

TAMÁS NÓTÁRI*

On Bishop Virgil's Litigations in Bavaria

Abstract. Virgil, the bishop of Salzburg of Irish origin (749–784) opened a new chapter in the history of his episcopate: he had the earliest works of the historiography of Salzburg compiled: the *Gesta sancti Hrodberti confessoris*, the *Libellus Virgilii* and the *Liber confraternitatum*; he had the Rupert Cathedral constructed, which was consecrated in 774; he extended the rights of the episcopate and that of the Saint Peter Monastery and he organised the mission among the Carantanians. This paper deals with three aspects of the activity of Virgil, the abbot and bishop of Salzburg: the conflict between Bonifacius and Virgil (I.); the determination of the date of Virgil's ordaining (II.); and the debates for the goods and rights of the Saint Peter Monastery and the episcopate of Salzburg, which were noted down by Virgil in the *Libellus Virgilii* (III.).

Keywords: Salzburg, Virgil, Bonifacius, *Libellus Virgilii*, *Notitia Arnonis*, *Breves Notitiae*

Virgil¹ arrived from Quierzy in Bavaria at the end of 745 or at the beginning of 746,² after spending two years at the court of the maior domus, Pippin III. It was on behalf of him that Virgil started his journey to the duke of Bavaria, Odilo; consequently,³ Virgil must have arrived in Quierzy as early as the end of 743 or the beginning of 744 at the time of Odilo's Frank subjection.⁴ Virgil

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¹ Cf. Freund, S.: Von Tassilo zu Karl dem Großen. Die Salzburger (Erz-) Bischöfe und die Reichspolitik. In: v. Kolmer, L.–Rohr, Chr. (Hrsg.): *Tassilo III. von Bayern. Großmacht und Ohnmacht im 8. Jahrhundert*. Regensburg, 2005. 79; Dopsch, H.: Rupert, Virgil und die Salzburger Slawenmission. In: *1000 Jahre Ostarrîchi – Seine christliche Vorgeschichte. Mission und Glaube im Austausch zwischen Orient und Okzident*. Pro Oriente 19. Innsbruck–Wien, 1997. 103. sqq.; Nótári, T.: *Források Salzburg kora közép-kori történetéből*. (Sources of the early-medieval history of Salzburg.) Szeged, 2005. 24. sqq.; 81. sqq.; 137. sqq.; 153. sqq.; 96. sqq.

² Bonifatius, *epistolae* 68. *Monumenta Germaniae Historica* EE selectae. Berlin, 1916.

³ *Conversio Bagoariorum et Carantanorum* 2. *Monumenta Germaniae Historica*, Hannover, 1997.

⁴ Cf. *Annales Mettenses priores a. 743*. *Monumenta Germaniae Historica*, Hannover–Leipzig, 1905.

followed the Irish custom of the *peregrinatio pro amore Christi*,⁵ he left his home with his companions including Dobdagrecus (Dubdá-Cích),⁶ who was called *proprius episcopus* in the *Conversio Bagoariorum et Carantanorum*; just like his companion Sidonius, Virgil definitely began his work in Bavaria as an ordained clergyman.⁷ Without going into a detailed discussion of Virgil's origin and activity in Ireland,⁸ it is worth considering the question briefly which monastery Virgil and his companion came from. Shortly before his death, in the summer of 784, Virgil had the abbots of the monastery of Iona entered in the *Liber confraternitatum* so that the abbots in the Saint Peter Monastery in Salzburg should pray regularly for them afterwards. The list contains not only the abbots from Iona: in the first place is Saint Patrik, the apostle of Ireland; the ninth abbot of Iona, Adamnan, is followed by Keranus (Cíarán), the abbot of Clonmacnoise, and Columban, the abbot of Luxeuil-Bobbio. The list ends with Sléibíne, the abbot of Iona, who died in 767.⁹ If Iona is accepted as Virgil's homeland and it is supposed that he arrived on the Continent as an abbot, the question may arise which monastery was led by him

⁵ Ó Néill, Pagraig P.: Bonifaz und Virgil: Konflikt zweier Kulturen. In: v. Dopsch, H.–Juffinger, R. (Hrsg.): *Virgil von Salzburg. Missionar und Gelehrter*. Salzburg, 1985. 80; Breatnach, P. A.: Über Beginn und Eigenart der irischen Mission auf dem Kontinent einschließlich der irischen Missionare in Bayern. In: *Virgil von Salzburg. Missionar und Gelehrter*. Salzburg, 1985. 85.

⁶ *Conversio* 2.

⁷ Bonifatius, *epistolae* 68; 212.

⁸ About this see Ó Fiaich, T.: Virgils Werdegang in Irland und sein Weg auf dem Kontinent. In: *Virgil von Salzburg. Missionar und Gelehrter*. Salzburg, 1985. 17. sqq.; Moisl, H.: Das Kloster Iona und seine Verbindungen mit dem Kontinent im siebenten und achten Jahrhundert. In: *Virgil von Salzburg. Missionar und Gelehrter*. Salzburg, 1985. 27. sqq.

⁹ *Liber confraternitatum* 20 Ca 2–c 2 Forstner, K. (ed.): Das Verbrüderungsbuch von St. Peter in Salzburg. *Codices selecti* 51. Graz, 1974); Wolfram, H.: Virgil als Abt und Bischof von Salzburg. In: *Virgil von Salzburg. Missionar und Gelehrter*. Salzburg, 1985. 342. sq.; Wolfram, H.: *Salzburg, Bayern, Österreich. Die Conversio Bagoariorum et Carantanorum und die Quellen ihrer Zeit*. München, 1995. 254; Löwe, H.: Salzburg als Zentrum literarischen Schaffens im 8. Jahrhundert. *Mitteilungen der Gesellschaft für Salzburger Landeskunde* 115 (1975) 100; Grosjean P.: Virgile de Salzbourg en Irlande. *Analecta Bollandiana* 78 (1960) 92. sqq. About the *Liber confraternitatum* see Forstner, K.: Das Salzburger Skriptorium unter Virgil und das Verbrüderungsbuch von St. Peter. In: *Virgil von Salzburg. Missionar und Gelehrter*. Salzburg 1985. 135. sqq.; McKitterick, R.: Geschichte und Gedächtnis im frühmittelalterlichen Bayern. In: v. Niederkorn-Bruck, M.–Scharer, A. (Hrsg.): *Erzbischof Arn von Salzburg*. Wien–München, 2004. 70. sqq.; McKitterick, R.: Social memory, commemoration and the book. In: Ridyard, S. (ed.): *Reading and the Book in the Middle Ages*. *Sewanee Medieval Studies* 11 (2001) 5. sqq.; Fentress, J.–Wickham, C.: *Social memory*. Oxford, 1992.

in the meantime since he cannot be considered an abbot of Iona. Paul Grosjean takes side against the thesis that Virgil was Ferg(h)il, the abbot of Aghaboe (Achad Bo),¹⁰ and this point is also supported by Herwig Wolfram, who does not preclude the possibility that Virgil might have had a connection with the monastery of Aghaboe, Trim, or Meath.¹¹ Apart from the general custom of peregrinatio, we are reduced to conjecture as to what personal motive for abandoning Iona Virgil might have had. It cannot be ruled out that the schism that influenced the spirit of the monastery of Iona for a long time might have influenced this decision since the *Liber confraternitatum* lists the names of the counterabbots of Iona too.¹²

I. The conflict between Bonifacius and Virgil crystallized around the current problems of Bavaria in the 740's; nevertheless, the differences in their views were rooted in their different origin, worldview and cultural background. Raising the aforesaid centres of Bavarian Christianity to episcopal rank that revived during the period of Duke Theodo and Emmeran (Haimhrammus), who worked in Regensburg, Rupert (Hrodbertus), who acted in Salzburg, and Corbinian (Corbirianus), who did service in Freising, would mean great progress also for the dukes of Bavaria which was not abundant in cities.¹³ So Duke Theodo went to Rome in 715 or 716 in order to negotiate; consequently,¹⁴ Pope Gregory II (715–731) commissioned bishop Martinianus and two of his assistants, Gregorius and Dorotheus to assign the exact borders of the three or four episcopates to be established in Bavaria in accordance with Duke Theodo's division of his dukedom among his sons, and to summon the nobles and the priests on these territories, among other things, in order to investigate the priests' faithfulness and lawful ordination.¹⁵

Pope Gregory II ordered that after taking three bishops' advice the new episcopates' bishops should be chosen, although the right of confirmation stayed

¹⁰ Grosjean: *op. cit.* 97. sqq.; 100. sqq.

¹¹ Wolfram: *Salzburg, Bayern, Österreich. op. cit.* 255.

¹² Grosjean: *op. cit.* 92. sqq.; Wolfram: *Salzburg, Bayern, Österreich. op. cit.* 255.

¹³ Reindel, K.: Das Zeitalter der Agilolfinger. In: v. Spindler, M. (Hrsg.): *Handbuch der bayerischen Geschichte I.* München, 1981². 196. sqq.

¹⁴ *Liber pontificalis* 19. (*Le liber pontificalis* 1. Paris, 1886.); Paulus Diaconus: *Historia Langobardorum* 6, 44. (*Monumenta Germaniae Historica*, Hannover, 1878.)

¹⁵ Kolmer, L.: Regensburg oder Salzburg? Die Christianisierung der Bayern und die Errichtung kanonischer Bistümer. In: v. Dopsch, H.–Kramml, P. F.–Weiß, A. S. (Hrsg.): *1200 Jahre Erzbistum Salzburg. Die älteste Metropole im deutschen Sprachraum.* Salzburg, 1999. 13.

within the authority of Rome.¹⁶ In the most important episcopal center an archbishopric was to be founded, and the last decision about the archbishop's person—just as in the case of the bishops—was the priority of the Pope. If there was no proper person available, the Pope should be notified, and in this case he himself would send an archbishop to take the position.¹⁷ Pope Gregory II's direction partly repeated the resolutions of Council of Braga in 583 and those of the Council of Lateran in 679, referring to the Anglo-Saxon ecclesiastical organization.¹⁸ The Pope proceeded pursuant to his predecessors' routine in similar cases—as in the case of the English Church with its center in Canterbury—namely, he had reservations concerning the local clergy, and he was reluctant to decree the archbishop's ordination, ie. he wanted to build a system of dioceses that was under the direction of Rome.¹⁹ This endeavour was in line with the goals of the Agilolfing dynasty inasmuch as they aimed at establishing an independent local Church that was free from the influence of the Church of the Frank Empire. Probably as far back as this early stage they intended to make Salzburg the center of the Bavarian Church²⁰ which eventually took place only in 798. It is not known why this episcopal organisation was not established soon after the Pope's resolution, the discords of the Agilolfing-dynasty and Karl Martell's politics to broaden his power might have played a part in the temporary failure of the plan.²¹

Pope Gregory II's missionary politics concerning German territories confined to entrusting Bonifacius on 15 May 719 with missionary work without naming any particular territory;²² and after ordaining him bishop on 20 November 722 he sent Bonifacius to the countries and territories inhabited by Germans.²³ Later he read his reports and answered his questions.²⁴ Although dioceses had no accurately defined borders, by the time of the rule of Pope Gregory III (731–741) the age of the travelling bishops had ended; their place was taken by

¹⁶ Cf. Bonifatius, *epistolae* 28; Ó Néill: *op. cit.* 79.

¹⁷ Reindel, K.: Die Organisation der Salzburger Kirche im Zeitalter des hl. Rupert. *Mitteilungen Gesellschaft für SalzburgerLandeskunde* 115 (1975) 96. sq.

¹⁸ Bauerreiß, R.: *Kirchengeschichte Bayerns I*. St. Ottilien, 1958². 58.

¹⁹ Schmidinger, H.: Das Papsttum und die bayerische Kirche – Bonifatius als Gegenspieler Virgils. In: *Virgil von Salzburg. Missionar und Gelehrter*. Salzburg, 1985. 93.

²⁰ Reindel: *Das Zeitalter der Agilolfinger*. *op. cit.* 226.

²¹ Schmidinger: *op. cit.* 93.

²² Jaffé, Ph. *Regesta pontificum Romanorum*. Graz, 1956. 2157; Bonifatius, *epistolae* 12.

²³ Jaffé 2160; 2161; Bonifatius, *epistolae* 17; 18; 19; 21; 25.

²⁴ Bonifatius, *epistolae* 24; 26; Schieffer, Th.: *Winfried-Bonifatius und die christliche Grundlegung Europas*. Freiburg i. Br., 1980. 149. sqq.

bishops with constant residence.²⁵ A year after his accession to the throne, in 732, the Pope himself commissioned Bonifacius, who became an archbishop after the pallium was given to him, although he had not taken a diocese, to reorganise the Bavarian Church and to ordain bishops if necessary.²⁶ Bonifacius visited Bavaria as far back as 719,²⁷ and from 733 to 735 he visited all the Bavarian dioceses.²⁸ Pope Gregory III appointed Bonifacius legate and in his letters to the archbishops of Bavaria and Alemannia (Wiggo, Liudo, Rydolt, Phyphylo and Addo) he ordered them to assemble at a place determined by Bonifacius on the banks of the river Danube to consult.²⁹ Bonifacius named four dioceses: Regensburg, Passau, Salzburg and Freising.³⁰ These cities not only gained a significant role as secular centers, their sacred legitimation as far as Regensburg, Salzburg and Freising were concerned was ensured by the missionaries: Emmeran, Rupert and Corbinian.³¹

The bishops of these four dioceses were not recognised as Archbishops, although their episcopal rank was not questioned, but the place of the Archbishops were filled by new bishops ordained by Bonifacius: John in Passau, Erembert in Freising, and Gaubald/Gawibald in Regensburg.³² In Passau, Vivilo was kept in his place despite reserves, which was confirmed by the Pope, though his confirmation was not without a tone of reprimand.³³ (Augsburg, which was founded far before the Bavarian Church, and Säben, which was included into the Bavarian dioceses later, are not mentioned; the Bishopric of Eichstätt including partly Bavarian, partly Swabian territories would be

²⁵ Wolfram, H.: Die Zeit der Agilolfinger. Rupert und Virgil. In: v. Dopsch, H. (Hrsg.): *Geschichte Salzburgs I*. Salzburg 1981. 136. sqq.

²⁶ Jaffé 2239; Bonifatius, *epistolae* 26; Schieffer: *op. cit.* 153. sqq.; Schmidinger: *op. cit.* 94.

²⁷ *Vita Bonifatii auctore Willibaldo 5. Monumenta Germaniae Historica*. Hannover–Leipzig, 1905.)

²⁸ *Ibid.* 6.

²⁹ Jaffé 2247; Bonifatius, *epistolae* 44; Löwe, H.: Bonifatius und die bayerisch-fränkische Spannung. Ein Beitrag zur Geschichte der Beziehungen zwischen dem Papsttum und den Karolingern. In: v. Bosl, K. (Hrsg.): *Zur Geschichte der Bayern*. Wege der Forschung 60. Darmstadt, 1965. 280. sq.

³⁰ Erkens, F.-R.: Summus princeps und dux quem rex ordinavit. Tassilo III. im Spannungsfeld von fürstlichem Selbstverständnis und königlichem Auftrag. In: v. Kolmer, L.–Rohr, Chr. (Hrsg.): *Tassilo III. von Bayern. Großmacht und Ohnmacht im 8. Jahrhundert*. Regensburg, 2005. 24.

³¹ Schmidinger: *op. cit.* 94.

³² *Vita Bonifatii* 7; Reindel: *Das Zeitalter der Agilolfinger*. *op. cit.* 229. sqq.; Schieffer: *op. cit.* 180. sqq.; Kolmer: *op. cit.* 14; Erkens: *op. cit.* 25.

³³ Bonifatius, *epistolae* 45; Jaffé 2251.

founded only in 743/44.³⁴) The organization of dioceses by Bonifacius was soon firmly established through promoting local traditions: Saint Emmeran's relics were placed with solemnity in Regensburg, Tasilo had Saint Valentine's relics taken to Passau in 764, Bishop Arbeo placed Saint Corbinian's earthly remnants in Freising in 765 and Virgil arranged for the veneration of Saint Rupert's and his companion's relics in the Cathedral of Salzburg.³⁵

The question of establishing an Archbishopric was temporarily left unmentioned, the reason for this was probably that Bonifacius thought it was unnecessary to found a metropolis that joined the bishoprics, so he supervised the activity of the bishops as the Pope's legate and as a missionary archbishop.³⁶ Although he had reached the peak of his influence by this time, certain criticism was formulated against him, and with the deepening conflict between the Frank *maior domus* and the Agilolfings, Odilo and Bonifacius also estranged since the archbishop joined Karlmann openly.³⁷ Pope Zachariah (741–752) sent Sergius as legate to Bavaria, whom Odilo could consider Bonifacius's deputy, and it might have been to the Pope's interest to gain the Bavarian duke as an ally against the Langobards. The mission of Sergius ended unluckily: he appeared in the Franks' camp before the fight between Odilo and his brothers-in-law, Karlmann and Pippin, and warned them in the name of Saint Peter against war; after the duke's defeat he was imprisoned. After this incident, Zachariah renewed Bonifacius' rank as legate in Germany and in Gallia, yet Bonifacius' respect decreased to such an extent that even the Bavarian bishops ordained by him were reluctant to participate in the council convoked by him.³⁸ It was at the end of Bonifacius' career that one of his gravest conflicts occurred: his argument with Virgil.

Virgil and his follower, Sidonius, who worked in Bavaria after 745, were commissioned by Bonifacius to rechristen those Bavarians who received the sacrament of baptism from a local priest with the phrase "*in nomine patriae et filiae et spiritus sanctii*".³⁹ Shortly before this, on 5 November 744 Pope Zachariah appointed Bonifacius legate of Germany and Gallia,⁴⁰ through that

³⁴ Reindel: *Das Zeitalter der Agilolfinger. op. cit.* 230. sqq.

³⁵ Schmidinger: *op. cit.* 95.

³⁶ Schieffer: *op. cit.* 184.

³⁷ Prinz, F.: *Frühes Mönchtum im Frankenreich. Kultur und Gesellschaft in Gallien, den Rheinlanden und Bayern am Beispiel der monastischen Entwicklung (4. bis 8. Jahrhundert)*. München–Wien, 1965. 442. sq.

³⁸ Schmidinger: *op. cit.* 95; Kolmer: *op. cit.* 14.

³⁹ Bonifatius, *epistolae* 68.

⁴⁰ *Ibid.* 58; Kolmer: *op. cit.* 15.

he became a mediator between the papacy and the Frank Church.⁴¹ Virgil and Sidonius refused to execute the order; they turned to Rome, and the Pope decided the argument in their favour; therefore, on 1 July 746 he informed Bonifacius that his order was incorrect, and announced that it was sufficient to cleanse those who were christened with the wrong phrase by the touch of his hand, and that christening in the name of the Holy Trinity is valid even if it is delivered by a heretic.⁴² Pope Zechariah's reasoning seems to be plausible since Pope Gregory III had proposed a similar solution for the linguistic problems.⁴³ Nevertheless, if other orders sent to Bonifacius by Gregory II, Gregory III and Zechariah are taken into consideration, Bonifacius' uncertainty and rigour is understandable.⁴⁴ Bonifacius definitely knew the ecclesiastical standpoint about the delivery of sacrament by heretics; yet, in this case he set out from the idea that christening without naming the Holy Trinity was invalid, as it was confirmed by previous papal verdicts. The Bavarian priest delivered the sacrament in the name of *the homeland, the maid and the Holy Spirit*, which was justly disapproved by Bonifacius.⁴⁵ Virgil's and Sidonius' resistance might have revolted Bonifacius all the more since the Council known as *Concilium Germanicum*, which was held in 742, put the control of christening by priests under episcopal authority.⁴⁶ From his point of view, Virgil's procedure was not reprehensible either since according to Irish customs the delivery of the sacrament was the sovereign right of every priest, not even the bishops had the right to interfere. Furthermore, he understood that in the case of this priest who used this peculiar formula to christen it was not heresy or a mind yearning for teaching new doctrines what he had to face but simple ignorance.⁴⁷

Bonifacius continued to argue by writing a new letter to the Pope, in which he accused Virgil of heresy concerning the doctrine of antipodoi; namely, that there were people living on the other side of the Earth, and they were illuminated by another Sun and another Moon.⁴⁸ The doctrine about the globular figure of the Earth was not in contrast with the opinion of ecclesiastical authorities, such as Augustinus, Isidorus Hispalensis and Beda Venerabilis; nevertheless, regarding the issue of antipodoi Augustinus and Beda Venerabilis refrained

⁴¹ Löwe: *Bonifatius und die bayerisch-fränkische Spannung. op. cit.* 279.

⁴² Bonifatius, *epistolae* 68; Schmidinger: *op. cit.* 96.

⁴³ Bonifatius, *epistolae* 45.

⁴⁴ *Ibid.* 12.

⁴⁵ Wolfram: *Salzburg, Bayern, Österreich. op. cit.* 256.

⁴⁶ *Concilium Germanicum* (Ed. Rau, R. Quellen zur deutschen Geschichte des Mittelalters 4b. Darmstadt, 1968.) 2; Bonifatius, *epistolae* 56.

⁴⁷ Wolfram: *Salzburg, Bayern, Österreich. op. cit.* 256.

⁴⁸ Bonifatius, *epistolae* 80.

from expressing an opinion, and Isidorus unambiguously claimed that it is a creature of imagination.⁴⁹ At the same time, the doctrine of *antipodoi* implied the questioning of the unity of mankind and by that the universality of redemption.⁵⁰ Bonifacius, as a pragmatic and organising mind,⁵¹ had little interest in investigations and speculations about natural science, so in Virgil's accusation his antipathy against the Irish abbot most probably played an important part.⁵² Being aware of these accusations, in his letter written on 1 May 748 Pope Zachariah no longer supported Virgil and Sidonius so unconditionally as he had done before, and the fact that he distanced himself also from Sidonius unambiguously shows that his opinion was changed not only by Bonifacius' accusations against Sidonius regarding his cosmological misconceptions. Zachariah summoned Virgil and Sidonius to Rome, and sent a letter to Duke Odilo, who had died in the meantime, in order to secure that Virgil would really set off, and he distanced himself from the claim that he had promised him the bishopric of Salzburg. Instead, he questioned Virgil's clerical authority and ordered that Bonifacius, who was nevertheless encouraged to be conciliatory and gentle, should bring Virgil and the Irish priests concerned to the Council, and if they were guilty of heresy, they should be expelled from the Church.⁵³ The further consequences of the case are not known; Virgil did not set off to Rome, and no schism occurred either; Virgil was possibly given the vacant seat of the bishopric of Salzburg with papal consent, presumably evading the legate Bonifacius. Pippin III's permission for acquiring the diocese of Salzburg, which was necessary both *de facto* and *de iure* after the Bavarian defeat in 743, was available.⁵⁴ The papal *licentia* was obtained presumably

⁴⁹ Cf. Löwe, H.: *Ein literarischer Widersacher des Bonifatius, Virgil von Salzburg und die Kosmographie des Aethicus Ister*. Akademie der Wissenschaften und Literatur in Mainz. Abhandlungen der geistes- und sozialwissenschaftlichen Klasse 11 (1951) 939. sqq. (Otto Prinz refuses the authorship of Virgil-Prinz, O.: *Die Kosmographie des Aethicus. Monumenta Germaniae Historica*, Quellen zur Geistesgeschichte des Mittelalters 14. München, 1993. 1–84.)

⁵⁰ Wolfram: *Die Zeit der Agilolfinger*. *op. cit.* 143.

⁵¹ Löwe: *Ein literarischer Widersacher des Bonifatius*. *op. cit.* 963. sqq.; Ó Néill: *Bonifaz und Virgil*. *op. cit.* 77.

⁵² Schmidinger: *op. cit.* 97.

⁵³ *Ibid.*

⁵⁴ Beyerle, K. (ed.): *Lex Baiuvariorum* 1, 10. München, 1926.) Cf. Jahn, J.: *Ducatus Baiuvariorum. Das bairische Herzortum der Agilolfinger*. Monographien zur Geschichte des Mittelalters 35. Stuttgart, 1991. 186. sqq.

by Odilo,⁵⁵ which makes it evident that the bavarian Duke and Virgil could cooperate well, even against Bonifacius.⁵⁶ (Heinz Löwe brought *Cosmographia*, the work attributed to Aethicus Ister, most probably correctly, into connection with the accusation of the doctrine of antipodoi, claiming that Virgil wanted to take sarcastic revenge with this opus written under this pen name after 764 on his former rival, Bonifacius, who died a martyr in 754.⁵⁷)

II. The second chapter of *Conversio Bagoariorum et Carantanorum* first lists the superiors (bishops and abbots) of the church after Rupert's death, or, departure from Salzburg,⁵⁸ and starts to expound Virgil's origin and his activity in Bavaria. The order of the abbots and bishops in this chapter of the *Conversio* is the following: Bishop Rupert, Bishop Vitalis, abbot Anzogolus, abbot Savolus, bishop Flobargisus, bishop John and bishop Virgil. The order given in the *Liber confraternitatum*⁵⁹ and in a verse in *De ordine conprovincialium pontificum* are different.⁶⁰ Whereas in the *Liber confraternitatum* bishop and abbot Vitalis takes the second place after abbot Anzogolus, according to the *Conversio* Rupert himself appointed Vitalis to be his successor. The aforesaid verse might be responsible for the inverted order of Anzogolus and Vitalis, since this

⁵⁵ Bonifatius, *epistolae* 80; *Breves Notitiae* 8, 5. *Postea vero, cum Virgilius peregrinus donante Otilone duce suscepit regimen ipsius Iuvavensis sedis et episcopatum...*

⁵⁶ Wolfram: *Salzburg, Bayern, Österreich. op. cit.* 257; Freund, S.: *Von den Agilolfingern zu den Karolingern. Bayerns Bischöfe zwischen Kirchenorganisation, Reichsintention und karolingischer Reform (700–847)*. Schriften zur bayerischen Landesgeschichte 144. München, 2004. 89. sqq.; Freund: *Von Tassilo zu Karl dem Großen. op. cit.* 69.

⁵⁷ Wolfram: *Salzburg, Bayern, Österreich. op. cit.* 257.

⁵⁸ *Conversio* 2. [*Sequitur dehinc catalogus episcoporum sive abbatum eiusdem Iuvavensis sedis, quam ewangelicus doctor Roudbertus ab anno adventus eius de Wormatia in Bawariam u. s. que in die vocationis suae rexit. Anno nativitatis Domini DCXCIII.*] *Igitur post excessum beatissimi Roudberti pontificis vir carus omni populo egregiu. s. que doctor et seminator verbi Dei Vitalis episcopus sedem Iuvavensem regendam suscepit. Post cuius transitum Anzogolus extitit abbas. Post cuius depositionem predictae sedi adhesit Savolus abbas. Cuius vite finito cursu Ezius abbas successit. Quo migrante de saeculo iterato illa sedes honorata refulsit episcopo Flobargiso. Post quem Iohannes pastorem gessit in sede praefata curam.*

⁵⁹ *Liber confraternitatum* 14 Aa 1. sqq. *Hrodperthus episcopus et abbas, Anzogolus abbas, Vitalis episcopus et abbas, Savolus abbas, Izzio abbas, Flobrigus episcopus et abbas, Iohannis episcopus et abbas, Virgilius episcopus et abbas.*

⁶⁰ *De ordine conprovincialium pontificum* (Ed. Dümmler, E. *Monumenta Germaniae Historica Poetae Latini* 2. Berlin, 1884.) 1, 1a–b *Hrodperthus episcopus, Vitalis episcopus, Flobargisus episcopus, Iohannes episcopus, Virgilius episcopus*

source lists only those of Rupert's successors who received the episcopal rank. Nevertheless, it is a fact that little is known about the men listed after Rupert and before Virgil, sometimes nothing is known except for their names.⁶¹ The first who was ordained for the episcopacy of Salzburg, which became a bishopric in 739, was bishop and abbot John, who was appointed by Bonifacius, and who is known as the person who received the donations of the nobility. Several sources refer to John's friars long after his death.⁶² Bishop John departed this life on 10 June 746, or as it seems more probable in 747 on the same day.⁶³

In the years after his arrival in Salzburg, Virgil occupied the office of an abbot since, as it is claimed in the *Conversio*, he postponed his ordination to bishop for about two years, and the work was accomplished by Dobdagrecus, who accompanied him to Bavaria.⁶⁴ Virgil's ordination took place in all probability on 15 June 749,⁶⁵ though according to the *Conversio* he was willing to have himself ordained only on 15 June 767, at the constant entreaty of the people and the bishops. Although the day of the ordination was not questionable, its year was a controversial issue for a long time since the two dates mentioned in the *Conversio*, i.e., Virgil's arrival in Bavaria in 745/746 and the period of two years' waiting before his alleged ordination in 767 could not be harmonised. When answering this question, four points must be taken into consideration: Virgil's place in the order of the Bavarian bishops; the foundation of Otting, which took place in the year of Virgil's ordination, and which was dated by Pippin and Odilo jointly, though without reference to the year.⁶⁶ The statement in the second chapter of the *Conversio* which claims that Virgil took over the direction of the church of Salzburg in 746/47 and he was willing to have himself ordained only two years later "populis petentibus et

⁶¹ Hermann, K. F.: *Geschichte der Erzabtei St. Peter zu Salzburg I*. Salzburg, 1996. 58. sqq.; Wolfram: *Salzburg, Bayern, Österreich. op. cit.* 252.

⁶² *Breves Notitiae* 8, 13. *monachi sancti Rudberti atque Iohannis*; Willibaldus, *Vita Bonifatii* 7.

⁶³ Bonifatius, *epistolae* 68; 80; 212.

⁶⁴ *Conversio* 2.

⁶⁵ Wolfram: *Salzburg, Bayern, Österreich. op. cit.* 258.

⁶⁶ *Breves Notitiae* 13, 1. sqq. (Ed. Lošek, F.: *Notitia Arnonis und Breves Notitiae*. Die Salzburger Güterverzeichnisse um 800. *Mitteilungen Gesellschaft für Salzburger Landeskunde* 130 (1990) 100. sqq.; Lošek, F.: *Notitia Arnonis und Breves Notitiae*. In: *Quellen zur Salzburger Frühgeschichte*. Veröffentlichungen des Instituts für Österreichische Geschichtsforschung 44; *Mitteilungen Gesellschaft für Salzburger Landeskunde* Ergänzungsband 22. Wien–München, 2006.

episcopis regionis illius";⁶⁷ and finally that Virgil's name occurs as *abba(s)* in the documents of the archives.⁶⁸

The minutes of the Council of Dingolfing in 776/77,⁶⁹ which contain the agreement about the community of prayer implemented by the Bavarian bishops and abbots, was signed by the following people: Manno, the bishop of Neuburg; Alim, the bishop of Säben; Virgil, the bishop of Salzburg; Wisurich, the bishop of Passau; Sindbert, the bishop of Regensburg; and Arbeo, the bishop of Freising.⁷⁰ The order of the signatures was determined by the time spent in office, the date of ordination, as determined by the pseudoisidorian collection based on the Western Gothic *Ordo de celebrando concilio*.⁷¹ Therefore, if the people signing the minutes of the Council of Dingolfing followed this order, it seems to be impossible that Virgil was ordained bishop only in the year 767 since Arbeo was presumably ordained in 764, and he is explicitly mentioned as bishop in a text dating from 17 May 765 in the *Traditio Frisingensis*.⁷² Herwig Wolfram argued for 755 as the year of the ordination as far back as 1971 referring among other things to this fact;⁷³ yet, this has not become a generally accepted standpoint in the literature.⁷⁴ (Obviously, the order of the signatures might lead to incorrect conclusions, especially when the signatures of those absent were added to the minutes later.⁷⁵) Nevertheless, in this case those who signed the document were most probably present at its compilation.⁷⁶ The fact that the *Notitia de pacto fraternitatis* in Dingolfing contains the names of the signatory bishops in the order of their ordination is

⁶⁷ *Conversio 2*; cf. Hellmann, M.: Der Begriff „populus“ in der *Conversio Bagoariorum et Carantanorum*. In: v. Hellmann, M.–Olesch, R.–Stasiewski, B.–Zagiba, F. (Hrsg.): *Cyrillo-Methodiana. Zur Frühgeschichte des Christentums bei den Slaven 863–1963*. Graz, 1964. 161. sq.

⁶⁸ Wolfram: *Salzburg, Bayern, Österreich. op. cit.* 258.

⁶⁹ Freund: *Von Tassilo zu Karl dem Großen. op. cit.* 71.

⁷⁰ *Notitia de pacto fraternitatis episcoporum et abbatum Bawaricorum, Monumenta Germaniae Historica Conc. 2, 1/1*. Hannover–Leipzig, 1906.; cf. Jahn: *Ducatus Baiuvariorum. op. cit.* 512. sqq.

⁷¹ Fichtenau, H.: Die Reihung von Zeugen und Konsentienten. In: *Beiträge zur Mediävistik 3*. Stuttgart, 1986. 176.

⁷² *Traditio Frisingensis* Nr. 23. (Ed. Bitterauf, Th. Quellen und Erörterungen zur bayerischen Geschichte. Neue Folge 4–5. München, 1905–1909.) Cf. Jahn: *Ducatus Baiuvariorum. op. cit.* 376. sq.

⁷³ Wolfram, H.: Der Zeitpunkt der Bischofweihe Virgils von Salzburg. *Mitteilungen des Instituts für Österreichische Geschichte* 79 (1971) 297. sqq.

⁷⁴ Löwe: *Salzburg als Zentrum literarischen Schaffens im 8. Jahrhundert. op. cit.* 111. sq.

⁷⁵ Fichtenau: *op. cit.* 176.

⁷⁶ Wolfram: *Salzburg, Bayern, Österreich. op. cit.* 259.

supported by other sources. A letter of donation from 770 contains two lists of the witnesses, in the first one Tasilo III is placed first followed by bishop Alim and Arbeo.

The second list begins with Virgil, and Wisurich is placed second.⁷⁷ Another document from Freising dated 16 November 777 deals with a donation implemented with the approval of the duke and the nobility in the presence of Bishop Virgil. Arbeo, the bishop of Freising, and Odalhart, the bishop of Neuburg, who replaced Manno two months before, are indicated as witnesses.⁷⁸ The founder of Kremsmünster refers to three bishops present: Virgil, Sindbert, the bishop of Regensburg, and Waltrich, the bishop of Passau.⁷⁹ Whereas the *Notitia de pacto fraternitatis* put Wisurich before Sindbert, the founder of Kremsmünster, it placed Wisurich's successor, Waltrih, after Sindbert. Although there are sources from the first half of the year 777 implying that Wisurich was still alive, it can be concluded that at the time of the foundation of Kremsmünster Waltrich had not been in office for a long time.⁸⁰ Following Herwig Wolfram, from the aforesaid facts it can be inferred that Wisurich, the bishop of Passau, to whom reference is made only between 770 and 777, was certainly ordained before Arbeo, and the same stands also for Sindbert, the bishop of Regensburg. Therefore; Virgil's ordination must have taken place before 764/65; consequently, 767, the year indicated in the *Conversio* is incorrect.⁸¹

The *Breves Notitiae* states Otting was founded in the year Virgil was ordained bishop, and emphasises that the ceremony took place during the reign of Pippin and his nephew, duke Tasilo.⁸² Double dating (royal and ducal) can be found in other sources from Freising from 754/55 and 760/62.⁸³ After Grifo (Hiltrud's stepbrother), who temporarily seized power, was driven out from Bavaria with Pippin's help, the eight-year-old Tasilo was appointed Duke of Bavaria by Pippin.⁸⁴ Over Tasilo guardianship was exercised by his mother,

⁷⁷ *Traditio Frisingensis* Nr. 39.

⁷⁸ *Ibid.* Nr. 86.

⁷⁹ Wolfram: *Salzburg, Bayern, Österreich. op. cit.* 377.

⁸⁰ *Ibid.* 259.

⁸¹ *Ibid.* 260.

⁸² *Breves Notitiae* 13, 1–2. *De cella apud Ottingen. Cellam, que dicitur Ottinga, temporibus domni Pippini regis et Thassilonis ducis nepotis Guntherius quidam comes in pago Chiemingen in propria hereditate sua construxit et ecclesiam pro amore dei et anime sue salute ad sevicium dei et sanctorum eius. Convocavitque illuc Virgilium episcopum eodem anno, quo ad episcopum ordinabatur ...*

⁸³ *Traditio Frisingensis* Nr. 7–9b.

⁸⁴ *Annales regni Francorum a. 748* (Ed. Kurze, F. *Monumenta Germaniae Historica* SS rer. Germ. in sum scholarum 6. Hannover, 1895.); *Annales qui dicuntur Einhardi a.*

Hiltrud until her death in 754, and through her, indirectly by his uncle, Pippin between 754 and 757.⁸⁵ It was in the imperial assembly in 757 in Compiègne that Pippin freed Tasilo from his guardianship; nevertheless, the sources of official Frank historiography do not disclose this fact.⁸⁶ Referring to Bitterauf's edition, Herwig Wolfram calls the attention to a piece of the *Traditio Frisingensis*,⁸⁷ and after investigating the textual tradition draws the conclusion that it was possible to use double dating also after 757; yet, after 763 no instance of this is found. Consequently, it can be stated that the investigated paragraph about the year of Virgil's ordination in the *Breves Notitiae* can by no means refer to the events in 767.⁸⁸ This interpretation is corroborated by the fact that the *Breves Notitiae* calls Tasilo Pippin's *nepos*, emphasising his dependence. Moreover, according to the narrative Count Gunther asks King Pippin's permission for the donation with the consent and on the advice of Tasilo.⁸⁹

From these facts it becomes evident that the foundation of Otting—and Virgil's ordination in the same year—took place probably in the period when

748 (Ed. Kurze, F. *Monumenta Germaniae Historica SS rer. Germ. in usum scholarum* 6. Hannover, 1895.); *Annales Mettenses priores a. 749*

⁸⁵ Wolfram, H.: Das Fürstentum Tassilos III., Herzogs der Bayern. *Mitteilungen Gesellschaft für Salzburger Landeskunde* 108 (1968) 160. sqq.; About Tasilo see Classen, P.: Bayern und die politischen Mächte im Zeitalter Karls des Großen und Tassilos III. In: *Ausgewählte Aufsätze. Vorträge und Forschungen* 28. Sigmaringen, 1983. 235. sqq.; Krawinkel, H.: *Untersuchungen zum fränkischen Benefizialrecht*. Forschungen zum deutschen Recht II/2. Weimar, 1937. 47. sqq.; Becher, M.: *Eid und Herrschaft. Untersuchungen zum Herrescherethos Karls des Großen*. Vorträge und Forschungen, Sigmaringen, 1993; Becher, M.: Zwischen Macht und Recht. Der Sturz Tassilos III. von Bayern 788. In: *Tassilo III. von Bayern. Großmacht und Ohnmacht im 8. Jahrhundert*. Regensburg, 2005. 39. sqq.; Erler, A.: Herzog Tassilo vor dem Königsgerecht in Ingelheim. In: *Beiträge zur Ingelheimer Geschichte* 27, 1978. 27. sqq.; Schieffer, R.: Ein politischer Prozeß des 8. Jahrhunderts im Vexierspiel der Quellen. In: *Das Frankfurter Konzil von 794. Kristallisationspunkt karolingischer Kultur I. Politik und Kirche*. Quellen und Abhandlungen zur mittelhochdeutschen Kirchengeschichte 80. Mainz, 1997. 167. sqq.; Airlie, S.: Narratives of triumph and rituals of submission: Charlemagne's mastering of Bavaria. In: *Transactions of the Royal Historical Society*, 1999. 93. sqq.

⁸⁶ See Klebel, E.: Bayern und der fränkische Adel im 8. und 9. Jahrhundert. In: *Grundfragen der alemannischen Geschichte*. Mainvorträge 1952. Vorträge und Forschungen 1. 1955. 193. sqq.; Kienast, W.: *Die fränkische Vasallität. Von den Hausmeiern bis zu Ludwig dem Kinde und Karl dem Einfältigen*. Frankfurt am Main, 1990. 80. sqq.

⁸⁷ *Traditio Frisingensis* Nr. 22.

⁸⁸ Wolfram: *Salzburg, Bayern, Österreich. op. cit.* 261.

⁸⁹ *Breves Notitiae* 13, 10. *Postea vero una cum consilio et consensu Thassilonis ducis peciit domnum Pippinum regem...*

Pippin was directly or indirectly Tasilo's guardian; that is, between 748/49 and 757. It can be righteously assumed that the period, *of two years* according to the *Conversio*, which passed between Virgil's arrival in Bavaria (745/46) and his ordination might have been *one year longer* since the 15th of June in 749 was Sunday, which was an ideal day for the ordination. The fact that Virgil was ordained bishop in the period when the Frank ruler produced great influence on the Bavarian Dukedom unequivocally chimes in with the good personal relationship between Pippin and Virgil.⁹⁰

Virgil is referred to as abba(s) in two sources that give an account of events between 747 and 748: (i) the description of the argument of the cella sancti Maximiliani in the Notitia Arnonis, which involved Duke Odilo who died on 18 January 748; consequently, the date of the conflict can be defined in 747;⁹¹ and (ii) a piece in the Traditio Frisingensis about a donation, which was begun by Odilo and ended by Tasilo after his father's death.⁹² Based on these arguments it can be assumed that the period of waiting and delaying mentioned in the *Conversio* can be counted from 747; and that Virgil having acted as an abbot until that time, who adhered to both the Irish and the Rupertian tradition that attributed great significance to cloistered life, was ordained bishop of Salzburg on 15 June 749. It was after that he took over the bishop's office from Dobdagrecus, who most probably possessed a bishop's rank of only a general nature, but had not been appointed *de iure* to direct the Bishopric of Salzburg.⁹³

III. Virgil had taken a firm stand to defend the rights of the Saint Peter monastery already as an abbot. The Irish *regula* also demanded this from an abbot who was responsible for the monastery. Nevertheless, Virgil wanted to enforce the requirements of the continental (Frank) system, which was in

⁹⁰ Wolfram: *Salzburg, Bayern, Österreich. op. cit.* 262. Cf. Haider, S.: Zur Baugeschichte des Salzburger Virgil-Domes. *Mitteilungen des Österreichischen Instituts für Geschichte* 80 (1972) 35. sqq.

⁹¹ *Notitia Arnonis* 8, 7. (Ed.: Lošek, F.: *Notitia Arnonis und Breves Notitiae. Die Salzburger Güterverzeichnisse um 800. Mitteilungen Gesellschaft für Salzburger Landeskunde* 130, 1990; Lošek, F.: *Notitia Arnonis und Breves Notitiae. In: Quellen zur Salzburger Frühgeschichte. Veröffentlichungen des Instituts für Österreichische Geschichtsforschung* 44; *Mitteilungen Gesellschaft für Salzburger Landeskunde* Ergänzungsband 22. (Hrsg.: v. Wolfram, H.) Wien–München, 2006. *Cepit autem Virgilius abba hanc ipsam causam querere ad Otilonem ducem...*

⁹² *Traditio Frisingensis* Nr. 3.

⁹³ Wolfram: *Salzburg, Bayern, Österreich. op. cit.* 262.

contradiction with the Irish tradition in several points.⁹⁴ Although he had a good personal relationship with Duke Odilo, after taking over the direction of Salzburg, he began an argument concerning the *cella sancti Maximiliani* in Bischofshofen, i.e. for the goods of the Saint Maximilian friars' house. The *cella sancti Maximiliani* in Pongau was founded by Saint Rupert with the consent of Duke Theodo and with the cooperation of the brothers Tonazanus and Urso, but it was soon destroyed by the invading Slavs.⁹⁵ According to the first part of the *Libellus Virgilii* that is in the *Breves Notitiae*⁹⁶ the place on which the friar's house was built had been found by Tonazan, Rupert's servant, and by Ledi, the Duke's servant.⁹⁷ After arriving home from the Franks from his exile in 741, Odilo gave the fortune of Saint Maximilian to his faithful assistant minister Ursus/Urso, who followed him to exile, in order to rebuild the friars' house, which was derelict for a long time. (Probably it was not only Ursus who had a position of trust around the Duke, but also his predecessors, the members of the *genealogia Albina* had had a closer relationship with dukes Theodo and Theodbert before.⁹⁸)

The relation of the *Notitia Arnonis* about this event is less perspicuous and logical. After the establishment of the monastery, Tonazanus and Urso sent their successors, Vurmhari and Cissimo (the *Libellus Virgilii* mentions Tonazan's and Ledi's successors, Wernharius and Dulcissimus⁹⁹) to the Saint Peter monastery in Salzburg in order to study. After growing up, they asked Rupert to permit them to dispose over half of the estate that was donated to the monastery by their predecessors as a life interest. Rupert permitted this, however; he stipulated that the other half of the estate belonged to the Saint Peter monastery. Later on Vurmhami and Cissimo secured for their successors the life interest of the estate that was owned by them; yet, the subordination to Salzburg continued until the time of the rule of Odilo.¹⁰⁰ Urso, Odilo's assistant minister asked for the whole of the estate as *beneficium*, and Odilo fulfilled this request and he seized the estate from the monastery of Salzburg by force. Abbot Virgil demanded that the estate should be returned by the Duke, who wanted to offer his estate in Laufen as replacement, but the abbot

⁹⁴ *Ibid.* 263. sq.

⁹⁵ *Notitia Arnonis* 8, 1–4; *Breves Notitiae* 3, 15; 8, 2. Cf. Dopsch: *op. cit.* 100. sq.

⁹⁶ *Breves Notitiae* 3, 1–16.

⁹⁷ *Ibid.* 3, 1. sqq.

⁹⁸ Jahn: *Ducatus Baiuvariorum. op. cit.* 204.

⁹⁹ *Breves Notitiae* 3, 1.

¹⁰⁰ *Notitia Arnonis* 8, 5–6.

did not accept this. So Odilo kept the estate that was seized from the monastery unrightfully for himself.¹⁰¹

Virgil does not mention the re-establishment of the *cella* in the second chapter of *Libellus Virgilii* which is the core of the *Breves Notitiae*, and which deals with Pongau and the *cella sancti Maximiliani*.¹⁰² He confines himself to relate that Odilo gave the *cella Maximiliani* and its estates as *beneficium* to his assistant minister, Ursus.¹⁰³ This event took place before Virgil's arrival in Bavaria, without episcopal approval. The lack of the episcopal approval is presumably a sign of Odilo's effort to restrict the episcopal influence on donations related to ducal rights, and to enlarge his sphere of power by the donation of estates to monasteries and to churches.¹⁰⁴ Virgil took definite steps to separate the ecclesiastical/episcopal and the secular/ducal benefices and the rights connected to them, in spite of his good relationship and cooperation with Odilo. Virgil gives a picture about the conflict with Ursus which is biased and not without contradiction.¹⁰⁵ Ursus, the assistant minister of the Duke was a member of the *genealogia Albia*, the members of which were dedicated to God and Saint Maximilian by Duke Theodbert, when Rupert consecrated a church at the same place, Pongau.¹⁰⁶ Moreover, he emphasised that Duke Theodbert donated the *cella Maximiliani* to Rupert and to his episcopal residence.¹⁰⁷ It cannot be ascertained, whether it was Virgil himself who mentioned the residence in connection with Rupert, who did not find and did not establish a

¹⁰¹ *Ibid.* 8, 6–7. *Tunc quoque Urso cappellanus Otilonis petiit, ut ei ipsas res ex integro daret in beneficium, et ita Otilo fecit et tulit per vim de monasterio Salzpurch. Cepit autem Virgilius abba hanc ipsam causam querere ad Otilonem ducem, et Otilo voluit illud comparare cum eo, quod habuit ad Laufom, et hoc Virgilius nullatenus consensit, et ita Otilo permansit retinendo iniuste, quod de Salzburch monastero subtraxit.*

¹⁰² *Breves Notitiae* 8, 1–15.

¹⁰³ *Ibid.* 8, 4. *Deditque Otilo dux, ut hic predictum est, Urso presbitero suo hoc ipsum ad Albinam et ipsam cellam in beneficium.*

¹⁰⁴ Jahn: *Ducatus Baiuvariorum. op. cit.* 205; Jahn, J.: Tradere ad Sanctum. Politische und gesellschaftliche Aspekte der Traditionspraxis im agilolfingischen Bayern. In: *Gesellschaftsgeschichte* 1, 1988. 400. sqq.

¹⁰⁵ Cf. Wanderwitz, H.: Der Libellus Virgilii und das Verhältnis von Herzog und Bischöfen in Bayern. In: *Virgil von Salzburg. Missionar und Gelehrter.* Salzburg, 1985. 358. sq.

¹⁰⁶ *Breves Notitiae* 8, 1. *In peregrinatione Otilonis fuit cum eo quidam presbiter capellanus eius Ursus nomine, qui de illa genealogia erat supradictorum hominum de Albina, quos Theodbertus dux tradidit deo et sancto Maximiliano ad Pongo, quondam domnus Rudbertus episcopus illam ibi ecclesiam dedicavit.*

¹⁰⁷ *Breves Notitiae* 8, 2. ... *quod Theodbertus dux, ut predictum est, dedit sancto Maximiliano et domno Rudberto episcopo ad sedem suam.*

residence in Salzburg, or it is a result and interpolation of the editorial work on the *Breves Notitiae*.¹⁰⁸ In order to find an excuse for Duke Odilo, Virgil later adds that Odilo did not know that the church in Pongau was built and consecrated by Rupert with the donations of Theodo and Theodbert and the friars' house and the people living there were donated to the bishopric of Salzburg by Duke Theodbert.¹⁰⁹ Odilo might have been soon informed about the legal situation; despite this, he refused to gratify Virgil's demand that he should return the *cella Maximiliani* that he had formerly given to Ursus. According to the *Breves Notitiae*, Odilo's reason for this was that he did not want to disappoint his assistant minister.¹¹⁰ After this, Virgil tried to obtain the half of the estate found by Rupert and the duke's servants, Tonazan and Ledi for the church. (The other servant's name in the *Notitia Arnonis* was the same as that of the assistant minister, Ursus/Urso.)¹¹¹

Virgil's struggle was not against Duke Odilo, he wanted to oppose the Bavarian custom according to which the ecclesiastical properties that were established by the donations of the duke and the nobility were returned to the successors of the establishing family, or, as in the case of Pongau, to the 'discovering' family, as feudal tenure.¹¹² It was indirectly due to the reforms of Bonifacius, who was Virgil's great enemy, that Virgil could take firm steps in order to defend the rights of the bishopric and the Saint Peter monastery, since only after Bonifacius' reform did it become possible to strictly separate ducal and episcopal monasteries and churches in Bavaria. In the case of the friars' house in Pongau, we cannot talk about *ab ovo* ducal or episcopal establishment, since the bishopric of Salzburg had not existed at the time of the establishment of the *cella Maximiliani*, and Bavaria did not have a bishop

¹⁰⁸ Dopsch: *op. cit.* 99; Jahn: *Ducatus Baiuvariorum. op. cit.* 207³⁵⁴.

¹⁰⁹ *Breves Notitiae* 8, 3. *Et Otilo dux nescius erat, qualiter domnus Rudbertus eundem locum ad Pongo primo cepit construere et ecclesiam ibi edificavit et consecravit concedentibus ducibus Theodone et Theodberto filio eius. Sed et hoc nescivit, quod Theodbertus dux ipsos homines ibidem tradidit et ipsam cellam cum omni traditione suo confirmavit sancto Rudberto episcopo ad sedem Iuvavensem episcopatus sui.*

¹¹⁰ *Breves Notitiae* 8, 5–6. *Postea vero, cum Virgilius peregrinus donante Otilone duce suscepit regimen ipsius Iuvavensis sedis et episcopatum, cognita ista supradicta causa venit ad Otilonem ducem et dixit ei omnem hanc causam ab initio per ordinem rogavitque eum secundum iustum iudicium hoc reddere sancto Petro ad ipsam sedem. Sed Otilo noluit eundem Ursus presbiterum suum contristare neque tollere ei illud beneficium ...*

¹¹¹ *Breves Notitiae* 8, 6. *... tunc autem cepit Virgilius episcopus medietatem inde querere propter illum servum sancti Rudberti Tonazanum nomine, qui hoc ipsum primo cum Latino vicino suo invenit.*

¹¹² Jahn: *Ducatus Baiuvariorum. op. cit.* 208. sq.

who was ordained according to the canon. Odilo urged the establishment of monasteries under ducal authority and he entrusted non-Bavarian bishops with the consecration in order to defend his rights and in order to exclude the bishops' arising claim to authority.¹¹³ Since Virgil was reluctant to accept the estate in Laufen that was offered as replacement for the estate in Pongau, Odilo had to give half of the demanded estate to Virgil, where the bishop consecrated a church in order to represent the legal claim.¹¹⁴ At the same time, Ursus built a church in Oberhalm with the help of the Duke, and this was consecrated by a roaming bishop, Liuti, who did not have jurisdiction. Nevertheless, Virgil placed the church which he called 'discord' (*Discordia*) under *excommunicatio* and banned his priests from service there.¹¹⁵ The *Libellus Virgilii*—and by this also the *Breves Notitiae*—disclose only that this situation was unaltered until Bishop Virgil was alive.¹¹⁶ It is worth mentioning that Virgil's procedure and standpoint in the argument about the legal authority over the *cella Maximiliani* was much closer to Bonifacius' ideology that represented continental views than to the Irish customs, widespread in Virgil's homeland, which left the right of disposal over monasteries in the hand of the establishing clans.¹¹⁷

Virgil defended the rights of the bishopric with the same resolution in the conflict related in the third part of the *Libellus Virgilii*¹¹⁸ that developed around the friars' house established by Count Gunther in Otting. In the year of Virgil's ordination a *cella* and a church were established in Otting on his estate in the district of Chiemgau. He asked the bishop to come in order to reveal his intention to summon there friars and to appoint an abbot to lead them and to give a part of his estate to provide for them.¹¹⁹ Virgil asked under whose jurisdiction the abbot and the friars would belong and whose *dominium* it would be. Count Gunther refused to answer, so Virgil refused to consecrate the church, the monastery and to ordain the abbot until he did not receive information about the status of the monastery under the canon law.¹²⁰ Therefore; the Count considered the case and promised that the monastery would be established pursuant to the regulations in the canon law and he would place the monastery,

¹¹³ *Ibid.* 210.

¹¹⁴ *Breves Notitiae* 8, 7–9.

¹¹⁵ *Ibid.* 8, 10–11.

¹¹⁶ *Ibid.* 8, 11. *Et ita excommunicata permansit, quo u. sique Virgilius episcopus vixit.*

¹¹⁷ Wolfram: *Virgil als Abt und Bischof von Salzburg. op. cit.* 334; Ó Néill: *op. cit.* 78.

¹¹⁸ *Breves Notitiae* 13, 1–7.

¹¹⁹ *Ibid.* 13, 1–2.

¹²⁰ *Ibid.* 13, 3.

the church and their fortune under the authority of the bishopric of Salzburg if Virgil was willing to consecrate the church, which was accepted by Virgil and he consecrated the whole place and the *basilica* to Saint Stephen.¹²¹ Consequently, the Count gave the church and all its possessions to the bishop by handing over the altarcloth (*per pallium altaris*) in order for him to govern it in accordance with the regulations of the canon (*ad regendum secundum canones*) like the other churches in the diocese.¹²²

According to the report of the *Libellus Virgilii*, the bishop received the jurisdiction over the monastery and church of Otting, ie. the argument ended more successfully than the confrontation with Odilo's assistant minister, Ursus, a few years before. Nevertheless, the question may arise whether this report corresponds to the facts.¹²³ Many decades later, at the time of the writing and edition of the *Breves Notitiae* the author of the passage inserted a sentence at the end of the chapter, which recounted that there was yet another a negotiation and a legal procedure between Arn and Wenilo concerning the church of Otting, in the presence of Richolf and Gerold, the ministers of Charlemagne.¹²⁴ According to this, the jurisdiction over the church remained contested and the final decision was reached only after Tasilo's dethronement in 788.¹²⁵ The litigants included Arn, the bishop of Salzburg and Wenilo, a member of the clan of Gunther, who were the legal successors.¹²⁶ The *Notitia Arnonis* also mentions the arguments concerning Otting, and based on this account it can be rightly assumed that these possessions were illegally seized from ecclesiastical authority under the rule of the Agilolfings, and only the court constituted by the ministers (*missi*) of Charlemagne returned them to the bishopric of Salzburg.¹²⁷ With regard to the establishment by Gunther the only thing the *Notitia Arnonis* refers to is the permission of the duke; therefore, the

¹²¹ *Ibid.* 13, 4–5.

¹²² *Ibid.* 13, 6–7.

¹²³ Jahn: *Ducatus Baiuvariorum. op. cit.* 289.

¹²⁴ *Breves Notitiae* 13, 13. *Rursus placitum est habitum de ipsa ecclesia Arnonis et Wenilonis coram Richolfo et Geroldo legatis domni Karoli regis.*

¹²⁵ Wanderwitz: *op. cit.* 359.

¹²⁶ Jahn, J.: Virgil, Arbo und Cozroh. Verfassungsgeschichtliche Beobachtungen an bairischen Quellen des 8. und 9. Jahrhunderts. *Mitteilungen Gesellschaft für Salzburger Landeskunde* 130 (1990) 201. sqq.; Jahn: *Ducatus Baiuvariorum. op. cit.* 290.

¹²⁷ *Notitia Arnonis* 6, 24–25. *Cella, que vocatur z'Ottinga, quam construxit Guntharius comis in iure hereditario in pago Chimingaoe in honore sancti Stephani protimartiris, et quod ei Tassilo dux concessit in beneficio ... Ipsam vero cellam iniuste abstractam domnus rex pro mercedis sue augmentum (sic!) iterum revocandam ab. sique ulla contradictione concessit.*

count might have assigned Otting to the monastery of Saint Peter; however, nothing is said of the role of the bishop and the importance of the regulations in the canon law. This practice, namely, that the ducal *licentia/missio* was sufficient to establish an *Eigenkirche/kloster* was fully in compliance with the Bavarian custom of the time.¹²⁸ Virgil tried to document the truth of his standpoint in the minutes in the *Libellus Virgilii* in the case of the *cella Maximiliani* in Pongau and also in the case of Otting; nevertheless, his efforts to assert the ecclesiastical/episcopal legal claim—as it turns out from the collation of the different sources—was unsuccessful. Virgil based the rights of the church and the friars' house in Pongau on the consecration by Rupert without referring to the regulations in the canon law. On the other hand, he demanded in the case of Otting that Count Gunther should renounce his rights regarding the church before and a prerequisite for the consecration, and based his arguments on the canon, thus reasoning for the legality of the ecclesiastical authority in two different ways.¹²⁹

Pope Gelasius I (492–496) had already made efforts to limit the rights of the secular establishers: according to his decree the bishop could only consecrate a church if Rome had given a permission and the establishers had to give up their rights before the consecration. They had to deposit the funds to supply the established church in custody, and as early as the 4th and 5th centuries they had to accept the legal authority of the bishop over self-established churches, their possessions and the priests serving there.¹³⁰ These directives could not be completely effective, especially on the territories where the ruling (royal or ducal) power was based on the ecclesiastical benefices. The regulations of the canon could be enforced somewhat imperfectly in Bavaria before the arrival of Bonifacius: the duke could dispose over the ecclesiastical institutions established by him arbitrarily, and the authority over the church was an important constituent of ruling power.¹³¹ The Langobard tradition was similar to the Bavarian, the establishers of the churches and cloisters retained the legal authority over the institutions established by them thus supporting the financial safety of their successors who chose ecclesiastical career. This was ensured by making a contract on returning the authority, which paved the way for the development of the so called priest clans. It was Charlemagne who put an end to this situation that was contrary to the canon law both in Bavarian and

¹²⁸ Jahn: *Ducatus Baiuvariorum. op. cit.* 290.

¹²⁹ *Ibid.* 291.

¹³⁰ Ewig, E.: *Die Merowinger und das Frankenreich.* Stuttgart–Berlin–Köln–Mainz, 1988. 111. sq.

¹³¹ Jahn: *Ducatus Baiuvariorum. op. cit.* 292.

Langobard territories; nevertheless, the bishoprics established by Bonifacius and his ecclesiastical reform in Bavaria gave the opportunity to Virgil to enforce the authority that was due to him pursuant to the canonical decrees, though his effort was not always successful as it can be seen in the case of Pongau and Otting. At the same time, Bonifacius did not define the borders of the dioceses; therefore, it was the bishops themselves who had to put an end to the *Eigenkirche* and *Eigenkloster* system that was under the authority of the secular establishers and integrate the benefices into their own bishopric.¹³²

A process similar to that in Bavaria had taken place on Frank territories years before, after the Council of Chalcedon, and the Councils of Orléans and Arles in 511 granted extensive authority to bishops,¹³³ vesting them with the right to appoint and dismiss the abbots of the cloister in their dioceses, to consecrate churches, altars and to ordain priests and to determine and observe the rules of life in the cloisters, which allowed them to supervise the benefices of the cloister. The establisher and his family could not retain or receive the authority over the church or cloister established by him, only the institutions established by the king were exempted to a certain extent; they could pursue their own management and administration.¹³⁴ Although cloisters were established in the first half of the 7th century in the Frank Empire; i.e., the Notre Dame cloister in Luxeuil, Rebais and Soissons, where the establishers could keep their authority and the cloister could freely dispose over the donations, these privileges were based on the bishop renouncing the rights which belonged to him *de iure canonico*. The Carolings made successful efforts to gain authority over more cloisters since they regarded them a strong support of their power. The Bavarian dukes followed only the practice of the Frank maiores domus, who possessed royal prerogatives. The legal state of the Irish cloisters augmented this tendency since the cloisters organised the Irish way could choose the bishop who was asked for the consecration, and in certain cases the bishop himself, who fulfilled the abbot's function at the same time, tried to organise an independent diocese for the cloister.¹³⁵

In the Bavarian tradition it was necessary to have the ruler's permission to establish a cloister, which involved ducal defence, and the dukes disposed over the cloisters that were established by them or with their contribution, i.e. the cloisters were entirely integrated into the Bavarian feudal system. Bonifacius's reform tried to end this practice by the restoration and creation of the episcopal

¹³² *Ibid.* 293.

¹³³ Ewig: *op. cit.* 110. sqq.; 134. sqq.

¹³⁴ Jahn: *Ducatus Baiuvariorum. op. cit.* 294.

¹³⁵ *Ibid.* 295. sq.

authority, and this effort gave rise to an unresolvable conflict between the duke and the nobility and the bishops. Nevertheless, there is no point in supposing a serious political conflict between the bishop and the duke, as it was not true in the case of Odilo and Virgil either. Bonifacius's reform did not end the *Eigenkirche* system of the nobility since the wider circle of the clan was excluded from the inheritance and the right of disposal by the *traditio* given to the bishopric, which subsequently returned the church as a *beneficium* to a certain member of the family which gave the donation. This was recorded in a conclusive deed valid in court. What they did was place the *Eigenkirche* system under episcopal authority and influence the order of inheritance with the help of the regulations of the canon law. It depended on the power of the establishers and donators how long this situation subsisted. In most cases—to fulfil the essence of the *traditio*—the bishopric was given the church in question with all its possessions.¹³⁶

The cases related in the *Libellus Virgilio* and the consequences drawn from them make several tendencies clear which occurred during the reign of the two last members of the Agilolfing dynasty. It cannot be considered accidental that the Bavarian bishoprics were held together under the archbishopric of Salzburg only after Charlemagne's takeover in 798, since the establishment of the archbishopric would have considerably infringed the rights of the dukes and impaired the possibility to interfere with the abbots' and bishops' decisions. It would have deprived the dukes of their rights to chair the councils.¹³⁷

Virgil's activity in Bavaria, his argument with Bonifacius and his struggle for the possessions of the Saint Peter monastery and the bishopric of Salzburg is peculiar; it does not lack contradictions in certain points which, after all, tend towards synthesis in their relationship with each other. Virgil could fight for the enforcement of the canon law only by building on the basis that was laid by his great enemy, Bonifacius, by following the tradition that was Frank in mentality rather than Irish, and while doing so he created the first spiritual golden age of Salzburg.

¹³⁶ *Ibid.* 299. sq.

¹³⁷ Wanderwitz: *op. cit.* 360; Kolmer: *op. cit.* 15; Erkens: *op. cit.* 23.