ibidem*, p. 53, calls it «the composer's autograph».

¹³⁷ *Ibidem*, p. 64, acknowledges the presence of errors in P that are not shared by AA.

¹³⁸ Malfatti, *Bernardo*, p. 36, citing fragmentary letters from Fulda. The text in question is in *Epistularum Fuldensium fragmenta*, 1 (MGH, Epp. 5, p. 517), which attests the monks' letter to Louis.

¹³⁹ Theodulf, *Carmina*, 28, 837-838 and 615, «Finge aliud».

witnesses about occasioning others' death¹⁴⁰, and expressed horror at the severity of Frankish corporal punishments¹⁴¹. He preferred whips to the sword and saw a merciful judge as virtually resurrecting prisoners¹⁴². Could he have advocated blinding because it fell short of execution? Or could he have been falsely reported by enemies as pro-blinding¹⁴³? If Bernard really did commit suicide, could the guilt for causing it have been assigned because Bernard died in mortal sin? These are unanswerable questions, but still worth posing.

8.5 *The implications of confessio*

Why did Louis demand Theodulf's *confessio*? In light of what Modoin says about Louis' guaranteed amnesty, provided Theodulf make an oral confession¹⁴⁴, Louis may have wanted the archbishop of Orléans to take the blame or responsibility, *vulgo* "the fall", for Bernard's death. Hence Louis' anger¹⁴⁵. Thegan, *Gesta*, 23, limits Louis' (immediate?) confession to «not preventing his counselors from carrying out this mutilation»¹⁴⁶. Louis may have wanted someone to help shoulder the guilt. He presumably believed that the confession would help process the evil in and guilt of the state. The *confessio* Louis demanded from Theodulf then might not just have been a legal one, but one prospective to Attigny. He may have intended to show third parties, enemies of Theodulf's¹⁴⁷, that something was being done – before reinstating him. Or perhaps the intent was more sinister, namely to occasion such public personal humiliation that the option remained unthinkable for Theodulf. Even though such a confession differed from a Maoist struggle session, the humiliation would have sufficed¹⁴⁸.

¹⁴⁰ *Ibidem*, 28, 781-84: «Sis vigil, interea, ne dum vis promere vera / quilibet intereat proditione tua. / Dignus morte manet sons, noli rodere sontem / nec tua vox pandat sanguinis eius iter».

¹⁴¹ See Monod, *Les mœurs judiciaires*; especially Theodulf, *Carmina*, 29, 27-32: «quin oculos generis pulchri stirpemque parentis / crusque manusque simul iura moderna levant» – for thieves!

¹⁴² *Ibidem*, 28, 871-872, and 881-886.

¹⁴³ But Modoin didn't see any deniability for Theodulfus. *Carmen*, 73, 97-98: «Sed mihimet melius visum est, ut sponte fatetur, / Quodque negari ullo non valet ingenio».

¹⁴⁴ *Ibidem*, 73, 89-92: «Commissum scelus omne tibi dimittere mavult, / Si peccasse tamen te memorare velis. / Nam prodesse tibi confessio pura valebit, / Si te voce probas criminis esse reum». *Confessio pura* means «making a clean breast of it».

¹⁴⁵ *Ibidem*, 73, 99-100: «Nullo alio superare modo puto principis iram / Posse, probes nisi te criminis esse reum».

¹⁴⁶ «Quod audiens imperator, magno cum dolore flevit multis temporibus, et confessionem dedit coram omnibus episcopis suis, quia non prohibuit consiliariis suis hanc debilitatem agere».

¹⁴⁷ Benedict of Aniane? Matfrid? Jonas? Mayke de Jong reminds me that the reinstatement probably involved being allowed to return to court, not a return to his see. In Theodulf, *Carmina*, 72, 19, one should read *aut* for *haud*, following Schaller, *Philologische Untersuchungen*, pp. 44 and 64. And *Carmen*, 73, 86, speaks of a return to Caesar's *nitidum limen* («shining threshold»). But *Carmen*, 73, 104, promises a return to the *amissum gradum*.

¹⁴⁸ Mayke de Jong points to the (later) travails of Ebo of Reims, for whom, see De Jong, *The Penitential State*, pp. 51-52. For Eb(b)o and his infamia, see Booker, *The False Decretals*.

9. *Paying later vs. paying now: and how?*

History didn't leave matters there. Those who sit in judgement on conspiracies or betray or expose them pay both in *Rezeptionsgeschichte* and, so some believe, in various hot abodes in the hereafter. Boethius' and Symmachus' executions damaged Theoderic's reputation: Pope John and Symmachus were seen depositing him in a crater of hell in Lipari¹⁴⁹. Bernard's did the same for Louis, for the *Visio Pauperculae* shows a similar concern for justice for Bernard in the afterlife¹⁵⁰. Bernard's fate was seen as a crime requiring penance, which Louis performed in 822 at Attigny. He faced that public humiliation before and with his bishops, a year after Theodulf died. And Gregory the Great was not the last to see Theoderic in hell¹⁵¹. Since the conference took place at the Scuola Normale Superiore di Pisa, I end with a famous local voice, improving on Gregory the Great, and imagining Boethius' last smile, one of Christian and philosophical detachment, one hopes, not of *Schadenfreude*.

Ecco Lipari, la reggia Di Vulcano ardua che fuma E tra i bòmbiti lampeggia De l'ardor che la consuma: Quivi giunto il caval nero Contro il ciel forte springò Annitrendo; e il cavaliere Nel cratere inabissò.	90 95
Ma dal calabro confine Che mai sorge in vetta al monte? Non è il sole, è un bianco crine; Non è il sole, è un'ampia fronte Sanguinosa, in un sorriso Di martirio e di splendor: Di Boezio è il santo viso, Del romano senator ¹⁵² .	 100

¹⁴⁹ Gregory the Great, *Dialogi*, IV, 31.

¹⁵⁰ See the splendid pages of Dutton, *The Politics of Dreaming*, pp. 67-74. I am intrigued by whether the *Visio* influenced Louis' penance or whether it is an *ex eventu* prophecy, which seems to be what Dutton, *The Politics of Dreaming*, p. 74, is suggesting. Levison, *Die Politik*, p. 238, sees the vision as a means to bring Louis to repentance.

¹⁵¹ I hope to discuss Walahfrid Strabo's *De imagine Tetrici* in another context.

¹⁵² Carducci, *La leggenda di Teodorico*, in *Rime nuove*, dicembre 1884-20 gennaio 1885. The poem works from the legend of Theoderic's wild ride from the Thidrekssaga. For an English translation, see Haymes, *The Saga of Thidrek*, pp. 268-269. For a start on the tradition, see Licht, *Walahfrid, Strabo*, pp. 26-27.

Appendix. The Cassiodoran Vita

The *Vita* edited in Fabio Troncarelli's *Tradizioni perdute* is described as «molto particolare»¹⁵³ divergent from the *Lives* published by Peiper. It is supposed to descend from Cassiodorus' ancient edition, traces of which can be discerned in a cluster of early MSS¹⁵⁴. Troncarelli edited the text from five of them¹⁵⁵. This *Vita* has known sources: 1-7 and 13-17 come from the *Ordo generis* and 8-12 come from the *Liber Pontificalis*. But the *Vita* is highly fragmentary, Harley 3095 having the fullest form. It seems to me that the medieval evidence looks like a composite put together from pieces, not shadows of something originally unitary. While I fully acknowledge the traditions and information, I remain somewhat skeptical about the posited Cassiodoran archetype. The only sound historical information in this text comes from the *Ordo generis*. Too much of the information is transmitted in bits and pieces and marginally¹⁵⁶ or appended to a commentary. This text thus seems to me more like a Frankenstein monster, not demonstrably something formerly whole of which we have the *membra disiecta*.

¹⁵³ Troncarelli, *Tradizioni perdute*, p. 1.

¹⁵⁴ *Ibidem*, p. 3: 8 are complete; 7 are incomplete.

¹⁵⁵ *Ibidem*, p. 11.

¹⁵⁶ *Ibidem*, p. 17.

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