

## The Rižana Dispute of 804

Around 804, a dispute broke out in Istria, in what is now Slovenia. This region north of the Adriatic sea had traditionally been under Byzantine control; around 788, however, it was conquered by Charlemagne, king and later emperor of the Franks. The Frankish agents that Charlemagne appointed in Istria, especially Duke John, introduced new practices of government which the residents there perceived as unfair and extortionate, so they complained to the emperor. The dispute was settled by a meeting held at *Riziano*, now the village of Rižana (about 2km from the modern Italian border). Here, leaders of Istrian society gathered to compare their current conditions under Frankish rule to 'the good old days' under the Byzantines.

For further reading, see M. Innes, 'Framing the Carolingian Economy', *Journal of Agrarian Change* 9 (2009), 42-58. A glossary of some technical terms is provided at the end.

*This English translation is based on the edition in *I placiti del Regnum Italiae*, ed. C. Manaresi (Rome, 1955), vol. I, no. 17, pp. 48-56. It draws on the French translation in Ph. Depreux, *Les sociétés occidentales du milieu du VI à la fin du IX* (Rennes, 2002), pp. 293-299 (now available online), and on the German translation by Stefan Esders, 'Regionale Selbstbehauptung zwischen Byzanz und dem Frankenreich: Die inquisitio der Rechtsgewohnheiten Istriens durch die Sendboten Karls des Großen und Pippins von Italien', in *Eid und Wahrheitssuche. Studien zu rechtlichen Befragungspraktiken in Mittelalter und früher Neuzeit*, ed. S. Esders (Frankfurt, 1999), 49-112.*

*Please note that this is a draft translation of a text that is sometimes difficult to understand: comments and suggestions for improvement are welcome – Charles West, November 2017.*

### TRANSLATION

In the name of the Father, and the Son, and the Holy Spirit, Amen. By the command of the most pious and excellent lord Emperor Charles the Great and his son King Pippin, we his servants were sent to Istria, that is Izzo the priest and Counts Cadolao and Aio,<sup>1</sup> on account of the properties of the churches of God, and for the justice of our lords, and for the violence suffered by the people, the paupers, the orphans and the widows.

When we came first of all to the region of Capodistria, in the place which is called Rižana, there were gathered the venerable Patriarch Fortunatus [of Grado], Bishops Theodore, Leo, Stauratius, Stefanus and Laurentius, and the rest of the leaders and people of the province of Istria. Then we chose 172 leading men (*capitanei*) from the cities and fortifications, and we made them swear by the four Gospels and the relics of the saints, that they should tell the truth about all the things they knew which we asked them about: first of all about the properties of the churches of God, then about the justice of our lords, and about the violence suffered by the people, orphans and widows of that land, and their custom – that they should tell the truth to us without fear of anyone.

And they brought to us lists (*breves*) from all the cities and fortifications, which they had made in the time of Constantine and the *magister militum* Basil [or: which the *magistri militum* had made in the time of Constantine and Basil], which specified that they had not had assistance (*adiutorium*) or customs [*consuetudines*] from the churches.

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<sup>1</sup> Esders identifies Izzo as an Italian priest, Cadalao as an Alemannian aristocrat (i.e., from the area around modern Switzerland), and Aio as an important Italian nobleman.

Fortunatus the patriarch responded, saying “I don’t know whether you want to say something about me. But in truth you know that you surrendered all the customs (*consuetudines*) that my church has paid to you from ancient times up till now, on account of which I have assisted you in whatever way I could, and as I want to do now. And you know that I have sent many gifts (*dationes*) and envoys in the service of the lord emperor on your account. However, let it be as you please.”

The whole people unanimously said “Previously and up till now, and for a long time, this has been to our advantage, since we have had many good things from you, and we hope to continue to have them. But when the envoys of our lords come, let your dependants (*familia*) act according to ancient custom.”

Then Patriarch Fortunatus said “My sons, I ask you now to tell the truth about what customs my holy metropolitan church held amongst you in the region of Istria.”

First of all, the *primas* of Pola said “When the patriarch came to our city, and if it was appropriate on account of the envoys of our lords or to hold some court with the *magister militum* of the Greeks, he demanded that the bishop of our city should come singing psalms with the priests and clerics adorned with chasubles and with the cross, candles and incense, as if for the high pontiff, and the judges should come with the people with bells (*signa*), and they used to receive him with great honour. The bishop used to receive the pontiff as he entered into the house of our holy church, and lay the keys of that house at the patriarch’s feet. The patriarch then gave them to his *maior*, and he judged and decided for three days. On the fourth day, he returned to his palace (*rectorio*).”

Then we asked the judges from other cities or castles whether this was the truth. They all said “This is the truth, and we wish to carry it out. We cannot say anything more about the patriarch. Wherever our livestock grazes, there let your livestock graze, without any counter-gift (*datio*): we wish that the issue remains there as it was before.

But about the bishops, we have a great deal to say:

1. For the envoys of the empire or in whatever gift (*datio*) or tax-collection (*collectio*), the church used to give half, and the people the other half.
2. When the envoys of the empire used to come, they would eat at the bishopric, and they would stay there until they returned to their *dominatio*.
3. Leasehold charters, *libellario iure* and undeceitful exchanges were never from ancient times so corrupted as they are now.
4. No one ever resorted to force between the villages concerning forage or pannage, except according to the custom of our kin (*parentes*).
5. They never took a third part from the vines as they do now, but only a fourth.
6. The dependants (*familia*) of the church never used to dare to commit scandals against a free man or to beat him with sticks, or even to sit down before him: now they beat us with sticks and pursue us with swords. For fear of our lord, we do not dare to resist in case it gets worse.
7. Whoever held lands from the church, they did not evict him until the third reprimand.
8. We now no longer dare to fish in the public sea, where the whole people used to fish communally, since [the church dependants] beat us with sticks and cut our nets.

[About Duke John]

9. Since you asked us about the justice of our lords, we shall tell the truth about what the Greeks held in their hands up to that day when it came to the hands of our lords: from the city of Pula, 66 mancuses; from Rovigno 40 mancuses; from Parenzo 66 mancuses; from the garrison of Trieste 80 mancuses; from Albuna 30 mancuses; from Pedena 20 mancuses; from Montona 30 mancuses; from Pingente 20 mancuses; the chancellor of Cittanova used to pay 12 mancuses. That makes altogether 344 mancuses. In the time of the Greeks, one used to take these sums to their palace. After John arrived in the duchy, he had these payments for his use, and he does not say what justice there was at the palace.

He also has the *casale Orcionis* with its olive trees; a portion of the *casale Petriolo*, with vineyards, lands and olive trees; the whole of John Cancianicus's domaine, with lands, vineyards, olive trees and the house with its presses; the great property of *Arbe* with its lands, vineyards, olive trees and house; the property of Stephen the *magister militum*; the house of *Zerontica* with all its possessions; the property of Maurice the *hypatos* and Basil the *magister militum*, and of Theodore the *hypatos*; and the property he holds in Priatelo, with its lands, vineyards, olive trees, and many other things. In Cittanova he has the public fisc, with more than two hundred peasants [*coloni*], where he stays both within and outside the city. In a good year it renders more than 100 *modia* of oil, more than 200 amphora of wine, and plenty of *alnona* or *castaneas*. And he has fisheries from where each year there come to him more than 50 mancuses, not counting as much as his table needs. All these things the duke has at his disposal, apart from the 344 mancuses which as we said above he ought to take to the palace.

About the force (*forcia*) which Duke John had used against us that you asked about, we shall tell the truth.

1. He took away our woods, where our kin [*parentes*] used to take forage and pannage. And he took from us the lower-value estates [*casale*], where our kin (*parentes*), as we said above, used to take things similarly. Now John forbids it to us. Moreover he put his Slavs (*sclavi*) on our lands: they plough our lands and our clearings (*runcora*), they make hay from our meadows, they use our pasture, and they pay a due (*pensio*) to John from these our lands. Now we no longer have cows or horses. And if we say anything, they say that they will kill us. They have taken away the *confines* which our kin used to arrange according to ancient custom.

2. From ancient times, while we were under the power of the Greek empire, our kin had the custom of having [offices of] the tribune, servants and deputies, and also the *locoservator*. And they used to proceed to dinner according to these honours, and they sat in meetings, each according to his honour. And whoever wanted to have a better office [*honor*] used to go from the tribune to the empire, who would make him an *hypatos*. Then whoever was an imperial *hypatos* would proceed in every place second to the *magister militum*.

But now our duke John appoints his own *centarchi*: he divides up the people between his sons and daughters and his son-in-law, and they build themselves palaces with these paupers. He took away our tribunal offices. He did not allow us to have free men, but made us go to the army with our servants; he took away our freed-men; he put foreign men in our *casa* and gardens, and we do not have power over them.

In the time of the Greeks, every tribune had five men or more excused from military service, but John took those from us. We never gave fodder for livestock; we never worked in the estate; we never worked the vines; we never made lime-ovens; we never built houses; we never made rooftiles; we never fed the dogs. We never made such tax-collections (*collectiones*) as we do now:

for each cow we give a *modius*. We never made tax-collections for our sheep as we do now: for every year we give sheep and lambs. We go by boat to Venice, Ravenna, Dalmatia and along rivers, which we never did before. And not only do we do this for John, but also for his sons and daughters and his son-in-law.

When he came in the service of the lord emperor or brought men with him, John took our horses, and he took our sons violently with him, and made them lead beasts of burden for him for 30 or more miles; he took away from them everything they had, and made them walk back home on foot. He either sent our horses to Francia, or distributed them to his men. He says to the people "Let us gather gifts for the lord emperor, as we used to do in the time of the Greeks. And let one envoy come with me from the people, and offer those gifts to the lord emperor". So we gathered gifts with great joy. But when he came to travel, he said "It is not fitting for you to go: I will be an intercessor for you with the lord emperor." And he went with our gifts to the lord emperor, and won [an?] honour for himself and his sons, and we are in great oppression and grief.

In the time of the Greeks, we used to raise a tax-collection once a year if it was necessary: everyone gave one sheep from a hundred, for the imperial envoys. But now, each year he takes one from anyone who has more than three, and we don't know *intueri* [?]: his agents take them. All this our Duke John has for his needs, which the *magister militum* of the Greeks never had, since he used to send the tribunes as imperial envoys and as legates, as they came and went. And we make those tax-collections, and every year whether we want to or not we make regular tax-collections.

For three years we have given the tithes that we owe to the holy church to the pagan Slavs, when John sent them upon our churches and popular lands, for his sin and our perdition. We do all these transport duties and duties which we have mentioned under violent constraint, which our kin (*parentes*) never did. And so we are all entering into poverty, and our kin (*parentes*) and neighbours in Venice and Dalmatia, and even the Greeks under whose power we were before, mock us. If the lord Emperor Charles can rescue us, we can escape; otherwise, it is better to us to die than to live."

Then Duke John said "I thought that these woods and meadows, which you say are yours, were in the public possession of the lord emperor. But if you say that you will swear on the matter, I will not contradict you. About the tax-collections from sheep, I shall henceforth not do otherwise than was previously your custom. Similarly about the gifts for the lord emperor. About the works and sailings and the travelling duties, if it seems hard to you, it will not continue. I will return your freed-men to you according to the laws of your kin; I shall permit you to have free men, that they may have your commendation, as our lords do in their power [*potestas*]. The foreign men who reside amongst you are in your power. About the Slavs you have mentioned: we shall come to the lands where they are and we shall see: where they can stay without any damage to you, let them stay; where however they do damage to you, whether in the fields or the woods or the clearances, or wherever, we shall expel them. If it pleases you, let us we send them to such deserted places where they can stay without damage to you, and let them do public service, as other peoples do."

Then we the imperial envoys ensured that Duke John had given pledges to amend all the above-mentioned obligations in pannage, forage, works and tax-collections, the Slavs and transport duties and sailings. And Damianus, Honoratus and Gregorius received those pledges. And the people forgave John those calumnies on condition that he should not commit any more. And if he or his heirs or agents commit any more of these oppressions, they shall pay what we have established.

Concerning other issues, it was agreed between the venerable Patriarch Fortunatus and the above mentioned bishops, and Duke John and the rest of the leaders and people, that whatever they had

recorded and sworn according to their oath and those notes, they should carry out. And whoever from them did not want to carry it out should be forced to pay 9 mancuses of gold to the sacred palace. This judgement and agreement was made in the presence of the imperial envoys Izzo the priest, Cadolao and Aio, and they subscribed with their hands in our presence:

I Fortunatus by the mercy of God Patriarch sign with my hand this charter of commitment (*cartula repromissionis*) made by me.

I Duke John subscribe with my hand this charter of commitment.

I Stauratios bishop subscribe with my hand this charter of commitment.

I Bishop Theodore subscribe.

I Bishop Stephen subscribe.

I Bishop Laurentius subscribe.

I, Peter the sinner, deacon of the metropolitan church of Aquileia, wrote this commitment by the order of my lord Fortunatus the holy Patriarch and of the glorious Duke John and all the above signed bishops and leaders of the people of Istria, and I confirmed this charter after it had been corroborated by witnesses.

### **Glossary**

Centarchus = a Frankish official title

Collectio = the term used in the text to indicate a payment to the region's rulers

Hypatos = a Byzantine official title, originally the translation of the ancient Roman consul

Magister militum = literally, master of the soldiers: an ancient Roman official title

Mancus = a unit of currency, usually a gold coin

Modium = a unit of volume, probably several litres