

The 'Capitulary of Savonnières', November 862

Draft translation by Charles West (comments and suggestions welcome)

Following the Treaty of Verdun in 843 which divided the Carolingian empire into separate kingdoms, from time to time the Carolingian kings met together to discuss matters of mutual importance. At a meeting in Koblenz in 860, Lothar II had acted as a mediator between his uncles Louis and Charles, to draw a line under Louis's invasion of Charles's kingdom in 858. Now, at a meeting arranged at the palace of Savonnières near Toul in Lotharingia (now eastern France), the issue had become Lothar II's marriage. He had recently secured Waldrada as his queen, but Charles the Bald remained hostile. This time it was Louis's turn to try to engineer a reconciliation.

A key issue was Charles's refusal to 'communicate' with Lothar – that is, his refusal to talk or interact with Lothar, treating him as if he had been excommunicated. Charles explained why he was acting this way, and laid down the conditions of meeting Lothar in person, to which Lothar's envoys agreed, though not without heated discussion as reported in the Annals of St-Bertin.

It seems likely that Hincmar of Reims was involved in compiling the document translated below which was presented to this meeting. It is preserved in full only in early modern transcriptions and editions, notably in Vatican [Vat lat. 4982](#). Though it was included as a capitulary by its editors, it is not really a piece of legislation, since its main aim was to summarise Charles's complaints against Lothar II. Charles also attempted to choreograph the meeting by bringing with him pre-written speeches for his uncle and nephew, but these were rejected by the assembled counsellors.

Edition: Capitularia regum francorum, vol. II, ed. Boretius and Krause (1897)

https://www.dmgh.de/mgh_capit_2/index.htm#page/159/mode/1up

TRANSLATION

In the year of the Lord 862, when Louis advised Charles that with him he should accept Lothar [II] for a kiss and for discussion,¹ Charles sent back to him through the bishops Altfrið² and Salomon,³ and Adventius⁴ and Hatto,⁵ the capitulary that follows, saying that for these reasons he did not dare to communicate with him [Lothar],⁶ unless what was written there was carried out. On Lothar's behalf, Louis and the already mentioned bishops reported to Charles and to the bishops Hincmar,⁷ Hincmar,⁸ Odo⁹ and Christian,¹⁰ that Lothar had declared that he wished to do so and would do so. With these conditions Charles and the bishops who were with him received him [Lothar] for a kiss.

1. After we were recently reconciled to each other with mutual forgiveness at Koblenz,¹¹ with God's approval and on the advice of our faithful followers, and we confirmed it with an oath about maintaining the peace between us, and about offering help to each other, and we promised to observe

¹ Exchanging a kiss was a common way of demonstrating trust and friendship; to refuse to do so was a public display of hostility. The report is here referring to the embassy sent by Louis the German to Charles (see <http://turbulentpriests.group.shef.ac.uk/bishop-altfrids-report-summer-862/>).

² Bishop of Hildesheim in East Francia.

³ Bishop of Konstanz in East Francia.

⁴ Bishop of Metz in Lotharingia.

⁵ Bishop of Verdun in Lotharingia.

⁶ I.e., interact with (the opposite of excommunication).

⁷ Archbishop of Reims in West Francia.

⁸ Bishop of Laon in West Francia.

⁹ Bishop of Beauvais in West Francia.

¹⁰ Bishop of Auxerre in West Francia.

¹¹ This meeting took place in June 860, drawing a line under Louis the German's failed invasion of West Francia in 858.

the capitularies written by our shared faithful followers, and read out by us, and we publicly announced it to our shared faithful followers – after all this, I do not wish, my only and dearest brother, to accuse you of not having observed towards me those things which we promised one another. Nor do I hope that you or anyone else is able or wishes to accuse me of not having similarly observed these things towards you. And if anyone has done so, I am ready to give certain account to you about it and to make a worthy satisfaction. And if someone wishes to accuse me of not having observed as far as I can those things which I owe to our nephew Lothar, I am similarly ready to give certain account and to carry out an appropriate satisfaction. How far, however, he [Lothar] has observed towards me those things which he promised to me, not only I but many others know.

2. And as it then suited us, that we should meet again at a fixed time at the same place with the magnates of our kingdoms, so that we might discuss there whatever was worthy and necessary to be emended, both in the holy church of God and in the salvation of ourselves and the people, and that we should emend ourselves towards our faithful followers, and they should emend themselves towards us, and should decree what else should be observed – this I have been ready to follow time and time again, and even now I have come again, as you often relayed to me through our shared faithful followers.

3. But there are various reasons why I did not want to talk with our already mentioned nephew before I took counsel with you. Some of these reasons I wish to note here, some I will let you know later at a suitable place and in a suitable fashion.

4. When I came on a previous occasion to Tusey to discuss these things,¹² Boso brought to me and to my bishops letters from the lord Pope, some to be sent to our nephew and the bishops of his kingdom, which we sent to them according to the lord Pope's request, and some letters to be read and observed by us, and we have the text of them here. In these letters, we found that we were criticised for allowing fornicators to stay in our kingdom, and that not just this woman [Engeltrude] but all those who consenting to her crime have been excommunicated from the body and blood of the Lord, until this woman should return to her husband.¹³ And we know, as Saint Gregory said, that if someone does not correct what should be cut down when he can, he himself commits those actions.¹⁴ But we have heard that this woman is staying in the kingdom of our nephew, and we have not heard that this [papal] decision has been changed. And we who are weighed down by our own sins are afraid to communicate with someone else's sins by communicating with the excommunicated.¹⁵

5. Baldwin stole for himself our daughter Judith, a widow, placed under the protection of the church and royal authority according to secular and divine laws. The bishops of our kingdom excommunicated him following a legal judgment, according to the sacred canons and the decision of St Gregory the Pope, who said 'If anyone steals a widow for his wife, let him and those who consented be anathema'.¹⁶ We ourselves and the bishops of our kingdom informed our nephew Lothar verbally and in writing. And, as you know, we confirmed jointly with the counsel and advice of our faithful followers that none of us [i.e., the kings] should receive this kind of man in our kingdoms or

¹² This refers to a council that Charles held at Tusey in October 860.

¹³ Engeltrude had fled her husband Boso, and sought refuge north of the Alps; Matfrid appealed to the pope to make Lothar return her. The incident was probably connected to Lothar's divorce (Boso was closely related to Theutberga).

¹⁴ The same Roman syod of 721 is also used in the Annals of St-Bertin.

¹⁵ In other words, Charles is refusing to talk with Lothar until he expels ENgeltrude, in line with the pope's instructions.

¹⁶ Not Pope Gregory I, but Pope Gregory II, in 721.

permit him to stay, but should rather force him to return, to account for himself and to do penance, as is decreed.¹⁷

But what our nephew Lothar did towards us and our relative, and in truth against God and holy authority and the Christian communion: I hope this is not hidden to you, since it is known to very many. And St Paul, through whom Christ speaks, said ‘Not only those who do it, but those who consent to those doing, are worthy of death’ [Romans 1:32].

6. The case of the wife of our nephew Lothar is known to you, about which he asked for and heard advice from us and the bishops of our kingdom, and from the other bishops present – but he did not afterwards follow that advice. And we know too that he wrote to the lord pope about this, and afterwards received letters from him. We do not wish to deny that we know what the lord pope instructed him and some bishops to do about it. And we know, since we cannot and do not wish to deny it, and nor should we, that the command of the lord pope diverged in no way from evangelical truth and from apostolic and canonical authority – and we have not heard or seen that the instruction about this matter has been carried out.

For that holy see, first in the whole globe of the world, proclaims to us and to all Christians in all the world through the holy Paul, the celestial trumpet, who learned it from the Lord Himself when he was taken up to the third heaven and to paradise, ‘Do not break bread with people of this kind’ [1 Corinthians 5:11]. And through the holy apostle John, who drew from the eternal and living fountain of Christ’s breast, resting on it during in the supper when the sacraments of our redemption were celebrated and handed down, and which he pledged for all the redeemed, the apostolic see very clearly forbids anyone to shelter a man of this kind in his home or even to greet him, ‘since who greets him communicates with his wicked works’ [2 John 10]. And through the blessed pope Gregory, who says in his homily on Ezekiel that ‘Just as he who recedes from faith in God is an apostate, so without doubt he who recedes from God in his works is an apostate’, for, as the Apostle says, ‘faith without works is dead’. And the Lord himself says about the person who is legally warned once, twice and thrice and is not corrected, that he should be to us as a gentile and someone involved in public crimes, with whom apostolic and canonical authority instructs us not to break bread [Matthew 18:17], as already mentioned.

7. Therefore, my only and dearest brother, take counsel from you yourself, and give counsel to me, and give counsel to our nephew for his salvation and honour, and offer help, as I am also ready to do with you, as much as God will grant me to know and to act, if he [Lothar] wishes to accept it.

8. The counsel I recently received with my bishops and my other faithful followers, concerned both for our shared salvation and honour – that is, yours and mine, and for our nephew – and for the shared protection and salvation of all our faithful followers, both in a synod and in a council, I will tell you, if you wish, you to whom I am prepared to deny no good thing and with whom I prepared to share all my good things. And if it seems good to you, let us take it together. And if you can show better advice to us through reason and through divine and human authority, fitting to our salvation and to Christianity, I am ready to take it with all devotion, and very willingly to follow you, with God’s help and with the assistance of the counsel and aid of our shared faithful followers.

9. Since it is written that the good king, who sinned as a man but acknowledged himself happily, said ‘I shall confess to Him from my own will’ [Psalm 27:7], let our nephew declare before you and the bishops who are with you, and let him inform us through you and through those bishops, that he wishes to come before a general council, according to the apostolic lord’s and episcopal, or rather divine counsel, with his and our bishops and faithful followers and friends of God, since this is a

¹⁷ A reference to the Council of Koblenz in 860, where the three kings had agreed not to shelter trouble-makers. It seems that Lothar had offered Baldwin assistance.

general matter for all Christians.¹⁸ And let him there show that he carried out this act about his wife either according to a divine and human law suited to Christians, or according to the counsel of God and a law appropriate to a Christian king, and that he wishes and is obliged to emend those two things we mentioned above. And I am prepared to receive him with charity and honour, just as a Christian king should receive a Christian king, and as a loving uncle should receive a beloved nephew, and to remain in his friendship for his salvation and honour, if he acts like this. And let a suitable time and opportune place be decided upon, when we can peacefully come together and settle this matter for our joint salvation and honour, and that of our faithful followers, since it concerns ourselves, for as Scripture says it is our flesh and blood. For we who ought to set a good example to our faithful followers and all Christians in goodness should not give an example for perdition, and we who ought to correct the wicked should not be the head of evil.

And we will discuss and decide upon those matters which as we mentioned we promised at Koblenz we would discuss and maintain, so that we who are attacked on all sides on account of our sins and the evil of discord which remains in our kingdoms, may deserve to receive the solace of God's mercy, once we have placated Him. And let it not be hard to do this for our nephew's mind, for it is written 'Who is hard in mind, falls into wickedness'. But let him fear God, and restrain this scandal, which without any need has grown and spread so greatly in this Christianity.¹⁹ For to many people it seems to have been carried out without full reason or required authority, when it could have been led to completion through reason and authority. And since it is written, 'Blessed is the man who is always fearful' [Proverbs 28:14], and the Lord says 'I love those that love Me' [Proverbs 8:15], let him honour himself, his Christianity and his royal name for the love and fear of God. And let him divest himself and all of us from that calamity which pursues him, and that through him and on his account pursues us his relatives. And let him honour God, knowing that God says 'I will honour those that honour Me; and those who despise me will be ignored' [1 Kings 2:30].

10. And if he prefers not to do this, let him do what he thinks should be done. I wish to remain in your friendship and due fraternity, and to promote it with all due service, and I seek not what is his, but he himself. But if I am not able to have him safely, I am not willing to remove myself from God for his friendship, nor do I wish to offer help to anyone for ill. For we read in Scripture that God said to a king 'You offered help to an impious man, and joined in friendship to those who hate Me: therefore you have deserved the wrath of the Lord' [2 Chronicles 19:2], and the rest that is written there. And again we read that an impious man who turns from some impiety, and says from his heart that he wishes to be converted is no longer counted amongst the impious, but should and safely can be piously welcomed by the pious. As the Scripture says, 'Turn around the impious, and they will cease to be' [Proverbs 12:7], not that they will no longer exist in essence, but that they will not exist in the blame of impiety. We say all this not because we wish our nephew to be counted amongst the number of the impious, hoping rather that numbered with the pious he may be associated with God.

Declaration of the lord Louis [the German]²⁰

1. As those of you who were there know, when we recently met together with God's help at Koblenz, and decreed capitularies to be observed by ourselves and our faithful followers, we agreed that at a suitable time and opportune place we would meet again, and with the help of God and the counsel of our faithful followers, we would emend what needed to be emended in ourselves and our kingdoms and our faithful followers, and that we would decree what other emendations would be followed. We

¹⁸ Hincmar also demanded this path of action in his *De Divortio* treatise.

¹⁹ I.e., Lothar's attempt to divorce Theutberga.

²⁰ Note that these declarations were rejected at the meeting, so were not formally read out to the people.

fixed a time and place on three occasions, but events occurred to myself, my brother and our nephew, on account of which we were not able to carry out what we had arranged.

2. In the meantime I heard that my brother and our nephew were not getting on as they had been when we met together. So I came to the decision that I should be a private mediator between them, so that they would get on as they should by right. Hence my brother informed my nephew, through me and our bishops, and through the bishops of our nephew, both in writing and orally, of the matters because of which he was no longer intimate with him as he had been before. And that if he wished to emend them as he had been advised, he [Charles] would be well disposed towards him, as a loving uncle ought to be to his beloved nephew, and as a Christian king ought to be to a Christian king. About these matters, we and the bishops who were with us from our nephew gave this response: that concerning those matters of which he was accused, he was ready either to emend or to give certain account of them and to carry out a worthy satisfaction. Our brother and the bishops gratefully received this response, and thanks be to God, our brother and our nephew are now as they rightfully ought to be.

3. And we wish that, as we agreed before, faithful envoys should run between us, and that what should be emended in each of our kingdoms and what one of us indicates to another, should be emended, and the houses of God and the priests and servants of God will have the law and honour that is due. And that every faithful follower of ours will have law and justice in our kingdoms, no matter whose man he is, as was the case in the time of our predecessors, and as we now agree and as was decreed in those capitularies which our predecessor kings decreed, and which we confirmed at Meerssen,²¹ and now recently decreed at Koblenz. This should happen until with God's help we shall meet again at a suitable time and opportune place, and with the counsel of our faithful followers discuss peacefully what has not been carried out, and then carry it out. And thus we may help each other so that with God's help we can save ourselves and our faithful followers and resist the oppressors of the holy church. And with shared consent we had this reasoning written down, so that each of us may have it, and may know what and how he must henceforth maintain. For it is not fitting that a king deviates from his reasoning, just as it is not fitting that a bishop should deviate from his rightful preaching.

Declaration of Charles

1. Those things which my beloved brother said that we decreed recently at Koblenz, I have up till now observed as far as I can, and I wish to continue observing, if they are also observed towards me. And I do not wish to accuse him of not having similarly observed them towards me. I believe too that he does not wish, and that no one is able, to accuse me of not having observed them towards him. And if someone does, I am prepared either to emend those things that need to be emended, or to give certain account for those things of which I have been accused.

2. And if our nephew does what our brother, and the bishops who with him were mediators between us, announced on his behalf to us and the bishops who were with us, and as our brother now says, then he [Lothar II] will be a close friend and aid according to reasonable possibility, as a nephew ought to be to an uncle, and as a Christian king ought to be to a Christian king. And I wish to be an intimate friend and aid to him, according to reasonable possibility, as a loving uncle should be to a beloved nephew, and as a Christian king ought rightfully to be to a Christian king.

3. What our brother has just said about envoys running between us, and about emending what needs to be emended in our kingdoms, and about the status and honour of the churches and priests and servants of God, and about keeping law and justice to each of our followers in our kingdoms, whosever men he

²¹ A reference to a meeting at Meerssen in 851.

may be, both regarding he himself and his property, and about observing the capitularies – so I too wish to observe these things in all ways.

Declaration of Lothar II

1. Since my uncle Louis accepted me in his bounty as if a son, he has always acted towards me in his mercy as was fitting for him and as was needed for me. So I am ready to show him the service that is owed, as I should rightfully do.

2. And about those matters which my uncle Charles recently sent me when we met together: I wish to observe them, as my uncle Louis and the bishops who along with him were mediators between me and my uncle Charles announced on my behalf to him and the bishops who were with him. And if he will be a private friend and aid to me, according to reasonable possibility, as an uncle should be to a nephew, and as a Christian king ought rightfully to be to a Christian king, so I wish to be a close friend and aid to him, according to reasonable possibility, as a loving nephew should be to a beloved uncle, and as a Christian king ought rightfully to be to a Christian king.

3. What our uncles have just said about envoys running between us, and about emending what needs to be emended in our kingdoms, and about the status and honour of the churches and priests and servants of God, and about keeping law and justice to each of our followers in our kingdoms, whosever men he may be, both regarding he himself and his property, and about observing the capitularies – so I too wish to observe these things in all ways.

After these preceding declarations had been read out in front of all the almost 200 counsellors of the three kings who were present, including bishops and abbots and laymen, Louis and Lothar and their followers entirely rejected them, that they should not be read to the people [*populus*], so that the case of Lothar should be entirely unmentioned.²² So the lord Charles read out this declaration which follows in these very words in the evening at Savonnières, in the year 862, on the 11th indiction, on the 3 nones of November [3rd November], in the same house where the previous declarations had been read out, in which a few others came in who had not been there before, since it had been almost full with them.

Declaration of Charles²³

As I have advised to my nephew in writing and orally, through my brother and through the bishops of my nephew, and as they reported back to me on his behalf, so I wish to be a friend to him and to save him, as an uncle should rightly save his nephew, if he will save me and my followers, as a nephew should rightly save his uncle.

²² In the Annals of St-Bertin, Hincmar blames this decision on a prominent advisor Conrad. This is a well-known passage for the size of royal assemblies. Note that this number of 200 only includes the advisors (*consilarii*); McCormick estimates the total number present at Savonnières might have been around 5,000.

²³ Cf. the Annals of St Bertin: ‘But Charles, against their wishes, made it fully known to everyone that he had refused to communicate with Lothar before he gave the undertaking mentioned above, for two reasons: first, because Lothar had abandoned his wife and taken another woman, contrary to the authority of the Gospel and of the apostles, and second, because Lothar and his mistress had had communication with excommunicated persons, namely the wife of Boso, and Baldwin...’.