

Patriarch Fortunatus of Grado
and the Placitum of Riziano*Harald KRAHWINKLER*

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ABSTRACT

The article places Fortunatus of Grado in historical and diplomatic context: as an historical figure about whom we have relatively good information and as a "diplomatic figure" of outstanding importance for the textual transmission of the placitum of Riziano. This document was issued at the behest of patriarch Fortunatus who seems to have been involved in the preparation of the inquisitio in cooperation with Emperor Charlemagne. The Frankish Emperor at various stages gave privileges and support to the patriarch of Grado, whose position, however, was seriously affected by the Frankish-Byzantine treaty of 812. Thus Fortunatus was very much a man "between East and West", which was evident from his further political behaviour. – The article also points out the importance of the Codex Trevisaneus as a unique source for the history of patriarch Fortunatus of Grado.

Key words: Aquileia, Byzantium, Charlemagne, Fortunatus, Grado, Istria, Placitum Rizianense (PR), Venice

IL PATRIARCA FORTUNATO DI GRADO E IL PLACITO DI RISANO

SINTESI

L'articolo pone Fortunato di Grado nel suo contesto storico e diplomatico: si tratta infatti di un personaggio storico per cui disponiamo di informazioni relativamente esaustive e di un "personaggio diplomatico" di grande importanza per la trasmissione testuale del Placito di Risano. Questo documento è stato emesso su ordine del patriarca Fortunato, il quale sembra fosse coinvolto nella preparazione dell' inquisitio in collaborazione con l'imperatore Carlo Magno. L'imperatore franco ha più volte concesso vari privilegi e un sostegno a vari livelli al patriarca di Grado, la cui posizione era tuttavia pesantemente influenzata dal trattato Franco-bizantino del 812. Fortunato si può quindi definire come un uomo "tra oriente ed occidente", fatto

evidente anche nel suo comportamento politico successivo. – L'articolo vuole inoltre sottolineare l'importanza del Codice Trevisano come fonte che attesta la storia del patriarca Fortunato di Grado.

Parole chiave: Aquileia, Bisanzio, Carlo Magno, Fortunato, Grado, Istria, Placito di Risano (PR), Venezia

Introduction

One can hardly imagine a person living in the early middle ages moving politically "between East and West" so easily as Fortunatus, the eighteenth bishop of Grado (803–c. 825), did.¹ As a church politician, Patriarch Fortunatus sat, as it were, not only "in sede", but at times also "inter sedes". Having attained his position in turbulent times and under dramatic circumstances – considering the murder of his predecessor and relative John (Ioannes) at the instigation of the two Venetian *duces* (Bedina, 2000, 518) – Fortunatus managed to stay in office despite enormous difficulties. He was obviously recognised as patriarch until his death in exile (cf. Bork, 1955, 49). Whether he was a "fortunate" man, as his name might suggest, is, however, doubtful.

Fortunatus (II) is the second bearer of this Latin name holding the cathedra of Grado.² His namesake Fortunatus (I), who sided with the schismatics in the "Three Chapters Controversy" had incurred the pope's displeasure as "a Judas and a wolf in sheep's clothing". In 628 Fortunatus I had left Grado to find refuge with the *gentes* and protection with the Lombard king (MGH *Epistolae Langobardicae* n. 3.; cf. Krahwinkler, 1992, 78).

Fortunatus II figures prominently in the PR and is in fact of crucial importance both for the *inquisitio* at the ancient border river Formio, now Rižana/Risano (cf. Weiss, 1909, 2858), and the drafting of this document. According to the eschatocol the "repromissionis cartula" was written down in the first instance at the behest (*ius-sio*) of "most holy Patriarch Fortunatus", then the *dux*, the bishops and the *primates*. Fortunatus also had a key function in the transmission of the text in the *Codex Trevisaneus*.³

1 On Fortunatus (II) see Rando (1997b, 235–239, with bibliography 238 f.). Cf. Tassini, 1950, 22 ff.; Brunettin, 1991, 51 ff. with n. 1, esp. 55–62; Cosentino, 1996, 479–481; Tomaz, 2003, 261 ff.; Krahwinkler, 2004, esp. 20 ff., 115 ff. On Fortunatus (I) see Rando (1997a, 234 f.).

2 Fortunatus is a traditional name in the cultural sphere of the church of Aquileia. As is well known, Fortunatus was the name of the deacon who suffered martyrdom together with the first bishop of Aquileia, Hermagoras. See Bratož (1999, esp. 68 ff. and 485 ff.; cf. name index *ibid.* 511.).

3 See below.

Fortunatus in the PR

The PR contains six explicit references to Patriarch Fortunatus:

First (fol. 21r7), in the *narratio* where the attendants of the gathering are enumerated, immediately following the place-name *Riziano*.

Second (fol. 21r18), with his response to the accusations, which were supported by written documents (concerning "breves" or "consuetudines").

Third (fol. 21r27–28), when Fortunatus exhorts the complainants to enunciate the customary rights of his "holy metropolitan church" (*sancta ecclesia metropolitana mea*) in the territory of Istria (*in territorium Istriense*).

Fourth (fol. 23r1), in the report about the compromise reached in the assembly.

Fifth (fol. 23r9), when he subscribes in the first instance by using a devotion formula, which is also attested in a charter dated 819 (*Fortunatus misericordia Dei patriarcha*).⁴

Sixth (fol. 23r18), the scribal notice by the deacon Petrus in the eschatocol. Only here, in the phrase "diaconus sanctę Aquileiensis metropolitane ecclesię", Fortunatus' metropolitan see is explicitly mentioned: however, as Aquileia, not as Grado. The latter toponym is not cited at all in the PR.

It is possible, even probable, that the successor of Patriarch Paulinus of Aquileia, who by preference had resided at Cividale (Forum Iulii) and who died on 11 January 802, was not yet in office at the time of the PR. His successor Ursus may have been installed after the PR.⁵

In this context Fortunatus' claim to ecclesiastic and political tradition in 804 could be emphasised strongly: Grado was in fact presented as the "new Aquileia". As is well attested, in Charlemagne's reign Grado was considered the metropolitan church responsible for Istria and the Venetian coastal area.⁶ This is also evident from the reference to the rights of "my holy metropolitan church", as Fortunatus says, "in the Istrian territory" (*in territorium Istriense*).

⁴ See footnote n. 6.

⁵ There may be an indirect reference to this problem in MGH Leonis III. epistolae n. 5 (cf. footnote n. 25). It is interesting that the forged diploma MGH D.Kar.I. n. 270, according to which Paulinus of Aquileia would still be alive on 4 August 803, is (allegedly) set in the time of Fortunatus' stay with Charlemagne, although the place of issuing given here is Rome[!]. As to the date, cf. also MGH Capitularia I, n. 42 ("Capitula ecclesiastica ad Salz data").

⁶ See MGH D.Kar.I. n. 200 and n. 201; cf. footnotes nn. 12–15. The additional reference to Aquileia in Fortunatus' patriarchal title ("... una cum reverentissimo domino Fortunato sancte Gradensis que et Aquilegiensis ecclesie patriarcha ...") in a donation charter of May 819 issued by the *duces* Agnellus and Justinian in favour of the abbot of San Servolo may indicate a later interpolation; cf. also Rando (1997b, 237). In this charter the patriarch of Grado is the first person to subscribe ("+Fortunatus misericordia Dei patriarcha"). See Cessi (1942, n. 44); Codice diplomatico padovano n. 5.

Throughout the PR, Fortunatus is given the title "patriarcha", namely in the following phrases according to the aforementioned passages:

- 1) "venerabili viro Fortunato patriarcha" (ablativus)
- 2) "Fortunatus patriarcha"
- 3) "Fortunatus patriarcha"
- 4) "Fortunatum venerabilem patriarcham"
- 5) "Fortunatus misericordia Dei patriarcha" (title in, as stated, subscription by his own hand)
- 6) "ex iussione domini mei Fortunati sanctissimi patriarche ..."

In the PR, Fortunatus is twice given the adjectival predicate of rank "venerabilis", either as an attribute of "vir" or "patriarcha" or in combination with both nouns.⁷ The relative "sanctissimus" as an attribute of the patriarch's title is obvious in the devout formula of the scribe who as a deacon is obliged to his master's (*dominus*) order (*iussio*). The form "sanctissimus" has its contemporary equivalent in the address of Pope Leo's letter to the patriarch of Grado.⁸

Patriarch Fortunatus in the years 803/804

At the very beginning of spring, in a letter dated 21 March 803, Pope Leo III bestowed the *pallium* on the new head of the church of Grado. In this letter Fortunatus is addressed as follows: "reverendissimo et sanctissimo confratri Fortunato patriarche sancte [!] Gradensis ecclesiae".⁹ This address is not known from papal letters to his predecessor Ioannes (John); the latter is called "archiepiscopus" or simply "episcopus" (MGH Epistolae Langobardicae n. 20 and n. 21). On the other hand, Leo III when distancing himself from Fortunatus, addressed him as "archiepiscopus", not as "patriarcha".¹⁰

Making Fortunatus patriarch of Grado after his predecessor's murder had been a clear political signal: against the ruling *duces* Ioannes and Mauricius and in support of Frankish and papal policy. In the spring of 803 Fortunatus, accompanied by a group of Venetians, went to Treviso and then proceeded to Charlemagne's residence at Salz by

7 As to this form of address cf. Jerg (1970, esp. 229 ff. and 247 ff.) See also footnote n. 14.

8 See footnote n. 9.

9 Text based on two copies in the Codex Trevisaneus (fol. 15r-v, 17r-v, the latter copy in peculiar arrangement). Cf. Italia Pontificia VII/2, 40 (n. 28); Cessi (1942, n. 37); CDI a. 803; Migne PL 129, 969 (n. 2). Cf. the summary in Chronica patriarcharum Gradensium c. 13: "Post hunc [sc. Iohannem] successit Fortunatus patriarcha, qui a Leone papa privilegium cum benedictione pallei iuxta suorum decessorum exemplar consecutus est. Hic tantae famositas fuit, ut dive memoriae Karolus imperator spiritalem patrem eum habere optaret. Cuius ad augmentum aeccliesiae idem reverentissimus augustus quam plurima contulit precepta. Qui Fortunatus rexit aeccliesiam ann(os) XXVII." Cf. MGH Leonis III. epistolae n. 5 with n. 6.

10 See footnote n. 23.

the river Saale.¹¹ There Charlemagne issued two charters in favour of his episcopal protégé and ecclesiastical "partner".¹² The first of these documents – issued at Salz (13 August 803) – grants immunity to Grado.¹³ Praising this church as the see of the evangelist Mark and of bishop Hermagoras implies the claim to the ecclesiastical tradition of Aquileia.¹⁴ With regard to the rights of the church of Grado the territorial names *Istria*, *Romandiola* and *Longobardia* are specified.¹⁵ In the second charter, of which no date has been preserved but which must be seen in the same historical context, Fortunatus is called "Venetiarum et Istriensium patriarcha" (MGH D.Kar.I. n. 201). Here he gets permission that his four ships can call at all ports of the Carolingian Empire free of charge¹⁶. The issuing of both charters by Charlemagne is motivated by the special services and merits (*servitio et meritis*) of the high-ranking petitioner.¹⁷ It is sometimes suggested that Fortunatus at that time or soon afterwards had been enfeoffed with the abbacy of Moyenmoutier (Medianum) in the Vosges.¹⁸

In the summer of 803 and perhaps shortly before Fortunatus' stay with Charlemagne Byzantine emissaries visited the Frankish ruler. Having delivered greetings and messages from Emperor Nikephoros they received a written peace treaty and returned to Constantinople via Rome.¹⁹ Even if we do not know any details of this agreement we may assume that the separation of the Frankish and Byzantine spheres of influence in the

11 Today Bad Neustadt by the river Saale in Lower Franconia. Cf. *Annales regni Francorum* a. 803; *Annales qui dicuntur Einhardi* a. 803; *Ioannes Diaconus, Istorica Veneticorum* II 24; Abel-Simson (1883, 292 with n. 1, 334 with n. 2).

12 MGH D.Kar.I. n. 200 and n. 201. Cf. Classen (1988, 92 with n. 347); Rando (1997b, 236). It is noteworthy that both charters are preserved through copies in the *Codex Trevisaneus* (fol. 16r, fol. 19r–v; fol. 19r). Interestingly enough, the first of these documents is preserved twice in the *Codex Trevisaneus*, a fact, which – apart from textual variants – indicates two strands of transmission. On interpolations in both charters see the remarks preceding the edition in MGH.

13 MGH D.Kar.I. n. 200. In this charter we find, apart from MGH D.Kar.I. n. 175 in favour of the church of Aquileia, the last securely datable bestowal of immunity by Charlemagne. Cf. Krahwinkler (1992, 217 n. 80).

14 MGH D.Kar.I. n. 200: "... qualiter vir venerabilis Fortunatus Gradensis patriarcha, sedis sancti Marci evangelistę et sancti Hermagorę episcopus ...". On the form of address "vir venerabilis" cf. footnote n. 7; cf. also Margetić (2000, 93 with n. 65).

15 MGH D.Kar.I. n. 200: "... quatenus sub immunitatis nomine tam ipse quam sacerdotes et reliqui nec non servi et coloni, qui in terris suis commanent, in Istria, Romandiola seu in Longobardia vel ubique quieto tramite vivere et residere debeant."

16 The tolls are specified as *teloneum*, *siliquaticum*, *laudaticum* and *cispitaticum*.

17 Cf. the parallel formulae in the *dispositiones*: "Cuius petitionem eius servitio et meritis compellentibus denegare nolumus ...".

18 This suggestion is based on the text of a papal letter dated 806 and on somewhat confusing information given in the French monastery's chronicle which was written down in the 11th century. On the *Liber de sancti Hildulfi successoribus* cf. footnote n. 30.

19 Fortunatus is not mentioned in *Annales regni Francorum* a. 803. However, we find interesting information in *Annales Mettenses priores* a. 803: "Venit quoque Fortunatus patriarcha de Grecis[!] afferens secum inter cetera donaria duas portas eburneas, mirifico opere sculptas." Cf. Bork (1955, 42 ff.); Classen (1988, 92); Esders (1999, 72 with n. 42).

northern Adriatic had been the central matter of negotiations. It must have been in Charlemagne's interest to support the metropolitan who was also in charge of the Istrian dioceses. Furthermore the Frankish Empire must have been keen to prevent Istria from becoming a source of political unrest. As a result, the complaints of the "populus Istriensium", as expressed in the PR, had to be taken very seriously, particularly since in a nostalgic atmosphere they evoked the conditions "Grecorum tempore". The role of Patriarch Fortunatus may be considered that of a "mediator", who paved the way to the *inquisitio* by *missi dominici* soon after his coming into office.

Therefore we have every reason to assume that at the meeting at Salz in August 803 the procedure of the PR was prepared for the following year and scheduled for the spring of 804. Further arrangements may have been the subject of discussions in the Bavarian metropolitan see of Salzburg. Charlemagne stayed there in October 803 in order to settle the "Pannonian affairs". Thus he confirmed and made "permanent" the assignment of eastern territories to Salzburg, as envisaged by his son Pippin.²⁰

The "customary rights" of Grado in Istria

The Istrian élites accused both the patriarch of Grado and the Istrian bishops of harming the cities or towns by refusing them *adiutorium* and *consuetudines*, as evident from certain lists (*breves*). The *adiutorium* has been interpreted as a military tax which was levied in case of war in order to finance warriors (Esders, 1999, 66–74). As regards *consuetudines*, they may be understood as customs and legal practices in a wide sense, including also customary "taxes". Moreover, Fortunatus also refers to his imposts and (diplomatic) missions to the Emperor, "propter vos" (fol. 21r23), that is for the good of the Istrian people. Such activities fit well into the timespan 803–804 and can also be based on annalistic evidence. While the Frankish Royal Annals pass over in silence Fortunatus' stay at Salz, the Annals of Metz report that the patriarch had come "from the Greeks" and brought with him various gifts, for instance two "ivory doors".²¹

With reference to Fortunatus' predecessors, special emphasis is laid on the ceremonial rights on the occasion of the patriarch's visit to Pula (Pola), the ancient "capital" of Istria.²² In this case the tradition of late antique *adventus* ceremonies and acclamations was very much alive (cf. McCormick, 1998, 47). When the patriarch used to stay in Istrian episcopal residences, certain rituals were practised, such as the

20 See *Annales regni Francorum* a. 803: "Imperator autem in Baioariam profectus dispositis Pannoniarum causis Decembrio mense Aquasgrani reversus est ibique natalem Domini celebravit." *Conversio Bagoariorum et Carantanorum* c. 6. Lošek (1997, 112 f. with n. 80 f.); Wolfram (1995, 194 with n. 6 and 286 with n. 503); Krahwinkler (2001, 70 with n. 6). Cf. also Esders (1999, 72 with n. 46 f.).

21 See footnote n. 19.

22 On the position of Pula (Pola) cf. also the protocol of the synod of Mantua (MGH *Concilia* II, n. 47, p. 586): "Sed et populi Polensis, quae civitas caput est Histriae ...".

handing over of keys, and judicial functions were exercised. The fact that the relationship between the metropolitan of Grado and the Istrian bishops was not free of conflicts is not discussed in the PR, but evident from other sources.

The decade after the *inquisitio*: 804–814

The compromise reached through the PR in 804 helped to consolidate the situation in Istria and later on to politically stabilise the northern Adriatic region. The years between 804 and 810, however, were characterised by military conflicts between Byzantium and the Frankish Empire. In this context the position of Grado was particularly endangered, a fact which was reflected also in the political tactics of its patriarch.

In the year 804 a political change had occurred in Venice: After the *duces* Ioannes (John) und Mauricius (Maurice) had fled, the brothers Obelierius and Beatus came to power. Around Christmas 805 they visited and paid homage to Charlemagne at Thionville (Diedenhofen); in their company were Dalmatian dignitaries, led by the *dux* of Zadar and the bishop of this city. Charlemagne's "ordinatio de ducibus et populis tam Venetiae quam Dalmatiae" meant a political and administrative reorganisation of these coastal provinces. Shortly afterwards, namely in February 806, Charlemagne devised a partition of the Frankish Empire which is called "divisio regnorum" by modern historians. According to this plan, the Italian kingdom as well as the major part of Bavaria and Alamannia were assigned to Pippin. After the above-mentioned change of power in Venice, Patriarch Fortunatus wanted to return to Grado. However, he was forced to take residence in the monastery of San Cipriano near Mestre. Only after the *duces* had returned from Thionville (Diedenhofen) were Fortunatus and bishop Christophorus of Olivolo allowed to return to their respective sees (Ioannes Diaconus, *Istoria Veneticorum* II 24–26; cf. Kretschmayr, 1905, 56; Mor, 1979, 21 f.; Rando, 1997b, 236).

Fortunatus, however, soon got into conflict with Greeks and Venetians. As an immediate reaction to Charlemagne's Venetian-Dalmatian "ordinatio" of 806, the *basileus*, Nikephoros I, sent his ships to reoccupy Dalmatia and reestablish Byzantine overlordship over Venice. The Byzantine fleet under admiral Niketas made Fortunatus flee from Grado. This see was then occupied by the former deacon Ioannes (John), who had recently been elected new bishop of Olivolo.

Fortunatus could rely on Frankish protection. At another visit to Charlemagne he assured himself the emperor's intervention with the pope. As a consequence, Leo III attributed the episcopal see and residence of Pula (Pula) to Fortunatus. From the papal letter addressed to Charlemagne and dated between 806 and 810 certain reservations with regard to Fortunatus are discernible (MGH Leonis III. *epistolae* n. 5.; cf. Bork, 1955, 49). As already mentioned above, he is recognised as "archiepiscopus", but not

called "patriarcha".²³ As Leo III points out, in case of Charlemagne's triumphant victory and restitution of the "sedes" of Grado, Fortunatus should hand over the church of Pula (Pola) without diminishing its property.²⁴ The pope also reminds the emperor of their meeting at Aachen, where the state of the church of Aquileia has been discussed.²⁵

For years Fortunatus was a chief exponent of the "Frankophiles" in the Venetian coastal region. He was considered a metropolitan of the Frankish Empire, which is also obvious from the so-called "testament" of Charlemagne, which Einhard calls a "breviarium".²⁶ Charlemagne drafted this constitutional document ("constitutio atque ordinatio") in the "year of crisis 811" (Fichtenau, 1949, 224), that is, after king Pippin's death, but before Charles the Minor's death. With regard to the distribution of the treasure the five Italian metropolitan sees are enumerated first: Roma, Ravenna, Mediolanum, Forum Iulii and Gradus. Here it is striking that the two patriarchal residences which claimed the tradition of Aquileia, namely Cividale and Grado, are recognised as equal, and the name Aquileia is deliberately avoided.

Fortunatus' definite return from Pula (Pola) to Grado was ensured by the treaty of Aachen in 812. This epochal agreement had been reached in the course of negotiations between the Byzantine and the Frankish Empires in the years 810–815 (see: Classen, 1988, esp. 93–97). Their spheres of influence were established and mutually recognised: The Byzantines controlled the Venetian and Dalmatian coastal regions and islands, whereas the Franks kept the Dalmatian hinterland and the peninsula of Istria (BM² 470b). The treaty of 812 thus signalled the end of the Carolingian endeavours to control the Venetian lagoon, or the *ducatus* of Venice. But it also ensured the safe transition of Charlemagne's reign to that of Louis the Pious as well as that from Michael I to Leon V. Even though this treaty also ensured Fortunatus' re-

23 See footnote n. 10.

24 MGH Leonis III. epistolae n. 5: "Nos vero de hac re pertractantes praevimus, ut, secundum qualiter vestrae imperiali clementiae complacuit, ut in Polana ecclesia persisteret, ita maneat, sub eo prorsus tenore, ut, si Domino annuente et beato Petro apostolo protegente per vestram in triumphis victoriam ipsa sua sedis illi restituta fuerit, secundum qualiter praedicta Polana ecclesia integra cum omnia sibi pertinentia susceperit, sic iterum ea restituatur, et non de rebus eius aut pecunia ad suam debeat subtrahere sedem, sed neque cuiquam ex ipsis rebus seu pecuniis atque speciebus dare quoquo modo praesumat, ut ipsa ecclesia semper inrefragabiliter cum suo antistite salva existere possit."

25 MGH Leonis III. epistolae n. 5: "Reservatur siquidem in ipsis vestris imperialibus apicibus, quomodo in Aquis palatio nobiscum praevimus de Aquileiense ecclesia, velut una, quae suam sedem haberet. Credat enim nobis vestra clementia, eo quod, quicquid ibidem una vobiscum vel cum fratribus et coepiscopis nostris oratores vestri pertractavimus, omnia ad mercedem animae vestrae seu filiorum vestrorum esse conspiciuntur." On the difficult interpretation of this passage cf. Bork (1955, 49); Classen (1988, 92 f.); Rando (1997b, 236 f.). Perhaps as early as January 805 a subordination of Grado and the Istrian dioceses to the metropolis Aquileia had been taken into consideration – as later realised at the synod of Mantua in 827.

26 Einhardi Vita Karoli magni c. 33. On Charlemagne's "testament" cf. Brunner (1979, 69 ff.) and Kasten (2004, esp. 182 ff.).

turn to Grado, it deprived him and his metropolitan see of a long-time perspective in the northern Adriatic, since Grado's ecclesiastical territory was split up into a Byzantine (Venetian coast) and a Frankish sphere (Istria). Therefore "nobody may have felt the conclusion of the peace of Aachen more awkward than patriarch Fortunatus of Grado" (Kretschmayr, 1905, 63; cf. also De Vergottini, 1965, 104).

Louis the Pious' confirmation of the PR

Preserved only in the *Codex Trevisaneus* (fol. 27r) is Louis the Pious' diploma of (allegedly) 815, which confirms the ruling of the PR. Even if this charter may raise some doubts with regard to its authenticity, it does not appear to be a complete forgery. It is addressed in the first instance – and with explicit naming – to patriarch Fortunatus, then – without specific names – to all bishops, abbots and *tribuni* and other *fideles* of the "province of Istria".²⁷ With this imperial diploma the juridical character of the PR of 804, which is referred to as a "iudicatum" was transformed (cf. Esders, 1999, 109–111).²⁸

Whatever the exact date of this document may be, its issuing would have to be dated at a time, when Patriarch Fortunatus still maintained good relations with the Frankish Empire. This situation was to change soon, as the events of the war against the Slavic prince Liudevit were to show.

The *bellum Liudewiticum* and the end of Patriarch Fortunatus

Soon after the so-called "Ordinatio Imperii" of July 817, by which Louis the Pious assigned, among others, "the Slavs east of Bavaria" to his son Louis "the German", a serious crisis affected the south-eastern flank of the Carolingian Empire. In the years from 818 to 823 the Slavic *dux* Liudevit, who had his residence at Siscia

27 "Fortunato venerabili patriarche idemque omnibus episcopis abbatibus tribunis seu reliquis fedelibus nostris Istrię provincie commorantibus a maiori usque ad minorem". The copy of this document is preserved in Codex Trevisaneus fol. 27r; at top left the date "815" is given, as well as the remark "Eg. (ex)[?] 101 da_d [Dand(olo)?] 73". For a regestum see BM² 732. Kandler's edition in CDI (ad annum 815) is obviously not based on the Codex Trevisaneus, but on the copy in BNM Cod.lat. X, 181, fol. 22r). Cf., for instance, the *invocatio* and *intitulatio* in Codex Trevisaneus ("In nomine Dei et salvatoris nostri Yhesu Christi Hludouicus divina ordinante providentia semper augustus") with that in BNM Cod.lat. X, 181 ("In nomine Domini Dei et Salvatoris nostri Iesu Christi Ludovicus divina ordinate[!] clementia imperator augustus"); in the latter case, the formula of devotion or legitimation does not agree with the form usual until June 833, namely "divina ordinante providentia" (cf. Wolfram 1973, 59 ff.), which is preserved in Codex Trevisaneus. On Louis' diploma cf. also Esders (1999, 109–111; ibid. 111 with n. 130 on the problem of its authenticity). The date 815 is based on Dandolo and given in the Codex Trevisaneus (see above). As to the timespan 815–825 cf. Udina (1932, 21 f.), for 814–820 cf. Cavallari (1950, esp. 63 with n. 34) and Leicht (1950, 394).

28 Note the formula "diudicatus et convenientia" in PR (fol. 23r6).

(Sisak), challenged the Carolingian Empire so vehemently that even the contemporary Frankish annals spoke of a "bellum Liudewiticum" (cf. *Annales regni Francorum* a. 821 and a. 822). For years, enormous military and economic resources were in demand to engage in this war. We may well assume that support from Constantinople helped Liudevit to maintain his position and ambitions. Even patriarch Fortunatus of Grado took sides with Liudevit of Siscia. This was, of course, a particular affront to the Frankish court which had been informed by one of Fortunatus' priests (*Annales regni Francorum* a. 821). However, the patriarch's "technical" support – by sending expert builders and artisans, who were also able to construct fortifications – went too far. So Fortunatus fled from Grado – via Istria – to Dalmatia, where he met the *dux* of Zadar, who recommended him to Constantinople (*Annales regni Francorum* a. 821; cf. Krahwinkler, 1992, 186 ff., esp. 190 f.; Rando, 1997b, 237). Surprisingly enough, in the second half of November 824 – more than a year after Liudevit's violent death – Fortunatus accompanied a Greek embassy to Rouen. Emperor Louis the Pious was going to deal with the affair of Fortunatus by appealing to Pope Eugene II, who was to examine the case in Rome.²⁹ It seems likely that Fortunatus died two months later at the monastery of Moyenmoutier in the Vosges.³⁰

Fortunatus and his legacy

Fortunatus left a written legacy, his so-called "testament", or, as some scholars prefer to call it, "memoratorium" or "commonitorium".³¹ Our textual basis is, once again, the *Codex Trevisaneus* (fol. 29r–30r). There a scribal remark indicates the alleged date ("825 ut puto") of the otherwise undated and untitled document.³² It is a fragmentary, yet still long list of the patriarch's bequest to the church of Grado: "Quae legavit et fecit Fortunatus patriarcha ecclesiae suae". It has been called "an outstanding cultural

29 *Annales regni Francorum* a. 824. BM² 793a. It is interesting that Fortunatus is called "patriarcha Veneticorum" in *Annales regni Francorum* a. 824, whereas he is "patriarcha Gradensis" in *Annales regni Francorum* a. 821.

30 Cf. *Liber de sancti Hildulfi successoribus* cc. 3–4, with some confusing information. In c. 3 "Fortunatus patriarcha venerabilis" is mentioned in the context of an embassy from Jerusalem. At the end of c. 4 the date of his death is given as 26 February: "Beatus autem patriarcha Fortunatus meritis tandem et aetate consummatus, huic temporalitati IV. Kal. Martii est subtractus, atque ad perpetem flantium dierum infinitatem perductus. Huius veneranda gleba post bases altaris beati papae Gregorii decenti sepulturae est tradita. Anni vero regiminis eius Mediani monasterii repperiuntur viginti." On the existence of an abbot-bishop Fortunatus at Moyenmoutier cf. Abel-Simson (1883, 361). On the chronological problems cf. Brunettin (1991, esp. 73–79); cf. also Rando (1997b, 238).

31 For – more or less reliable – editions see Cessi (1942, n. 45); Caprin (1891, 359 ff.); in particular Brunettin (1991, 80–86, with an excellent palaeographical, diplomatic and historical commentary 51 ff., 86 ff.).

32 The copy in BNM Cod. lat. X, 181, fol. 23r–24r contains a remark on fol. 23r: "821 ut puto". This copy does not transmit the last twenty lines of the text given in the *Codex Trevisaneus*.

monument", on a par with Cassiodorus' famous letter (*Variae* XII 24) in its "references to the Greek and Western cultural relations of Venetia, as well as the ecclesiastical and in particular the art history of the time" (Kretschmayr, 1905, 426). There we find explicit references to contacts with the Frankish Empire: "Ego autem feci venire magistros de Francia ...", or "... transmisi in Franciam et bonas gemmas adamantinas et aiaguntos ...". These pieces of information supplement what we know about Fortunatus' diplomatic and political activities (cf. Rando, 1994, 44 f.; Esders, 1999, 70, n. 40). The Venetian chronicler John the Deacon (*Ioannes Diaconus*) also refers to the cultural activities in which Fortunatus was engaged particularly after 812 as follows: "Ceterum vero quicquid in thesauris seu in ecclesiarum ornamentis peregit, nemo nominatim exprimere potest" (*Ioannes Diaconus, Istorica Veneticorum* II 28).

Fortunatus was certainly one of the most eminent figures to hold the metropolitan chair of Grado.³³ In particular through the person of patriarch Fortunatus the PR has to be seen in context of the Frankish-Byzantine conflict following Charlemagne's imperial coronation. The result of the *inquisitio* at *Riziano* was an enhancement of Grado's metropolitan status with regard to the Istrian dioceses. The PR and its confirmation by Louis the Pious meant a renewal and transformation of a precarious juridical claim (cf. Esders, 1999, 111 f.). However, Grado's ecclesiastical status with regard to Istria proved to be merely an historical episode. At the time of Fortunatus' successor Venerius³⁴ the controversy between Aquileia and Grado led to the decision of the synod of Mantua in June 827 (*MGH Concilia* II, n. 47; cf. Lenel, 1911, 19 ff.; Kehr, 1927, 52 ff.; Krahwinkler, 1992, 172 ff.; Tomaz, 2003, 275 ff.). There the patriarch of Grado had to accept that Aquileia was the metropolitan see of Istria. Fortunatus' heritage as a metropolitan of the Frankish Empire had been lost (Rando, 1994, 17 and 46).

As mentioned above, Fortunatus of Grado had a key function in the textual transmission of the PR. The PR is one of those documents which are known only through the *Codex Trevisaneus* and for which no independent parallel transmission exists. The PR shares this fate with a number of documents concerning Patriarch Fortunatus of Grado, such as: the confirmation by Louis the Pious, the so-called "testament" or "commonitorium" of Fortunatus, Leo III's letter referring to the bestowal of the pallium of 803, and Charlemagne's two charters of the summer of 803 (cf. Brunettin, 1991, 51 f. n. 1; 62–73 on the *Codex Trevisaneus*. Cf. also Krahwinkler, 2004, 13–15, 107–109). The fact that the text of the PR has been copied into the *Codex Trevisaneus* can be explained by the succession of the patriarchate of Venice to the patriarchate of Grado after 1451. Furthermore, Venice is explicitly mentioned twice in the text of the PR (fol. 22r32, 22v16). The *Codex Trevisaneus* has a legitimising function emphasising the rights and prerogatives of the *Serenissima*.

33 Dellagiocoma (1872–1875, 317) calls him the "greatest" among the sixty patriarchs in the period 725–1451.

34 See *MGH Epistolae variorum* n. 10, n. 11, n. 12 – all three letters preserved in the *Codex Trevisaneus*.

PATRIARH FORTUNAT IZ GRADEŽA IN RIŽANSKI ZBOR

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POVZETEK

Listina Rižanskega placita je pravzaprav *repromissionis cartula*, ki je po podatkih v njenem eshatokolu nastala po naročilu oziroma ukazu (*iussio*) patriarha Fortunata.

Relevantni ohranjeni tekst je v zbirki listin *Codex Trevisaneus* (ok. 1500), ki vsebuje v mnogih pogledih edinstveno gradivo o delovanju patriarha Fortunata iz Gradeža. Poleg listinskega gradiva, kot so vladarske diplome in Rižanski placit, osvetljujejo njegovo zgodovinsko osebnost tudi na različna časovna obdobja nanašajoči se kronikalni viri frankovske in gradeške oziroma beneške provenience. O nobenem drugem izmed prvih cerkvenih poglavarjev v "novem Ogleju" nimamo na voljo relativno tako velikega števila virov kot o Fortunatu (II.). Njegov čas je čas odločilnih političnih in cerkvenopolitičnih stikov "med vzhodom in zahodom", ki so v živo zadevali tudi metropolitansko cerkev v Gradežu.

Fortunat je v vlogi patriarha, ki je bil pristojen in potrjen za lagunsko Benečijo in Istro, v času dogajanja Rižanskega placita užival posebno zaupanje cesarja Karla Velikega. Njegovo imenovanje za patriarha leta 803 je bilo jasen dokaz krepitve frankovske in papeževe politike na področju severnega Jadrana. Potem ko je Karel Veliki poleti 803 položaj gradeškega cerkvenega poglavarja utrdil z vladarsko odredbo, je bilo mogoče tudi razmere v Istri obravnavati in se o njih pogajati s širših izhodišč. Malo pred tem so namreč frankovskega vladarja obiskali tudi bizantinski poslanci. Izhajajoč iz navedenih dejstev, je mogoče utemeljeno domnevati, da je bil avgusta 803 v Salzu ob Saali zasnovan sklep o izvedbi Rižanskega placita v naslednjem letu (spomladi?) 804. (Nadaljnja izvedbena določila pa bi bila lahko obravnavana v Salzburgu oktobra 803.)

O težavah gradeškega cerkvenega poglavarja Fortunata v tistem času pričajo njegovi konflikti z beneškimi in bizantinskimi funkcionarji. Ko se je zaradi vdora bizantinskih bojnih ladij moral umakniti iz Gradeža, se mu je v letih 806–810 ponudila "začasna rešitev" s prenosom rezidence v Pulj, kar je podprla tako frankovska kot papeška stran. Toda kmalu po vrnitvi nazaj v Gradež mu je frankovsko-bizantinski sporazum leta 812 onemogočil možnosti za obsežnejše nadaljnje delovanje, ker je bilo ozemlje patriarhata razdeljeno na dvoje.

Težavni položaj patriarha Fortunata se kaže v njegovi negotovi politiki med zahodom in vzhodom in njegovih diplomatskih pobudah. Cesar Ludvik Pobožni, ki je, kot se zdi, v prvih letih svojega vladanja po prizadevanju samega patriarha potrdil

sklepe Rižanskega placita oziroma nekatera njegova določila, je spoznal, da mora ukrepati, ko je Fortunat podprl slovanskega kneza Ljudevita Posavskega. Cesarjev trud, da bi izposloval papeževo razsodbo, je postal nepotreben, ker je Fortunat kmalu umrl.

Po njegovi smrti se je z vso srditostjo razvnel spor med Oglejem in Gradežem, ki se je končal z odločitvijo cerkvenega zbora v Mantovi 6. junija 827.

Ključne besede: Bizanc, Karel Veliki, Fortunat, Gradež, Istra, Oglej, Rižanski placit, Benetke

ABBREVIATIONS

AMSI = Atti e Memorie della Società Istriana di Archeologia e Storia Patria

BM² = Die Regesten des Kaiserreichs unter den Karolingern 751–918

BNM = Biblioteca Nazionale Marciana

col. = columna

CSEA = Corpus scriptorum ecclesiae Aquileiensis

DBI = Dizionario biografico degli italiani

Hg., hg. = Herausgeber/in, herausgegeben

MGH = Monumenta Germaniae Historica

MIÖG = Mitteilungen des Instituts für Österreichische Geschichtsforschung

MSF = Memorie storiche forogiuliesi

NS = nuova serie

PL = Patrologia Latina

PR = "Placitum" of Riziano

QFIAB = Quellen und Forschungen aus italienischen Archiven und Bibliotheken

RE = Realencyclopädie der classischen Altertumswissenschaft

SAZU = Slovenska akademija znanosti in umetnosti

ZRG GA = Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Germanistische Abteilung

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