

## A Carolingian Vision of Reality



84

### *Charles the Great,* **THE CAPITULARY ON SAXONY** *and A LETTER TO POPE LEO III*

Charlemagne ruled a major portion of continental Europe for close to half a century (768–814). During his lifetime, Charles's efforts to expand the boundaries of Christendom and impose an order based on his understanding of Christian principles won him a reputation that extended all the way to the court of Caliph Harun al-Rashid in Baghdad. His *Carolingian* (the family of Charles) successors, however, were less fortunate and probably less able. In 843, Charles's three grandsons divided the empire into three kingdoms, signaling continental Europe's return to political pluralism — a pluralism that proved permanent and one of the major driving forces in European history.

Before the collapse of the Carolingian Empire, however, Charlemagne established at least a sense of order and unity, if not its total reality, that served as an in-

## CAPITULARY ON SAXONY

First, concerning the greater chapters<sup>1</sup> it has been enacted:

1. It is pleasing to all that the churches of Christ, which are now being built in Saxony and consecrated to God, should not have less, but greater and more illustrious honor than the shrines of the idols have had.

2. If any one shall have fled to a church for refuge, let no one presume to expel him from the church by violence, but he shall be left in peace until he shall be brought to the judicial assemblage; and on account of the honor due to God and the saints, and the reverence due to the church itself, let his life and all his members be granted to him. Moreover, let him plead his cause as best he can and he shall be judged; and so let him be led to the presence of the lord king, and the latter shall send him where it shall seem fitting to his clemency.

3. If any one shall have entered a church by violence and shall have carried off anything in it by force or theft, or shall have burned the church itself, let him be punished by death.

4. If any one, out of contempt for Christianity, shall have despised the holy Lenten fast<sup>2</sup> and shall have eaten flesh, let him be punished by death. But, nevertheless, let it be taken into consideration by a priest lest perhaps any one from necessity has been led to eat flesh.

5. If any one shall have killed a bishop or priest or deacon<sup>3</sup> let him likewise be punished capitally.

6. If any one, deceived by the devil, shall have believed, after the manner of the pagans, that any man or woman is a witch and eats men, and on this account shall have burned the person, or shall have given the person's flesh to others to eat, or shall have eaten it himself, let him be punished by a capital sentence.

7. If any one, in accordance with pagan rites, shall have caused the body of a dead man to be burned, and shall have reduced his bones to ashes, let him be punished capitally.

8. If any one of the race of the Saxons hereafter, concealed among them, shall have wished to hide himself unbaptized, and shall have scorned to come to baptism, and shall have wished to remain a pagan, let him be punished by death.

9. If any one shall have sacrificed a man to the devil, and, after the manner of the pagans, shall have presented him as a victim to the demons, let him be punished by death.

10. If any one shall have formed a conspiracy with the pagans against the Christians, or shall have wished to join with them in opposition to the Christians, let him be punished by death; and whosoever shall have consented fraudulently to this same against the king and the Christian people, let him be punished by death.

11. If any one shall have shown himself unfaithful to the lord king, let him be punished with a capital sentence. . . .

13. If any one shall have killed his lord or lady, let him be punished in a like manner.

14. If, indeed, for these mortal crimes secretly committed any one shall have fled of his own accord to a priest, and after confession<sup>4</sup> shall have wished to do penance, let him be freed by the testimony of the priest from death.<sup>5</sup> . . .

18. On the Lord's day no meetings or public judicial assemblages shall be held, unless perchance in a case of great necessity, or when war compels it, but all shall go to church to hear the word of God, and shall be free for prayers or good works. Likewise, also, on the special festivals they shall devote themselves to God and to the services of the Church, and shall refrain from secular assemblies.

19. Likewise, it has been pleasing to insert in these decrees that all infants shall be baptized

<sup>1</sup>The greater chapters concerned offenses that involved capital punishment; the lesser chapters dealt with noncapital offenses.

<sup>2</sup>The forty-day fast preceding Easter during which meat and many other foods were prohibited.

<sup>3</sup>A Greek term meaning "minister" or "administrator." A

deacon ranked just below a priest and performed such functions as preaching and dispensing alms.

<sup>4</sup>The sacrament in which a person confesses sins to a priest and receives absolution and a penance.

<sup>5</sup>From this point on the capitulary deals with lesser chapters.

within a year; we have decreed this, that if any one shall have refused to bring his infant to baptism within the course of a year, without the advice or permission of the priest, if he is a noble he shall pay 120 *solidi*<sup>6</sup> to the treasury; if a freeman, 60; if a *litus*,<sup>7</sup> 30. . . .

21. If any one shall have made a vow at springs or trees or groves,<sup>8</sup> or shall have made an offering after the manner of the heathen and shall have partaken of a repast in honor of the demons, if he shall be a noble, 60 *solidi*; if a freeman, 30; if a *litus*, 15. If, indeed, they have not the means of paying at once, they shall be given into the service of the Church<sup>9</sup> until the *solidi* are paid.

22. We command that the bodies of Saxon Christians shall be carried to the church cemeteries, and not to the mounds of the pagans.

23. We have ordered that diviners and soothsayers shall be handed over to the churches and priests.

24. Concerning robbers and malefactors who shall have fled from one county to another, if any one shall receive them into his protection and shall keep them with him for seven nights, except for the purpose of bringing them to justice, let him pay our ban.<sup>10</sup> Likewise, if a count<sup>11</sup> shall have concealed them, and shall be unwilling to bring them forward so that Justice may be done,

<sup>6</sup>A weight, not a coin, a *solidus* (plural *solidi*) was 1/72 of a pound of gold.

<sup>7</sup>A *litus*, or *leet*, was someone whose class was midway between a free person and a slave.

<sup>8</sup>Places sacred to Saxon deities. Pagan Germans believed in the sacredness of nature and conducted all of their religious rites in the open air, having no enclosed temples.

<sup>9</sup>As indentured servants.

<sup>10</sup>The fine assessed by the king for breaking the peace or, in this case, harboring a fugitive criminal.

<sup>11</sup>Charles's local secular lords and representatives of his authority. Counties tended to be coterminous with episcopal dioceses, meaning that the local count and the local bishop were the two leading individuals of the region. Counts raised troops, made public Charles's capitularies, collected revenues, and kept the peace.

<sup>12</sup>A *missus* (plural *missi*) was a lay or an ecclesiastical lord who exercised a special commission to inquire into the activities of local counts, bishops, and monasteries. Often working in pairs of one layman and one churchman, they traveled to a region, examined the state of affairs in their assigned area, corrected minor irregularities, and reported major crimes and misdemeanors to the emperor.

and is not able to excuse himself for this, let him lose his office. . . .

34. We have forbidden that Saxons shall hold public assemblies in general, unless perchance our *missus*<sup>12</sup> shall have caused them to come together in accordance with our command; but each count shall hold judicial assemblies and administer justice in his jurisdiction. And this shall be cared for by the priests, lest it be done otherwise.<sup>13</sup>

## A LETTER TO POPE LEO III

Charles, by the grace of God king of the Franks<sup>14</sup> and Lombards,<sup>15</sup> and patrician of the Romans,<sup>16</sup> to his holiness, Pope Leo, greeting. . . . Just as I entered into an agreement with the most holy father, your predecessor,<sup>17</sup> so also I desire to make with you an inviolable treaty of mutual fidelity and love; that, on the one hand, you shall pray for me and give me the apostolic benediction,<sup>18</sup> and that, on the other, with the aid of God I will ever defend the most holy seat<sup>19</sup> of the holy Roman Church. For it is our part to defend the holy Church of Christ from the attacks of pagans and infidels<sup>20</sup> from without, and within to enforce the acceptance of the Catholic faith. It is your part, most holy father, to aid us in the good fight by

<sup>13</sup>Priests, and here he probably means local bishops and abbots (heads of monasteries), had the responsibility of supervising local government, in order to assure that it was just and proper.

<sup>14</sup>In 768 Charles and his brother Carloman had divided the kingdom of the Franks between them upon the death of their father, King Pepin. When Carloman died in 771, Charles seized his deceased brother's half of the kingdom.

<sup>15</sup>In 774 Charles seized control of the Lombard Kingdom in northern and central Italy. The Lombards, a Germanic people, had invaded Italy in 568.

<sup>16</sup>A title bestowed on King Pepin and his sons Charles and Carloman by Pope Stephen II in 754.

<sup>17</sup>Pope Hadrian I (r. 772–795).

<sup>18</sup>The blessing of the pope, the *apostolic* successor of Saint Peter, prince of the apostles, whom each pope claims as his predecessor and the source of papal authority.

<sup>19</sup>The *see*, or church, where the pope resides — this is a metaphor for the papacy itself.

<sup>20</sup>The unfaithful who do not believe in the teachings of the Church.

raising your hands to God as Moses did,<sup>21</sup> so that by your intercession the Christian people under the leadership of God may always and everywhere have the victory over the enemies of His holy name, and the name of our Lord Jesus Christ may be glorified throughout the world. Abide by the canonical law<sup>22</sup> in all things and obey the precepts of the Holy Fathers always, that your life

may be an example of sanctity to all, and your holy admonitions be observed by the whole world, and that your light may so shine before men that they may see your good works and glorify your father who is in Heaven.<sup>23</sup> May omnipotent God preserve your holiness unharmed through many years for the exalting of His holy Church.

---

<sup>21</sup>The Bible, Exodus 17:11.

<sup>22</sup>*Canon law* is the law of the Church; the word *canon* means "standard of measurement" in Greek.

<sup>23</sup>The Bible, Matthew 5:16.