An attentive observer of the Carolingian landscape in the eighth century would have seen a striking increase in judicial activity taking place in public. On view were large numbers of people representative of the full range of society as well as new judicial personnel (such as scabini, expert arbitrators), representatives of the crown (missi dominici), panels of leading citizens (boni homines), lawyers (advocati), sworn witnesses, judges, and sometimes even the king himself. The action encompassed the dramatic reading out of documents (ostensio chartae), public confessions, the swearing of oaths on saints' relics, adversarial witnessing, women asserting legal claims, the making of collective judgments, and the occasional ordeal and execution. This legal theater was by and large the product of a reformed system of settlement dispute initiated by Carolingian monarchs and their people, the Franks, and imposed throughout their realm, which eventually embraced most of continental Europe (ca. 750–887).¹

Embedded in the Carolingian judiciary reforms was the notion now axiomatic to students of law that “justice should not only be done but should be seen to be done.”² Providing the stage for the performance of this reformed justice in Italy was a revitalized loggia or portico, called a laubia, one of which frames an execution scene in a south Italian miniature of the late tenth to mid-eleventh century (Figure 1). As established by many historians of Carolingian architecture, the laubia should embody a renewed appreciation for antique Roman form, but it also attests to a more culturally inclusive renascence of the art of architecture.³ For in framing judicial practices this medieval loggia not only attained a public profile and utility that it would enjoy for centuries to come, but by adapting classical, northern European, and hybrid forms, it also engaged the full rhetorical power of architecture at the height of the Carolingian empire.

While no Carolingian loggia survives, the importance of the type in architectural history cannot be overestimated. The most extensive and earliest sources come from Italy, where the Carolingian laubiae occupied a critical space between the disappearance of the Roman porticus and the rise of the late medieval loggia. The term laubia is part of this building history.⁴ Deriving ultimately from loubja, an Old High German term meaning a lightly constructed porch or a shelter built of small branches and twigs, laubia was a Latin neologism that first appeared in notarial documents composed in Carolingian Italy.⁵ Because the Italian word loggia derived from laubia, architectural historians reasonably assume that these Carolingian justice shelters were antecedents of the loggias seen today in Italy and much of Europe. This derivation is probably correct, but the nexus between laubiae and later loggias has thus far remained a purely a linguistic one. While the Carolingian laubiae of Italy no longer exist, much remains to be said about their architecture, their imaging role in framing public rituals, and their influence on later medieval architecture.

Rich textual and pictorial evidence for laubiae compensates for the lack of archaeological remains. Italian judicial
documents, especially the numerous records of public hearings known as placita, preserve notaries’ descriptions of these elusive earlyloggias. Cesare Manaresi’s publication of 484 surviving placita from Italy facilitates a survey of the buildings. In spite of Manaresi’s monumental compilation, a systematic analysis of the full architectural range of laubiæ in the placita has never been undertaken. In addition to the court records, Frankish chronicles, ecclesiastical councils, and annals illuminate the reception and functions of early laubiæ. Carolingian manuscript illuminations and later survivingloggias in Italy also assist in reconstructing the cultural landscape and architectural form of the loggia in early medieval Italy.

Thus far, historians have not seriously studied the cultural or political contexts that produced laubiæ in Carolingian Italy. François Bougard recognized the laubia as a “temple de justice” but did not explain its rise. Michelangelo Cagiano de Azevedo advanced the hypothesis that the laubia was a Lombard building type, but his archaeological evidence has not withstood the test of time. Even if it had, Cagiano de Azevedo provided little context for the unique contribution of Lombard culture to the building of the laubiæ. Subjective or situational ethnicity is a valid catalyst of architectural production, under-utilized as this approach tends to be in medieval architectural history. If grounded in the dynamics of specific historical conditions, ethnic paradigms often succeed in relativizing social boundaries and disciplinary categories. The concept of ethnicity could help bridge gaps in architectural historiography resulting from rigid periodization, typologies, and overly linear narratives.

The new importance of the laubia was created in the Carolingian heartland, in the dialectical relationship between architecture and judicial reform, notably in the administration of justice, and encompassing both legal proceedings and the meting out of punishment. In Carolingian Italy, the documented laubiæ can be usefully divided into three groups: historicizing “Roman” laubiæ, those adopting local vernaculars, and “Germanic” arboreal structures or natural settings. These laubiæ need to be contextualized in terms of the ethnic diversity of early medieval Italy. Three important findings emerge from the search for an integrated understanding of the lost medieval laubia. First, the architectural varieties among the Carolingian laubiæ prefigure the range of late medieval Italian loggias more closely than previously assumed—indeed, far more directly than the classical Roman porticus. Second, the architectural and instrumental elaboration of medieval loggias was galvanized by the Carolingian judicial reforms that required more responsive visual staging. Lastly, social conditions unique to Italy, notably its multi-ethnic population, heightened the spatio-visual experience of these early loggias in ways that would still be exploited in late medieval Italian cities.

Laubiæ and the Recasting of Frankish Justice
Architecturally diverse laubiæ are first mentioned in Italian documents around the same time that Carolingian judicial reforms began to address the real and perceived shortcomings of the old Frankish system of justice. The court reforms unfolded in the politically charged context of regime change, as a new Frankish dynasty, the Carolingians, defeated and replaced the Merovingians (476–750). Paul Fouracre has argued that the reforms might in fact have been part of a political strategy on the part of the Carolingians to frame their rule as legitimate while de-legitimizing defeated dynasties (e.g., the Merovingians) and ethnic groups (e.g., the Lombards in Italy). “Pippin and other Carolingian monarchs used the theme of justice to present as moral imperative what otherwise might have been seen simply as the use of force to attain political goals.” The emergence of laubiæ can be linked to the Carolingian concern to portray their dynasty as one of lawgivers and restorers of justice.

With the urgent goal of political legitimation in mind, the capitularies mandated new visual and spatial conditions in which justice was seen to be done by the public in all seasons. Carolingian kings were the first Frankish dynasts to mandate that hearings (placita) be held in appropriate public venues. A capitulary promulgated by Charlemagne (r. 768–814) at Aachen in 809 required that a shelter be erected in summer and winter for observing hearings (“ad placitos observandos usus esse possit”). His capitulary described this shelter broadly and modestly as a tectum (roof), and the emphasis that justice be seen is clear from the verb observare. Charlemagne standardized this procedure throughout the realm, instructing his emissaries (missi) to arrange the places of justice in towns they visited in a like manner and to have them restored if necessary. In Charlemagne’s efforts to redefine the public face of the judiciary, a tectum would have endowed Carolingian trials with the semblance of transparency inasmuch as the process took place in plain view. In Italy, the role of the tectum was readily satisfied by the multiform laubia. Unfortunately, northern European court records describe no tribunal settings in sufficient detail to make a firm determination of the capitularies’ effects there. The capitularies make clear that simply convening a court outdoors without a shelter would not satisfy the king’s demands, though holding legal proceedings indoors in a church or palace was also not allowed. Nevertheless, some
historians have interpreted the tectum that Charlemagne required as the metonym of an ordinary building. The implication is that court cases had been taking place outdoors but would henceforth be heard only indoors, that is, in the civilized Roman fashion. However, since the establishment of episcopal courts by Constantine in 318, both secular and ecclesiastical courts had convened inside, in late-antique donus or in churches, and the same held true under the Merovingian and Carolingian kings. While some tribunals or certain phases of the judiciary process (e.g., executions) may have already been taking place outdoors, the term tectum should be understood to describe a structure closer to a porch, arcade, or gazebo than an enclosed building. Indeed, Charlemagne’s capitulary of 787 used the word tectum quite clearly to mean a porch: “neither in the church nor in adjoining or surrounding roofs of the church” (“nec in ecclesia nec in tectis ecclesiae circumiacentibus vel coerentibus”), a definition confirmed by the more precise vocabulary in King Charles the Bald’s (r. 840–77) version of the capitulary, which names the church, its porticoes (porticus) and atrium in the same context. Moreover, a miniature in the Utrecht Psalter (ca. 845–55) accompanying Psalm 129:6 (“Let them be as the grass of roofs [faenum tectorum]”) illustrates a tectum as an open-walled shelter, not a proper house. The structural simplicity of a tectum is similarly captured in a passage of Eigil’s biography of the German anchorite St. Sturm (d. 822), whose small tecta of tree bark (“parva arborum corticibus tecta instruunt”) were the rustic huts used by the ascetic in the wilderness, not formal buildings. The structural simplicity of a tectum is similarly captured in a passage of Eigil’s biography of the German anchorite St. Sturm (d. 822), whose small tecta of tree bark (“parva arborum corticibus tecta instruunt”) were the rustic huts used by the ascetic in the wilderness, not formal buildings. The structural simplicity of a tectum is similarly captured in a passage of Eigil’s biography of the German anchorite St. Sturm (d. 822), whose small tecta of tree bark (“parva arborum corticibus tecta instruunt”) were the rustic huts used by the ascetic in the wilderness, not formal buildings. The structural simplicity of a tectum is similarly captured in a passage of Eigil’s biography of the German anchorite St. Sturm (d. 822), whose small tecta of tree bark (“parva arborum corticibus tecta instruunt”) were the rustic huts used by the ascetic in the wilderness, not formal buildings.

The Architectural Imaginary of Carolingian Justice

Illuminated manuscripts and other representational arts form a relatively untapped source of evidence for the architectural “imaginary” of justice in Carolingian Europe. The imaginary is a dialogue between material and mental realities, and an architectural imaginary links built form with institutional or social structures. The notion of the imaginary permits historians to use architectural imagery in a fruitful way, even when the buildings depicted may not have actually existed. A brief consideration of select images reveals the cognitive mappings of the places in which justice was experienced by Carolingians.

The importance of showcasing ideal justice under a shelter is exemplified in the so-called Susanna Crystal commissioned by Lothair II (r. 855–69). At the center of the gem illustrating the story of Susanna and the Elders (Daniel 13), a judge is shown exonerating Susanna under a freestanding structure: a judge seated in profile at one end of this tectum faces an appreciative Susanna in the center, while two men witness the act from outside. The scene represents an idealized space of justice under a tectum, encapsulating the proper settlement of disputes as advocated in contemporary capitularies—a space in which Carolingian justice coalesces with the mythic contours of Hebrew scripture.
The preoccupation with justice in the Book of Psalms makes illustrated psalters a rich source of judiciary imagery. The Utrecht Psalter, likely produced in the area of Reims in the second quarter of the ninth century, offers numerous illustrations in which justice is mediated through porticoed architecture. While art historians long presumed that the Utrecht Psalter was a copy of lost earlier manuscripts or still heavily dependent upon late antique psalters—and hence its illustrations could not be expected to shed light on Carolingian structures, artifacts, or events—this view has been challenged and largely discredited. In any case, the fraught scholarly debate surrounding the degree to which the Utrecht Psalter’s images correspond to real building types is not particularly relevant here, where the focus is on the architectural imaginary. Nevertheless, to avoid unproductive distractions, the architectural images discussed here will be those without a conspicuous classical pedigree. Even putting aside the numerous classical exempla that are illustrated in the Psalter, one still encounters multivalent depictions of the architectural settings for exemplary acts of justice. These may well have been inspired by local buildings. For instance, six men execute “written judgment” on nations, kings, and nobles (“ut faciant in eis iudicium scriptum,” Psalm 149:7–9) under a freestanding arcade (Figure 3). To the right sit two kings in stocks, while two others in shackles are led in front of another open-walled building on a hill in which God’s “loyal servants,” with double-edged swords, sing the high praises of God (Psalm 149:5–6). This miniature highlights key elements of the Carolingian judicial imaginary: a body of trained magistrates, the importance of written documents, and the public exhibition of judiciary process.

Figure 3 Utrecht Psalter, fol. 83r, ca. 845–55. At left, men execute written judgment in a loggia. Utrecht, Universiteitsbibliotheek, ms. 32

Miniatures could also portray the execution of justice in open-sided structures. A remarkable portrayal of an ordeal viewed through a loggia is found in the Madrid Legis Langobardorum, a copy of the Lombard law code illuminated in or near Apulia in the late tenth to mid-eleventh century (see Figure 1). Although produced in a Lombard majority region under Lombard law, some art historians have argued for a Carolingian model for its text and miniatures. In this image, the enthroned Lombard king Rothari (d. 652), author of the famed Lombard law code, the Edict of Rothari (643), hovers over a judgment scene. Through an ostentatious double-bay loggia of horseshoe arches on colored marble or mosaic-encrusted columns, the viewer beholds a judge under the left arch (seated on a faldistorium and holding a staff) presiding over a duel in progress under the right arch. The justice scene is completed by a prelate wearing a pallium behind the judge, an abbot behind the
dueling men, and several head- and bust-length representations of other ministers and judicial personnel on both sides. This is the only early medieval image to portray convincingly an act of judgment taking place in a loggia. The miniaturist depicted the king as author/lawgiver, a powerful presence who both embodies the law personally and oversees its administration in a suitable public venue.

Other miniatures emphasize the social instrumentality that punishment in a justice shelter held in the Carolingian imagination. In the Utrecht Psalter illustration of Psalm 107 (Figure 4), two prisoners are shackled to the pillars of a gabled tectum for rebelling against the words of God (“Alligatos inopia et ferro; quia provocaverunt sermones Dei,” 107:10–11). Under this loggia sits a second captive with his feet in stocks. The miniature stresses the didactic purpose of the public exhibition of court-ordered punishment: teaching the spectator—in this case, the reader—the price of wrong-doing. A similar scene is found in the later Montecassino De universo (ca. 1022–35), which illustrates not a biblical verse (at least not directly) but an encyclopedia entry on the term prison, De carcere (Figure 5). This composition eliminates the panoramic view in order to focus on the medieval loggia and the captives, including one.

Figure 4 Utrecht Psalter, fol. 62v, showing shackled prisoners displayed in a loggia, lower center

Figure 5 De carcere, from the Montecassino De universo, fol. 350r. ca. 1022–35, a loggia showcasing prisoners. Montecassino, Abbazia di Montecassino, ms. 132
whose feet are pinned by a prominent black shaft. These scenes illustrate how, as Foucault observed, premodern institutions inscribed justice—in a personal and public manner—on the body of the condemned.14 The purpose of judicial display in recta could thus expand beyond legitimation of Carolingian rule, underscoring the dynasty’s responsibility for the moral edification of its subjects.

**Textual Laubiae**

If, under the Carolingians, justice was to be enacted publicly under a suitable shelter, it is Italy that provides the best textual evidence for how legal theorists envisioned the architectural framing of the law.15 Interpretative pitfalls, however, haunt even rich documentation. Nowhere is this more apparent than in the analysis of deceptively straightforward terminology. On one hand, it is certain that *laubja*-related terms do not appear in surviving texts north of the Alps until the end of the tenth century, while in Italy notaries were already describing a wide range of structures north of the Alps by the third quarter of the ninth century.16 On the other hand, writers did not always employ architectural terminology precisely or toward formally descriptive ends. Take the example of *solarium*, a term favored in northern Europe for an upper-floor loggia. The fact that one chronicler, Notker the Stammerer (ca. 840–912), could describe a particular architectural element as a *solarium* whereas another writer, Einhard (ca. 770–840), called the same feature a window (*fenestra*), had less to do with built form than with the authors themselves and the narratives they were crafting.17 For *solarium* was not a only classical term but one that was favored in the Vulgate as well, in which it refers, for example, to the roof terrace of David’s palace in Jerusalem (II Samuel 11:2). As Mayke de Jong argues, the monastic chronicler Notker might have selected the term *solarium* not to describe the architecture of Charlemagne’s palace accurately, but to portray Charlemagne’s kingship as Davidic.18 Notker’s *solarium* undoubtedly corresponded to some built reality, but which medieval definition for *solarium* he actually meant will remain an open question.19 From two comparatively detailed accounts of Charlemagne’s palace, one learns for certain concerning its architecture is the probable existence of an elevated platform, window, or gallery (*a laubia*) in the monarch’s quarters.20 Such semantic contingencies must influence the interpretation of ostensibly objective and descriptive architectural terminology in these and in other contemporary texts.

Latin words could be authoritative signifiers for architecture, for Latin in some respects was already a culturally elevated, “other” language. Among the cultural elite in Charlemagne’s realm, the word *porticus* resonated more emphatically with classical associations than alternative words from Germanic languages or Romance (the common vernacular precursor of the several later, distinct Romance languages). Linguistic self-consciousness thrived among Carolingian courtiers, especially after the British scholar Alcuin (ca. 735–804), appalled at the corrupt state of Latin on the continent, launched his reform of orthography and pronunciation.21 Hence, in formal documents produced north of the Alps, ground-floor porticoes were known by the classical Latin word *porticus* (as per the St. Gall plan, Figure 6), even at a time when in northern Italy the Latinized Germanic word *laubia* had largely displaced the noun *porticus*.22 The correctness of classical Latin usage is explicit in references to Charlemagne’s palace in Aachen. For example, Notker writes of the great and small courtyards, “which the Latins customarily call by the name *porticus,*” that is, a peristyle courtyard.23 In Einhard’s biography of Charlemagne, readers learn that a long wood *porticus* (not *laubia* or *loubja*) connected the royal chapel and the aula at Aachen.24 This emphasis on Latin vocabulary encouraged readers of these texts to envision parts of the royal palace at Aachen as truly “classical” in spite of the fact that the latter portico, being made of wood (the stand-in vernacular construction in northern Europe), was at most a compelling architectural hybrid.

Even a cursory survey of the Carolingian *placita* from Italy demonstrates that their notarial authors were not employing *laubia* as a precise architectural term. For these writers, *laubia* encompassed a wide range of portico and gallery forms as well as arbors and pergolas, although some notaries carefully differentiated between what they per-
ceived as distinct architectural entities, such as a laubia versus a solarium.47 What is puzzling, however, is why Italian lawyers utilized the Germanic word laubia rather than the classical Latin porticus or deambulatorium, and why they did so with such innovative flair. They may have seen the word laubia as the modern vernacular (no longer Latin but part of emerging Romance) or perhaps even as Germanic (and thus pleasing to their Carolingian overlords). The Italian notaries were so partial to the term laubia that they eventually jargonized it, inventing a verb, laubire, meaning to acquit (perhaps under a loggia?), which appears in the early century in northern Italy—one once a Carolingian stronghold.46 The neologism laubire is evidence that the laubia was powerfully associated with the administration of justice (as opposed to other activities) and the legal profession. Early medieval notaries had their own rationale for the nomenclature they preferred—preferences clearly less

Despite (and because of) the semantic ambiguities, much remains to be learned about the early medieval loggias from the texts of the 527 extant Italian placita. For instance, one can gauge the prominence of the loggia vis-à-vis other possible judicial venues. Eleven percent of all court cases were specifically reported to have been held in laubiae (52 out of 527 placita), making the laubia the most frequently cited building for dispute resolution in Italy.49 The Italian placita supply invaluable details about these laubiae, including their relation to other buildings, courtyards, and gardens as well as their geographical distribution and location within cities. The notices reveal that laubiae appealed to a broad patronage base: they were just as likely to be commissioned by temporal rulers (e.g., for ducal courts) as for episcopal and monastic patrons.

While the placita superbly delineate the chronological, geographical, institutional, and basic formal contours of early medieval loggias, they fall short of offering complete architectural portraits of the now-lost structures. Architectural iconography and ground plans are difficult to deduce from the descriptions. However, a fuller visualization of the Carolingian laubiae in Italy is possible through comparisons with surviving contemporary architecture in northern Europe and later medieval loggias in Italy. Such comparisons are necessarily complex. North of the Alps, Carolingian loggias may survive but are rarely identified by name or described in texts, whereas the contemporary written accounts from Italy refer to laubiae that no longer exist.

Within Italy, the situation improves with time: laubiae are mentioned early in communal-period documents, and extant loggias date from the middle of the thirteenth century onward in cities in northern as well as southern Italy.50 Hence, architectural continuity between the last laubia mentioned in the placita (in 1065) and the first recorded communal exemplar (in 1187) must have been considerable.51 While one cannot expect that surviving Italian loggias were identical to eighth-century laubiae, it is equally improbable that the buildings were unrelated in form or function.

Ethnic Paradigms

A close analysis of the placita permits a preliminary sorting of the various laubiae into categories based on ethnic difference: Roman imperial laubiae, Germanic arbors, and Italian vernacular loggias. (Of course, there exist various degrees of hybridization among the three types.) Ethnic paradigms in medieval art and architecture have had a problematic history, as some have justifiably noted, but in this analysis the concept of ethnicity is openly subjective or situational, and a contemporary narrative of ethnic awareness emerges in the primary sources.52

Simply put, ethnicity is subjective, not a fixed property. Subjective ethnicity does not entail a checklist of fixed cultural characteristics but a dynamic framework in which intergroup relations bring out and exploit ethnic difference.53 Its study requires abandoning facile equations, such as presuming that “Germanic” laubiae showcased only cases tried under a Germanic law code and involving litigants of Germanic descent while the “Roman” porticus housed Roman law trials, etc. Cultural differences become ethnic distinctions when events render difference relevant, as often occurs under conditions of rapid political change such as those in Europe after the fall of the Roman Empire or after the Carolingian victories over the Lombards.54 In considering the architecture of laubiae, a self-conscious interlayering of cultural alternatives and systems of representation seems inescapable.

Of course, the fragmentary evidence from the early Middle Ages makes it difficult to avoid essentialism in the ethnic classification of laubiae, a problem implicit in all forms of categorization and generalization. But there is nothing inherently good or bad about essentialism: what matters is what motivates its deployment.55 The descriptors “Roman,” “Germanic,” and “vernacular” are not intended to connote innate or irreducible essences that sort buildings into unchanging species, even if the Italian notaries insisted on grouping diverse buildings together as laubiae in an
attempt to assign an essence linguistically. Outward signs of ethnic affiliation—architectural or otherwise—have to be manipulated strategically as if they were essences in order to empower one group vis-à-vis another (e.g., in the eighth century, a certain haircut equaled Roman, while another Lombard), but they could not seem to be utterly arbitrary or endlessly manipulated.6 Of course, a historian’s classification of ethnic distinctions should not presume that medieval subjects shared precisely these ethnic perspectives, as it is impossible to know the many ways in which they actually perceived structures like laubiae.

While the ordering of laubiae by ethnic qualifiers is a modern imposition on the early medieval evidence, it is justified by the awareness of ethnicity that is embedded in contemporary documents. For instance, early medieval law codes were differentiated according to ethnicity rather than geography (e.g., the Lex Salica of the Salian Franks, issued ca. 507–11).67 Significantly, some placita specifically record the ethnicity of judges, emissaries, or litigants as Trettiscus, Langbardus, Romanus, or Latinus, while others mention the ethnic legal tradition under which cases were to be judged.68 Finally, the abbot and chronicler Regino of Prüm (d. ca. 915), expressly named the law as one of only four determinants of ethnic identity in the Carolingian period.69 The history of the laubia can be yoked to this medieval narrative of ethnicity. The laubiae—and the practices of law and judicial personnel they framed—were differentiated with allusions to imagined or real places of origin in order to express diverse cultural associations, political positions, and social alliances to multiethnic audiences.

Imperial Mystique

Both the upper-story and ground-level laubiae described in the Italian placita may have been early medieval reinventions of Romaness. To investigate this possibility, the architectural details recorded in the placita (for example, whether a laubia was at ground-level or above, long or short, made of stone or tree branches, etc.) can be correlated with known exemplars of open-sided structures—past, present, and future—that existed in politically linked geographical areas or in the Carolingian architectural imaginary. For instance, designers of upper-story laubiae might be credited with recreating a Roman imperial tradition if their loggias elicited mental comparison to arcaded Roman architecture like imperial review stands or galleried city gates (Figures 7 and 8).60 Carolingian-era buildings that have both loggia elements and Romanizing features may be evidence of such reinventions, as may later extant Italian loggias. It is important to understand that the refashioning of a “Roman” laubia in the early Middle Ages could well have been the product of a local reimagining of the past—a mental or spiritual construct—rather than an unbroken transmission of models from antiquity.61 That the Italian laubiae might have evoked ancient Roman structures, contemporary buildings, or future loggias does not necessarily imply that they are directly part of an evolutionary lineage.62 It is not typological derivation, rather recontextualizations of the past, local innovations, and associative potential—united by the shared spatial requirements of judicial practice—that drive this history of the laubia.

One example of romanitas in an Italian laubia is the long upper-story laubia (“laubia longanea solarii”) at the ducal court at Lucca in the tenth century.63 Given its combination of length and height, this laubia could have conjured associations with galleried Roman city gates, of which the grandest and best-preserved is the Porta Nigra in Trier (285–310 CE) (see Figure 8).64 Carolingian galleried gates do not survive in Italy, but they do in northern Europe, most notably the celebrated gatehouse in the forecourt of the abbey at Lorsch, Germany, of ca. 774/794 or ca. 880 (Figure 9).65 Later loggias in communal cities of Italy, such as the Loggia dei Notai (Loggia of the Notaries) in Rovigo (Figure 10), seem to reinvent the same Roman heritage, and, like the laubiae, were still associated with the legal profession as late as the fifteenth century.66 Without insisting on direct connections between the Lorsch gatehouse and the communal Italian loggias, the lost Carolingian laubiae of Italy can be bracketed by these surviving exemplars of Romanness.

Gatehouses with upper-story loggias appear to have been prevalent in Carolingian Europe, where they were often known by the biblically resonant term solaria.67 In his Expositio (ca. 845) on the Benedictine Rule, Hildemar of Corbie/Civate relates that it was typical in his region (France) to have a solarium and oratory over the monastery gate.68 The inventory of the royal estate at Anappes (ca. 810) shows that gates with solaria were found in Carolingian lay residences as well, where some had administrative functions.69 Specific judicial activities in these northern solaria remain undocumented until the early eleventh century, when imagery helps to fill the evidentiary void. For example, the Porta Curiae, the “Royal Gate” or, literally, “Gate of the Court” (terminus post quem 1070), at the Christ Church monastery in Canterbury was a galleried gate, unambiguously and accurately illustrated in the Waterworks drawing (ca. 1162–70) in the Eadwine Psalter (Figure 11).70 Evidence later in the Middle Ages demonstrates that gatehouses throughout Europe—both with and without galleries—accommodated receptions, assemblies, charitable allocations, and dispute settlement.
Figure 7  
(Left) The Lampedi diptych, fifth century, a chariot race in the circus of Constantinople with the emperor and his entourage in the imperial loggia. Brescia, Museo Civico dell’Età Cristiana.

Figure 8  
(Above) Porta Nigra, Trier, Germany, ca. 285–310, north side.

Figure 9  
Gatehouse, Lorsch, Germany, ca. 774/94 or ca. 880.
It was clearly the image of a Roman galleried gate, more than its antique function of monitoring entry into a city, that interested medieval builders. The gallery of a Roman city gate could be a narrow passage wrapping around an open inner courtyard (as it was in the Porta Nigra in Trier), but in its medieval reconceptualization, the arcing became the fenestration of a spacious chamber, large enough to accommodate small assemblies such as a court of law. The projection of a virtual laubia onto the Lorsch gatehouse—namely, the Ionic pilasters supporting its nine gabled “arches” (see Figure 9)—demonstrates that the iconography of the Roman galleried gate was familiar to Carolingian audiences. The Lorsch gallery is of course an apparent arcade, opened through windows in only three of nine arches to light an interior chamber measuring 10 by 6 meters. The impression of an open-walled chamber was clearly important to the patrons, as they took pains to create the illusion of a loggia both inside and out: the implied openness of the exterior gallery being reinforced on the interior by frescoes depicting a trompe-l’œil loggia (Figure 10).
If the abbots of Lorsch ever presided over dispute resolution inside or under their gatehouse, the building’s location in the abbey forecourt rather than its atrium would have anticipated the later Carolingian capitularies (in 818/19 and 873) ordering that court cases not be heard in church atria but in separate *domus* erected for that purpose. Unfortunately, the main source for Lorsch, the *Chronicon Laureshamense* (1175–95), offers no clarification. Nevertheless, the Lorsch gatehouse demonstrates the enduring appeal of the galleried gate in the eighth and ninth centuries as an architectural quotation with associational effects, perhaps framing the abbot, the emperor, or their representative in an imperially august setting that showcased political, business, or judicial transactions.

In addition to a long gallery, an upper-floor *laubia* could have also alluded to a shorter Roman arcade, such as an imperial reviewing stand (*pulvinar* or *cubiculum*) or palace gate (for example, the Chalke at the Imperial Palace at Constantinople). The Italian notaries’ descriptions, although more detailed than contemporary notices in France and Germany, rarely allow the precise assessment of a *laubia*’s length. Possibly inspired by reviewing stands or palace gates, any number of *laubiae* were located on upper-floors, *solaria*, or in towers. Important in this context, architectural historian Cord Meckseper traces the exploitation of height as an expression of political power to the imperial loggias overlooking circuses in the late Roman empire. Communal architecture in Italy had few of these *pulvinar*-styled loggias, perhaps because they were more congenial to autocratic pronouncements than republican gestures. Indeed, the popes in the later Middle Ages would showcase their authority from just such a loggia, the Lateran loggia once on the north façade of the Aula Concilii, which was probably built during the reign of Boniface VIII (1294–1303). But an earlier Carolingian-era loggia at the Lateran palace, constructed farther to the east under the Greek Pope Zacharius (r. 741–52), may have been among the earliest to re-embody imperial sparkle in the West since the fall of the empire (Figure 13). Unlike Italian notaries, papal chroniclers chose to maintain the classical pedigree linguistically, using the term *porticus* rather than *laubia* for this earlier loggia, which was in keeping with the architectural pretensions of the Lateran complex as a whole. Designed as a monumental entrance hall to the Lateran palace, perhaps comparable to Constantinople’s Chalke, it accommodated acts of papal charity, justice, and ceremony. Both Lateran loggias illustrated the adaptability of Roman prototypes to medieval judicial practices: both overlooked an outdoor court of law and stood close to a church, but were not directly attached to it.

Another medieval loggia that recreated the impression of a Roman imperial reviewing stand survives in the ninth-century palace of a lay ruler: the belvedere of the Asturian kings at Naranco in Spain, just north of their capital Oviedo. Built during the reign of King Ramiro I (r. 842–50), and converted into the church of Santa Maria in around 905, this barrel-vaulted building possesses two loggias (4 by 3 meters), one at each end of its dominant upper floor (Fig-
The loggias’ elevations recall a late-antique *fastigium*—a hierarchical arched composition under a triangular pediment. Here a stilted center arch is flanked by two lower stilted arches, an arrangement that is echoed in the attic window above each loggia. Contemporary Italian notaries might well have called these belvederes *laubiae*, but Asturian documents speak of the building only in general terms as a *palatium* or *habitaculum* and do not refer to the loggia features by name. Asturia was not part of the Carolingian empire, so the loggias of Ramiro’s residence were not related to the imperial judiciary reforms, but they might reflect the empire’s cultural influence. Indeed, an illustration of Psalm 112 in the Utrecht Psalter suggests that this elevated, *pulvinar*-inspired loggia may have corresponded closely to the Carolingian ideal of a palace for an affluent lord or virtuous dynast (Figure 15). In the miniature, a book of law (the Commandments) lies open on the left knee of a wealthy but just man, who with his wife distributes alms from the loggia of their residence, which bears a striking resemblance to the Asturian belvedere. Similarly, an Italian notary’s description of a “round *laubia* at the head of the great *sala*” in Piacenza resonates with both the Utrecht Psalter drawing and, excepting the curvature, with the belvedere at Naranco, suggesting that this form of loggia enjoyed widespread popularity in early medieval aulic architecture. Classicizing loggias that quoted imperial reviewing stands and *fastigia* testify to the intermittent appeal of this Roman precedent and its availability to many peoples.
but the psalter illustration also underscores the important lesson that imperial iconography was not unencumbered by biblical association and sanction in the Middle Ages.  

In Carolingian Europe, then, justice that was performed in elevated *laubiae*—long or truncated—was quite possibly associated with Romanness and with nuanced Carolingian imperial messages. This symbolism exerted broad cultural appeal. A loggia that brought to mind galleried Roman gates (and their manifestly defensive purposes) may have promoted the image of a militant judiciary whose authority resided in a corps of judicial specialists rather than in an individual potentate. The martial tone of Carolingian justice would have presented itself as an antidote to the *caritas* of clerical law, which had sometimes compromised the authority of state judges under the defeated (now depicted as feeble) Merovingian dynasty. Alternatively, a *laubia* that resembled a galleried gate might have evoked refined Roman urbanity in order to claim that Carolingian justice—whatever law code was applied—was civilized and disciplined rather than militant. In comparison to the long gallery, the *pulvinar*-inspired *laubia* framed fewer figures and thus exalted the vigilance of a single authority—in the manner of an emperor ensconced in the viewing stand of a hippodrome or palace—who alone vouched for the justness of the decisions handed down by the state judiciary. The monastic gatehouse at Lorsch (a possible *laubia*), the long *laubia* in Lucca’s ducal court, and conceivably any number of *laubiae* in *solaria* and towers (*turres*) constitute evidence that an imperial architectural tone was deployed to legitimize judicial and political culture in the Carolingian period.

Some Carolingian *laubiae* were located at ground level, and in these, imperial associations could be underplayed in favor of a generalized *romanitas*. The eye-level *laubia* is recorded in the Italian *placita* as part of single-story structures, such as a *sala* or a *caminata* (a chamber heated by a fireplace, usually on the ground-floor). For example, in 913 King Berengario I presided over a dispute in the loggia of the *sala* at the court of one Count Ingelfredus (“in laubia sale ipsius curtis”) in Verona. Ground-level loggias enjoyed the greatest popularity in Carolingian Italy, where the *placita* suggest that twice as many *laubiae* were at ground-level rather than being elevated. These structures could take the form of projecting porches, open-walled rooms, porticos, or independent pavilions. The longer *laubiae* seem more likely to have based their appeal on clas-
sicizing prototypes, whereas more abbreviated two- or three-bay loggias are difficult to distinguish from vernacular porches. For example, porticoes in ambitious Carolingian palaces with Roman pretensions, such as Ingelheim and Aachen (both late eighth century), had sweeping colonnades with strong affinities with local Roman villa architecture. Later buildings in Italy, such as the so-called Palazzo della Ragione (eleventh century) at the imperial abbey at Pomposa, with its long, arcaded two-story façade, may preserve the character of such Romanizing ground-floor Carolingian *laubiae* (Figure 16). In most late medieval Italian cities, however, builders favored compact loggias. Whatever their referent, Carolingian *laubiae* at ground-level would have been perceived as more generically Roman than specifically imperial, because the varied activities of everyday life, which took place in these easily accessible porticoes, would have diluted royal associations.

It would be difficult to find more eloquent single-story “Roman” *laubiae* in the Carolingian period than the two that bear the classicizing label *porticus* in the abbot’s residence on the plan of St. Gall (ca. 830), where a “porticus arcubus lucida” (“a luminous arced portico”) and “porticus similis” are attached to the east and west sides, respectively, of the abbot’s house (see Figure 6). In this ideal plan, such porticoes provided suitable space for judicial proceedings as well as for transactions of other public business, as the residence lies on the more secular, north side of the monastery. The Roman character suggested by the term *porticus* is confirmed by the architectural details recorded on the plan. According to the drawing conventions of the plan of St. Gall, the abbot’s *porticus* has round masonry arches, a privileged form they share with the monastery’s cloisters. Its arched openings are arranged symmetrically in hierarchical groups of 3-4-3, echoing, but not copying, the 4-1-4 rhythm in the monks’ cloister (Figure 17). Any loggia with such Romanizing architectural references—stone masonry with round arches extending the full length of the building—would have been highly conspicuous in the landscape of timber-framed edifices at the monastery of St. Gall.

The abbot’s porticoes at St. Gall embodied even more canonical *romanitas* than the monastery’s cloisters. They also communicated an illusion of accessibility, which was suitable to the worldly secular roles of the abbot. Following the model of the monastery’s cloisters, Walter Horn

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**Figure 16** So-called Palazzo della Ragione of the imperial abbey at Pomposa, Italy, eleventh century

**Figure 17** Plan of St. Gall, detail, the monks’ cloister. St. Gall, Stiftsbibliothek
and Ernest Born reconstructed the abbot’s porticus as an arcade standing on a low socle. But a closer examination of the drawing shows that the arcades of the abbot’s residence do not rest on a solid line, which represented a socle or parapet, as the arches of the cloisters do (see Figure 6). If the drawing is precise, the columns of the abbot’s porticus should be read as standing right on the floor. With such arcades, these loggias would more closely resemble a classical Roman porticus than a medieval cloister, the columns of which almost invariably stood on a low parapet.99 The abbot’s loggias would have thus seemed more open and approachable, and therefore more public, although, in fact, they offered only the appearance of accessibility. The abbot’s west portico was actually accessible only through one entrance passage, located between the seventh and eighth arches (see Figure 6).100 As drawn, this entrance passage and the other arches all seem to open at the level of the floor slab, but this condition would have made the passage superfluous: what purpose would it serve if one could enter just as easily through any of the loggia’s ten arches? The passageway would, however, not be redundant if the building’s entire floor slab was somewhat elevated above ground. In that case, the passage would have been furnished with a short staircase giving access to the raised floor level, to which the arcades provided no useful physical access. This visually sophisticated design allowed the patron to achieve the impression of openness and romanitas without actually offering overly generous accessibility to the public.

The medieval designer of the St. Gall plan envisioned these Carolingian porticus not as elaborate foyers but as well-lit spaces that could accommodate and display an assembled group in the manner of a Carolingian judicial tectum. Despite their length, for instance, each portico contained only one door giving access to the interior of the residence, and both led directly into the abbot’s living room (mansio).101 Moreover, the abbot’s porticoes were ample (18.5 by 3.5 meters)—each more than half the width of the interior chamber (6.5 meters). They were, in effect, auxiliary rooms, the arcing of which was capable of framing and ordering body-length views of occupants, as an ideal laubia would during legal proceedings. In contrast to the more overtly imperial allusions made by elevated galleries, these eye-level laubiae would have imbued dispute settlement with a somewhat less exclusive and less hierarchical Romanness. A placitum staged in a classicizing laubia, designed to give the appearance of accessibility, could evoke idealized civic life under the Roman republic, with its outdoor tribunals, assembly places, and porticoed fora.

Neither early medieval Italians nor northern Europeans would have absorbed Roman allusions into their architecture without adding their own cultural inflections. Indigenous traditions always seeped into Carolingian building design in northern Europe, where signs of architectural hybridity are found in written descriptions and surviving monuments. For instance, in the Carolingian royal villa at Anappes a solarium (perhaps a classical gallery) overlooked an open court circumscribed by a Germanic hedge (“curtem tunimo strenue munitam”).102 Historians have commented upon the layered historicism of the Lorsch gatehouse as well, which perhaps most famously exemplifies a Roman and German architectural synthesis.103 In the gatehouse’s virtual loggia, triangulated spans natural to wood construction replaced the typical round arches, demonstrating a Germanic critique of classical form (see Figure 9). Similar architectural and spatial hybridities are, of course, also observable in Italy, in any number of placita. This European synthesis, achieved within an “imperial” model and expressed through a highly rhetorical architectural language, speaks of the skill with which important secular representational vehicles such as laubiae were manipulated.

The Vernacular Laubia

Given the architectural transformations characteristic of Carolingian era, historians must allow for the possibility that deliberate decisions were made to distance and filter a laubia’s allusions to Roman architecture, resulting in forms that were more vernacular than Roman. The shorter loggias of two or three bays at ground level more likely belong to this innovative category of buildings. Any number of the laubiae recorded in the Italian placita, particularly those that were part of single-story buildings (salae) or that stood apart from other buildings, could have easily been perceived as vernacular or Italian.104

The placita do not offer the iconographic specificity needed to draw distinctions between classicizing and vernacular laubiae; therefore, the case for the latter will be based on archaeological and visual evidence, which shows that lightly constructed porches and pergolas of all sizes punctuated the vernacular landscape in early medieval Europe.105 In regions permeated by Roman building culture, some classical elements, such as round arches and rudimentary capitals, became part of local building practice. Any “Italian” (as opposed to the “Roman”) laubiae were amalgams of classical form and vernacular construction. In everyday experience, it sometimes might have been as difficult to distinguish a vernacular laubia from a Romanizing portico as it was to differentiate a public loggia from a generic porch. But, perhaps in certain patronage circles
making such distinctions was not even desirable, as an Italian tectum could produce a local and familiar space of justice that also distantly echoed an ancient legal system.

Contemporary inventories and the archaeological record suggest that the vernacular portico was an established feature of Italian residential architecture in the early Middle Ages. Already in the sixth century houses in Rome and Ravenna no longer had the atria or peristyle courtyards of the classical Roman domus.106 And by the beginning of the seventh century porticoes appeared (although rarely) as one of many structures grouped loosely around the irregularly shaped court (curtis) typical of the medieval domus.107 There the porticus joined other undistinguished annexes, such as latrines and servants quarters, all opening onto the same court. Given the discontinuous, cellular design of medieval domestic courtyards, these porticoes had to have been more compact than the enveloping peristyles of the Roman past.108 The spatial context in which the residential portico was viewed in early medieval Italy differed radically from the ritual formality of the classical peristyle in a Roman domus.

Because many Italian notaries presided at tribunals held in the domus of churchmen or lay nobles, the domestic laubia may have been a structure that lawyers encountered with considerable frequency. In response to the Carolingian capitularies’ requirement to convene court under a tectum at a distance from churches, Italy’s bishops, abbots, counts, and dukes could have complied rather easily by utilizing, moving, or rebuilding a portico in their own residence. Here the vernacular loggia would have begun to enter into the realm of public architecture. Loggias of this “Italian” vernacular type were widespread during the communal period in both privately and publicly built architecture, such as the communal loggia in Montalcino (Figure 18). The short length as well as a casual, asymmetric positioning of such loggias undoubtedly derives from the irregular plans of early medieval domus. Among the extant Italian loggias, this compact, asymmetrical design type far outnumbers all other typologies—a testament to the ubiquity of this vernacular creation.

Vernacular laubiae may already appear in manuscript illuminations in the ninth century. In the Utrecht Psalter, for example, recognizable yet muted classical features appear in single- and double-bay loggias (see Figures 3, 4). While certainly not intended as portraits of actual buildings, these illustrations represent internally coherent architectural landscapes in which general relationships of length, width, and ornamental hierarchy are consistent. Similarly, the Montecassino De universo miniature illustrating a prison depicts a compact, round-arched loggia with two bound prisoners (see Figure 5). Its double arcade is framed by yellow vertical stops to the left and right, and the whole seems

Figure 18 Palazzo Comunale, Montalcino, Italy, 1288, with fourteenth-century ground-floor loggia
to be firmly attached to a building at the right (indicated by a wide green vertical strip). The use of vertical stops suggests ways a *laubia* might have attached itself to a *sala* or other ground-level building. An illustration of a similar loggia—without relationship to other buildings—is found in the Madrid *Leyes Langobardorum* (see Figure 1). These depictions of double-bay loggias suggest the presence of vernacular *laubiae* on the Italian peninsula. Despite a certain architectural refinement in both miniatures, these short loggias are very unlike the grand architecture of the classical *porticus* and seem to indicate a shift toward an “Italian” vernacular that only alludes to Roman antiquity in its decorative flourishes. This fluid third class of vernacular loggias cannot be interpreted within the limitations posed by any dualistic notion of competition between Roman and Germanic architectural forms in framing judicial and political legitimacy in early medieval Italy.

### The Natural “Germanic” *Laubia*

From the ninth to the eleventh century, the magistrates in Carolingian Italy also presided over court cases that were conducted under pergolas or in arbors and groves called *laubiae*, which could only have been perceived as Germanic in comparison to the loggias that were built in the classical or vernacular traditions. These bosky loggias were most closely aligned with the etymology of *laubia*, a term that, while used by Italian notaries to describe temples of justice of all architectural forms, derived from the Old High German *loub*, meaning leaf or foliage. The sylvan association is frequently explicit, as in the account of a trial in 921 at which a certain count Adelbertus sat in judgment under a pear tree *laubia* near Parma (“laubia subtus arbole pero”). This practice was as enduring as it was multiformal: a case was heard under a vine pergola in the same city in 935 (“pergola vitis”), another under a vine topiary in Pisa in 941 (“subtus vites que Topia vocatur”), and still another under a ramous loggia (“laubia frascata”) in Vicenza as late as 1050.109 During and after Carolingian rule, counts and bishops in Italy settled disputes in gardens or on river banks, settings where the *laubiae* may have been natural rather than constructed; indeed, any number of *laubiae* not described as “built” could have been arboreal.110 Historians have generally overlooked these naturalistic *laubiae* as architecture, judging that they do not even qualify as vernacular, much less monumental buildings. While the four arbors mentioned in the Italian *placita* constitute only a little over ten percent of the total number of *laubiae* recorded, their presence is nevertheless remarkable. The dendriform loggias embody the far-reaching creativity of architects and patrons in reimagining the Germanic past and designing spaces of justice that addressed audiences of varied historical perspectives. Unlike the Romanizing buildings of the Carolingian period, none of these natural *laubiae* survives; however, textual evidence suffices to indicate that their makers paradoxically reinvented Germanic traditions while recreating biblical justice in Europe.

Early medieval arbors would have elicited positive and negative cultural responses, depending upon the context in which they were viewed. The varied post-classical symbolism of trees and bowers established the range of possible attitudes toward these woody “Germanic” *laubiae*. Most knowledge of this symbolic vocabulary of pre- and early medieval Europe north of the Alps comes from texts penned by classical authors or by Christian writers after the conversion of Germanic and Celtic groups. Tacitus wrote in the *Germania* (ca. 98) that the “Germani” (i.e., peoples in territory east of the Rhine) consecrated woods and groves (*lucus ac nemora*) to their gods, a practice confirmed by later Christian leaders who were still campaigning to destroy sacred trees and woodland shrines well into the eleventh century.111 Of course, neither classical nor Christian authors described indigenous architecture as it was perceived and experienced by its makers, but rather as it was filtered by the authors’ culture and audience.

The dendriform *laubiae* of the Carolingian era were either survivals or reinventions of what seems to have been a long-standing pre-Christian practice of holding religious gatherings, public assemblies, and dispute arbitration outdoors. Documentation of pre-Carolingian tribunals conducted in arbors is sparse but intriguing.112 A seventh-century Ripuarian law requiring that a hedge of branches be laid out around a place of justice (“in cirulo et hasla, hoc est in ramo”) is rare evidence that arboresque tribunals existed in pre-Carolingian Frankish society two centuries before the notice of a hedge-bordered *curtis* in the Anappes royal estate inventory mentioned earlier.113 If evidence for the early judicial use of arbors is limited, it may be because dispute settlement was subsumed into larger outdoor events.114

A significant obstacle for the use of arboreal *laubia* in the Middle Ages might have been the latent Roman prejudice against sylvan religious and judicial practices.115 But the mostly negative attitudes familiar to a Latin readership were soon challenged by the more positive, biblical glosses supplied by Christian historians such as Gregory of Tours (538/89–ca. 594). Understandably, “barbarian” historians writing in Latin between the sixth and the eighth centuries, such as Gregory, found little reason to adopt the unsympathetic views of classical ethnographers; for example, one
finds no mention of Tacitus in European sources from the sixth to the ninth century. Instead, Gregory situated Merovingian judicial practices in a Christian historical narrative and cast their arboresque tribunals in a positive light. He wrote of how in ca. 577, as bishop of Tours, he had debated the ultimate source of justice with the Merovingian ruler Chilperic I (r. 561–87) at the king’s lodgings in Paris. This transpired under a pergola made of branches which he termed a “tabernaculum ex ramis.” Later readers of this passage have ignored the conspicuous biblical associations of the term tabernaculum, preferring to see it as another word for a lightly constructed tabernaculum. Yet, in calling this structure a tabernaculum rather than a tabernaculum, Gregory, a Christian and a Romanized Celt, chose to observe this “Germanic” structure through a scriptural lens. Indeed, Torah provided early churchmen with important exempla of the adjudication of disputes under trees in early Israel (Judges 4:5; 1 Samuel 14:2, 22:6). Gregory’s choice of vocabulary reflects his position that Germanic dynasties should fashion themselves—political, legal, and religious reasons—as Hebrew, Roman, and German. Thus, with early churchmen eager to Christianize forestal settings for the enactment of justice, northern Europeans could begin to perceive such shelters not only as Germanic or Celtic but as hallowed.

Gregory’s account of the famous tabernacle acknowledges and actively manipulates the imaging potential of laubiae. In his argument with Chilperic, Gregory insisted that justice resided in church law and canons, not in the mind of a ruler. The author knowingly located the corrupt Merovingian king in front of the tabernaculum ex ramis, right hand raised, vowing under no circumstance to transgress God’s law. But, on the following day, Chilperic broke his oath during the trial of Bishop Praetextatus of Rouen, which was being held in the cathedral of Paris. Gregory interpreted Chilperic’s violation of his oath as all the more traitorous because the monarch’s perjury desecrated the tabernaculum under which he had testified before, and he damningly portrayed the Frankish monarch as the “Nero and Herod of our times.” This episode illustrates how Merovingian viewers perceived their leafy law courts as validated both by Germanic tradition and biblical paradigm. The appeal of an arboreal seat of justice outlived Gregory of Tours and probably colored the perception of the natural laubiae as law courts in Carolingian Italy. Indeed, four centuries later, Louis IX of France (r. 1226–70) reconstituted judiciary practices in forestal settings when he began to administer justice after mass under an oak tree in the Bois de Vincennes near Paris. By presiding under an oak, Louis re-founded his realm in a sylvan court, thereby layering the biblical topos of the patriarch Abraham, who dwelt under the oak trees of Mamre (Genesis 13:18, 14:13, 18:1), atop a practice of Germanic antiquity. Images and practices provide evidence for the long survival or memory of natural settings for justice and their Christianization in northern Europe.

Even with a Christian gloss, the image of the arboreal laubia was still ambiguous, and therein may have resided one of its greatest assets. The pre-Christian religious use of Germanic groves would have hardly been forgotten in the Carolingian period, when the forced conversion of tribal peoples was still ongoing just north of Trier. Charlemagne waged a legislative campaign to eradicate the worship of trees and tree deities in the capitularies he issued between 775 and 790. Upon conquering Saxon Eresburg (probably present-day Obermarsberg) in 772, the monarch himself destroyed the Irmisîl pillar—a column representing the cosmic ash tree of the Saxon got Irmin—although this was certainly as much a political as a religious act. The prevarications of the clerical campaign to obliterate the sylvan places of pre-Christian worship nurtured the ambiguous character of these arboreal settings. Despite legislative texts requiring bishops to destroy heathen trees or suffer punishment, even excommunication, for sacrilege, it is recounted that following the heroic and miraculous destruction of tree shrines, Christian holy men often incorporated the wood into Christian buildings erected on the same sites. Sulpiacus Severus’s sacred biography of St. Martin of Tours (ca. 315–399) tells of instances in which Martin destroyed wood cult images, polluted sacred springs, and felled holy trees in Gaul, in one case at least building a church on the site of a former shrine. Later, the apostle to the Germans, St. Boniface (ca. 680–755) felled the Jupiter oak (robur Jovis) of the Chatti in Geismar, causing the giant tree to break into four pieces of equal length. Using the timber, Boniface built a oratory dedicated to St. Peter who thereby emerged as the Christianized Thor. These campaigns of dendroclasm tacitly acknowledged the power of the sacred trees while demonstrating the even greater power of the Christian saints.

The pre-Christian sacred texts of northern European peoples may have provided a symbolic exegesis of Carolingian juridical laubiae, but those texts survive only in late versions. For instance, Snorri Sturluson’s epic, the Snorra Edda (ca. 1222–23), describes a well-known example of Nordic gods convening the divine tribunal under the world tree. The Carolingian historian Rudolf von Fulda (ca. 800–865) indicated familiarity with this cosmology when he described Irmisîl as “a world column that supported everything.” In replicating this cosmic model—materialized in the form
of the dendriform laubiae—tribunals could bring to earth the infinite superiority of divine judgment and enlist its guidance in determining, for instance, the outcome of ordeals. A few images, albeit late in date, depict early tree-centered spaces of justice in northern Europe, which seem to accord with Sturluson’s account (Figure 19). These paintings show physical enclosures erected around justice trees—as defined in the seventh-century law of the Riparian Franks—indicating a privileged space of conflict resolution within which the gods made known their judgment.¹³⁰

Justice seen in a natural laubia was justice framed by reimagined Germanic understandings (and sacred pre-Christian associations) and by biblical conceptions of the law. Arriving at a settlement restored collective order and wholeness, and hence, fruit-bearing trees such as oaks appear in written descriptions and visual depictions of justice settings, symbolizing a space of fertility where social order was thaumaturgically regenerated.¹³¹ Three of the arboreal laubiae described in Italian placita were fructiferous (pear and grape).¹³² Simultaneously, Christian autho-
ties made certain that justice was enacted in places whose vegetal and sylvan character evoked the judicial spaces of the biblical patriarchs. Thus, under the cumulative and inclusive system of medieval symbolism, the dendriform *laubiae* in Carolingian Italy framed contemporary judicial practices with recollections of Germanic antiquity and scriptural precedents.

**The Italian Context**

For all the Carolingian emphasis on unity and shared institutions, the legal cultures of the diverse regions of the empire reflected their individual histories. A proliferation of *laubiae* comparable to that in Italy is not documented in the Frankish homelands until the fourteenth century and later, although, of course, that does not prove that they did not exist. But, as François Bougard noted, “The Po valley probably came closest to the images [of Carolingian judicial procedures] derived from reading the dispositions in the capitularies.” Indeed, the meticulous recording of judicial settings in Italian *placita* may reflect historical conditions unique to the former Lombard kingdom. The relative abundance of Italian evidence for this almost-lost chapter in the history of judicial architecture may be due to the greater strength of early medieval Italian legal institutions in comparison to judiciaries north of the Alps. An alternative explanation—one more directly related to the architectural diversity of the *laubiae*—is that the heightened awareness of ethnic difference on the Italian peninsula in the early Middle Ages encouraged experimentation with culturally specific architectural signifiers.

Historians have identified the Carolingian period as one in which ethnic difference was newly exploited by leaders to mold community opinion. A Carolingian chronicler, Regino of Prüm, expressly identified law (lex, i.e., precepts, ordinances, legal practices) as one characteristic that differentiated the “nations of peoples” (nationes populorum). And, in Carolingian military conflicts, the ethnic identification of soldiers (gens Franci, gens Gothi, or gens Burgundiones) was a statement of political alliance not to the person of the king but to a community. With ethnicities, like political alliances, self-consciously constructed, the Carolingians initiated group-think sensibilities to tap the power of what some anthropologists call fictive kinships (ethnicities).

The Frankish potentates in the *Regnum Italium* dutifully collected and enforced multiethnic law codes, as did rulers elsewhere in Europe. But, multiethnic dynamics were more pronounced in Italy than elsewhere, because Roman traditions were more deeply entrenched there versus newer Germanic customs. Manipulations of subjective ethnicity in Italy are well known; for instance, a delegation led by diplomat and bishop Liutprand of Cremona to Constantinople in 968 emphatically identified itself as Lombard rather than Roman. However, Romans could easily become Lombard if they bowed to the Lombard law (the *ius longobardorum*). The selection of one system of redress instead of another—for example, Roman law over Salic law—would have been a simple function of familial, social, or political alliance, and thus a expression of subjective ethnic difference. Some Italian *placita*, as mentioned, recorded the ethnicity of the parties to a legal case and of the law under which the case was to be settled. This nurturing of ethnic choice in the outward expressions of law—including judicial architecture—was an important tool for maintaining societal boundaries.

The variety of *laubiae* observed in Italy suggests that visual expressions of ethnicity competed for attention among rival political or cultural groups, but the meanings attributed to the *laubiae* could change depending on the audience and the contemporary context in which they were viewed. For instance, a Germanic lombia of pear trees could conceivably have been read as an ethnically affiliative gesture on the part of a local potentate toward a Germanic constituency, his own family heritage, or toward the emperor. Any objective advantage of a Germanic as opposed to a Roman lombia would have come and gone with political vicissitudes and shifting alliances. History’s most powerful and enduring signifiers are adaptable and multivalent. In this regard, the Carolingian rulers emerge as the shrewdest of imperialists: encompassing several architectural traditions under the aegis of a new reformed judiciary, they surpassed the limitations of old differences without obliterating them.

It is impossible to determine with certainty from contemporary sources whether some sectors of the population in Italy saw an Arboriform lombia as Lombard or Carolingian—or as generically Germanic vis-à-vis Italian or Roman loggias. Moreover, the meaning attached to an object, such as a lombia or portico, was unstable and subject to changing frames of reference. Hence, even when the power of the German emperors abated in Italy, the custom of arboreal court settings continued there, although intermittently. As late as the thirteenth century, citizens in some city-states occasionally swore oaths, sealed acts, and debated legislation under trees (*sub olmo*). By the communal era, arbors and trees appear to have been naturalized, sounding not the slightest alien (i.e., Germanic) note.

Later Italian sources, however, suggest a latent awareness of the foreign character of the pergolas that served as seats of justice. The cultural memory that this architecture was created by hostile foreigners seems to have been invented or reinvented in the late fifteenth century—at least
among elite Italian art patrons. This is reflected in the depictions of executions carried out under pergolas in Renaissance paintings in the Veneto, such as Andrea Mantegna’s *Martyrdom of St. Christopher* (1454–57) in the Ovetari Chapel at the Eremitani Church in Padua (Figure 20). In Mantegna’s fresco, a magistrate presides over the execution of the saint under a prominent pergola of untrimmed poles, partly resting on a classical building. The hybrid architecture, juxtaposing rustic and antique elements, framed an act that was unjust and xenophobic. St. Christopher was executed during the reign of Diocletian in Syria, a land held by Ottoman Turks in Mantegna’s day. Noted for the precise antiquarian content of his paintings, Mantegna used the trellised *laubia* to conjure an ancient barbarian setting for contemporary viewers. He must have depended on collective knowledge of the arbor’s history in judicial proceedings as well as its foreignness. Tintoretto’s *St. Mark Freeing a Slave*, completed in 1548 for the Scuola di San Marco in Venice, also depicts a scene of injustice under an arbor. In these Renaissance paintings, the foliate *laubia* connoted otherness, in particular, anti-Christian (and perhaps, in this Reformation-era climate, more specifically anti-Catholic) injustices perpetrated under foreign rule. As both Turkish and German troops threatened Italian cities during the Renaissance, these architectural forms gained or regained a residue of difference and foreignness. By contrast, depictions of justice arbors in contemporary painting outside of Italy represented current, rather than historical, settings and practices, because the images were intended to teach modern mores or document present-day events. For instance, the portrayal of the tree-centered tribunal at Mühlhausen, Switzerland, in Diebold Schilling’s chronicle attests to the appearance of this law court in 1513, because the chronicle’s purpose was to document contemporary events in the community (see Figure 19). With frames of reference shifting over time, Italians could revive the Germanic *laubia* in their imagination as a non-Roman and non/anti-Catholic architecture of injustice, one associated with memories of past foreign domination and threats of looming new invasions.

The political chaos occasioned by the disintegration of the Carolingian empire coincided with the early development of high-status administrative architecture in Italy, including public loggias whose antecedents were to be found in early medieval *laubiae*. The northern European contribution to the history of the Italian loggia resides in the Carolingian insistence that reformed justice be suitably framed by architecture and conducted in public. By staging judiciary spectacles in *laubiae*, Carolingian rulers in Italy instituted, or reinvented, an appreciation for open-sided
urban buildings. The medieval loggia was an architecture of persuasion in the new European legal culture, in which the law, as Paul Fouracre observed, was an “element of social consensus.”

Interest in the architectural form of the loggia, used as administrative space, developed rapidly in early medieval Italy—as perhaps it did elsewhere. The arboreal laubia was also a legitimate and a legitimating setting for justice in medieval Italy, which competed with Roman masonry precedents. Such bowers and other spaces defined by plantings remain under-studied, however. In promoting verdant laubiae, some patrons embraced an alternative to classical architecture and to the Vitruvian myth of the primitive hut, in which dendiform building is infantilized as a childhood phase of architecture, before it reached its mature, masonry form. Of course, the specific associations of foliated laubiae and how these compared to the values connected to masonry porticoes in multiethic medieval Italy, are likely to remain unknown. But, it now seems possible that the multifaceted Italian laubia in the Carolingian period constituted an early form of inclusive European public architecture.

In Italy, exceptionally creative experiments with arboREAL and built laubiae and hybridization of the two forms were brought to bear on the problem of how to showcase the performance of political power. The laubiae recorded in the placita drew on wide-ranging historical sources, mythologies, and symbolism, which were accessible to patron, architect, and audience. They are key structures in the history of architecture. The success of Italians in manipulating the laubia enriched a lively tradition of imaging politics and society—a mode of conceptualizing urban architecture that would fuel the intense social use of loggias, creating a veritable loggia culture, in the communal era (see Figures 10 and 18). Indeed, the correspondences between Carolingian laubiae and the loggias of this new era, with its own moral conundrums and issues of legitimacy, are remarkable. Thanks to the breadth of the architectural campaign to legitimize the Carolingian legal reforms, the designers of later medieval loggias could draw on diverse early medieval architectural typologies in addition to those of classical Rome.

Notes
I would like to acknowledge Creighton Gilbert, who first encouraged me to publish my research on laubiae. Three Carolingianists have contributed in various ways to this essay: Charles McClendon as a teacher and inspiration; Janet Nelson who patiently listened to an early conference paper and generously shared learned insights and sources; and my teaching and research colleague Lynda Coon, whose command of interdisciplinary theory and attentive reading of early drafts improved this essay immeasurably. Finally, I would like to thank the University of Arkansas School of Architecture for its unstinting enthusiasm for historical research in general, and its generous subvention of the reproductions accompanying this article.

5. Jacob and Wilhelm Grimm, Deutsches Worterbuch (Leipzig: S. Hirzel, 1885), vol. 6, col. 290.
8. Cagiano de Azevedo made use of the placita but strove to identify a normative laubia from the documents—usually a built, ground-level portico—rather than conduct a statistical, typological analysis; see Cagiano de Azevedo, “Laubia,” 431–44.


12. Throughout this article, ethnic identities such as “Roman” and “Germanic” denote social constructs and henceforth will be set off in quotation marks only in cases where the meaning might otherwise be unclear; see Dell Upton, “Ethnicity, Authenticity, and Invented Traditions,” *Historical Archaeology* 10, no. 2 (1996), 1–7, esp. 1.


17. Rudolf Hübner published an inventory of documents for regions north of the Alps. While Fühner did not translate the topographic information from all the texts, one finds that arbitration took place, when the location was recorded at all, in palaces and in churches; no details of *lambae*, *solaria*, or *porticus* were forthcoming; “Gerichtskurken der fränkischen Zeit. Erste Abteilung,” *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Germanistische Abteilung* 12 (1891), 1–118.


20. *Capitulare Mantuanum Secundum, generale*, 4, in *MGH, Capitularia*, 1: 196 (no. 93). Charles the Bald’s capitation of 873 noted that the that executions and corporal punishment were unseenly near churches: *Capitulare Carolinense*, 12 MGH, Capitularia, regnum Francorum, ed. A. Boretius and Vitor Krause (Hanover: Hahn, 1897) 2: 346.


25. Genevra Kornbluth has read this shelter as a royal canopy promoting Lothar II as a just monarch (“Suzy Dufrenne considered the Utrecht Psalter to be essentially a copy of lost earlier manuscript in her *Les illustrations du Psaume d’Utrecht: Sources et apport carolingien* (Paris: Ophrys, 1978), but increasingly art historians are concluding that the psalter is largely a Carolingian invention; see Chazelle, “Archbishops Ebo and Hincmar of Reims and the Utrecht Psalter,” *Speculum* 72, no. 4 (Oct. 1997), 1055–77, esp. 1068–77.


30. The last capitulary in the Madrid *Leyes* dates to 866, suggesting a late Carolingian model for the manuscript; see Hubert Mordek, “Fruhmittelalterliche Gesetzgeber und Iustitia in Miniaturen weltlicher Rechtsverständlich,” in *La Giustizia nell’alto Medioevo* (Secoli V–VII), 997–1052, esp. 1036–37. In favor of a slightly later date is Guglielmo Cavallo, “Per l’origine e la data del cod. Matrit. 413 delle Leges Langobardorum,” in *Studi di storia dell’arte in memoria di Mario Rotoli* (Benevento: Banca sannitica, 1984), 135–42. The manuscript has two other miniatures depicting Lombard kings under arches in conversation with other personages (fols. 142, 148); see Jesus Domínguez Bordona, “*Notas sobre dos cópices longobardos*, *Revolta de archivos*, bibliotecas, e museus 43* Tercera época, 26, 638–50, esp. 649.


33. The encyclopedia entry text is from Rabanus Maurus’ *De univerbo* (also known as *De rerum naturis* or *De originibus rerum*), written ca. 842–46. On this image, see Marianne Reuter, *Medieval illustrators...: técnico e imagem no codice 132 di Montecassino* “*Liber Rabani de originibus rerum*,” trans. A. Marsoner (Naples: Liguori, 1993), 178.


35. While it is certainly possible that disputes were also settled in *laubiae* or similar open-walled structures in northern Europe or Lombard Italy (see the miniature from the *Leyes Langobardorum*, Figure 1), only the Carolingian *placita* from Italy attest directly to their existence. Neither the contemporary *placita* in France (see above, note 17) nor the earlier court records in Italy (the Lombard charters of the sixth and seventh centuries) supply detailed descriptions of judicial space. Lombard documents that mentioned *laubiae* were shown to have been forgeries: Luigi Schiaparelli, “Note diplo- matiche sui più antichi documenti cremonesi (secoli VII–VIII),” *Annales regni Francorum*, ab anno 817, in *Annales regni Francorum* (Manaresi, 2: 484, no. 268) and one of Volpini’s 43 *placita* (Volpini, “Placiti del ‘Regnum Italice’,” 317, no. 10).


37. Einhard’s two familiar passages: “Porticus, quam inter basilicam et regiam operosa mole construerebat, die ascensionis Domini subita ruina,” from his *Vita Karoli Magni*, 32, in *MGH, Scriptores rerum Germanicarum*, vol. 25, ed. G. H. Pertz and G. Waetz (Hannover: Hahn, 1911), 36; and, “lignea porticus, per quam incedebat, cum et fragili materia esset aedificata et tunc iam marceda et putrificata... incedentem desuper imperatorem subita ruina,” from his *Annales regni Francorum*, ab anno 817, in *MGH, Scriptores rerum Germanicarum*, vol. 6, ed. G. H. Pertz and F. Kurze (Hannover: Hahn, 1895), 146.


41. In these fifty-two *placita*, around thirty-five individual *laubiae* can be identified, although some of these might be the same building described differently by individual notaries. Conversely, the existence of an even
greater number of *laubia* can be inferred from cases in which mention of “the large *laubia* (*laubia maior*) implies the existence of a second, smaller one. Examples in *I placiti*: I: 412, 450 (nos. 111, 122); 2: 38, 277, 303, 320, 357, 385, 397, 401, 499 (nos. 152, 212, 218, 224, 232, 240, 245, 244, 273); 3: 89, 95, 110 (nos. 151, 353, 366).


55. Diana Fuss demonstrates how anti-essentialist positions cannot help but rely on essentialist generalizations. “To insist that essentialism is always and everywhere reactionary is, for the constructionist, to buy into essentialism . . . to act as if essentialism has an essence . . . .” Diana Fuss, *Essentially Speaking: Feminism, Nature and Difference* (New York: Routledge, 1989), quotes on 24, 40.


57. This so-called personality of the law was the right of a person to be judged by the law of his or her own nation regardless of the location of the proceedings. P. S. Barnwell, “Emperors, Jurists, and Kings: Law and Custom in the Late Roman and Early Medieval West,” *Past and Present* 168 (Aug. 2000), 6–29.

58. Present in *I placiti* 6: 455 in Trent were “vasi dominici tam Teutici quam Langoardi,” see Hübner, “Gerictherwurken der fränkischen Zeit. Zweite Abtheilung,” 35, no. 740. The references range in date from 845 to 1136 for Italy: 78, 87, 91, 155–38, 224, respectively, nos. 915, 965, 993, 1194, 1200, 1204, 1209, 1618.


60. Seven out of thirty-five *laubia* fall into the category of upper-story *laubia on a solarium*: Manaresi, *I placiti*, 1: 412, 531 (nos. 117, 141), 2: 280, 310, 600 (nos. 213, 221, 301), 3: 12, 126, 138 (nos. 326, 364, 369); Kim Sexton, “A History of Renaissance Civic Loggias in Italy from the Loggia dei Lanzi to Sansovino’s Loggetta,” PhD diss. Yale University, 1997 (Ann Arbor: UMI, 1998), 29–33, 64–67. One eleventh-century loggia in Mantua seems to have been composed of superimposed galleries (Manaresi, *I placiti*, 3: 210 [no. 400]), but for lack of Carolingian evidence, I will not analyze this type of loggia in this article.


62. The “long *laubia*” was part of a *solarium* ("in capite laubiae longania solarii") in Lucca that housed hearings in 941; Manaresi, *I placiti*, 1: 531 (no. 141).

63. Any *placita* taking place in a tower (*turris*) might also be tentatively included among *laubiae* inspired by Roman galleried gates, since the term *turris* could denote a gate or gatehouse (e.g., the former gatehouse at the steps of St. Peter’s in Rome, the *turris sanctae Maries ad Grada*, erected by the mid-eighth century and still visible in early-sixteenth-century drawings). For one *laubia* in a tower in 990, see *I placiti* 2: 277 (no. 212). Other *placita* held in *turris*: *I placiti* 2: 215, 497 (nos. 198, 272); *I placiti* 3: 210, 297, 377–78 (nos. 392, 423, 458); and still others in front of fortresses and/or their gates ("ante porta castris"): *I placiti* 3: 64, 190, 235 (nos. 345, 385, 403). For the gatehouse at St. Peter’s, see Werner Meyer-Barkhausen, “Die frühmittelalterlichen Vorbauten am Atrium von Alt St. Peter in Rom,” *Wallraf-Richartz Jahrbuch* 20 (1958), 7–40.


69. In the royal estate at Anappes in ca. 810, a *solarium* above a gate is “for dispensing” (“porta lapidea, et desuper solarium ad dispensandum”), in *Brevis exempla ad describendas res ecclesiasticas et fiscales*, 25, in MGH, *Capitularia*, 1: 234 (no. 128). I thank Janet Nelson for first alerting me to this telling passage.


72. The image of a city gate (albeit without a gallery) appeared on the reverse of a group Chamagne’s bulls that celebrated the renovatio of Rome under the Carolingian sovereigns; see Schramm, *Deutschen Kaiser und Könige*, pl. 5a–k.


75. Cagiano de Azevedo is the first scholar to discuss the Lorsch gatehouse as a possible *laubia* (i.e., the lower level) with false *solarium* on the upper floor (“Laubia,” 445–51).

76. See MGH, *Capitularia*, 1:284 (no. 136), and 2:346 (no. 278).


78. The Chalke (“Bronze”) Gate was a two-story entrance vestibule, reconstructed anew by Justinian in 522; see Cyril Mango, *The Bronze House: A Study of the Vestibule of the Imperial Palace of Constantineople* (Copenhagen: 1 kommission hos Munksgaard, 1959).

79. See above, notes 60, 61. By contrast, the “long laubia” was of a *solarium* in Mittermüller’s *Vita et regula* (p. 1: 531, no. 141) would most likely not have recalled a review stand due to its length.


81. Balcony loggias do exist in the civic architecture of some republican city-states. Venice’s Palazzo Ducale has two, the earliest *balcone*, facing the lagoon and dating to ca. 1400–1404, was installed in what was then called the Palazzo Pubblico (ca. 1344). See Egle Renata Trincanato, “Il Palazzo Ducale,” in *Piazza San Marco: l’architettura, la storia, le funzioni*, ed. Giuseppe Samonà, et al. (Venice: Marsilio, 1970), 116.


86. Herklotz, “Der Campus Lateranensis,” 17–24, with the earlier literature.


89. In terms of spatial performativity, the setting in this miniature also resonates with the contemporary description of the *solarium* at Anappes “for weighing out” goods or charity (ad dispensandum). See above, note 69. On the miniature, see De Wald, *Illustrations of the Utrecht Psalter*, 50–51; Van der Horst and Engelbrecht, *Utrecht-Psalter: Kommentar*, 85.

90. The *placitum* from Piacenza is dated 25 October 976: “. . . in lobia
rotunda, que est in capite de sola maiore iupis castrì . . .” (I placiti 2: 170 (no. 181)).

91. Garipzanov links the use of the regal festivigium with a triangular, rather than semi-circular, pediment by Carolingian monarchs to the symbol's Davideic associations (18–20).


94. Manaresi, I placiti, 1: 467 (no. 125).


96. Despite similarities to the abbot’s residence on the plan of St. Gall (Figure 6). Pomposa’s so-called Palazzo della Ragione does not appear to have been the abbot’s quarters. It was among the buildings at the western edge of the monastery that served visitors and laymen. The most recent studies are Carla Di Francesco, “Riconoscimento delle superstiti fabbriche pompasiane. Il Refetorio, ipotesi e studii” in Pomposa: storia, arte, architettura, ed. A. Samaritani and C. Di Francesco (Ferrara: Corbo, 1999), 225–35, esp. 230–17; Andrea Alberti, “Il Palazzo della Ragione. Storia e restauri,” ibid., 225–90, esp. 265–71.

97. Venice’s Gothic palatium communis, completed ca. 1344 and now part of the Palazzo Ducale, is one example of a long, multiple-bay portico in a communal government building.


99. See ibid., 1: 241–45 compared to 1: 321–4. Frazer identified the presence of a low socle as well as the arcade (rather than a trabeated colonnade) as indices of the medieval cloister’s departure from classical Greco-Roman peristylo design. Alfred Frazer, “Modes of European Courtyard Design Before the Medieval Cloister,” Gesta 12, nos. 1–2 (1973), 1–12.

100. The east portico facing the poultry barns opens through two entrance passages, although the second opening may have been an afterthought as it seems to have been drawn over an existing wall line.

101. Upstairs the abbot’s house has a supply or treasure room (camera) and a sun room (solarium). Horn and Born do not read this solarium as anything more than a window-lighted upper-story chamber. Horn and Born, Plan of St. Gall, 1: 322.

102. For Anappes, see above, note 69. For the role of a hedge in Frankish spaces of justice, see below, note 113.


104. These are the same laubiae listed above in note 91.


109. For 921, see Manaresi, I placiti, 1: 492 (no. 131); the others: ibid., 1: 504, 528 (nos. 135, 140), 3: 187 (no. 384). Additionally, in 947 at a villa called Gratigio near Bobbio: “sub qualdum arbo re quod vocatur Pera,” ibid., 2: 121 (no. 172).

110. ibid., 1: 397, 472 (nos. 107, 126). For a laubia along the river bank in Verona: ibid., 1: 36 (no. 12); 2: 103, 320, 385, 591, 661 (nos. 218, 224, 240, 299, 120); and near Modena: ibid., 1: 203 (no. 389). For hearings held in an ortus, viesliaireium, breamium, or pratum, or campus, see ibid., 1: 479 (no. 128); 2: 101, 105, 118, 127, 192, 236, 274, 318 (nos. 165, 166, 170, 173, 190, 205, 211, 228); 3: 228, 271, 357, 427 (nos. 399, 416, 457, 475). In one provincial case recorded in 967, the field carried the designation “of the law” (campus iuris); ibid., 2: 48 (no. 154).

111. Tac. Germ. 9.2. Tacitus also mentions woods sacred to specific tribes, thus ascribing ethnic value to them: 39.1, 40.3, 43.4. Other classical evidence is found in Tacitus, Julius Caesar, Lucan, and Maximus of Tyre: Tac. Hist. 4.14.2; Tac. Ann. 1.61.3, 2.12.1; Tac. Germ. 39.1; Caes. B Gall. 6.13.10; Luc. 3.399–405; the more positive Maximus of Tyre (second half of the century CE), Historiae comm. 2.8.1 (M. B. Trapp’s edition [Stuttgart: Teubner, 1994], 19). On the destruction of natural shrines by Christians, see below, nn. 125–27.


115. For example, Tac. Ann. 1.61.3: Luc. 3.399–405. Images of the awe-torne terror of the Germanic wood could be countered with ironic attitudes toward “woodland laws” (cura silvestris), such as that found in the Latin comedy Querulus (variously dated between ca. 400 and 1100), Act 1, sc. 2. The dating remains a matter of debate but does not compromise the argument put forth here; see Anna Maera, Querulus sine Audelaria. La novella cronologia e il suo autore (Turin: Le Lettere, 1991).


117. Gregory of Tours, Libri historiarum X, 5.18, in MGH, Scriptorum rerum

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124. On Charlemagne felling the lirnnsis, the earliest source is the Annales regni Frisiorum inde ab anno 741. quae ad a. 829 in MGH, Scriptores rerum Germaniarum, 6: 32, 34; a later reference in Rudolf von Fulda, Translatio Alexandri, 3 (see MGH, Scriptores, vol. 2, ed. Idlefons von Arx (New York: Kraus, 1963), 676. For Charlemagne’s legislation against trees and groves, see MGH, Capitularia, 1: 59, 69. Also, J. H. Philips, The Sacred Tree, or The Tree in Religion and Myth (1967, Minesota, N.Y.: Doover, 2004), 120.
125. The earliest was the Second Synod at Arles in 452. Synodal canons were repeated later in Gaul and, as missionary efforts spread, in regions farther north; see Demandt, Über alles Wipfel, 144.
127. See Vita Bonifatii, 6, in MGH, Scriptores rerum Germaniarum, vol. 57, ed. Wilhelmine Levison (Hannover: Hahn, 1905), 31–32. This episode hap- pened in 722/23, but the location of Geismar in Germany is not known.
128. Sturhunus describes the cosmic ash as one whose “branches spread out over the whole world and hold the sky” and whose three roots are extremely far apart, the third being the sacred “source of destiny.” The Prose Edda, by Snorri Sturluson, trans. Arthur Gilchrist Brodeur (New York: The Ameri- can-Scandinavian Foundation, 1916), 27.
132. See above, note 109.
133. One finds a tribunal and a public assembly staged in a lobium at the Abbey of St. Trond and/or its municipality in the fourteenth century. Gesta abbatum Trudonensis Continuatio Tertia, Pars II, 7 and 12 (in MGH, Scriptores, ed. G. Pertz (Hannover: Hahn, 1952) 430, 440.
137. Writers in the Carolingian period began to identify entire armies for the ethnicity of the king under whom they fought, for example, the army of the gens Franci. Susan Reynolds, “Medieval Origins Gentium and the Community of the Realm,” History 68 (1983), 375–90, esp. 382–87. Geary, “Eth- nic Identity,” 22.
140. Liutprand of Cremona, Legatio 7 and 12, in Ludprandi Cremonensis opera omnia, ed. Paolo Chiesa (Turhout: Brepols, 1998), 190, 192–93. For Lombards styling their hair “Roman” when they appeared before the pope, see above, note 56.
141. Paul the Deacon (ca. 720–99) records that a group of Saxons refused to submit to Lombard law and left Italy (Historia Langobardorum, 5.6). Also, Harrison, “Dark Age Migrations,” 24–25.
142. Even at the dawn of the communal era, a certain Anselmo, resident of Padua, could still declare in court that he is living by the Salic law: “Profes- sus sum ex nac(ione) mea lege vivere Salica,” from a charta promissionis...

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loggia (laubia frascata) in the main courtyard of the episcopal precinct in Vicenza. \textit{I placiti} 3: 187 (no. 184).


146. I thank Creighton Gilbert for kindly bringing this \textit{laubia}, long hidden in plain sight, to my attention.


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