

# Border pacts and frontier areas in Carolingian Italy

by Stefano Gasparri

Border pacts are an Italian peculiarity in the early Middle Ages. They indicate the existence of a traditional and specific practice of agreements between different powers coexisting on the Italian territory, which is much older than the Carolingian age. This paper, however, focuses only on the latter period, examining first of all the pacts between the Lombards of Benevento and the Neapolitans, then, in the North, the pact of Lothar with the duchy of Venice (840). All these pacts concern rural life and commercial activities and give rise to interesting situations, such as the *condominium* on the lands and the peasants of *Liburia* (a land between Naples, Caserta and Capua), or the recognition of commercial activities that took place across the borders, under the protection of political powers (both in the South and in Venice). None of these texts proves the existence of military frontiers. On the contrary, the most important element that has emerged is the existence of border areas of a politically mixed character, in which the daily life was not conditioned by the existence of a frontier, but by the needs of the agricultural and commercial work.

Middle Ages; 8<sup>th</sup> century; Carolingian Italy; duchy of Naples; duchy of Venice; southern Lombards, Lothar; boundary pacts; frontier areas.

## Abbreviations

MGH, ARF = *Annales regni Francorum inde ab a. 741 usque ad a. 829, qui dicuntur Annales Laurissenses maiores et Einhardi*, ed. F. Kurze, Hannover 1895 (MGH, SS rer. Germ., 6).

MGH, Capit. II = *Capitularia regum Francorum*, vol. 2, ed. A. Boretius – V. Krause, Hannover 1897.

MGH, DD Lo I / Lo II = *Die Urkunden Lothars I. und Lothars II.*, ed. T. Schieffer, Berlin-Zurich 1966 (MGH, DD Kar., III).

MGH, Leges IV = *Leges Langobardorum*, ed. G.H. Pertz, Hannover 1868 (MGH, Leges, IV).

MGH, HL = Paul the Deacon, *Historia Langobardorum*, ed. G. Waitz, Hannover 1878, pp. 12-187 (MGH, SS rer. Lang.).

LP = *Le Liber Pontificalis. Texte, introduction et commentaire*, ed. L. Duchesne, 2 vols, Paris 1886-1892.

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Referee List (DOI 10.36253/fup\_referee\_list)

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Stefano Gasparri, *Border pacts and frontier areas in Carolingian Italy*, © Author(s), CC BY 4.0, DOI 10.36253/979-12-215-0416-3.15, in Maddalena Betti, Francesco Borri, Stefano Gasparri (edited by), *Carolingian Frontiers: Italy and Beyond*, pp. 193-205, 2024, published by Firenze University Press, ISBN 979-12-215-0416-3, DOI 10.36253/979-12-215-0416-3

### 1. *The legacy of the eighth century*

Boundary pacts are an Italian peculiarity within the Carolingian world. They indicate the existence of a traditional and specific practice of agreements between different powers coexisting on the territory of the peninsula. It was the politically fragmented geography of early medieval Italy that forced to alternate between competition and collaboration. To try to interpret this situation, one must take a step back and go back at least as far as the eighth century, in the Lombard period. From the time of Liutprand to that of Aistulf, a series of significant acts can be enumerated: the first and second pacts with the Venetians;<sup>1</sup> the famous donation of Sutri, which could also be considered a territorial agreement between the papacy and the Lombard kingdom<sup>2</sup>; finally, the pact with the inhabitants of Comacchio, even though it had no frontier value<sup>3</sup>. Moving on to the Carolingian period, and leaving aside the partly different case of the difficult attempts to identify the borders of the Roman Tuscia and Sabina with respect to the Lombard ones<sup>4</sup>, we can add the other Venetian pacts and the southern ones.

This list of boundary agreement proves that their history is much older than the Carolingian age, which in this field, as in many others, stands as a continuation of the earlier tradition of the Lombard kingdom, to the point that we are in doubt whether to call the pacts of this latter period Carolingian pacts or – rather – Italic pacts. In any way, in this essay I would like to outline their internal characteristics and try to identify, where it exists – as Geoffrey West has recently done<sup>5</sup> – their common agenda.

### 2. *Arichis' pacts for the Liburia*

The most ancient pacts of the Carolingian age concern the *Liburia*, an area which corresponds more or less to today's Terra del Lavoro, a land stretching between Naples, Caserta and Capua, known since antiquity for its fertility<sup>6</sup>. According to Jean-Marie Martin's convincing reconstruction, the pacts were issued on two occasions by Arichis II of Benevento: the first in 784, during a

<sup>1</sup> See below, § 5.

<sup>2</sup> LP, I, p. 407; MGH, HL, VI, 49, p. 182.

<sup>3</sup> The pact was edited by Hartmann, *Zur Wirtschaftsgeschichte Italiens*, pp. 123-124.

<sup>4</sup> The Sabina's dossier is discussed in Gasparri, *La frontiera in Italia (sec. V-VIII)*, pp. 15-16. Borders like that of Sabina under the Carolingian government were internal to the kingdom, but so close to the very heart of the embryonic territorial domination of the Church of Rome as to represent authentic boundaries between different powers.

<sup>5</sup> West, *Communities and pacts*, pp. 367-393. West also takes into consideration what he calls the "papal pacts", i.e. the *Ludovicianum* of 817 and the *Constitutio Romana* of 824, which, however, fall outside the scope of this essay, as the former cannot be considered as a mere border pact, and the latter does not have a border nature at all.

<sup>6</sup> The classical edition of Arichis' pact is MGH, Leges IV, pp. 213-215; in the notes below I shall refer to the new edition of Martin, *Guerre*, pp. 179-184 (the same for the other southern *pacta*).

war against the Neapolitans, to whom the prince tried to impose a pact, which was refused by them as they were victorious on the field; and then the second, in a milder form, perhaps in 787, when the prince tried to protect one's back through an agreement with the Neapolitans in the face of the threat of invasion by Charlemagne. This time the agreement was found and the result was a text – the *Pactiones de Leburiae* – that, although it consists of two distinct parts, for our purposes we can nevertheless consider a single text and consequently analyse it as a whole. The text, very incorrect and sometimes difficult to understand, was only handed down from the famous manuscript 4 of Cava dei Tirreni<sup>7</sup>.

The pact regulated the rights of the Lombards and Neapolitans over the lands of *Liburia* and those who worked it, who were mostly unfree peasants. Although the pact was the result of an agreement between two different and autonomous powers, its trend reminds the regulation of conflicts between private individuals, since it dealt precisely with the rights that the individual owners had over the land.

One of the most interesting aspects of the pact is the name of *tertiatores* given to some of the workers of the lands of *Liburia*<sup>8</sup>. In this definition there is a distant echo of the famous chapters of the *Historia Langobardorum*, where Paul the Deacon told the story of the Lombards' settlement in Italy by the *tertia*, an echo that cannot be entirely ignored. Moreover, in the pact there is the recourse, in two cases, to the word *hospitatica*, which also refers back to those famous chapters<sup>9</sup>. We are faced with two words from the early days of the Lombard kingdom, authentic fossils, perhaps not just linguistic ones. As proof of its persistence, the term *tertiatores* reappears, as we shall see, in Sicard's pact of 836.

The *tertiatores* are also mentioned in the oldest private document of the duchy of Benevento, issued in Nola in March 703, where the widow Selberada sells half of two *tertiatores* to the monastery of the Sts Theodor and Sebastian, dependent on the Neapolitan Church, which already owned the other half<sup>10</sup>. This is proof of the existence at the beginning of the eighth century, in a territory not distant from the *Liburia*, of the same mechanisms of Lombard-Neapolitan common management that would be regulated eighty years later by Arichis' pacts for the *Liburia*. We can therefore legitimately backdate the start of this situation, although we are unable to say from when, whether from the early days of the establishment of the duchy – and this would be the

<sup>7</sup> *Ibidem*, pp. 3-21. An analysis of the south Italian pacts can be found in West, *Communities and pacts*, pp. 384-389.

<sup>8</sup> A proof of the importance of the *tertiatores* is that the content of the pact was defined at the beginning as «pactum [...] de servis et de ancillis et de terris et de Legurias, et de tertiatoribus que communes est inter partes» (Martin, *Guerre*, p. 179).

<sup>9</sup> MGH, HL, II, 32 and III, 16, pp. 90 and 101. On the *tertia*, see the classical book of Goffart, *Barbarians and Romans*, pp. 176-205; more recently, Pohl, *Per hospites divisi*, and Gasparri, *Le basi economiche del potere pubblico*.

<sup>10</sup> *Codice Diplomatico Longobardo*, V, no. 1, pp. 343-348.

most suggestive interpretation – or later. On the other hand, the text of the pacts refers to previous divisions, *per scripta* or *per capitulare*, of lands and serfs between Lombards and Neapolitans<sup>11</sup>.

Two collective actors are acting within the pacts, the *pars Neapolitanorum* and the *pars Langobardorum*, referring to the different political dominations in the region. From the point of view of content, the pacts of *Liburia* are a conservative instrument, aimed at preserving, or perhaps better to re-establish – after years of war –, the existing balance, against any possible variation, preventing one of the two sides from expanding to the detriment of the other, both in terms of land and the possession of serfs. It is declared that the Neapolitans must retain ownership of what they had *in dominicatum* for twenty years without paying census to the Lombards, and the same applies to the other side. There are lands, with or without workers, on which no one has claimed ownership, and which must be divided between the two parties<sup>12</sup>. Finally, changes to the status quo are made very difficult, for example by providing for complex procedures to validate *cartulae* testifying to the purchase of land by a Lombard when the *pars Neapolitanorum* disputes this<sup>13</sup>. Moreover, it is forbidden to sell to one party what was due to the other as a quota (the word used is *sors*)<sup>14</sup>.

The properties of the two parties therefore intersected with each other, and no boundary line is identified. The *Liburia*, precious for its fertility, was managed in *condominium* between the Benevento principality and the Neapolitan duchy, and the pacts sought to protect both the political status quo and the rights of the owners of their part. All this took place within an area that was the remnant of an incomplete conquest by the Lombards long before, and where – despite repeated periods of war between Beneventans and Neapolitans – a slow interpenetration of private owners from different political dominations had taken place.

Numerous chapters of the pacts concern land labourers, whose status is difficult to define, due to a very varied terminology: not only *tertiatores* are mentioned, but also *massari*, *consiles homines*, serfs. As for the *tertiatores*, their importance is proven by the fact that, if a dispute arose about the property of funds without workers, it was necessary to establish which *tertiatores* had previously been allocated to those specific funds, in order to be able to trace their pertinence to one or the other of the two *partes*; to this end, one had to carefully investigate «to which *hospitativa* they were pertinent in ancient times»: *hospitativa*, here and in another chapter, should mean “land on

<sup>11</sup> Martin, *Guerre*, p. 180.

<sup>12</sup> *Ibidem*, p. 179.

<sup>13</sup> *Ibidem*, p. 182.

<sup>14</sup> *Ibidem*, p. 180.

which *tertiatores* are settled<sup>15</sup>. *Hospitativa* and *tertiatores* indeed seem to constitute the basic framework of the local agricultural society.

The mention of *servi* or *tertiatores communes* poses another serious problem of interpretation<sup>16</sup>. It is not easy to understand how one could have serfs in common, unless we intend them as servants who, although belonging to different estates, nevertheless had to manage activities on common parts, such as grazing on uncultivated land; or servants who, more generally, had to perform collective servitudes at village level. Thus, at least for certain labour services, they could refer to masters on both sides. Perhaps, the condition of the *tertiatores* was different: it is possible that they were personally free, since in the Arichis' pacts they are distinguished from workers explicitly defined as servants; moreover, in Sicard's pact they appear to be subject to tax obligations, thus of a public nature, which were incompatible with a servile legal condition. If the *tertiatores* were indeed free labourers, in the above-mentioned case of the two *tertiatores*, whose half Selberada had sold to the Neapolitan monastery, it could have been the sale of half of the annuity owed by them rather than that of half of their person<sup>17</sup>. Moreover, the common functions connected with agricultural work could explain the need to prevent the flight or leaving of the peasant labour force, to ensure the agricultural production of a key territory for the supply of both the Benevento principality and the Neapolitan duchy. This latter concern barely leaks out from Arichis' pacts and is much more evident in Sicard's later pact, in which the *tertiatores* were explicitly protected, prohibiting the Neapolitan side from imposing further tributes on them besides those they were already paying according to the ancient custom<sup>18</sup>. In this case, too, these workers were evidently common to both parties.

### 3. *Sicard's peace with the Neapolitans*

Compared with Arichis' pacts, the content of Sicard's one of 836 is much richer. The pact is presented as a «concession of peace by land and sea», for five years, made by Sicard, prince of Benevent, to John, elected bishop of Naples, to the *magister militum* Andrew and to the inhabitants of the duchies of Naples, Sorrento and Amalfi, at the end of a long period of almost uninterrupted military conflict between the Lombards, who were pressing towards the Tyrrhenian coast, and the Neapolitans<sup>19</sup>. Peace was at the heart of the

<sup>15</sup> *Ibidem*, pp. 182-183 (esp. cc. 1-2-3); (c. 2): «ad qualia hospitativa fuerunt pertinentia antiquitus».

<sup>16</sup> *Ibidem*, p. 179 (*tertiatores*) and c. 5, p. 183 (*servi*).

<sup>17</sup> This is the thesis of Di Muro, *Stratificazioni sociali*, pp. 552-555, who also highlights the possible correspondence between *ensiles* and *tertiatores*.

<sup>18</sup> Martin, *Guerre*, c. 14, pp. 194-195.

<sup>19</sup> Edition of Sicard's pact: MGH, *Leges IV*, pp. 216-221; Martin, *Guerre*, pp. 185-200. For a recent comment on the pact, see above note 7.

pact: the Beneventans promised to prevent and give notice of attacks against the Neapolitans, to give no support to the attackers and to make no requisitions; and the same applied to exchanged parties<sup>20</sup>.

As part of the pacification, rules were established to guarantee the free-men who had taken refuge in Benevento. Other rules particularly protected the *exercitales* (on the Lombard side) and the *milites* (on the Neapolitan side), who represented – each for his part – the entire class of free men<sup>21</sup>. However, peace had a price: in fact, the Neapolitans undertook to pay the customary tribute to have peace, for the entire five years<sup>22</sup>.

The sea then breaks into the pact, and with it trade. The text states the prohibition for the Neapolitans to buy and sell the Lombards as slaves *super mare*, and this latter prohibition also applies to *tertiatores* bought by the Neapolitans from a Lombard master: in this way we learn that the Neapolitans were trading in slaves<sup>23</sup>. However, within the borders of the Benevento principality, merchants from both sides were present, and they could “run their business” («negotium suum peragere») without the risk of suffering seizure or other injury. According to the same logic, free transit on the rivers of the Capuan territory was granted to *negociantes*, *milites* or any other inhabitant of the Neapolitan duchy, and, if the merchants’ boat was damaged, the duke renounced the right of shipwreck, thus demonstrating his desire to boost Neapolitan trade within the principality<sup>24</sup>.

War, justice and repression of violence, an attempt to encourage and at the same time regulate trade, and finally protection of the common labour force: these are the strong themes of Sicard’s pact. Within it, the influence of Lombard law is dominant, and it is interesting that the clauses concerning penalties are similar to those that can be found in private law, reflecting the hybrid nature of this type of negotiation. However, many chapters of the pact have been lost and we only have the titles of them, so we can hardly imagine their content: many of them concerned *tertiatores*, whose importance is thus confirmed.

#### 4. *The division between Benevento and Salerno*

The last southern pact of the Carolingian period is the *pactum divisionis* of the Benevento principality of 848/9, which has the form of a precept, issued by the Beneventan prince Radelchis to his counterpart of Salerno, Siconulf, at

<sup>20</sup> *Ibidem*, c. 1, pp. 186-187.

<sup>21</sup> *Ibidem*, c. 6, p. 190, for the free fugitives (the servants, however, had to be returned to their masters); for *exercitales* and *milites*, cc. 7, 9, 19, pp. 191-192 and 198.

<sup>22</sup> *Ibidem*, c. 2, pp. 187-188: moreover, if they have violated the pact, or have opposed the levying of the tax, the Neapolitans will have to pay the large sum of 3,000 *solidi*.

<sup>23</sup> *Ibidem*, cc. 3-4, pp. 188-189.

<sup>24</sup> *Ibidem*, cc. 5 and 13, pp. 189-190 and 194.

the end of a long civil war that split the southern Lombard aristocracy in two parties. This pact is less significant for the discourse I am conducting here, and furthermore, it has recently been thoroughly examined, so I can be very brief<sup>25</sup>. In the pact, the prevailing requirement, alongside that of determining the territories of the two principalities, is that of dividing, in equally clear ways, everything concerning the properties, including the dependencies of the churches. The usual rules concerning the exercise of justice are listed, in cases that involved the inhabitants of the two principalities, and the spoils of civil war are also healed. The pacification rules include those concerning the restitution of refugees and, above all, those relating to Radelchis' promise not to rely, in fighting the Salernitans, on the Franks and Saracens, both representing threatening presences within the two principalities<sup>26</sup>. Actually, an alliance with the Franks was possible, albeit a dangerous one. Behind the division itself one could glimpse the action of Louis II, who at the time of Radelchis' precept was still in the south of Italy<sup>27</sup>.

The actual division is made by first listing a series of gastaldates that are granted to Salerno, and then a series of boundaries between Benevento on one side and the three large territorial areas, Capua, Salerno and Conza, into which the other principality was divided. But these fines are indicated in a very generic way, naming a series of localities where the boundary signs would be, which only in one case, at Frigento, between Benevento and Conza, are characterized by a concrete sign, a *stafilum*, i.e. a pole<sup>28</sup>. Too little to infer the existence of real borders, and even less of borders guarded by armed men, even if Radelchis mentions, on two occasions, the *marcae* and once the officers in charge of them, the *marchani*. Thus the *Divisio* partly resumes, at a distance of about a century, the terminology used by Ratchis in his laws of 746<sup>29</sup>. This is the evidence of a certain archaism – also revealed by the use of the term *waregang* to indicate foreigners –, linked to its proximity to the rules of the Lombard edict, which characterizes the precept of division, as, moreover, had characterized the more ancient pact of Sicard<sup>30</sup>.

Many doubts remain, because the texts of the southern *pacta* are often obscure, due to a difficult manuscript tradition. But what we can certainly rule out is the existence of “military lands” of the Neapolitan duchy, which would date back more or less to the origin of the organisation of the lands of *Li-buria*, at the time of the Lombard's conquest. This, however, was Jean-Marie Martin's influential opinion, which was mainly based on a misreading of the

<sup>25</sup> Zornetta, *Italia meridionale longobarda*, pp. 225-231. Edition of the pact: MGH, Leges IV, pp. 221-225; Martin, *Guerre*, pp. 201-217.

<sup>26</sup> Martin, *Guerre*, c. 3, p. 202.

<sup>27</sup> Zornetta, *Italia meridionale longobarda*, pp. 240-265.

<sup>28</sup> Martin, *Guerre*, c. 10, p. 206. On the meaning of *stafilum*: Toubert, *Les structures*, vol. 1, p. 309.

<sup>29</sup> Martin, *Guerre*, cc. 16-17, p. 208; *Le leggi dei Longobardi*, Ratch. 13, pp. 272-273. For an analysis of the Ratchis' laws, see Pohl, *Frontiers in Lombard Italy*.

<sup>30</sup> *Ibidem*, c. 12, p. 207 (*waregang*); *Le leggi dei Longobardi*, Roth. 367, pp. 106-107.

documentation, and which has recently been criticized<sup>31</sup>. Martin interpreted the repeated mentions of *militia* or *pars militiae* in the very late documents of *Liburia* (as well as in the Sicard's pact) as references to lands granted to the Neapolitan army, facing similar lands granted to the Lombard warriors, the *arimanni*. Actually, these expressions indicated only lands belonging to owners of the Neapolitan duchy, given the well-known general definition of *milites* referring to the male inhabitants of Italic regions of Byzantine tradition: *pars militiae*, in short, is equal to *pars Neapolitanorum*. Moreover, Martin's starting assumption, that of the presence, on the Lombard side, of the so-called *arimanniae* was wrong, because the non-existence of the latter is now proven beyond doubt<sup>32</sup>. And just as the *arimanniae* did not exist, Neapolitan military lands did not exist. This is not to deny that the confrontation, in *Liburia* and other areas of friction between Lombards and Byzantines, was also of a military nature, but there is no trace of settlements of military colonies. However, it is not possible to exclude the existence of strong points of control along an albeit uncertain boundary line between the principality and the Neapolitan duchy<sup>33</sup>.

##### 5. *A treaty with ancient roots: Lothar's pact with the Venetians*

This is the complex picture of the southern pacts. If we move north, there we find the most important pact of the Carolingian era, the Lothar pact of 840, which (like that of Sicard) was intended to last only five years and instead formed for centuries the basis of the relations between the Venetian duchy and the powers of the mainland<sup>34</sup>. The pact concerned in particular the relations between the Venetians and the neighbouring inhabitants of the Italic kingdom; the Frankish emperor Lothar had ordered it to be put in writing at the humble request of the Venetian duke Peter Tradonico<sup>35</sup>.

<sup>31</sup> Martin, *Guerre*, pp. 101-137. Recent criticism: Di Muro, *Stratificazioni sociali*, pp. 558-562.

<sup>32</sup> See what I wrote in the introduction of this volume, with related bibliography.

<sup>33</sup> This is the opinion of Di Muro, *Stratificazioni sociali*, pp. 555-558, who considers standing «un più o meno organizzato sistema di controllo della frontiera» (p. 557), especially after 815, when an almost permanent state of war between Lombards and Neapolitans was reactivated, and explain in this way the change in terminology between Arichis' and Sicard's pacts: actually, while the former referred only to Lombards and Neapolitans, the latter mentioned instead *exercitales* (or Lombards) and *milites*. Even if we admit this interpretation, this does not mean necessarily considering *exercitales* and *milites* as groups permanently engaged in border control operations and deeming them, therefore, different from the other freemen, as Di Muro himself seems to assume (*loc. cit.*) on the basis of P. Delogu, *Ritorno ai Longobardi*, pp. 34-35. In any case, Di Muro avoids falling back on the classic theory of the *arimanniae* and specifies that *milites* and *exercitales* are to be understood only in the sense of frontier guards (p. 559). However, another explanation for the change in terminology, without calling into question overly defined border controls, is that the latter was a simple reflection of the war climate of those years.

<sup>34</sup> MGH, Capit. II, no. 233, pp. 130-135. See West, *Communities and pacts*, pp. 367-379.

<sup>35</sup> MGH, Capit. II, no. 233, p. 130: the pact was issued «suggerente ac supplicante Petro, gloriosissimo duce Veneticorum».



Lothar's pact is the result of a temporal stratification, at three main levels, of the agreements between the Carolingian sovereigns and the Venetian duchy, starting from 807 and reaching as far back as 840. There is also an older level, dating back to the eighth century, before the Carolingian conquest of northern Italy, because within the pact the clauses of all the agreements made in the past between the Byzantines and the powers of the Italian mainland were recovered, namely those – which I have already mentioned at the beginning – with the Lombard kings Liutprand and Aistulf, referring to the years 713 and 750-751<sup>36</sup>. Then, in succession, there are the agreements made by the *Graeci* with Pippin in Ravenna in 807, of which the Frankish Annals also give us news, and the agreements that were probably part of the peace made by Charlemagne in 812 with the emperor Michael I, the so-called peace of Aachen. The exact content of this treaty is not known, but from the Frankish Annals we know that part of it concerned Venice<sup>37</sup>. Finally, there are the chapters added by Lothar in 840. To identify exactly all the layers of the pact, chapter by chapter, is evidently an illusion, which has been long, in vain, pursued in the past<sup>38</sup>: but its internal stratification is beyond dispute.

The proof that the pact was the result of Lothar's benevolence is also given by the granting, the following year, of a *praeceptum* from the emperor confirming to the Venetians all their possessions within the Italic kingdom<sup>39</sup>. If interpreted on the basis of the power relations that actually existed, Lothar's pact thus acquires its concreteness, losing the mythical contours of the first proof of Venetian independence, which the local historiography has long attributed to it.

Discussing this theme, the so-called “independence” of Venice, is not, however, part of what interests me here, namely the fact that the pact of 840, with all its stratifications, reveals to be at its base a pure and simple frontier agreement. This emerges clearly in the two chapters, where the borders, along the river Piave, between the kingdom and the Venetian duchy, defined at the time of Liutprand and later of Aistulf, are confirmed, and the movements of the flocks are regulated, confirming that they can graze undisturbed up to the borders mentioned earlier<sup>40</sup>.

If the Lombard layer of the pact is easy to identify, it is difficult if not impossible to distinguish exactly the different layers of the Carolingian age. It is probable, however, that the clauses providing for mutual pacification belonged to the age of Charles and Pippin, and the same goes for the commitment not to raid each other's territory, to return prisoners, runaway servants

<sup>36</sup> MGH, Capit. II, no. 233, cc. 26 and 28, p. 135.

<sup>37</sup> *Ibidem*, c. 2, p. 131, for the precise reference to Pippin's pact; MGH, ARF, p. 124, *ad annum* 807 (pace of Pippin with the Byzantines); p. 133, *ad annum* 810 (return of Venice to Byzantium), and p. 136, *ad annum* 812 (general treaty of peace between the Franks and the Byzantines).

<sup>38</sup> Cessi, *Pacta Veneta*, pp. 175-237.

<sup>39</sup> MGH, DD Lo I / Lo II, no. 62 (841 IX 1, «Teudonis villa palacio regio»), pp. 170-171.

<sup>40</sup> See above, note 37.

and murderers on both sides and to guarantee the resumption of normal life in the border territories of the kingdom and the duchy after the war phase closed by the Peace of Aachen. The analogy with the Pact of Sicard is obvious<sup>41</sup>. In addition, the Venetians pledged to come to the aid of Lothar *cum naval exercitu* in the event of attacks by the Slavs<sup>42</sup>.

War was only one phase within the life of the region. In the pact appear other regulations that concerned the rural populations and provided for the possibility of harvesting and then flowing timber into rivers and the protection from any possible seizure of herds of mares and pigs. Read together with those dating back to the Lombard period on the free grazing of flocks, these rules outline a pact that, in addition to the aim of maintaining order – which was not easy, especially in the years of open conflict that ended with the peace of Aachen – had at its core the protection of the rural populations and the very needs of Venice, which was then facing its real dawning phase as a city and which required a lot of timber to consolidate the land and construct the buildings of the new *civitas Rivoalti*<sup>43</sup>. Lothar's pact did not erect boundary walls or castles, but regulated the daily life within a vast area that remained largely unified beyond its various political dependencies.

In Lothar's pact there are also hints of regulation of trade movements, the *negotia inter partes*, as we found them in the pact of Sicard. Of great importance is chapter 17, which authorised the movements of the Venetian merchants on the rivers of the Italic kingdom, and the movements of the merchant of the kingdom on the Adriatic Sea, and which tended to prevent abuses by the officers in charge of collecting duties on goods: duties which, on the Po rivers, were certainly linked to the pact stipulated at the time of Liutprand with the Comacchiesi<sup>44</sup>. What emerges is a dense web of agreements, solidly implanted on bases dating back before the Frankish conquest, that regulated the major points of possible friction, along borders that were completely permeable, and that concerned the populations for both their agricultural and commercial activities. From this latter point of view, it is no coincidence that Lothar's pact was contemporaneous with the Venetian commercial take-off, which was now firmly underway. And it is interesting to note that in the pact also appears the prohibition to “make” eunuchs, which could be an indicator of an activity of the Venetians linked to the slave trade<sup>45</sup>.

<sup>41</sup> MGH, Capit. II, no. 233, cc. 1-6, p. 131; West, *Communities and pacts*, p. 385.

<sup>42</sup> MGH, Capit. II, no. 233, c. 7, p. 132.

<sup>43</sup> *Ibidem*, cc. 24-25, p. 134; on this phase of Venetian history, Gasparri, *The Origins of Venice*.

<sup>44</sup> MGH, Capit. II, no. 233, cc. 16-17, p. 133. See also above, note 3; on the pact with Comacchio, Gasparri, *Venezia fra i secoli VIII e IX*.

<sup>45</sup> MGH, Capit. II, no. 233, c. 33, p. 135. Sull'importanza del commercio degli schiavi in età carolingia, McCormick, *New Light on the 'Dark Ages'*.

## 6. Border agreements in early medieval Italy

Some concluding remarks. Denying the existence of linear borders, guarded or not by armed soldiers, or castles (as, for example, has been sometimes assumed for the Venetian lagoon), does not mean that there could be no boundary marks on the ground. Material boundaries were traced by means of excursions over the terrain made by experts, often elders, supported by emissaries of the powers involved, as was also the case for internal boundaries within the kingdom, between private territories or between civitates or dioceses. Limiting ourselves to the Carolingian period, we know that in the age of Charlemagne, in Sabina, *fidelissimi ac seniores testes annorum plus minus centum*, i.e. “faithful hundred-years-old witnesses”, indicated the boundaries of the *territorium Savinense* that belonged to the Church of Rome, delimiting it with respect to the Lombard Sabina that was part of the duchy of Spoleto. It is probable that in 713 duke Paulicius and the *magister militum* Marcellus, mentioned in the oldest layer of Lothar’s pact, established in a similar way the limits of the territory of Civitanova, accompanied by elders from both sides. These limits could be marked, as was the case for private land, with stubble dummies, marks on trees, with stakes or stones<sup>46</sup>. The mention, in a diploma of Pope Leo IV, of the existence of a *pes Leuprandi*, almost certainly a specially marked stone, placed to mark the boundary between Norcia and Blera, the former Lombard, the latter Roman, is a proof of this; and so is the *staphile* mentioned twice in the sources, in the South and in Tuscia<sup>47</sup>.

However, by far the most important element that emerged from the analysis of the pacts is the existence, on the margins of the different political realities existing on Italian territory, of border areas of a politically mixed character, in which daily life, linked to the needs of agrarian and commercial work, took place in a unitary manner, ignoring the existence of an internal border, if there was one (see the Lothar pact), or doing practically without any border, as was the case in *Liburia*, as we have seen. Moreover, in the border areas there were similar rules regulating trade relations, which always (except for brief moments of war), ignoring borders, had held the various parts of Italian territory together, albeit through sometimes cumbersome and difficult negotiations. The unimportance of borders is also demonstrated by the fact that geographical indications, in the pacts I have analysed, were in fact non-existent (with the obvious exception, of course, of the division between Benevento and Salerno).

The creation of border areas capable of peacefully managing the conflicts and the interests at stake, on either side of the borders themselves, is an activity that characterizes the sovereign or quasi-sovereign powers of the Ital-

<sup>46</sup> For the Sabina and the *terminatio* of the borders of Civitanova, see above, notes 4 and 37. In general on the boundary marks, Lagazzi, *Segni sulla terra*.

<sup>47</sup> Gasparri, *La frontiera*, pp. 13-14; see also above, note 28.

ian peninsula over the course of some two centuries of its history. The many similarities between the pact of Sicard and that of Lothar, one in the Lombard area, the other in the Carolingian one, further support this conclusion. Activities and negotiations that had undoubtedly been stimulated by important and contingent political events: Aistulf's imperial ambitions, the Frankish conquest, the war and then the peace between the Franks and Byzantines, the end of the civil war between Benevento and Salerno; however, they were grafted into the background that I have tried to describe, and which explains the particularity of Italy's situation within the wider Carolingian world into which it had been inserted, without losing, however, its most peculiar characteristics.

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