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A New Document concerning the Bishopric of Sebastea

By G.A. Loud

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Abstract: *This article discusses, and prints the text of, a recently-discovered charter from Salerno in southern Italy, dated July 1140, relating to the bishopric of Sebastea. While there are a number of unresolved (and probably unresolvable) problems connected with this document, which are examined below, it shows that Bishop Rainerius of Sebastea made a hitherto-unnoticed visit to Italy in 1140. It may also antedate the start of the campaign to raise money for the new cathedral at Sebastea.*

Relatively little evidence survives concerning the Crusader bishopric of Sebastea. It was founded shortly before March 1128, when the first bishop, Baldwin, witnessed a charter of King Baldwin II for the Holy Sepulchre.¹ It was intended as the episcopal see for Samaria, and as the first (and as it turned out only) suffragan of the archbishopric of Caesarea. Like the other bishoprics of the Crusader states, Sebastea had been a Late-Antique see, but the decision to re-found the bishopric for Samaria here, rather than for example at Nablus, was because it was believed to be the birthplace of St. John the Baptist.² Its population was, however, much less than that of Nablus, which was the administrative centre of the region, and western travellers who visited Sebastea mainly remarked upon the site of the Baptist's martyrdom and the ancient ruins there (still surviving and mainly dating from c. 180-230 A.D.).³ Otherwise they said very little about the town. Abbot Daniel, for example, in the early years of Frankish settlement, wrote that 'the town of Samaria [Nablus] is very large and abounds in all good things', whereas of Sebastea he noted only that 'there is a small enclosed place here which is the prison of Saint John the Baptiser of Christ'.⁴ Ironically, the most

I am grateful to Dr Alan Murray and Hervin Fernández y Aceves for their help in preparing this article, and to the anonymous reader who made several very helpful suggestions about the transcription of the charter below.

¹ *Die Urkunden der lateinischen Könige von Jerusalem*, ed. H.E. Mayer (4 vols., MGH, Hanover 2010), i.263 no. 105 [also in *Cart. St. Sép.*, no. 30].

² Bernard Hamilton, *The Latin Church in the Crusader States. The Secular Church* (London 1980), 68.

³ John W. Crowfoot, Kathleen M. Kenyon, and E.L. Sukenik, *The Buildings at Samaria* (London 1942), pp. 35-7, and for detailed descriptions, *ibid.*, pp. 39-81. This described the detailed investigations carried out by the British School at Jerusalem in 1931-5, which remains the major archaeological investigation of the site.

⁴ *Jerusalem Pilgrimage 1099-1185*, ed. John Wilkinson, with Joyce Hill and W.F. Ryan (Hakluyt Society, London 1988), 155-6, cf. Theodoric, in *ibid.*, 311 [Latin text in *Peregrinationes Tres. Saewulf, John of*

detailed description of religious observance at Sebastea came from a Muslim, Usāmah ibn-Munqidh, who visited the town probably in the early 1140s.⁵ Nablus, however, remained part of the diocese of Jerusalem, and in addition during the 1160s some of the eastern parts of the Sebastea diocese were granted to, or paid tithes to, the Augustinian house of the *Templum Domini*.⁶

Although in the late twelfth-century fief list contained within the *Livre de Jean d'Ibelin* it was assessed for the service of 100 sergeants, Sebastea was not seemingly a wealthy see.⁷ In contrast to some of the other Holy Land churches associated with the Gospel story, which gained numerous lands and churches in other parts of Christendom, it does not seem to have profited much from its role as a shrine. Indeed, it has been suggested that Sebastea never acquired any property in western Europe, although as we shall see this was not entirely true.⁸ But it is hardly surprising that, with no, or very few, external sources of funding, as opposed to income from its lands and tithes in the diocese and offerings at the shrine itself, the bishopric was allowed to lapse after Saladin's conquests, rather than its prelates living in exile in the hope of an eventual return. A brief revival in the mid-thirteenth century was short-lived, and was only possible then because the titular bishop was also prior of the Holy Sepulchre.⁹

The see is poorly documented, and we know of its bishops primarily through a small number of charter attestations. The second bishop, Rainerius, who first appears when witnessing the charter of King Fulk which defined the status of the nunnery of St. Lazarus of Bethany in February 1138, subsequently witnessed three more royal charters, all issued in favour of the Holy Sepulchre, in the summer of 1144, early in 1155 and on 26th July 1160 respectively.¹⁰ He also witnessed a number of patriarchal documents, notably the sentence ending a dispute between the Holy Sepulchre and Mount Tabor in August 1145, that ending

Würzburg, *Theodoricus*, ed. R.B.C. Huygens (CCCM 139, Turnhout 1994), 188-9, and *Itinera Hierosolymitana Crucesignatorum (saec. XII-XIII)*, ed. Sabino de Sandoli (4 vols., Jerusalem 1978-84), ii.374]: 'the ruins show that it was a great city'. Nevertheless, Theodoric otherwise limited his description to a single sentence about the tomb of John the Baptist.

⁵ Usama ibn Munqidh, *The Book of Contemplation, Islam and the Crusades*, trans. Paul M. Cobb (London 2008), pp. 253-4, from the *Kītab al-Asa* ['Book of the Staff'].

⁶ H.E. Mayer, *Bistümer, Klöster und Stifte im Königreich Jerusalem* (MGH Schriften 26, Stuttgart 1977), 184, 194-5.

⁷ John of Ibelin, *Le Livre des Assises*, ed. Peter W. Edbury (Leiden 2003), 615.

⁸ Hamilton, *Latin Church*, 143.

⁹ Hamilton, *Latin Church*, 250, 275.

¹⁰ *Urkunden der lateinischen Könige*, i.320 no. 138, 373 no. 188, 393 no. 210, 474 no. 258 [Also in *Cart. St. Sép.*, nos. 34, 37, 38, 45].

another dispute between the Holy Sepulchre and the monks of the Mount of Olives in summer 1156, and two further charters of Patriarch Amaury in 1168; as well as an agreement about tithes involving the bishop of Nazareth in 1161 and a charter of Hugh of Caesarea in autumn 1166.¹¹ Otherwise, all that has hitherto been known about his career is that he was one of the bishops who accompanied Patriarch Fulcher to visit the papal court in 1155.¹² His successor, Radulfus, is first definitively attested on 17th October 1175¹³ – it seems probable that he was the cathedral prior of that name who had also attested the two patriarchal charters of 1168, and he would seem to have succeeded Ranerius soon after that date, as we shall see. He was one of the Holy Land bishops who attended the Third Lateran Council in 1179.¹⁴ He may also have been the bishop who succeeded in preventing an attack on the town by Saladin in 1184, through the release of some eighty Muslim prisoners.¹⁵ Three years later neither bishop nor town was so lucky, when the latter fell to the troops of Saladin's nephew Husām al-Dīn and the bishop was (allegedly) savagely flogged to make him reveal where the church's treasures were hidden.¹⁶

The document from the cathedral archive at Salerno which is printed below has been known to the present author for some years, but was published for the first time only last year by the Italian palaeographer Anna Giordano.¹⁷ It sheds a little more light on the career of Bishop Rainerius and on the early history of the bishopric of Sebastea. It is a charter issued by Archbishop William of Salerno in July 1140, in which he granted a church in the territory of Eboli in his diocese to Bishop Rainerius and his see. The grant was made at the bishop's request and to help him in his poverty. To this end the archbishop added to the church and its property another plot of land, sufficient to be ploughed by two pairs of oxen. This was on condition that the bishop and his representatives did not intrude on the rights of other churches of the archbishopric, that tithes (or a proportion of the tithes) be paid to the

¹¹ *Cart. St. Sép.*, 83-5 no. 24, 143-5 no. 54, 271-2 no. 139, 288-91 nos. 147-8. *Chartes de la Terre Sainte provenant de l'abbaye de Notre Dame de Josophat*, ed. H.F. Delaborde (Paris 1880), 82-3 no. 35 (the 1161 tithe dispute).

¹² WT xviii.6, p. 818.

¹³ *Cart. St. Sép.*, 310-11 no. 159.

¹⁴ WT xxi.25, p. 996.

¹⁵ Reported in a letter of the Patriarch and the Masters of the Military Orders, copied in Ralph of Diceto, *Opera Omnia*, ed. William Stubbs (2 vols., Rolls Series, London 1876), ii.28.

¹⁶ *De Expugnatione Terrae Sanctae per Saladinum*, in Ralph of Coggeshall, *Chronicon Anglicanum*, ed. J. Stevenson (Rolls Series, London 1875), 233; *The Chronicle of Ibn al-Athir for the Crusading Period from al-Kamil fi'l Ta'rikh, Part 2: The Years 541-589 / 1146-1193; The Age of Nur al-Din and Saladin*, trans. D.S. Richards (Farnham 2007), 326.

¹⁷ *Le Pergamene dell'archivio diocesano di Salerno (841-1193)*, ed. Anna Giordano (Battipaglia 2014), 190-3 no. 100. Although this edition is dated 2014, a note at the front reveals that it was only printed in January 2015. For previous discussion of this charter, G.A. Loud, *The Latin Church in Norman Italy* (Cambridge 2007), 386.

archbishop, that the lands not be sublet, and in return for an annual census of 2 pounds of incense and 2 pounds of wax. The archbishop prudently added that should the church be allowed to deteriorate or the divine office cease to be celebrated, then the bishop would have to take steps to reform this situation within eighteen months, on pain of forfeiture. (The lengthy period of grace was, of course, to allow time, for news to pass to the Holy Land, and for instructions and perhaps personnel to be despatched back to southern Italy).

One presumes that the bishop's request (*postulatio*) was made in person, and indeed the charter expressly says that Bishop Rainerius and some of his canons had come to southern Italy in the hope of attracting benefactions for their see. His subsequent visit in 1155 was thus his second to the Italian peninsula. Rainerius would no doubt have been aware that several Holy Land churches, notably the monasteries of St. Mary of the Latins and St. Mary in the Valley of Josephat, and to a lesser extent the Holy Sepulchre and the Hospital of St. John, had already attracted donations and acquired property in southern Italy.¹⁸ Furthermore, the abbot of Josephat was also in Italy in the summer of 1140.¹⁹ The moment for such a visit may also have seemed propitious, since exactly a year before the archbishop of Salerno's charter was issued King Roger of Sicily had made peace with Pope Innocent II, who had formally recognised the rightful existence of the kingdom of Sicily. Through this agreement a long period of conflict had been brought to an end, both within southern Italy, and between the king and the generally-recognised pope. The new kingdom of Sicily, created during the papal schism, and originally sanctioned by the anti-pope Anacletus, was now respectable.²⁰ Furthermore, although relations between the former Count Roger II of Sicily and the Holy Land had previously been poor, as a consequence of Baldwin I's repudiation of his mother Adelaide, as king he had shown himself to be more amenable. In October 1136 Roger had granted a privilege to the Hospitallers, taking them under his protection and granting exemption from various dues and the right to establish dependencies wherever they wished within his kingdom.²¹ It may therefore have seemed that southern Italy now offered a

¹⁸ Geneviève Bresc-Bautier, 'Les possessions des églises de Terre-Sainte en Italie du sud (Pouille, Calabre, Sicile)', in *Robert il Guiscardo e il suo tempo. Relazioni e comunicazioni nelle prime giornate normanno-svevo (Bari, maggio 1973)* (Rome 1975), 13-34; G.A. Loud, 'Norman Italy and the Holy Land', in *Horns*, 49-62.

¹⁹ *Papsturkunden für Kirchen im Heiligen Lande*, ed. Rudolf Hiestand (Abhandlung der Akademie der Wissenschaften in Göttingen, 1985), 156-60 nos 44-5.

²⁰ Hubert Houben, *Roger II of Sicily. A Ruler between East and West*, trans. G.A. Loud and Diane Milburn (Cambridge 2002), 70-1; Loud, *The Latin Church in Norman Italy*, 154-6.

²¹ *Rogerii II. Regis Diplomata Latina*, ed. Carl-Richard Brühl (Codex Diplomaticus Regni Siciliae, Ser. I.ii(1), Cologne 1987), 119-23 no. 43 [also in *Cart Hosp*, i.103-4 no. 124].

potentially sympathetic environment for a Holy Land bishop seeking endowment for his poorly-resourced church.

William, Archbishop of Salerno 1137-52, was certainly a king's man. Originally from Ravenna in north Italy, he had been elected as archbishop of Capua in 1135 and had been one of the two royal justiciars in the principality of Capua in that year.²² He seems, however, not to have received consecration, which facilitated his transfer under royal auspices to the see of Salerno in the autumn of 1137. He was first recorded as (consecrated) archbishop of Salerno in February 1140.²³ During that decade he functioned also as a justiciar in the principality of Salerno – one of only two prelates known to have served as a justiciar in the twelfth-century kingdom of Sicily. He died on 7th July 1152.²⁴

Unfortunately, although written in a very clear transitional semi-minuscule, almost a book hand, the 1140 charter is now in a poor condition, with substantial parts of the text, especially in the upper left side, obscured by damp marks. Parts of the text are entirely illegible, most significantly the name of the church in question, although the word *virginis* can be discerned here, so the dedicatee was certainly a female saint, and it is also clear that the church lay in the district of Eboli (*in ebulense pertinentia*), rather than in the town of Eboli itself. In his catalogue of the archiepiscopal archive at Salerno, canon Antonio Balducci suggested that this document refers to the church of S. Lucia near Eboli, but how he arrived at this conclusion is uncertain.²⁵ It may simply have been intelligent guesswork, given the few churches dedicated to female virgin saints in the locality.²⁶ It is interesting that although this charter was known to the nineteenth-century historian of the archbishopric, Giuseppe

²² *Alexandrini Telesini Abbatis Ystoria Rogerii Regis Sicilie, Calabrie atque Apulie*, ed. Ludovica de Nava (Fonti per la storia d'Italia, Rome 1991), lib. III cc. 31-2; pp. 76-7.

²³ Salerno, Archivio diocesano, Mensa Archiepiscopalis, Arca I, no. 45; edited *Pergamene dell'archivio diocesano di Salerno*, 188-90 no. 99. For his transfer, *Romualdi Salernitani Chronicon*, ed. C.A. Garufi (Rerum Italicarum Scriptores: Città di Castello 1935), 225.

²⁴ *Necrologio del Liber Confratrum di S. Matteo di Salerno*, ed. C.A. Garufi (Fonti per la storia d'Italia, Rome 1922), 92. For his career, Loud, *Latin Church in Norman Italy*, 271-2, 295-6, 534-5.

²⁵ Antonio Balducci, *Archivio della curia arcivescovile di Salerno i Regesto delle pergamene* (Salerno 1945), 19. See here also the comments by Carmine Carlone, *Documenti per la storia di Eboli i (799-1264)* (Salerno 1998), 73 no. 151.

²⁶ Nevertheless, one should note, for example, the presence of a church dedicated to St. Catherine in the territory of Eboli, *Rationes Decimarum Italiae – Campania*, ed. P. Sella, M. Inguanez and L. Mattei-Cerasoli (Vatican City 1942), 405 no. 6006.

Paesano, who gave a summary of its provisions and quoted brief extracts, he did not give any name for this church – which suggests that the relevant passage was already illegible.²⁷

The church of S. Lucia was located in the plain south-west of Eboli, near the River Tusciano. However, a problem in the identification of this church with that given to the bishop of Sebastea is that in a lengthy document listing the agrarian properties of the see of Salerno in 1164 the church of S. Lucia is described as belonging to the archbishopric.²⁸ So unless the bishop of Sebastea's tenure of the church had speedily proved negligent, and the reversion right in the charter had thus been invoked, there must remain some doubt as to whether the church he was given was in fact that of S. Lucia. Unfortunately this church is not well-documented either. It was definitively listed among the possessions of the archbishopric in the confirmation of the see's property by Frederick II in February 1221, but by then the bishopric of Sebastea was no more.²⁹

A further complication, or perhaps confirmation for the hypothesis tentatively suggested above, is introduced by the only surviving papal privilege for the bishopric of Sebastea, issued in April 1179 while Bishop Radulfus was in Rome. This does in fact mention some European property belonging to the see, but this property was in France, the product of benefactions by King Louis VII, Archbishop William of Sens and other relatives of theirs, all which were made from 1168 onwards. However, neither the church at Eboli nor any other possession in southern Italy was listed.³⁰ Nevertheless, this bull does provide some indirect corroboration of the 1140 charter, for it refers to an earlier privilege in favour of the bishopric issued by Innocent II – which has not survived. The most probable moment for the granting of such a privilege would be during the visit to Italy by Bishop Rainerius in 1140. In addition, another bull of Alexander III, for the monastery of Mount Sion, granted in March 1179 when the abbot, like Bishop Radulfus, was in Rome for the Lateran Council, *inter alia*

²⁷ Giuseppe Paesano, *Memorie per servire alla storia della chiesa salernitana* (4 vols., Naples 1846-57), ii.111-114.

²⁸ *Pergamene salernitane (1008-1784)*, ed. Luigi Enrico Pennaccini (Salerno 1941), 72-110, at p. 91: *res ecclesie sancte lucie ipsi archiepiscopo pertinentis*. The church itself is described as being *subtus ipso casilluzu* (Castellucio, near modern Battipaglia).

²⁹ *Die Urkunden Friedrichs II. 1220-1222*, ed. Walter Koch (MGH Diplomata Regum et Imperatorum Germaniae, xiv(4), Wiesbaden 2014), 315-20 no. 785, at p. 318.

³⁰ *Papsturkunden für Kirchen im Heiligen Lande*, 290-2 no. 117. For these donations, Benjamin Kedar, 'Raising funds for a Frankish cathedral: the appeal of Bishop Radulph of Sebaste', in *Entrepreneurship and the Transformation of the Economy (10th-20th centuries). Essays in Honour of Herman Van der Wee*, ed. P. Klep and E. Van Cauwenbergh (Louvain 1994), 443-55, at 450-2 [reprinted in Benjamin Kedar, *Franks, Muslims and Oriental Christians in the Frankish Levant. Studies in Frontier Acculturation* (Aldershot 2006), essay XI].

confirmed an earlier decree of Patriarch William decreeing a union of the property of various Holy Land churches in southern Italy, including that of St. John of Sebastea. The text of this bull, which survives only in a fourteenth-century copy, has probably been interpolated, but it may still provide indirect confirmation that the bishopric of Sebastea did, at some stage before September 1145 when William died, possess property in southern Italy.³¹

Why was Bishop Rainerius in southern Italy, and seemingly trying to raise funds for his church at this time? The archiepiscopal charter refers, as said, only to the poverty of his see, and this rather obliquely, ‘for its needs in which they are lacking’ (*pro suis oportunitatibus quibus indigent*). The explanation as to what these particular needs were is provided by a document of Patriarch William of Jerusalem (1130-45), in which he announced the discovery of relics of John the Baptist and of other saints at Sebastea, apparently early in 1145, and granted forty days’ indulgence to those visiting the church and assisting in its restoration, for which he begged the charity of the faithful.³² Building a suitable cathedral was of course a *sine qua non* of the refoundation of the see, and the surviving archaeological remains of the cathedral do indeed suggest that the rebuilding began in the mid-twelfth century, although the cathedral may still have been unfinished when Sebastea fell to the Muslims in 1187.³³ While the visit to Italy revealed by this charter predates the 1145 appeal, it would still seem quite likely that the visit of Bishop Rainerius to Italy in 1140 was intended specifically to raise funds for the building of his new church, and that the fortunate discovery of the relics and subsequent appeal perhaps represented a second, rather than an initial, stage of this process. A third stage in the fund raising, perhaps made necessary by the increasingly elaborate scale of the rebuilding, was marked by a renewed appeal for funds by Bishop Radulfus, which Benjamin Kedar suggests dates from 1169/70. In this Radulfus announced that some of his canons would be touring the west with relics from Sebestia and that the

³¹ *Papsturkunden für Kirchen im Heiligen Lande*, pp. 280-7 no. 113; also in *Papsturkunden in Frankreich vi Orléanois*, ed. J. Ramackers (Göttingen 1958), pp. 212-17 no. 149 [RRH no. 576]. The bull confirms *unionemque ecclesiarum Ierosolimorum vobiscum factam Sancte Marie videlicet Montis Oliveti, Sancti Iohannis de Sebastea, Sancti Helye et Sancti Abraam existentium in Sicilia, Apulia et Calabria cum bonae memoriae W(illelmi) quondam patriarcha Ierosolimorum, consilio et assensu capituli sancti Sepulchri*. Röhricht’s version of this passage is seriously deficient.

³² Antoine Le Roulx de Lincy and Alexandre Bruel, ‘Notice historique et critique sur Dom Jacques du Breul, Prieur de Saint-Germain-des-Près’, *Bibliothèque de l’École des Chartes* 29 (1868), 492-3 no. 1 [RRH no. 235]. The key passage reads: *Monemus autem, charissimi, et obsecramus in Domino, quatinus restaurandae praecursoris Domini ecclesiae, vestrae charitatis abundantia subveniat*.

³³ Nurith Kenaan-Kedar, ‘The cathedral of Sebaste; its western donors and models’, in *Horns*, 99-121, who points to the similarities with the cathedral of Sens, rebuilding of which began in the 1140s. Cf. Denys Pringle, *The Churches of the Crusader Kingdom of Jerusalem. A Corpus* (4 vols., Cambridge 1993-2009), ii.283-96, especially 288-96.

patriarch had agreed to a renewed and expanded indulgence for those who contributed to the costs of building.³⁴

Finally, one should note that the 1140 document is almost certainly a contemporary, or slightly later, copy rather than an original. The clue here is the identity of the writer, John notary and advocate. He is attested as the scribe of a large number of contemporary Salernitan documents, during the period 1127-46. But the other documents from his pen were written in the local Beneventan script (still very much the norm at Salerno in this period),³⁵ which is significantly different from the transitional semi-minuscule of this document – the absence of the characteristic Beneventan ‘t’ is the most obvious among other morphological distinctions. While it is not absolutely impossible that a notary would have used different hands, it is still most unlikely.³⁶ [Figs. 1-2]

In such circumstances there is, of course, the suspicion of forgery, which was so prevalent in twelfth- and thirteenth-century southern Italy. Dr Giordano has indeed dismissed this charter as a forgery, largely because of its script, and also because of the lack of any sign of the wax seal which is mentioned; and she suggests that it may have been confected

³⁴ The text of this appeal is printed by Kedar, ‘Raising funds for a Frankish cathedral’, 454-5.

³⁵ The following list is by no means exhaustive: Salerno, Archivio diocesano, Mensa Archiepiscopalis, Arca I, no. 40, ed. Giordano, *Pergamene dell’archivio diocesano di Salerno*, 168-70 no. 87 (March 1127); Cava dei Tirreni, Badia di S. Trinità [henceforth Cava], Arca xxiii.8 (August 1131), unpublished; Cava, Arca xxiii.20 (February 1132 or 1133), unpublished; Cava, Arca xxiii.52 (April 1133), unpublished; Cava, Arm. Mag. G.34 (October 1134), unpublished; Salerno, Archivio diocesano, Mensa Archiepiscopalis, Arca I, no. 43 (February 1137), ed. M. Galante, *Nuove pergamene del monastero femminile di S. Giorgio di Salerno i (993-1256)* (Altavilla Silentina 1984), pp. 26-8 no. 12, and by Giordano, *Pergamene dell’archivio diocesano di Salerno*, 179-81 no. 94; Cava, Arca xxiv.39 and 41 (both January 1139), unpublished; Arca xxiv.63 (July 1138), unpublished; Arca xxiv.69 (November 1138), unpublished; Salerno, Archivio diocesano, Mensa Archiepiscopalis, Arca I, no. 45 (February 1140), ed. Giordano, *Pergamene dell’archivio diocesano di Salerno*, 188-90 no. 99; Cava, Arca xxiv.108 (June 1140), ed. F. Cerone, ‘Sei documenti inediti sugli ebrei di Salerno dal 1125 al 1269’, in *Studi di storia napoletana in onore di Michelangelo Schipa* (Naples 1926), 59-61 no. 1; Cava, Arca xxv.29 (October 1141), unpublished; Cava, Arm. Mag. G.42 (December 1143), ed. F. Ughelli, *Italia Sacra* (2nd. ed. by N. Colletti, 10 vols., Venice 1717-21), vi.255-7. Salerno, Archivio diocesano, Mensa Archiepiscopalis, Arca I, no. 55 (January 1146), ed. B. Ruggiero, *Potere, istituzioni, chiese locali: aspetti e motivi del Mezzogiorno medioevale dai longobardi agli Angioini* (2nd. ed., Spoleto 1991), pp. 90-103, and by Giordano, *Pergamene dell’archivio diocesano di Salerno*, 236-55 no. 114; Cava, Arca xxv.115 (February 1146), unpublished.

³⁶ See the comments here, in another (but still south Italian) context, of Paul Meyvaert, ‘The autographs of Peter the Deacon’, *Bulletin of the John Rylands Library* 38 (1955-6), 114-38, at p. 137. He was, however, discussing scribes in a monastic *scriptorium*, not public notaries. That Frederick II in 1230, *Liber Augustalis*, I.80, should order that notaries from the duchies of Naples and Amalfi should henceforth abandon their distinctive (and very difficult) curial script and write in ‘common and legible letters’ (presumably minuscule) is not proof that notaries habitually used both scripts – it is probable that significant re-training was needed, hence a two-years’ grace period was given in which older documents were to be recopied in the new script, *Die Konsitutionen Friedrichs II. für das Königreich Sizilien*, ed. Wolfgang Stürner (MGH Constitutiones et acta imperatorum et regum, ii, supplementum, Hanover 1996), p. 254.

towards the end of the twelfth century, when the archbishop was facing considerable unrest among his tenants and clergy in the plain to the south of Salerno.³⁷ In particular, the priests of Eboli tried to escape the obligation to pay a share of their tithes to the archbishop – this issue in fact came to a head in 1218, when Honorius III commissioned the archbishop of Amalfi and the bishop of Sarno as judges-delegate to investigate the issue – which was resolved in favour of the archbishop.³⁸ But it is hard to see this document, issued in favour of a Holy Land bishopric, even though it does have some mention of tithes, as serving as effective evidence in such a dispute. Surely a far more relevant and effective forgery could have been concocted? Furthermore, how probable is it that a south Italian forger, towards the end of the twelfth century – or perhaps more likely not long before 1218 – would have known the correct name of a bishop who had died forty or fifty years earlier, and the correct dedication of the cathedral, from a Holy Land see that no longer existed? There is indeed a dangerous tendency among Italian editors automatically to assume forgery when there are palaeographical inconsistencies in a document, without providing a plausible context for this, or considering the very great range of alterations and inventions that the term ‘forgery’ might embody, from minor interpolations to an otherwise genuine document through to outright invention.

It is of course possible that a forgery was concocted c. 1200 on the basis of a genuine original. But in this case one would want some suggestions as to how such an original might have been altered and interpolated, and for what purpose. I would prefer to conclude, therefore, by suggesting that the context for this charter provided above is sufficiently plausible to argue that it is indeed a genuine document, albeit preserved as a copy, not an original. One would, anyway, assume that the bishop would have taken the original away with him – although why the notary did not himself make another copy at the time is unclear. That the surviving parchment is a copy would also explain why there are no traces of the seal.

³⁷ *Pergamene dell'archivio diocesano di Salerno*, 190-1.

³⁸ *Pergamene salernitane*, ed. Pennacchini [above, note 28], 151 no. 25; *Codice diplomatico salernitano del secolo XIII* (3 vols., Subiaco 1931-46), i.114-17 no. 48.

Text of the July 1140 charter.

Salerno, Archivio diocesano, Mensa Archiepiscopalis, Arca I, no. 48. Previous edition: *Le Pergamene dell'archivio diocesano di Salerno (841-1193)*, ed. Anna Giordano (Battipaglia 2014), 190-3 no. 100.

I have attempted here as full a diplomatic edition as possible, preserving the original capitalisation and punctuation, with contractions indicated by round brackets (thus), and editorial insertions, where the notary's phraseology appears probable, but the text is illegible, in square brackets [thus]. This follows the practice of the 'Codex Diplomaticus Regni Siciliae': the series publishing the charters of the kings of Sicily. While this may seem fussy, the poor state of the original justifies such care. The transcription here was made before I had access to Dr Giordano's edition, but has subsequently been checked against it. Those who prefer an edition without the contractions being shown, may prefer to use her publication.

IN NO(MINE) S(AN)C(T)E ET INDIVIDUE TRINITATIS. W. divina gra(tia) s(an)c(t)e saler(n)ita(ne) sedis archiep(iscopu)s. Iustis universorum precibus; set eorum p(re)cipii / comunione socie[tate] (?) favore(m) et audientia(m) condecet imp(er)tiri. Ut du(m) ceteros tuba n(ost)re predicationis oriat(ur) operationis exemplu(m) .. col...cere un ... eius / cu(m) ... eius ... et vest facere ³⁹ qua(m) docere suggestit. Cu(m) fr(atr)is igit(ur) Rainerii viri religiosi sebastensis ecclesie sancti ioh(ann)is babtiste venerabilis ep(iscop)i postulatio[nibus] ... / ad ...eius eccl(esi)e de facultatibus nostri pontificatus in his regionibus suffragium preberemus. cleri nostri compluribus sanioris c(on)silii c(on)vocatis. eor(um) consilio et assensu / predic[ti] episcopi votu(m) co(m)plevimus. ut tam ipse quam f(rat)res eius ad par(te)s nostras p(ro) suis oportunitatibus q(ui)bus indigent applicantes liberalit(at)e n(ost)ra refectionis. et / ... locu(m) repererent p(er) huius nostre concessionis pagina(m) concedimus tibi predicto Rainerio tuisq(ue) successo(ri)bus eccl(esi)am iuri n(ost)ri pontificatus subdita(m) ⁴⁰ i(n) ebulense p(er)tinen/(tia) in [honore] virginis constructa(m) cum vineis et reliquo [bene]ficio ipsius eccl(esi)e. In sup(er) et de t(er)ris nostris laboratoris eidem beneficio p(ro)pe positis et coherentibus / tantum nobis concedendo largim(us) ut cum eodem beneficio coniunctu(m) ad duo bovum paria p(ro) seminatione iuste sufficiat. Non tam(en) in hoc ipsis

³⁹ Giordano suggests *faciendo*.

⁴⁰ Giordano, *subdictam*, which appears to be in error, since for once the reading is clear.

vineis eiusde(m) eccl(esi)e ... nune/ ... cu(m) universis pertinentiis eiusdem eccl(esi)e et vice de viis suis. Ea deniq(ue) ratione ut tu predicte Raineri. tuiq(ue) successores et quos de ve(st)ra parte v(e)l iussione / ...tas (?) et stabilire decernitis. eande(m) ecclesia(m) cum ipsis ei(us) rebus ac p(er)tinentiis pro v(est)ris usibus i(n) subscribendo tenore semp(er) securit(er) habeatis. et de redditib(us) ei(us)de(m) siquid/ ultra quaru(m)cu(m)q(ue) largitate illic acq(ui)sieritis. quod volueritis faciatis. Nulla tam(en) vob(is) facultate p(er)missa. reliquarum n(ost)rarum ecclesiarum circu(m) stantiu(m) iura v(e)l elemosinas / ... pe dare de quibus etia(m) redditibus decimatione(m) integra(m) nostro pontificatui tribuatis. nec easde(m) terras liceat vobis quib(us)libet extraneis laborandas tradere; ut n(ost)re / decimationis portio ⁴¹ minuat(ur). pro cognitione quoq(ue) speciali censu n(ost)ra eccl(esi)a sing(u)lis annis a vob(is) visitet(ur) duar(um) scilicet librar(um) pondere incensus olibani et / totidem cere in translatione beati mathei deferendo. custodes seu rectores loci tam de officio qua(m) de ceteris quibus decet; debita(m) nob(is) exhibeant obedient[iam] / adempta a vobis etia(m) potestate. possessionu(m) eiusde(m) eccl(esi)e quolibet titulo alien[are] p(er)ficere. Et si quolibet tempore a vob(is) v(e)l successoribus v(est)ris predicta concessa vobis destrua/tur ecclesia. ut divina in ea non peragant(ur) officia; et infra unum et dimidium annu(m) a vobis in conveniente(m) forma(m) et essentia(m) non reformetur; ab ipso anno et dim/idio transacto. cu(m) suis possessionibus universis ad manus et potestate(m) n(ost)re ecclesie revertat(ur). Et ut hec n(ost)ra concessio firmiori semp(er) stabilitate p(er)duret; viola/tores eius excommunicationis vinculo alligamus. quo ad usq(ue) condigna culpe satisfactione resipueri(n)t. unius etia(m) auri librae puriss(im)i pena corporalit(er) punie(n)dos. Et huic n(ost)re concessionis ioh(ann)em iudicem Salernitanis iudicibus regia prelatu(m) providentia rogavimus interesse qui eius testificatione firmata plenius semp(er) / robur obtineat. Anno d(omi)nice incarnationis millesi(mo) centesimo quadragesi(mo). anno vero regni d(o)m(in)i Roge(rii) glo(ri)osissimi regis decimo mense iulio indic(tione) / tertia concurren(te). Testu(m) v(er)o huius nostre concessionis tibi ioh(ann)i not(ario) et advocato scribere iussimus. et n(ost)ro sigillo cereo iussimus sigillari. Mem[orans] q[uod] superius dist[urbatum est] / legit(ur) obedientia(m).

⁴¹ Giordano, *portu*.

Picture Captions

Fig. 1: detail from the charter of July 1140, showing the script: photo by Hervin Fernández y Aceves.

Fig. 2: detail from a charter in Beneventan script written by John notary and advocate, Cava, *Arca xxiii.52* (April 1133): reproduced by permission of the Archivio della badia di S. Trinità.