Charlemagne’s Monastic Policy and the *Regula Benedicti*:
Frankish Capitularies from 742 to 813

by

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A thesis submitted in conformity with the requirements for the degree of Master of Arts
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Abstract

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The political implications of Charlemagne’s promulgation of the Regula Sancti Benedicti (RB) to Carolingian monasteries are enormous, but the political motivations for his decision and the legislative background have not been explored.

The author examines the relevant capitularies and compiles extensive appendices, identifying ‘themes’ in the legislation. A group of five themes connected with the implementation of the RB are examined, and a chronology is developed. A shift from a ‘soft’ policy on the use of the RB to a ‘hard’ policy is identified at c794.

The political motivations for this shift spring most immediately from a series of political reversals Charlemagne had to overcome. The more fundamental political cause was an ineluctable weakness of the government: the lack of the means to compel allegiance. The RB was selected from among other rules in part because it combined a highly authoritarian structure with a recognition of episcopal authority, making it suitable to the king’s political needs.
Acknowledgements

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A note on citations

Citations in the footnotes are abbreviated after the first instance. Abbreviations use the ancient author name where applicable, and the modern editor name otherwise. In cases where two editions of an ancient work have been consulted, editor names are used. Some secondary material has been consulted in translation, in which cases the date of publication in the original language has been provided in square brackets. See the bibliography for full details.
Introduction

In 802 Charlemagne (768-814) promulgated legislation\(^1\) that required all the monasteries of his realm to conduct monastic life in accordance with a single regulatory text, the *Regula Sancti Benedicti* (RB)\(^2\). The law was the precursor to later and more effective legislation in 816-17 by Charlemagne’s son and heir Louis the Pious (814-840) that successfully established the RB at the centre of European monastic life\(^3\) and provided the basis for the eventual formation of the medieval *ordo* of monasteries as a fully realized institution\(^4\). Charlemagne’s initial legislation and his son’s follow-up are often passed over in general histories of medieval times, or presented as merely monastic events with few political ramifications. This reflects the inadequate assessment that more specialized scholarship has made of this effort to promote unity and standardization among monasteries.

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\(^1\) Alfred Boretius, ed. *Capitularia Regum Francorum*, vol. 1 of *Monumenta Germaniae Historica: Legum Sectio II*. (Hanover: Hahn, 1883), 108. Because this work is the main source of primary material for this thesis, references will hereafter be made in the text, and will only cite the document number as follows: (25.3), i.e. the capitulary numbered 25 by Boretius, article 3.


And yet, to the degree that the widespread use of a single regula was a decisive step forward in creation of the fully-fledged monastic ordo, the official promulgation of the RB was an event of the utmost consequence, not only for Europe's future religious life, but for its future political life as well. It was not until the dissolution of the church-state alliances that constituted the anciens régimes that the monastic ordo ceased to play a key role in European political life. In fact, it is undoubtedly a function of that dissolution that the idea of politically implicated monasteries has become improbable to us. For French revolutionaries, however, monasteries were an obvious and immediate target of anti-establishment action, as witnessed by the large number of them that were burned in 1789.

Naturally, when the Carolingians legislated the RB they did not proclaim as their object a deep politicization of their monasteries. Rather, it was said the monasteries were being readied for their rôle in a new, unified Christian society⁵. While the purpose of this paper is not to deny the Carolingians any religious motivations, the gap between the idealistic pronouncements of the government and the actual

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work that was completed in 816-817\textsuperscript{6} is striking. Some of the most fundamental precepts of monastic life as expressed in the RB were contravened in the very legislation that purported to raise the religious standards of monasteries. Such compromises reflect the highly political nature of the enterprise\textsuperscript{7}.

While some of the political background of the later legislation has been explored\textsuperscript{8}, and the strong continuity between the policies of Carolingian rulers is clear\textsuperscript{9}, the political dimensions of Charlemagne's initiative have not been addressed directly\textsuperscript{10}. This is true in spite of the abundant evidence that monasteries were a fundamental political support of the Carolingian dynasty, and the regulation of monasteries a primary concern.


\textsuperscript{7} For example the controversy in 816-817 on the interpretation of RB 56 De mensa abbatis, in which the dining habits of the abbot are prescribed. the question was whether he should be able to eat (and entertain) in private. At issue was the legitimacy of the often worldly men who occupied abbacies. See McKitterick (1983), 115 and M.A. Schroll, Benedictine Monasticism as reflected in the Warnefrid-Hildemar Commentaries on the Rule, (New York: Columbia University Press, 1941), 33–35.


Monasteries in themselves had a great deal of political importance, which derived primarily from the fact that, as early as the 6th century, they had become significant land holders. The Carolingians made use of monastic resources to elevate themselves to the de facto leadership of the Merovingian Empire, and subsequently these monastic lands provided a key support for the establishment of the Carolingian Dynasty and Empire. Monasteries were also of fundamental importance to the Carolingian power base because they provided religious support to the kings in the form of

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10 This in spite of the work of Joseph Semmler and the strong concentration on Carolingian politics in general since the 1960s, discussed below. In Italy the Church was the largest single landowner from the end of the sixth century, see R.A. Marcus "Argus Luminosissimus: the pope as landlord," in Gregory the Great and his World, (Cambridge: Cambridge University Press, 1997), 112. David Herlihy, "Church Property on the European Continent, 701-1200." Speculum, 36 (1961): 81-105, shows that, across Europe, Church property as a percentage of cultivated land from 751-825 tripled from 10 to 30%. See also J.M. Wallace-Hadrill, The Frankish Church, (Oxford: Clarendon Press, 1983), 124, 133ff, supporting Herlihy’s conclusions and relating them to monastic lands, which will have accounted for a large proportion of these church possessions.

11 In the particular importance of monasteries to the early political success of the Carolingian dynasty (called the Arnulfingians, or Pepinids) see Wallace-Hadrill (1983), 133ff, and 163, where he describes Charlemagne’s father Pippin III and his very close ties to St. Denis. See also J.M. Wallace-Hadrill "A Background to St. Boniface’s Mission" in Early Medieval History, (Oxford: Clarendon Press, 1975), 141 and Barbara H. Rosenwein, Negotiating space: power, restraint, and privileges of immunity in early medieval Europe, (Ithaca, N.Y.: Cornell University Press, 1999), 99.

prayer, as well as religious legitimacy to the family's claims to rulership\textsuperscript{14}.

In addition, monasteries were expanding in both numbers and functions, becoming increasingly important to society at large. This was especially true following the general cultural watershed of the first half of the eighth century\textsuperscript{15}. Scholars have seen that monasteries played crucial roles in many aspects of the daily life of Carolingian society. Monasteries generated wealth\textsuperscript{16}, performed multiple social functions\textsuperscript{17}, acted as a complement to military colonization\textsuperscript{18} and cultural domination\textsuperscript{19}, and played a material part in politics and

\textsuperscript{14} The monks of those monasteries closely associated with the royal family, for instance the monastery of St. Denis, would pray for the rulers, and the King's association with holy places was important for his power. Many Carolingian kings were raised and/or buried on monastic lands, including Charlemagne's parents. See Einhard, \textit{Einhardi Vita Karoli Magni}, ed. O. Holder-Egger, (Hanover: Hahn, 1911), 22.


\textsuperscript{18} Rosamond McKitterick, \textit{The Frankish Church and the Carolingian Reforms 789-895}, (London: Royal Historical Society, 1977), 41-45.

economics at the local level\textsuperscript{20}. The monastic policy of the
Carolingians was faced with this burgeoning complexity, and
will have attempted to impose some degree of order\textsuperscript{21}. The
adoption of a single regula thus had a direct bearing on all
those for whom the maintenance and control of monasteries was
of importance, the Carolingian royalty being first among them.

However, the usually adduced explanations for this
imposition are that Charlemagne was motivated by religious
considerations, or that, alternatively, the 'humanistic'
approach of the RB appealed to him, and harmonized with his
plan of renovatio, which was in large part focused on the
study of ancient and authentic texts. However, the present
paper will prove that Charlemagne's political motivations for
choosing the RB were powerful, and they reflect the strong
connections between the monastic and political spheres that
existed in Carolingian times.

Part 1 discusses the scholarship and frames more
specifically the questions to be addressed. Part 2 is a
detailed exposition of the aspects of Charlemagne's monastic
policy that relate most closely to the RB, based on the
legislative (capitulary) sources. In Part 3 an account of the

\textsuperscript{20} Rosenwein (1999), 99-135.
\textsuperscript{21} One of the main outcomes of improved administrative order and management
of Carolingian royal estates was an increased flow of wealth to the royal
specific circumstances that spurred Charlemagne to impose the RB is made, from which it becomes clear that Charlemagne undertook to implement the RB in his monasteries to confront and overcome the political challenges he faced. Considering the complexity of the capitulary sources four appendices have been included to support the argument of this paper. Appendix 1 presents a table depicting the overall frequency of legislation relevant to monasteries and comments on the implications of the pattern of documentation for research. Appendix 2 lists the names, dates, and best editions of the material, with citations to secondary works discussing the dating. Appendix 3 contains a detailed breakdown of the legislation relevant to monasteries according to theme. Appendix 4 is a reproduction of the Carolingian legislative material relevant to monasteries presented according to the best editions presently available.
Part 1: Scholarship

There exists no general work of synthesis representing the current state of scholarly knowledge on Carolingian monasticism. This is a critical deficiency, especially on account of the appearance in recent decades of several disparate lines of scholarly inquiry which either discuss monastic issues directly or have substantial relevance for them. These trends include substantial work on Carolingian politics, a focus on prosopography, the development of the idea of the gift-economy and a related reconsideration of the economic affairs of monasteries, new study of the daily life of Carolingian monasticism.


of monks and the monastery, more detailed work on specific regions, sometimes with a specifically monastic importance, and a growing body of work centering on property issues.

General books that make broad presentations on Carolingian society will usually take some account of monasticism, but are almost always compelled by their wider perspectives to be selective, and as a result the authors often generalize along well-established (but not necessarily accurate) lines, or produce idiosyncratic views of the subject. For the most part the issue of the legislation of the RB has been treated in these works either as a religious matter or as part of the so-called Carolingian renaissance, a programme of cultural renewal based on educational initiatives.

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28 This is perhaps the area that will produce the best future insights into Carolingian monasticism and Carolingian society generally. The place to start is now Rosenwein (1999), who describes the nature of immunities and their importance as an expression of the political involvement of monasteries. Property issues are also explored in Wendy Davies and Paul Fouracre, eds., *Property and Power in the Early Middle Ages*, (Cambridge: Cambridge University Press, 1995) and Susan Reynolds, *Fiefs and Vassals: the medieval evidence reinterpreted*, (Oxford: Oxford University Press, 1994), 57–64, and 75–114.
30 For instance Collins (1998), 116 takes the view that there was no attempt on Charlemagne's part to have the RB used in all monasteries, but does not provide support for his position.
undertaken by Charlemagne\textsuperscript{32}. These treatments are typically brief and short on specifics, though there are some important exceptions\textsuperscript{33}. Motivations other than the political for the use of the RB are not to be downplayed, and we shall see that there were important religious and educational motivations for imposing the RB, but the lack of a political consideration of this issue is the more striking considering the attention, referred to above, that has been given to Carolingian politics over the past decades.

For direct, authoritative, and comprehensive description of Carolingian monasticism one has to turn to journal articles

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\textsuperscript{31} This approach, which appears mostly in scholarship prior to the mid-century, is found in Louis Halphen, \textit{Charlemagne and the Carolingian Empire}, trans. Giselle de Nie, (New York: North-Holland, 1977 [1947]), 149, and also in more specialized works, such as Carlo de Clercq, \textit{La législation religieuse franque de Clovis à Charlemagne}, (Louvain: Bureau du recueil, Bibliothèque de l'Université, 1936), 112-113, 201.

\textsuperscript{32} For instance Collins (1998), 115-117. As a supplement to treatments of monastic policy which see it as a function of Charlemagne's renaissance efforts note the discussion of the effect of the increasing wealth of the empire on Carolingian intellectual life (and by implication its monastic institutions) in Heinrich Fichtenau, \textit{The Carolingian Empire}, tr. Peter Munz, (Blackwell, 1957 [1949]), 80-87.

\textsuperscript{33} Especially McKitterick (1983) and Wallace-Hadrill (1983). Although account has been taken of the most relevant recent work in German (see below), this general statement relies on electronic searches and reports of scholarship, not on a thorough knowledge of the work in German. For comment in English on German scholarship see especially Patrick Geary, \textit{Before France and Germany: the creation and transformation of the Merovingian World}, (New York: Oxford University Press, 1988), and Rosenwein, (1999), 9-18 on immunities.

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or chapters in thematic collections\textsuperscript{34}. Unfortunately, although important recent works exist, on the topic of the RB and its political importance they are inadequate. The starting place is the work of Joseph Semmler, and in particular an article which, though it is now 35 years old and needs updating, remains fundamental\textsuperscript{35}.

In this article, a survey of Charlemagne's monastic policy, Semmler demonstrates that under Charlemagne monasteries in the central regions of his realm went through a period of stagnation and decline, while those on the margins flourished\textsuperscript{36}. This geographical pattern corresponds to the distribution of land and other advantages, called privileges, that the king bestowed on monasteries. These matching patterns demonstrate the existence of a planned exploitation of monastic resources, i.e. a monastic policy. The privileges that Charlemagne granted to monasteries (and to the individuals running them) were his main method of gaining


\textsuperscript{36} Semmler (1965), 288.
control of monasteries (where they were not already in his power), managing them, and changing them.

Semmler identifies four objectives that Charlemagne had for monasteries: he employed them to disseminate Frankish culture via the Carolingian renaissance; to help him strengthen the political influence of the Frankish government; to colonize and develop the margins (helping consolidate his military successes); and to convert the pagan with missionary efforts, especially east of the Rhine\(^37\).

Regarding the RB under Charlemagne, Semmler emphasises four dates: 782, when Benedict of Aniane, a great promoter of the RB, started to build a monastery specifically devoted to the exclusive use of the RB with the permission of Charlemagne\(^38\); 789, by which date the RB and the order of monks were regarded as one south of the Loire and in the Neustrian heartland\(^39\); 802, when the RB was made the legal standard for the Empire\(^40\); and 806, after which date Charlemagne had turned away from his monastic programme as a whole\(^41\). The effort to promote the RB as the standard failed, Semmler says, due to opposition from abbots adhering to the rival Regula Mixta tradition, led by Adalhard of Corbie.

\(^{38}\) Semmler (1965), 260.
\(^{39}\) Semmler (1965), 264, but such was not the case: see de Jong (1995), 631.
\(^{40}\) Semmler (1965), 266.
\(^{41}\) Semmler (1965), 288.
This picture has undergone substantial revision where the RB is concerned since 1965. The primary question is the date after which it may be said that the RB became predominant in the Empire. Between c.400 and c.800 a large number of different monastic rules had come to be used in western Europe, and in addition rules were used in various combinations. Mixed rules were widespread, in particular a mixture of the RB and the Regula Monachorum by Saint Columbanus\(^\text{42}\) called the Regula Mixta, which had been dominant in Frankish lands in the seventh century. A question as to what rule was to be followed extended from the mid-seventh century\(^\text{43}\), and brought on the end of the Regula Mixta period by the mid-ninth century\(^\text{44}\). References to the RB in the founding charters of monasteries are common by the late seventh century, and this has suggested to some that the RB was the dominant rule in Francia by the mid-eighth century at the latest\(^\text{45}\). But these references are symbolic or ornamental, and in no way correspond to an exclusive use of the RB at the


\(^43\) Semmler (1965), 287. For instance, some female monasteries wanted to reject both and live a "common life", i.e., without any regula.

\(^44\) 816/17 is often given as the pivotal date, but some intransigent adherents of the Regula Mixta refused to give in to the royal directive until long after. See A.E. Verhulst and Joseph Semmler, "Les statuts d'Adalhard de Corbie de l'an 822," Le Moyen Age 17 (1962): 91-123; 233-269.
monasteries in question. This evidence of the spread of the RB therefore indicates the spread of its reputation more than of its actual use, and we must regard the increasing use of the name of the RB as a metaphor or byword in charters for the 'genuine monastic tradition', rather than the spread of the actual text. Moreover, even where the RB was actually given priority in the daily practice of the monks, it was, until late in the eighth century, and probably later in many places, at best an interpolated version of the RB. Thus it is as yet unclear whether under Charlemagne the RB can be considered to have been pervasive or not. This will be important in Part 2, where we begin to look at the sources.

Semmler identified 806 as the date of Charlemagne's

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46 These documents cited regulae as a means of indicating the authenticity of the monastic tradition that was to be followed. The RB became the dominant emblem of authenticity by the start of the late seventh century, but that should not lead us to believe that the RB was actually used by a majority of monasteries. Communities at this time often lived in direct contradiction with the principles of monastic life set out in the RB. For example, many allowed the ownership of private property. See Semmler (1993), 79-80.

47 Semmler (1993), 79.
abandonment of his monastic policy, based on the cessation of land grants to monasteries. It now appears that the reason for this cessation was the completion of an important aspect of Carolingian monastic policy that had been underway since Pippin's time. Pippin required monasteries to be either episcopal or royal, making lay control by over-mighty aristocrats illegal (14.20). The break-up of episcopal states to thwart the ambitions of regional aristocrats was completed in 806, and so ended the need for systematic grants of land. This cessation in 806 contrasts with the sudden halt in the promotion of the RB that, as we shall discuss below, took place three years earlier in 802-803.

The scholarship reviewed above does provide a fairly coherent picture of Charlemagne’s monastic policy, and also makes clear the political uses that Charlemagne had for

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48 The degree to which the eighth century was still a *Regula Mixta* period is shown by the lack of any surviving manuscript that contains only the RB, or any other single rule for that matter, and there is no manuscript of the RB from this period that is not interpolated with the writings of various other monastic authors; see Semmler (1993), 80. In 787 Charlemagne is said to have encountered the supposed autograph at Monte Cassino, and a copy was made. But the earliest manuscript of the RB in an uninterpolated form that survives is connected to the councils of 816-817, and it would seem that a truly uncorrupted version was not available in Frankish Gaul until c.800. This would be the now lost Aachener Normalexemplar. On the other hand, there remain many examples from the 8th and 9th centuries of the 'interpolated' version of the RB, while even following 816/17 very few 'pure' texts survive, see McKitterick (1983), 119-121.

49 See n.1 for this form of reference.

50 See McKitterick (1983), 41-45 and de Jong (1995), 626. Lay control of episcopal monasteries continued to be a reality the Carolingians had to contend with, however.
monasteries. But no studies have addressed with clarity the question of the political aspects of the RB’s promotion.

Usually, as noted, it is presented in religious or cultural terms, an approach which has tended to cast the issue in terms of the interior life of the monastery, as opposed to a more public life. Typical of this view are McKitterick’s comments on Pippin’s reform activities and the promotion of the RB, where she states that

[b]ecause Pippin made so much use of the monasteries as the foundation of his power, he was more or less obliged to do something about the internal organization...of these establishments^51.

In contrast, her statements about Pippin’s monastic policy in general are more interesting: the policy was “fully integrated into his political activities” and was “extraordinarily complex”^52.

This division between outer and inner is a long-standing characteristic of monastic studies, as was noted and discussed by Giles Constable in 1974^53. As a scholarly tool it has been useful, but it is a construct that has definite limitations^54. Constable considered a wider treatment of this double focus the next step in monastic studies. He advised moving toward,

^51 McKitterick (1983), 53.
^52 McKitterick (1983), 41
"what may be called monastic ecology: the mutual relations between monasteries and their environment."\textsuperscript{55}

The distinction between outer and inner appears in most scholarly works, and even the best can be adversely affected. One example is found in the most recent overview of Carolingian monasticism; Mayke de Jong's 1995 "Carolingian Monasticism: the power of prayer"\textsuperscript{56}. At first de Jong seems to avoid this problem as she tells us that her overview "is about the impact of the powerful -kings and aristocrats- on the inner world of the cloister."\textsuperscript{57} Her description falls into two parts, the first dealing predominantly with external or political issues, and the second describing monastic, religious reactions to these forces. However, while the imperial prescription of the RB is discussed, and the pervasive influence of the RB over lives and outlooks of the monks is also described, the political facets of this situation are not made clear. Rather, de Jong ends up superimposing on the interior-exterior polarity a religious-political divide that further stereotypes the topic.

We have seen that the multi-faceted role monasteries were coming to play in Carolingian society, and in particular the

\textsuperscript{55} Constable (1974), 29.
\textsuperscript{56} De Jong (1995).
\textsuperscript{57} De Jong (1995), 623.
political importance of monasteries, has received attention in recent decades. However, due most probably to the interior-exterior separation in monastic studies and its analogue in the religious-political division, the political importance of the implementation of the RB in all monasteries by royal authority has been neglected. It will be the primary work of this paper to demonstrate the political advantages that the establishment of the RB provided to Charlemagne. In doing so, however, the internal-external division will not be employed, and we will be looking for evidence in the sources that can show how the RB was important to matters usually considered external.

A final introductory word should be said on the work of this paper. While it is important to show the political side of Charlemagne’s monastic legislation, it must be remembered that the Carolingians themselves did not generally draw the distinction between the political and religious spheres. In fact, it was in the opposite direction, toward a union of the political and the spiritual, that the times and their inclinations were taking them.

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**Part 2: Themes in the Capitularies**

An overview of the narrative sources for the period shows that no clear descriptive statement of Charlemagne's monastic policy remains. No letter, treatise, biography, or chronicle describes the overall policy in a straight-forward manner, so naturally there is no explanatory account of the RB's place in the monastic policy. In spite of the lack of an explicit description of it, the policy as it was actually enacted is more or less extant in the legislative source material, the capitularies. It is in the capitularies that we encounter most directly the actual actions and the stated or implied objectives of the royal power. Accordingly, the capitularies will be the main source for this thesis, supplemented where necessary by chronicles.

It should be noted that the dates selected as limits of research (742-813) extend 26 years prior to the beginning of Charlemagne's reign in 768. This has been necessary for two reasons. Firstly, Charlemagne's policies of government were strongly influenced by his predecessors, especially in the

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58 For comments on the representativeness of the capitulary sources, see Appendix 1.
59 Being imperial commands, warnings, and statements of law, these sources have their limitations: only rarely do we get any hint of how effective they were. Opinion varies, and the topic of the efficacy of Charlemagne's government in general is an open question. See Ganshof (1971 [1951]) 125-142, who takes a more positive view than most. See also McKitterick (1977), 19-20 on the force of written documents in this context, and P.D. King ed. and trans. *Charlemagne: Translated Sources*, (Lancaster: University of Lancaster Central Print Unit, 1987), 35-36, on the *Responsa misso cuidam data* (Bor. 58) and its importance for this question.
first part of his kingship to 779\textsuperscript{61}. Secondly, the paucity of capitularies for the earlier years makes it desirable to use all the documents that might be pertinent\textsuperscript{62}.

The best edition of the capitularies is that of Alfred Boretius, published in 1883. However, this volume is in need of replacement\textsuperscript{63}. Since its publication there has been considerable progress made in dating the documents\textsuperscript{64}, and there have also been great improvements in our understanding of the significance of certain key documents\textsuperscript{65}, as well as the recognition that the capitularies fall into several types\textsuperscript{66}. For the purposes of this paper the main distinction to be observed will be between normative capitularies which may be described as legislative or statutory (relatively few), and those, the capitularia missorum, which are concerned more to administer existing law, and may be considered the analogue of regulations. Considering that our initial goal is to outline Charlemagne's monastic policy in a general way, and that all the capitularies emanated from a single central authority\textsuperscript{67}, we

\textsuperscript{60} Chronicles can provide valuable supplementary comment on the significance of legislation, see n.40 below.

\textsuperscript{61} Ganshof (1949), 521.

\textsuperscript{62} There are five capitularies predating Charlemagne with relevance to his monastic policy. These supplement the 16 which pertain to the earlier and less fully documented years of his reign before 800. From 800-813 34 relevant capitularies survive; see appendix 2.

\textsuperscript{63} According to King (1987), 23 "nothing is more necessary in the field of Carolingian Scholarship than that this edition, often seriously defective, should be replaced."

\textsuperscript{64} Note of which is taken in the appendices.


\textsuperscript{66} F.L. Ganshof, Recherches sur les capitulaires, (Paris: Sirey, 1958), 72-85 provides a typology. Also useful are his comments in Ganshof (1971 [1961]), 102-103.

\textsuperscript{67} Ganshof (1971 [1961]), 102.
will first look at all the references to monastic affairs as a whole, keeping it in mind to treat 'regulatory' provisions only in the context of the 'statutory' documents which they support. A new edition⁶⁸ would be able to take account of a great deal of new information, and would be very useful for identifying new questions.

Of the 124 documents assembled in the Boretius edition that pertain to the reign of Charlemagne and his immediate predecessors, 61 contain information relevant to the present study. 38 of these form what may be called the main body of monastic capitularies, since they appear to have applied to the Empire as a whole. An additional eight are Italian capitularies, which, although of a more restricted jurisdiction, will be treated along with the main body⁶⁹ since they do not differ in substance regarding monastic issues, and because presenting them along with the others aides in establishing a chronology of the monastic policy. Eleven other capitularies are not presently dated with precision, but because they all appear in the years following 800 they do retain some value, and will be made use of in the argument of this paper in reference to more securely dated documents. Four

⁶⁸ Roger E. Reynolds, in lecture, has said that a new edition is being prepared by Hubert Mordek.
⁶⁹ The question of whether the Italian capitularies should be treated along with, or separately from, the others has not yet been resolved. See Ganshof, (1958), 16-18, and de Clercq (1936), 160-161.
additional documents are not dated, and are not used. Detailed information on all 61 capitularies (38 main, eight Italian, 11 less exactly dated, and 4 undated) are presented in the appendices.

The capitularies are comprised of articles, and each article may also be subdivided into discreet ideas, expressed in clauses. Most often these are commands, sometimes questions or statements. The individual clauses relevant to monasteries fall into two types, those that recur often and express enduring concerns (here called themes), and those that occur only once or twice, and can be considered to express incidental concerns. The general features of the legislation may be briefly described here before moving on to specifics.

The Italian Capitularies are Bor. 89 and 91-97. The 11 dated imprecisely are Bor. 121, 102, 38, 54, 58, 69, 84, 117, 116, 47, and 79 (see appendix 2, numbers 47-57). The four undated are Bor.19, 104, 105, and 118 (see Appendix 2, 58-61). Bor. 19 clearly has interpolated elements, and may in fact be a forgery of the 9th century: see F. Lot, "Le plus ancien capitulaire de Charlemagne," in Annuaire de l'École pratique des Hautes Études, vol.12 (Paris: section des sciences historiques et philologiques, 1924-5), 569, who advises against using it until its authenticity is determined. In any case, this document expresses little of interest for this paper except for strong indications of the continuity of policy between reigns, but this point is fully supported with other evidence: see p.3 n.10 above.

I have indicated Boretius' numbering, and I have retained this numbering in the text of this paper for ease of reference to any future edition. These appendices constitute the first collection of capitulary material relevant to any period of Carolingian monasticism since Bruno D. Albers, ed. Antiquriora Monumenta Maxime Consuetudines Casinensis inde ab Anno 716-814, vol. 3 of Consuetudines Monasticae (Monte Cassino: Typis Societatis Editricis Castri Casini, 1900-1912). Albers' work has a much broader scope, both in time frame and in types of documentation, and collects only the most important capitularies. Those clauses that express ideas that do not fall into the themes identified here are listed in Appendix 3 under the title Single Issues.

The classification that follows is the first of its kind regarding the Carolingian monastic legislation, so far as I can determine. All terminology employed to describe the themes is of my own invention.
As a whole the monastic legislation is concerned to establish order and reduce crime in monasteries. Within this broad purpose twelve main themes can be identified. These may be divided into three groups, which express the most general features of the legislation. Naturally, considering the general unity of the legislation, there is a degree of interpenetration between the three groups. The first group is concerned with establishing, maintaining, and improving institutional order, whether it be within individual monasteries, within monasteries as a group, or within Church administration in general as pertains to monasteries. This group includes the Regula Theme (the main focus of this paper), which is concerned with having monks follow either a rule of their own choosing, or the RB as suggested or mandated by the royal authority. The Bishop-Abbot Theme addresses the relations between bishops and abbots, especially the issue of the bishop's authority over the abbot. This theme is closely related to the Regula Theme. The Monk/Canon Theme shows the continuing efforts made to distinguish between monks and canons. The Justice Theme includes all issues concerning the religious courts, from maintaining the separation between ecclesiastic and secular courts, to establishing an effective appeal process, to specifying the punishments and fines for particular crimes. The Newcomer Theme concerns the equitable admission of children and adults into the monastic order.
The second general category of themes concerns the behaviour of individual monks and abbots, and is interesting for the light it sheds on the type of difficulties the Carolingians faced within the monastic order, as well as the efforts they made to separate monks from the rest of society. The Vagrancy Theme, the Hunting Theme, the Fornication and Drinking Theme, and Simony Theme (including all references to extortion, bribery, influence peddling, etc.) give us a fairly good idea of the lack of discipline, love of luxury, irreligiosity, and outright criminality which could exist under the auspices of monastic houses.

The final general category concerns the connections between the monasteries and the wider world. In the Secular Business Theme we find repeated admonitions for monasteries to halt all business, or to limit it in certain ways, while in the Property Theme we find the king treating the monasteries like administrators of royal lands. Likewise, in the Various Uses Theme, we find some of the roles that monasteries were made to perform on behalf of the Carolingian state, including functioning as schools, hostels, prisons, and centres of military recruitment.

All of the themes outlined above are important to the history of Charlemagne's monastic policy, but the legislation is dominated by two very large themes, the Regula Theme and the Bishop-Abbot Theme, both of which belong to the first
group on institutional concerns. Because the question of the political motivations for the promotion of the RB is the focus of this paper, we will treat the first group in its entirety in order to take into account those elements of the legislation that are most directly related.74

The Regula Theme expresses the single most pervasive concern that Charlemagne and his predecessors had for monasteries: that monks ought to live "according to rule". Whether, and when, the legislation referred to the RB, or to a different rule, or to no particular rule, will be our first question. The significance of this theme may be gathered from its size: references occur 123 times (i.e. in 123 separate clauses), very nearly double the seventy-three references that comprise the Bishop-Abbot Theme, which is the second largest by a large margin. Even more arresting is the uniformity of the Regula Theme's message. Whereas other themes express a variety of ideas, the Regula Theme focuses on this single thought almost exclusively. This uniformity, combined with a certain impenetrability of the language, may account for the fact that commentators have treated the matter without nuance.75

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74 However, the overlap of themes and the overall unity of the legislation should be remembered in this regard. The property theme in particular has a bearing on this topic that will not be addressed systematically here. 75 Semmler referred to these references as stereotypes, so repetitive can they appear, in spite of the fact that these statements occur over a period of nearly 70 years. See Semmler (1965), 262.
From a closer look at the material, however, it is clear that the message did undergo an important evolution in spite of its seeming uniformity. This evolution becomes clear from considerations of the specific constructions and vocabulary with which the message is communicated and the theme’s relationship with the related legislative themes, those in the first general group on institutional order. The main concern of the Regula Theme, that monks or monasteries live “according to rule”, is expressed in a variety of ways. Most arresting is the phrase secundum regulam, as in “De monasteriis qui regulares fuerunt, ut secundum regulam vivant” (20.3). A slightly larger group⁷⁶, but less uniform in construction, employs the adjective, as in “…ad restaurandum normam regularis vitae” (11.1), or “…secundum regularem ordinem…” (22.73) Also used are other constructions with regula, such as “[m]onachi...regula memoriter teneat et firmiter custodiat” (sic)⁷⁷ (121.6th para.) The adverb also appears frequently, for example “[u]t monachi, qui veraciter regulariter vivunt…” (14.10). Some constructions resort to another noun altogether,

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⁷⁶ Of the references that include a cognate of regula, secundum regulam appears 17 times, regularis 25, regula 22, and regulariter 12.
⁷⁷ The latin of the capitularies is often ungrammatical, and making note of all the errors is not desirable or feasible here. For general comments see Ganshof (1958), 54-55. As McKitterick (1977), xvi points out, the scholarship on Carolingian medieval latinity is enormous and of a very high quality. For a general guide and excellent bibliographic references see F.A.C. Mantello and A.G. Rigg Medieval Latin: An introduction and bibliographical guide, (Washington: Catholic University of America Press, 1996), 71-136, and for individual studies see the two series Patristic Studies and Studies in Medieval and Renaissance Latin Language and Literature published by the Catholic University of America, and a third
as in "...hi qui sub voto monachicam vitam observare vovissent" (29.2). The same concern is also expressed in passages which make more general reference to the lives of monks using conversatio and propositum. The former more often refers to a specifically monastic way of life, as in “[d]e noviter venientibus ad conversationem: ut secundum regulam probentur” (23.11). The use of propositum is less precise, but also evokes some regulated plan of life, as in this example: “ut monachus...si ad clericatum proveatur, propositum monachicae professionis non ammittat.” (22.27)

The most important question is whether all of these references should be taken as referring to the RB or not. As King notes in his translation of selected Carolingian sources78, a clear difficulty regarding our understanding of these texts is Latin’s lack of definite and indefinite articles. The difference between “the rule” and “a rule” in phrases such as secundum regulam is of crucial importance here. In answer to this question the capitularies present three kinds of material; 1) cases where the language is clear or context tells us that the RB is specifically indicated (these will be called positive references), 2) occurrences that clearly indicate that some rule other than the RB is being discussed (negative references), and 3) those which

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series: Latinitas Christianorum Primaeva: studia ad sermonem latinum pertinentia, published by Nijmegen.
78 King (1987), 11.
cannot be determined on internal evidence (ambiguous references).

There are 123 Regula references (found in 31 capitularies), and of these 29 mention the RB by name or refer to it unmistakably in nine capitularies. These occur in the years 742, 744, 793, 794, 799–800, 802, 810–811 (two capitularies), and 803–81179. The references of 810–811, occurring in a pair of related documents, are inquiries into the history of the RB and its predecessors, which distinguishes them from the other references, all of which express the message that the RB should be used in the monasteries.

What is most important to note about these dates is the remarkable fact that the first clear references to the RB by name in the kingship of Charlemagne occur in 793, some 27 years after he came to power. It is also remarkable that the only two prior explicit references to the RB appear in the two capitularies extant from the brief reign of Carloman, Charlemagne’s uncle (741–746). In the reign of Pippin III (741–768), between the abdication of Carloman and Charlemagne’s kingship (22 years), there are no references to the RB by name, though six capitularies remain. The period between positive references stretches 49 years from 744 to

79 Respectively Bor.10.7; 11.1; 25.3; 28.13,14,16; 112.19 (2 references),27; 37.23 (7 references),24 (9 references); 71.12 (2 references), 72.12 , and 116.10.
793. Also important to note is the great preponderance of references in 802, the year of Charlemagne’s most substantial effort to bring the RB into law, and the sudden absence of positive references until 810–811, and these, as we have seen, are of a special character.

In fact, it is in one of these documents that we also find the only two cases where it can be unequivocally stated that the legislation is referring to a rule other than the RB. Charlemagne asks by the authority of what conciliar canon or monastic rule unwilling people may be made monks or clerics, and then whether the RB is really the oldest and most authoritative regula.

In quo canonum vel in cuius sancti patris regula constitutum sit, ut invitus quislibet aut clericus aut monachus fiat, aut ubi Christus praecipisset aut quis apostolus praedicasset, ut de nolentibus et invitis et vilibus personis congregatio fieret in ecclesia vel canonicorum vel monachorum (72.10).

Qua regula monachi vixissent in Gallia, priusquam regula sancti Benedicti in ea tradita fuisse, cum legamus sanctum Martinum et monachum fuisset et sub se monachos habuisse, qui multo ante sanctum Benedictum fuit (72.12).

The implication in the first passage is that there is more than one regula that might be checked to answer this question. In the second Charlemagne has become aware that the RB is not necessarily the only appropriate regula, and that he is interested in learning about any rule associated with St.
Martin. These references establish clearly that the term regula and more elaborate phrases such as sancti patris regula could be used in the capitularies to refer to documents other than the RB.

Ambiguous references predominate in the legislation, a fact that is in itself significant considering the variety of rules that were in use, especially in the earlier years of the period under review. As we shall see below, this ambiguity may have suited Pippin and Charlemagne, and Pippin’s capitularies do give the strong impression that he was reluctant to name a rule. To illustrate this point it is useful to consider first the opposite position. Carloman’s first capitulary, dated April 21, 742 declares:

\[
\text{Et ut monachi et ancillae Dei monasteriales iuxta regulam sancti Benedicti ordinare et vivere, vitam propriam gubernare studeant (10.7)}
\]

And in 744, again:

\[
\text{Abbates et monachi receperunt sancti patris Benedicti [regulam] ad restaurandam normam regularis vitae. (11.1)}
\]

In contrast, Pippin’s legislation on the same topic in the same year declines to provide the name of the rule in question:

\[
\text{Ut ordo monachorum vel ancillarum Dei secundum regula sancta stabiles permaneant. (12.3)}
\]
Eleven years later in 755 Pippin addresses the issue for the last time in his kingship, making a further nine regula references in the one document (14), but he has become even less specific. Two passages in particular provide ample opportunity to mention the name of the rule under discussion, but remain silent:

Ut monasteria, tam virorum quam puellarum, secundum ordinem regulariter vivant; et si hoc facere contemperint, episcopus in cuius parrochia esse videntur hoc emendare debeat. (14.5)

De illis hominibus, qui se dicunt propter Deum quod se tonsorassent, et modo res eorum vel pecunias habent et nec sub manu episcopi sunt nec in monasterium regulariter vivunt, placuit ut in monasterio sint sub ordine regulari aut sub manu episcopi sub ordine canonica. (14.11)

Arguing from silence is difficult, but there is other evidence that this reticence was deliberate. Firstly, Pippin's vocabulary indicates a cooling toward the issue of specifying which regula should be followed. In his capitulary of 744 (quoted above) Pippin makes reference to the regula sancta. This reference came while Carloman still controlled half the empire and was made in close co-operation with him. The phrase regula sancta had a history of use in legislation and other legal documents, and can be taken to refer to whichever

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rule was most prominent at the time\textsuperscript{82} (although we have already seen that such a reference was used in at least one case to indicate \textit{regulae}). Given Carloman's contemporary position on the matter, it is arguable that Pippin did make one reference, though a vague one, to the RB in his legislation. If this use of \textit{regula sancta} is suggestive, it is the last such from Pippin: all his remaining \textit{regula} references give no indication that any particular rule was implied, which indicates a change in his approach from less than explicit to, as it were, firmly non-committal.

Secondly, the vocabulary Pippin uses to refer to monasteries contrasts with Carloman's. Carloman addresses \textit{monachi} and \textit{abbates}, (10.6,7; 11.1) while Pippin more often refers to the \textit{ordo}, as in the above quotations, or to \textit{monasteria} (14.5,20). Pippin also uses the adverb \textit{regulariter} instead of the more concrete noun phrase \textit{secundum regula}. These points indicate that he was more concerned with the health of the institutions of monasticism than he was with the individuals, and so less concerned to specify the particular rule that a particular monastery should follow, though clearly that monasteries should follow 'a rule' was desired. This impression is borne out by the efforts he made to distinguish monasteries from canonical houses, as in 14.11 above, and by

\textsuperscript{82} Wallace-Hadrill (1983), 71 shows that the same phrase referred to the \textit{Regula Mixta} at the founding of Corbie between 657 and 661. Semmler (1993),
his care to tailor the Frankish Church and its monastic resources to his political needs in other ways\textsuperscript{83}.

Finally, and in relation to the last point, it was to Pippin's advantage to leave unspecified the regula that was to be used. One of Pippin's most significant innovations regarding monasteries was making control by lay aristocrats illegal (14.10)\textsuperscript{84}. From this point on monasteries could be either royal or episcopal, and nothing else. But aristocratic control of monastic resources continued in the person of the aristocratic bishop, who "constituted the principal threat to Pippin's position, authority, and the future of his house"\textsuperscript{85}. This law of Pippin was the first step, and the next was dismantling of the 'episcopal states' that were a main impediment of imperial power\textsuperscript{86}. In this effort Pippin, and later Charlemagne, relied on both the loyalty and the self-sufficiency of the men they installed in the newly royal monasteries\textsuperscript{87}, many of whom were actually monks\textsuperscript{88}. Prescribing too closely the details of their observance and duties might have alienated them. And even if we give the least weight to

\textsuperscript{77-78} shows that this and similar phrases carried no implicit reference to a single text.
\textsuperscript{83} Pippin refused to institute the office of the metropolitan bishop, as Rome desired, and instead restored the episcopate to full powers. See Louis Halphen, \textit{Charlemagne and the Carolingian Empire}, (New York: North-Holland, 1977), 38. On his efforts to reduce "the wealth of bishops and the episcopal control of monasteries" see McKitterick (1983), 44.
\textsuperscript{84} See above, p.15.
\textsuperscript{85} McKitterick (1983), 43.
\textsuperscript{86} De Jong (1995), 625. The effort to limit the power of bishops can be seen in the same document at 14.20.
\textsuperscript{87} The majority of the monasteries, as we have seen, were on the margins of the Empire. See Semmler (1965), 261-2.
the ties these administrators may have had to the monastic traditions with which they were raised, there is still the matter of material gain. The RB is a highly structured and specific rule. It is very clear on several points that could make running a monastery considerably more troublesome and less profitable for a less-than-devout royal partisan. At a minimum, and in contrast to Carloman, Pippin was demonstrably not concerned to specify which rule his monks were to follow, and more interested in encouraging order in monastic institutions.

Between the start of his reign and his great reforming capitulary, the Admonitio generalis of 789, Charlemagne calls on monasteries to live the regular life a mere five times, four of which occur in Italian capitularies issued through his son Pippin, who was Prince of Italy at this time. The sole reference issued from the palace in unquestionably statutory form for the whole of the Empire occurs in Charlemagne’s first great reforming document, The Capitulare Haristallense of 779. It is a reference remarkable for its brief generic and tautological character, which confirms that Charlemagne was continuing his father’s policy in regard to the monasteries:

"De monasteriis qui regulares fuerunt, ut secundum regulam

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88 McKitterick (1983), 58.
89 The RB insisted that monks should own no property (33.1-3), and that the goods of the monastery should be carefully accounted for (32.3). The administrative duties of the abbot are not described, but see Fry ed. (1981), 368-70 , who underlines the abbot’s responsibility for all administrative functions. See pp.69-70 below.
vivant" (20.3). However, change is underway in the last of the Italian capitularies from this decade, dated 787-788:

Stetit nobis, ut missos nostros, unum monachum et alium capellanum, direxerimus infra regnum nostrum previdendum et inquirendum per monasteria virorum et puellarum que sub sancta regula vivere debent, quomodo est eorum habitatio vel qualis est vita aut conversatio eorum, et quomodo unumquemque monasterium de res habere videtur, unde vivere possit (94.11).

This passage calls for a general report on the way that monasteries "who ought to be living under the holy rule" are in fact living. The phrase sancta regula, as in Pippin's case 33 years previously, may imply the RB more forcefully than other ambiguous Regula Theme references. But this hint is contradicted when Charlemagne specifically asks after their conversatio, which is used here as an equivalent of vita, meaning 'mode of living' without implying a specific rule. Finally, he directs his agents to report on the property and means of each monastery. It would seem that Charlemagne and his son Pippin made a survey of Italian monasteries in the year prior to the major reforms of 789.

The most arresting feature of those 789 reforms regarding monasteries is the adoption of a new standard for securing the orderly behaviour of monks. In addition to calling for monasteries to follow a rule or be "regular", monks were now also to live in accordance with their votum:
Sacerdotibus. Simul et hoc rogare curavimus, ut omnes ubicumque qui se voto monachicae vitae constrinxerunt monachice et regulariter omnimodis secundum votum suum vivant, secundum quod scriptum est: 'vota vestra reddite domino Deo vestro', et iterum: 'melius est non vovere, quam non reddere'. Et ut ad monasteria venientes secundum regularem ordinem primo in pulsatorio probentur et sic accipiantur. Et qui ex seculari habitu in monasterio veniunt, non statim foras ad ministeria monasterii mittantur antequam intus bene erudiantur. Et ut monachi ad saecularia placita non vadant...

While this passage does use regulariter once, and also refers to the regularis ordo, these cannot not be taken as referring to the RB specifically, since most rules refer to the use of a votum of some description, and because the description here of the procedure for admitting new monks is too vague to imply a specific rule: a probationary period was also a very common requirement of monastic regulae. By referring to the probationary house or room as a pulsatorium, where the RB calls it a cella noviciorum (RB 58.11), the legislation actually gives us the opposite impression. Moreover, pulsatorium does not appear in any monastic rule of this

90 This passage is addressed specifically to priests, so it is likely that the first part concerns specifically priests entering the monastic life. In light of other evidence, however, this new interest in the votum applied to all monastics. See below, pp.61-63.
period\textsuperscript{93}, while it had been used in Pippin’s Concilium Vernense (14.6). The specifics that follow regarding seculares do not correspond to anything in the RB, nor does the admonition regarding the courts. Clearly then this passage makes new and stricter demands on monks (that they fulfil their vow, live regularly, and be tested properly before admission), but without referring to one rule, and definitely not to the RB.

A supporting document produced at the same reforming council, the Duplex legationis edictum, contains 15 Regula Theme references. This document, a set of notes taken at the meeting for the use of royal missi, is in some cases no more than an aide mémoire for what transpired at the council, but the vocabulary is highly reminiscent of the RB in places. For instance, “De monachis gyrovagis vel sarabaitis” (23.1), calls to mind RB 1.6;10. Some references summarize or encapsulate ideas from the RB:

De oboedientia quae abbati exhiberi debet, et ut absque murmuratione fiat. (23.4, see RB 5.passim)

In the following case oboedientia and stabilitas in the context of promittere show a very close reliance on the RB’s votum, and remind us of the new emphasis on the monastic vow in the Admonitio generalis.

De noviter venientibus ad conversationem: ut secundum regulam probentur, et non antea

suscipiantur nisi sicut regula iubet; et nullus cogatur invitus promittere. Et de oboedientia et de stabilitate permanendi, sicut regula habet. (23.11)

But in this next passage, inserted between paraphrases of the RB, we encounter a Carolingian novelty:

Ut nullus abbas pro susceptione monachi praemium non quaerat (23.15).

This document, unlike the Admonitio generalis it was written to support, refers at times to the RB, but does not name the text. It also interpolates innovations, as well as other materials that concerned monasteries generally (23. 19,26,27,30,31). This confirms that Charlemagne is not directing attention to any one rule exclusively, though he was clearly drawing on the substance of the RB.

With the Capitulare Missorum of 793 Charlemagne specifically identified the RB as the rule of choice for the first time.

Clerici qui monachorum nomine non pleniter conversare videntur et ubi regula sancti Benedicti secundum ordinem tenent, ipsi in verbum tantum et in veritate promittant, de quibus specialiter abbates adducant domno nostro. (25.3)

Here the extended period of exclusively ambiguous references comes to an end, and a period of frequent positive references begins. Because of the lack of unequivocal references to the RB prior to 793, we have paid close attention to the possibility that Charlemagne and his father were deliberately
avoiding reference to any specific rule in their legislation. With the RB now explicitly the *regula* that corresponds to the *ordo*, the weight of assumption changes: we now ask on what grounds it can be said that the RB is *not* being indicated. As a matter of convenience we will review the positive and the ambiguous references together from this point.

In the following year there are three further explicit RB references at the *Synodus Franconofurtensis*, employing the phrase *secundum regulam sancti Benedicti* twice (28.13,16), and *quales regula sancti Benedicti docet* once (28.14). These references, at a major reforming council, confirm that the RB is now considered the standard. However, the legislation still equivocates, as at 28.17, which directly contradicts the RB (at RB 64.1):

> Ut abba in congregatione non elegatur, ubi iussio regis fuerit, nisi per consensu episcopi loci illius.

This equivocation illustrates that the RB was not perfectly suited to the monasteries of the Carolingian period. Too much autonomous power was not acceptable. It was important that the abbot be subordinate to the bishop, regardless of the provisions of the rule.

Between 794 and 802 there are three more positive references to the RB (112.19(twice),27), and there are several
references that, though not strictly positive, can be assumed to be positive due to proximity\textsuperscript{94} or on other grounds\textsuperscript{95}.

In the legislation of 802-803 the RB is quoted verbatim and at length 16 times in the Capitula ad lectionem canonum et regulae Sancti Benedicti pertinentia (37.23,24). These public readings were made at a special session of the council convened with the specific purpose of instituting the RB\textsuperscript{96}. There are an additional 22 ambiguous references in the Programmatic Capitulary and related documents of 802 which, given the explicit endorsements of the RB since 793 and the proximity of the quotations of capitulary 37, can be accepted as references to the RB. The testimony of the Annales Laureshamensis for 802 also supports the importance and purpose of this council\textsuperscript{97}. One of the most interesting features of this legislation is not only the reading of the RB but the

\textsuperscript{94} It has been asserted that the persistence of Carolingian legislation was very limited, and that laws required constant repetition to remain effective. For a discussion see McKitterick (1977), 18-21.

\textsuperscript{95} A good example is 29.2\textsuperscript{nd} paragraph, which is certainly a reference to the RB, as discussed below, p.57 n.8.

\textsuperscript{96} On the importance of a public declaration of this kind, see Ganshof (1958), 19.

discussion and clarification of difficult passages of the rule, of which the following is just a part.

Insuper etiam questiones quaedam eis familiarum obponi possunt, ut queratur ab eis in quo capitula scriptum vel quomodo intellegendum est: 'nullus in monasterium proprii sequatur cordis voluntatem'. Similiter ubi vel quid sit sinaxis... (37.24)

There is a great contrast between this energetic and extensive endorsement of the RB and the complete absence of positive references for the following seven or eight years. The intervening period offers only nine securely dated Regula Theme references, all ambiguous, seven of which appear in the reforming capitulary of 805\(^98\). The next clear references to the RB are made some eight years later in the *Capitula tractanda cum comitibus, episcopis, et abbatibus* (71), and the *Capitula de causis cum episcopis at abbatibus tractandis* (72), both dated 810-811 (71 seems to be notes for 72\(^99\)). These documents do not, however, recommend the RB. Rather, they re-open the question of the canonical and monastic ways of life in a very fundamental way. Charlemagne initiates a series of questions that seek alternatives to the RB. One passage in particular, 72.11, calls for priority to be given to teaching virtuous behavior, over and above liturgical chant and literacy.

\(^98\) And four of these are of dubious authenticity (see note p of Boretius ed. (1883), 121). There are an additional nine references, one of them positive, from the less securely dated capitularies, but with most of these it can not be said whether or not they belong after 802. See the appendices for details.

\(^99\) See the introductory comments of Boretius ed. (1883), 162.
Quam paucitatem conferat ecclesiae Christi, quod is qui pastor vel magister nec cuiuscumque venerabils loci esse debet magis studet in sua conversatione habere multos quam bonos, et non tantum probis quam multitudine hominum delectatur, plus studet, ut suus clericus vel monachus bene cantet et legat quam iuste et beate vivat, quamquam non solum minime in ecclesia contemnenda sit cantandi vel legendi disciplina, sed etiam omnimodis exercenda; sed si utrumque cuilibet venerabili loco accedere potest, tolerabilius tamen ferendum nobis videtur imperfectione cantandi quam vivendi. Et quamvis bonum sit, ut ecclesiae pulchra sint aedificia, praeferebamus tamen est aedificiis bonorum morum ornatus et culmen; quia, in quantum nobis videtur, structio basilicarum veteris legis quandam trahit consuetudinem, morum autem emendatio proprie ad novum testamentum et christianam pertinet disciplinam. Quodsi Christus et apostoli et qui apostolos recte secuti sunt in ecclesiastica disciplina sunt sequendi, aliter nobis in multis rebus faciendum est quam usque modo fecissemus, multa de usu et consuetudine nostra auferenda et non minus multa quae actenus non fecimus facienda.

This passage shows a desire to return to the fundamentals of monastic discipline, but whether the RB was the best tool for teaching that discipline is an open question.

From this consideration of the Regula Theme there arises an initial chronology: Carloman in the early 740’s (and likely for the whole of his reign, given his monastic inclination) had a policy of promoting the RB specifically. His brother during the same period and until the end of his reign in 768 made no unequivocal effort to promote the RB specifically in his legislation. Charlemagne to 789 appears to have followed
his father’s policy, but then began to change his direction, first by introducing some paraphrases of the RB into his legislation, and then moving to have the RB overtly promoted, first in 793, more forcefully in 794, and finally with great emphasis in 802. Following 802 there is a slackening of the policy, and in 810-811 a renewed approach to the problem.\textsuperscript{100}

Charlemagne’s policy on the relations of bishop and abbot influenced the level of autonomy and individuality that a particular monastery could develop. One of the main expressions, and perhaps the most visible sign, of monastic autonomy was the choice of rule that was practised. We have seen a degree of autonomy in royal monasteries promoted, or at least tolerated, by Pippin, and Charlemagne to 789. But while Pippin accompanied this hands-off policy with a refusal to develop the episcopal hierarchy,\textsuperscript{101} his son from 794 succeeds in re-establishing the metropolitan bishop (called the archiepiscopus in the capitularies).\textsuperscript{102} As the royal policy on regulae changed, we can expect modulations in the policy on bishop-abbot relations to have taken place. Specifically, we will be looking for what it discloses about the relative hierarchical position of the abbot regarding the bishop, and

\textsuperscript{100} In 813, the last year of Charlemagne’s reign, five councils were held simultaneously at various cities in the empire. These councils did not produce capitularies, and so are beyond the scope of this essay. However, it is important to note that they did re-promote the RB, and that the RB was not well-known at this time. See de Jong (1995), 631.

\textsuperscript{101} See above, Part 1 p.10 n.31.

\textsuperscript{102} Ganshof (1971 [1963]), 61.
for what that reveals about the position of monasteries in the Empire.

The Bishop-Abbot theme is the second largest in Charlemagne's monastic legislation. It appears in 31 different capitularies, in a total of 73 separate references. The theme can be broken down into two main groups. Those 33 that legislate the authority of bishop over abbot we will call 'bishop' references, and the 31 which indicate a certain equivalence of status between bishop and abbot we will call 'equivalence' references. Abbots were never officially the equal of bishops but these references downplay the hierarchical superiority of the bishop, or simply recognise a de facto equivalency in certain situations or for certain purposes. In addition two much smaller groups can be identified. One that seeks to have bishops and abbots live in harmony without indicating their relative authority (3 references), and one that calls for changes that affected the power relations between abbot and bishop in other ways (6 references).

The bishop references tend to be the balder, more uniform statements. In addition, they appear in well-defined chronological groups. Under Pippin\textsuperscript{103} there are six bishop

\textsuperscript{103} There are no bishop or equivalence references from Carloman's reign, though Carloman did promote Boniface (a monk) to the Archbishopric, and was careful to treat episcopal and monastic discipline separately. See Bor.10.1 and 11.1.
references and only one equivalence reference. 14.3 is a good example of the first type:

Ut unusquisque episcoporum potestatem habeat in sua parrochia, tam de clero quam de regularibus vel secularibus, ad corregendum et emendandum secundum ordinem canoniciam spiritale, ut sic vivant qualiter Deo placere possint.

There is a fairly even distribution though the following decades until 789, when equivalence references dominate. In 794 bishop references again come to the fore, and the powers of the bishop are extended to include *comites*:

Statutum est a domno rege et sancta synodo, ut episcopi iustitias faciant in suis parroechiis. Si non oboedierit aliqua persona episcopo suo de abbatitus, presbiteris, diaconibus, subdiaconibus, monachis et caeteris clericis vel etiam aliis in eius parrochia, venient ad metropolitanum suum, et ille diiudicet causam cum suffraganeis suis. Comites quoque nostri veniant ad iudicium episcoporum...(28.6)

The bishop references remain by far the most common up to and including 802, when we find the strongest statement of the idea:

*Abbates autem et monachis omnis modis volumus et precipimus, ut episcopis suis omni humilitate et hohedientia sint subjici, sicut canonica constitutione mandat* (33.15).

Indications of equivalence of status between bishop and abbot are not so plain. Especially in the period before 802, equivalence references arise in relation to other matters, and are incidental to those discussions. For this reason they tend
to reveal the ways in which the actual authority of abbots, as opposed to their legal authority, was comparable to that of bishops. In the following examples we find abbots placed alongside bishops and other prominent figures when Charlemagne needed to rebuild churches or to govern female monasteries:

Ut illas ecclesias Dei qui deserti sunt restaurantur tam episcopi quam abates vel illi laici homines qui exinde benefitium habent (18.1).

Episcopis, abbatibus. Auditum est, aliquas abbatissas contra morem sanctae Dei ecclesiae benedictionis cum manus impositione et signaculo sanctae crucis super capita virorum dare, necnon et velare virgines eum benedictione sacerdotali. Quod omnino vobis, sanctissimi patres, in vestris parrochiis interdicendum esse scitote (22.76).

The equivalence references become even more oblique following 794 (when the bishop references become dominant again). In these passages we can surmise a rough equality of status since both abbots and bishops are chastised for the same types of bureaucratic crime:

Ut nullus episcopus vel abbas atrahere audeat res nobilium causa ambitionis sicut in canone Cartaginensi continetur cap. V (112.11).

Ut nullus episcopus neque abbas sibi atrahere audeat res tributalium domni regis, id est basilicas eorum benedicere vel quicquid a tali conditioine pertinere videtur, antequam dominus rex hoc pleniter definiatur (112.30).

Following 802 there is a sharp decline in the bishop references, and the equivalence references become a little
more explicit, often employing the phrase *episcopi, abbates, et comites* or a variant, as here concerning military matters:

Et episcopi, comites, abbates hos homines habeant qui hoc bene praevideant et ad diem denuntiati placiti veniant et ibi ostendant quomodo sint parati. Habeant loricas vel galeas et temporalem hostem, id est aestivo tempore (77.9).

One reference, 77.1, even makes it clear that locality can play an important role in how authority is shared (and in how a monk manages to live *regulariter*):

Et ut monachi per verbum episcopi et per regimen abbatis et per bona illorum exempla regulariter vivant, prout loca locata sunt.

References to the practical equivalency of power between bishop and abbot persist after 802, which is unsurprising considering the wide number of issues in which abbots and bishops were involved. This persistence is probably a good indicator of the actual relations between bishops and abbots, as opposed to the legal and policy-driven statements of the government on the topic. Though Charlemagne might change his policy and try to harden the law regarding their relations, references to the reality of the situation would continue to appear incidentally. We have seen a similar persistence in Regula Theme references after 802.

In summary, the Bishop-Abbot Theme shares with the Regula Theme a general hardening of posture from about 794, and likewise a slackening following 802. This correspondence
suggests a deliberate effort on Charlemagne’s part in 794 to increase the effectiveness of his regulation of monasteries by clarifying the subordination of abbot to bishop and by applying more rigorous standards to the lives of monks.

The Justice Theme, which represents an aspect of monastic policy, only reflects a small portion of the policies on justice carried out by the Carolingian kings. For our purposes the most salient aspects of the Justice Theme are the efforts undertaken to reform the appeal process of the ecclesiastical courts and to make 'the rule', and later 'the RB', the basic legal text for monks. These efforts become more pronounced following 794, and constitute important supports for the changes in monastic policy we have already observed at that time.

The Justice theme is addressed thirty-seven times in fifteen capitularies. Certain elements are constant throughout our period of study. We see a concern to eradicate specific abuses, from fornication (10.6) and homosexuality (33.17) to paid ordinations (22.21) and various other administrative crimes. There is also an ongoing effort to ensure that monks and clerics not attend secular courts, but be satisfied with ecclesiastical justice (e.g. 14.18; 22.73; 28.11; 112.3, 25).

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104 For a full general description see Ganshof (1968), 71-97.
Carloman’s legislation does not mention the appeal process, but he was concerned that church law be applied more faithfully, and this would reinforce the authority of bishop over abbot. In the first section of his capitulary of 744 he decrees:

Et omnis aecclesiastici ordinis clerus, episcopi et presbyteri et diaconi cum clericis, suscipientes antiquorum patrum canones, promiserunt se velle ecclesiastica iura moribus et doctrinis et ministerio recuperare. Abbates et monachi receperunt sancti patris Benedicti [regulam] ad restaurandam normam regularis vitae. (11.1)

Carloman also recommended the RB, not only as a reforming tool, but as the law for monks.

Under Pippin there is no substantial judicial reform initiative in the earlier years. The scene changes in 755, when a significant church reform was undertaken. Among other things, an appeal process is set in place for "monasteries" (14.5). This process includes the bishop, the metropolitan, and the public synod. Monks are also to live "by rule", (but, as we have seen, Pippin does not supply the name of the rule to be used).

Charlemagne confirmed Pippin's last capitulum by reissuing it immediately on his accession, but until capitulary 94 (787-788), his legislation does not address ecclesiastical justice again. However, between 789 (22) and 808 (50) the topic appears with relative frequency. 'The rule' was recommended twice more in the judicial context (23.16, 789;
28.18, 794), making it the law to which appeal decisions referred.

In 794, in a passage we have already looked at for its relevance to bishop-abbot relations (28.6), a crucial recalibration of the appeal process was instituted, in which the abbots and all lay ecclesiastics were placed under the judicial authority of the bishop. Further appeals were to be made to the metropolitan, to whom counts are also to bring their cases. Final appeal was to the king. This reform of the judicial system supplied the necessary procedural support for the newly reiterated authority of bishop over abbot that we have seen.

But in 802 important changes in emphasis appear. The Bishops are now given full control over the correction of monks, and appeals to the archbishop and king:

Et monachi ab episcopo provinciae ipsius corripiantur; quod si se non emendent, tunc archiepiscopus eos ad sinodum convocet; et si neque sic se correxerint, tunc ad nostra praesentiam simul cum episcopo suo veniant (35.15).

This is a further effort to put abbots under the authority of the bishop in the judicial context, and clearly infringes the abbot's exclusive jurisdiction in monasteries. Other initiatives of the time, such as sending in new advocates to monasteries (to reduce embezzlement and ill-will toward the king) and legislating the RB, reinforce this new limitation on abbots. Following 802 there is no further
mention of these concerns, though other issues concerning monastic justice continue to appear.

The Justice Theme expresses some concerns that do not change over the course of our period, but following 794 we see a double emphasis on a reformed appeal process and on the RB as the law for monks. This constitutes the necessary legal support for the other changes we have seen taking place at the same time in the Bishop-Abbot and Regula Themes. That is, the new appeal process supported the Bishop’s legal authority over monasteries, and the emphasis on the RB as the rule that applied to monks made knowing and living by the RB that much more important.

Two final related but much smaller themes remain to be reviewed. The Monk/Canon Theme totals 15 references, occurring from 755 to 810-811. The first reference, in 755 under Pippin at the Concilium Vernense (14.11), and the latest securely dated reference (72.10, 810-811) express almost identical concerns: that monks and canons should be clearly separated and that people entering these orders should choose one or the other. This message remains consistent throughout the legislation. Because this theme extends beyond the temporal bounds of Charlemagne’s reforms on the issue of the regula in both directions, and because it remains so consistent, it should be taken as independent of those reforming efforts. It
represents an enduring concern that was not affected by the issue of which *regula* was to be used.\(^{105}\)

The Newcomer Theme comprises only six references. In contrast to the Monk/Canon Theme, the references fall wholly within the period of Charlemagne’s efforts to reform the monasteries, so they can be taken as a manifestation of those reforms.

Between 789 and 799-800 the references address the issues of testing and educating applicants on the *regula* (22.73;23.11;112.19), subjecting *seculares* to the same standards of admission as others (22.73), and eliminating coerced admissions (23.11). The practice of accepting money for admission is deplored (28.16) and the procedures of the RB are specifically required in 794 (28.16).

The two passages of 802 that address the question of new admissions to the monastery, one in the *Programmatic Capitulary* (33.18), the other in the *Capitula ad lectionem canonum et regulae sancti Benedicti pertinentia* (37.23), present an interesting contradiction. The first makes new admissions to monasteries subject to the approval of the bishop in whose diocese the monastery is. The RB makes no mention of the bishop in this context (RB 58.18-20). The

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\(^{105}\) It is also important to note that although Semmler (1965, p.262) says that one of the main features of Charlemagne’s legislation on monasteries is to draw the line between these two institutions, the number of actual
second specifically requires the passage of the RB concerning admissions, the *De disciplina suscipientiorum novitiorum*, to be read into the record, making it law. This kind of contradiction in the legislation regarding the RB persisted into Louis the Pious' legislation of 816-817\textsuperscript{106}. It points to the unsuitability of the RB to some of the realities of Carolingian monastic life.

What I have termed the Regula Theme, the Bishop-Abbot Theme, and the Justice Theme display a distinct similarity in their development under Charlemagne. They are marked by what I will call 'soft' formulations in the earlier and later years of Charlemagne's reign (prior to 794 and following 802), and the middle period from c.794 to c.802 are comparatively 'hard'. This correspondence does not extend entirely to Pippin and Carloman. Pippin's Bishop-Abbot Theme and Justice Theme references indicate hard policies, which contrast decidedly with his soft policy on *regulae*. Carloman's policy on *regulae* was clearly hard, but the issue of status between bishops and abbots was not addressed as such, nor are the topics that would come to dominate the Justice theme under Pippin and Charlemagne; especially the appeal process.

The correspondences we have noted in the themes of Charlemagne's monastic policy, two of which concern references does not bear this out (see appendix 3 for details): the concern is there, but it cannot be considered one of Charlemagne's main efforts.
institutions usually held to be subject to political pressures, suggest strongly that there were political motivations for the implementation of the RB.

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106 See the introduction, p.3 n.8.
Part 3: Context

The preceding review of Carolingian monastic legislation has shown a shift from soft to hard policies in three major themes of the monastic legislation. This change in monastic policy reflects a larger policy trend in the Empire following c.875, a trend motivated by fundamental religious and political considerations.

These concerns were addressed in the so-called Carolingian renaissance, a programme of education and improvement initiated, funded, and maintained by the royal power. This programme, though essentially a religious one, embraced political concerns; Charlemagne’s claims to status in relation to Constantinople being one among others. Charlemagne’s educational policy was the primary means by which he sought to effect the changes in his realm that he felt were necessary to improve the Christianity of his people, and it is as a part of the educational policy that the RB comes into play.

The Karoli epistola generalis (Bor. 30) of c.786, our first notice of Charlemagne’s educational policy, shows that

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107 The year before the circulation of the Karoli epistola generalis, see below, p.56.
108 See McKitterick (1977), 1-5 on the Carolingian renaissance in general and the main scholarly descriptions of it.
109 Ullmann (1969), passim.
it had been conceived and put into action before any serious move was made to promote the RB above other rules. However, the initiation of the educational programme was followed shortly by the making of a copy of the RB from the autograph at Monte Cassino, the survey of Italian monasteries in 787, and the reforming capitularies of 789. The 789 capitularies are usually accepted as the legislative basis of the Carolingian renaissance\footnote{See McKitterick (1977) 1-14 for a discussion emphasising the importance of the *Admonitio generalis* in the reign of Charlemagne, Ganshof (1971 [1960]), 205 for its significance to the Frankish Church vis-à-vis the royal power, and LeClercq (1936), 172-178 for a description of the contents.}, indicating that Charlemagne’s new policy of promoting the RB, though it was not fully developed at this time, was considered part of this educational plan.

The value of the RB to these educational efforts is made clear in the *Karoli epistola de litteris colendis*, a letter written in the name of Charlemagne by Alcuin in the last years of the century. The letter describes the strong connection between correct action and correct speech that the Carolingians understood to exist. Purity of conduct, and especially earnestness in the study of the Bible, "...ordinet et ornet seriem verborum, ut qui...recte vivendo, etiam...recte loquendo" (29.2\textsuperscript{nd} para.)\footnote{Luitpold Wallach, "Charlemagne’s *De litteris colendis* and Alcuin," Speculum 26 (1951): 294. The above selection from the letter is used by Wallach, who supports his reading with other examples from Alcuin.} The implication is that right living finds expression in right speech, and that
someone who does not live virtuously, or lives sinfully, will necessarily not be capable of producing coherent and admirable speech. The epistola discusses the power of right living to produce right speech in the context of the RB, specifically stating that the RB "directs purity of conduct" and deliberately frames the statement in terms the RB uses in c. 73114.

The application of the power of the spoken word to educational policy was predicated on the importance of oral statements in the Carolingian world, an importance that can hardly be overstated115. The prime example is the verbum regis116, which was the foundation of the king's bannum: his traditional power to command, forbid, and punish117. The supreme importance of the king's spoken word extended to the

114 In the epistola we read regularis norma [ordinet] honestatem morum, and RB 73 uses both honestatem morum and norma vitae humanae. See Wallach (1951), 293, who demonstrates that it was the RB that Alcuin refers to here, of which the above quotations are a part.


creation of laws as well\textsuperscript{118}, and the legal significance of oral statements applied to all of Charlemagne's subjects\textsuperscript{119}.

The 789 capitularies did not only help launch the Carolingian renaissance. They also presented religious and political solutions for severe problems facing Charlemagne. These problems were diverse, including natural disasters, religious controversies, and armed insurrections. Charlemagne's responses to these problems were also diverse, but in the political realm his policies focused on a single issue: the loyalty of his subjects. The difficulty that the Carolingians had securing and maintaining the loyalty of their subjects was a central and enduring structural weakness of the empire\textsuperscript{120}, and at this time there appears to have been a growing awareness of this problem in society at large\textsuperscript{121}.

It will be recalled that one of the most salient features of the Regula Theme in the 789 legislation was the new emphasis on the votum for monks. Keeping in mind the spiritual and legal significance of spoken declarations, we are now in a


\textsuperscript{119} As the use of the oath as a primary form of establishing guilt or innocence in court shows Ganshof (1968), 87.


\textsuperscript{121} Wallace-Hadrill (1957), 45-46, suggests that it the cause may have been the Viking raids that were common in the late eighth and early ninth centuries.
position to appreciate that new attention to the votum was the start of an ongoing application of the ideas on orality, education, and the RB to address the problem of loyalty. To better appreciate the character of the series of disastrous political events that brought these issues to the fore we can briefly review them here.

In 785-786 a dangerous conspiracy against the king was uncovered and averted, and was followed by a series of natural disasters including an earthquake, and an eclipse in 787. The same year Charlemagne, while attempting to obtain a more complete submission of Benevento and Bavaria, was confronted in both cases with resistance that he had to meet with military force. There followed in 788 an attack of the Avars on Bavaria, as well as a Byzantine landing in Italy. These problems were addressed in the reforming legislation of 789, but within a few years another complex of problems faced Charlemagne.

In the early 790s Charlemagne faced a new and more extensive crisis. In 792 a new conspiracy against him involving his illegitimate son Pippin was detected. Also in 792 the northern Saxons began a revolt that became a general

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122 Whether these are to be considered closer to insurrections or mere disloyalty depends on the reading of the sources. See King (1987), 51-61 for the former, and Collins (1998), 70-71 and 84-85 for the latter.
123 See King (1987), 59-60 for a general overview of primary and secondary sources for the events leading up to the Admonitio generalis.
uprising of the Saxon lands by 793, and in the same year the Saracens broke into Septimania. Directly preceding these threats there had been new conflicts in south Italy and at the middle Danube, and there was also a severe famine in 793 that had effects into 794. Compounding the disastrous politics and weather was the double religious controversy of this period over the council of Nicea and the Adoptionist heresy\textsuperscript{124}.

Charlemagne's response to these reversals was to initiate a series of reforms of the Church and society that included (in 789) the introduction into law of the core provisions of Canon Law as found in the Dionysio-Hadriana collection, and the reform of monasteries. Then came the more exclusively religious responses of 793 and 794, (which included the bringing of the RB into law), and ultimately the highly ambitious and short-lived efforts following the coronation of 800. These reforms are framed in terms that emphasize the religious nature of the measures to be taken. Nevertheless, politics and religion were inseparable, and from the basis of a spiritual reform it was expected that the political troubles of the king as well as the state of affairs in the natural realm would improve.

\textsuperscript{124} For an overview of these events and a guide to the sources see King (1987), 60-61, and also F.L. Ganshof, "Observations sur le synode de Francfort de 794," in vol. 1 of Miscellanea historica A. de Meyer (Louvain: Université de Louvain, 1946).
Charlemagne’s most direct response to the political aspects of these difficulties was the administration of a universal oath of allegiance, successively in 789, 794, and 802. The parallel between the emergence of Charlemagne’s new emphasis on the votum of the monks and the requirements of the oath of allegiance for the population at large is striking. Considering that monks were not required to take the general oath\textsuperscript{125}, the conclusion that the monastic votum was to stand in its place is unavoidable. That the fidelity of monks was in question is confirmed in the capitularies. In 789 monks and clerics were warned, in a paraphrase of the Council of Chalcedon (canon 18), against conspiring against their abbots and bishops:

Item in eodem concilio, ut nec cleric nec monachi conspirationes vel insidias contra pastorem suum faciant (22.29).

In the same year they are strongly and specifically commanded not to take part in the carousing and private oath-taking that could give rise to criminal associations, that is coniuraciones\textsuperscript{126}:

Omnino prohibendum est omnibus ebrietatis malum, et istas coniuraciones quas faciunt per sanctum Stephanum aut per nos aut per filios nostros prohibemus. Et praecipimus, ut episcopi vel abbates non vadant per casas miscendo (23.26).

\textsuperscript{125} See Bor.25.2, and Ganshof (1971 [1960]), 206.
\textsuperscript{126} Ganshof (1971 [1951]), 114-115.
Clearly, this was to be effected by introducing new laws for monks, some of them based on the RB, and encouraging them to live by the oath that the RB required them to take. The fact that the RB is the only rule that has a clearly described and required votum for monks is therefore most probably a main reason that it was referred to at this time.

These public oaths were either not effective or not made by all, as the subsequent conspiracy shows. Thus we read at capitulary 25.1 (793) that the oath is to be re-administered mainly because those who mounted the conspiracy of 792 tried to exculpate themselves on the grounds that they had not sworn allegiance.

Quam ob rem istam sacramenta sunt necessaria, per ordine ex antiqua consuetudine explicare faciant, et quia modo isti infideles homines magnum conturbium in regnum domni Karoli regi voluerint terminare et in eius vita consiliati sunt et inquisiti dixerunt, quod fidelitatem ei non iurasset.

Again monks are not required to take the general oath, and it is in this context that the RB is legislated for the first time in the reign of Charlemagne, connecting it to the ordo explicitly:

Clerici qui monachorum nomine non pleniter conversare videntur et ubi regula sancti Benedicti secundum ordinem tenent, ipsi in verbum tantum et in veritate promittant, de

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127 results of searching for vota, which, judging from the citations in Clement, are not common, (also based on reading Migne).
quibus specialiter abbates adducant domno nostro. (25.3)

Underlining the status of this pronouncement as an equivalent to the oath of allegiance is the use of the verb promittere, which was employed specifically in the more general oath to indicate an oath to the Emperor128.

There remains the question of why, if Charlemagne had the RB in mind, he did not simply name it and bring it into law in 789. The ambiguous references to the RB in 789 can be better understood when it is recognized that the paraphrases were part of a deliberate and well considered rhetorical strategy on Charlemagne's part. Again, it is the parallels between the wider law, this time the Dionysio-Hadriana canon law collection, and the RB that make this clear. Like the RB, the canon law was paraphrased in 789, and was only fully received into law later (in 802)129. It should also be noted that since the legislation only provides paraphrases of the core provisions of canon law, closer agreement could be expected with the various canonical texts which were available in Frankish lands at this time130, an effect that might have been

129 G.H. Pertz ed. (1826), 39.
130 By the end of the 6th century there were at least six distinct historically-arranged canon law collections in Gaul, all locally influenced but based on the Roman Collectio Dionysiana, which reached Charlemagne in 774 in an augmented form known as the Collectio Dionysio-Hadriana. Thus there would have been much agreement between the text that Charlemagne promoted and those already in use around the Empire, especially in the reports of canons. However, the influential thematically-arranged Collectio
expected to apply also between the RB and the various regulae mixtae. Further, by drawing on the canon law, rather than introducing it directly, Charlemagne was presenting himself as the "Church’s supreme law-giver", as opposed to being a conduit for the law from Rome. It may be a measure of the RB’s standing that it was (at first) considered to have been worth appropriating in this manner. As we have seen, the paraphrases also allow for the introduction of topics not covered by the original text (and also the omission of inconvenient passages). Finally, we may speculate that Charlemagne was aware of the intense resistance he would encounter by seeking to promote the RB by name, as was later the case at Aachen in 802, and sought to avoid the issue by employing paraphrases. Thus it seems that Charlemagne was interested in introducing the ideas, but not the text, of the RB into law in 789.

It was only in 793-794 when political straits required more decisive action that Charlemagne was brought to the point of employing paraphrases. vetus gallica made its appearance in the late sixth or early seventh century and generated its own influential derivations. These focused on conciliar canons as well, but incorporated a variety of other materials. See Roger E. Reynolds "Western Canonical Collections of the Late Fifth and Early Sixth Centuries: The Collectio Dionysiana and its Influence on Non-Systematic Collections to Carolingian Times," in *Studies in Medieval and Early Modern Canon Law*, ed. W. Hartmann and K. Pennington (Washington: Catholic University Press, in press), and his "Law, Canon: to Gratian" in vol.7 of *Dictionary of the Middle Ages*, ed. Joseph R. Strayer (New York: Scribner, 1982-1989), 398-399.

of bringing the RB directly into law. Charlemagne took several measures to control monks at this time. Regarding the Regula Theme we have noted particularly that the first appearance of the RB in the legislation was in 793, followed by more substantial references in 794, which shows that Charlemagne was at this time moving to a clearer and more exacting standard for the monks. The hardening of the two other themes at the same time provided further strengthening of the controls on monks. The new appeal process referred to the RB as the basic monastic law, and the newly reiterated authority of the bishop over abbot, both inside and outside court, further subordinated all monastics (including abbots) to uniform standards of behaviour.

But it was not only because of the seditious activity of monks that Charlemagne took these various steps to improve his control. There are indications that the behavior of monks in Saxony, especially their extortionate tithing, was a major cause for the new and widespread rebellion. The main evidence for excessive tithing in Saxony comes in 796, when Alcuin wrote a series of letters in which he deplored the situation, which was damaging the success of the mission.

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there. The tithe was, in theory, to be paid by all, and collected only by those of clerical rank. Nevertheless, in practice it was very common for monks to collect the tithe, and increasingly common for them not to pay it. In earlier capitularies there is some confusion over who exactly qualifies as a cleric, which monks took advantage of. As early as 789 Charlemagne took steps to distinguish the two. However, even as late as 793 (25.3, quoted above), it is clear that some clerics live a semi-monastic style of life, and in 794 there is another effort to distinguish monks and clerics.

It is possible that as a result of Alcuin's intervention some special concessions on the tithe were made to the Saxons, and in any case Charlemagne had initiated a new Saxon policy at this time. This policy was characterized by more flexibility, and indicates a measure of understanding of the Saxons' predicament on Charlemagne's part. In light of these considerations it appears that the new controls on monks

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133 James W. Thompson, Feudal Germany, (Chicago: University of Chicago Press, 1928): 394 n.4 cites the following letters, all of 796: 107; 110; 111; 113.
135 Constable (1964), 39, 60.
136 Constable (1964), 201-205
137 Constable (1964), 33-34.
138 Ganshof (1971 [1949]), 21, though several years would pass before the policy would be expressed legally in the Capitulare Saxonicum of 797 (Bor. 27).
and monasteries was in part a complementary effort: while Charlemagne was offering the Saxons new paths to resolve their conflicts with his regnum, he was also lightening the burden that his church was imposing by reducing the tithe.

The political motivations for the adoption of the RB outlined above were continued and intensified in the legislation of 802\textsuperscript{140}, which is still very much a part of the Carolingian renaissance\textsuperscript{141}. Charlemagne initiated this new reform constrained by the new sense of responsibility he felt as a Christian Emperor\textsuperscript{142} following his coronation in Rome in 800\textsuperscript{143}. While the understandings of the coronation and its legislative aftermath are many\textsuperscript{144}, what is clear from the capitulary itself is the new height to which Charlemagne had risen, which required a new kind of oath to suit the new relationship he was to have with his subjects\textsuperscript{145}. Something of what he expected of monasteries can be gathered from the rather extensive selections that were chosen to be read aloud.

\textsuperscript{139} In contrast to his prior actions, Charlemagne chose not to execute large numbers of Saxons on his preliminary victory in 794. See King (1987), 24. Charlemagne undertook mass deportations in lieu of violence.

\textsuperscript{140} For a description of the legislation see Ganshof (1971 [1963]), 55-85.

\textsuperscript{141} Ganshof (1971 [1963]), 70 refers to it as a spiritual renovatio.

\textsuperscript{142} Ganshof (1971 [1963]), 60.


\textsuperscript{144} For a brief guide to the main works see King (1987), 61-64.

\textsuperscript{145} Ganshof (1971 [1963]), 58.
or to be the subject of examination (37.23,24). These may be listed here for ease of reference:

<table>
<thead>
<tr>
<th>Cap.</th>
<th>Titulus</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>De generibus vel vita monachorum</td>
</tr>
<tr>
<td>2</td>
<td>Qualis debeat esse abbas</td>
</tr>
<tr>
<td>3</td>
<td>De adhibendis ad consilium fratribus</td>
</tr>
<tr>
<td>5</td>
<td>De oboedientia discipulorum, qualis sit</td>
</tr>
<tr>
<td>7</td>
<td>De humilitate</td>
</tr>
<tr>
<td>8</td>
<td>De officis diuinis in noctibus</td>
</tr>
<tr>
<td>11</td>
<td>Qualiter dominicis diebus uigiliae agantur</td>
</tr>
<tr>
<td>17</td>
<td>Quanti psalmi per easdem horas dicendi sunt?</td>
</tr>
<tr>
<td>27</td>
<td>Qualiter debeat abba sollicitus esse circa excommunicatos</td>
</tr>
<tr>
<td>31</td>
<td>Qualis debeat esse cellararius monasterii</td>
</tr>
<tr>
<td>40</td>
<td>De mensura potus</td>
</tr>
<tr>
<td>58</td>
<td>De ordine suscipiendorum fratrum</td>
</tr>
<tr>
<td>59</td>
<td>De filii nobilium vel pauperum</td>
</tr>
<tr>
<td>60</td>
<td>De sacerdotibus qui in monasterio habitare voluerint</td>
</tr>
<tr>
<td>61</td>
<td>De monachis peregrinis</td>
</tr>
</tbody>
</table>

Clearly this selection is dominated by the sections on the administration of the monastery (1,2,3), good order within it (5,7,27,31,40), and proper admittance procedures (58-61). The minimum elements of ritual are described as well, but notable is the total absence of any of the extensive matter the RB provides on monastic spirituality. For a fundamentally spiritual reform, the Programmatic Capitulary is concerned to emphasize decidedly organizational and structural elements of the RB.

This leads to the final question of this paper: why was the RB selected as the standard, and not a different rule? All rules deal with the specifics of daily monastic life that were singled out for emphasis above, though perhaps not in the same
manner as the RB. We have seen that the RB was perhaps selected for the detailed description it contains of the votum and the associated ceremony, but it has also been noted that many rules contain references to an oath. Likewise, we have seen that the RB was considered to be especially suited to education because of its strong emphasis on honestas morum, but this praise for the RB comes later, some 10 years after it was initially paraphrased in 789, and so cannot be taken as fully persuasive as an indication of primary motivations. We may also mention the general emphasis in the RB on obedience, which in the context of the votum would have been attractive to Charlemagne, but again the RB was not unique in this. In fact the RB shares many of its core qualities with the Rule of Columbanus.\(^{146}\)

However, one distinctive feature of the RB may be noted. The high degree of authority given to the abbot has been identified as a particularly strong characteristic of the RB. The detail with which this authority is described, and the way in which this authority is felt in all other aspects of the rule is striking.\(^{147}\) The RB combined the two main streams of traditional Egyptian monastic authority by placing the


\(^{147}\) Fry ed. (1981), 369.
eremitical spiritual father in the cenobitic context\textsuperscript{148}. However, the RB also made provisions for the appeal to or acceptance of external authority, such as that of the bishop in disputed elections\textsuperscript{149}. The authority of the abbot in the RB has been described in the Carolingian context as follows:

Le chef de cette petite monarchie, c'est l'abbé dont saint Benoît a fait le pivot central d'organisation cénobitique. À l'extérieur l'abbé peut être soumis à un autre pouvoir, ecclésiastique ou séculier, mais à l'intérieur il est la seule autorité\textsuperscript{150}.

Thus the RB, with all power residing in the abbot, but with the potential acceptance of external authority, fit very well with Charlemagne's reinforcement of the bishop's authority, and his ongoing concern for order in monastic affairs. Perhaps especially in 802, with his new authority still unaccustomed, the RB would have made good sense to Charlemagne\textsuperscript{151}.

As we have seen, this reforming activity came to an abrupt halt following the 802 councils. This was due to the political pressure that certain powerful monks exerted on Charlemagne in opposition to the implementation of a standard


\textsuperscript{149} RB 64.4. See de Vogüé (1983 [1971]), 74.

\textsuperscript{150} McLaughlin (1935), 54.

\textsuperscript{151} As it later did to those who wanted to refashion the empire on the model of a Benedictine monastery, see McKitterick (1983), 124.
rule\textsuperscript{152}. But the older objective of monastic policy, to dismantle the episcopal states, continued to progress even when the newer initiatives faded. It would be three more years before this programme reached its end. The silence on the question of the RB in monasteries continued until 810-811, when, as we have seen, Charlemagne re-opened the question and began searching again for a way to produce fitting behaviour in monks and monasteries.

\textsuperscript{152} Semmler (1965), 288.
Conclusion

This essay has explored the problem of the political motivations for the promulgation of the RB to all monasteries in the reign of Charlemagne. Focussing on the largest and most closely-related legislative themes concerning the RB, it has been found that Charlemagne’s monastic policy underwent a clear evolution.

Though their histories in the reigns of Carloman and Pippin III were diverse, the Regula Theme, the Bishop-Abbot Theme and the Justice Theme all shift from a ‘soft’ to a ‘hard’ posture following c794. The ‘hard’ policies were maintained and even intensified until 802, when there is an almost complete cessation of these efforts. There is a return to the issue of the RB in the legislation at the end of Charlemagne’s reign, but this return is not concerned to implement the RB in monasteries.

The coincidence of the similarity of development in these three themes, two of which concern institutions commonly held to be subject to political pressures, suggests strongly that there were political motivations for the implementation of the RB. The fact that hardening of these policies occurred amid the great political troubles of the early 790s reinforces this impression.
The events of the early 790's did provide a strong impetus for the establishment of the RB in monasteries. In at least two important respects, regarding the oath securing the fidelity of monks and regarding the reduction of monastic disorder, which could have had serious political consequences, the RB was implemented in response to political motivations. More broadly it can be said that the RB was adopted for political reasons inasmuch as it was an important part of the educational policy that formed the basis of the Carolingian renaissance.

While the importance of identifying some of the political motivations for the promulgation of the RB as a corrective effort regarding contemporary scholarship has been shown, the almost exclusively political focus of this essay does not treat the sources in a comprehensive manner, and risks producing distortions. The Carolingians did not separate the political and the religious worlds.
Appendix 1: Capitulary Data

All Datable Carolingian Capitularies, 742-813
(earliest possible dates assumed)

Comments:

Clearly the great majority of capitularies are dated later than Jan. 1, 802. The total datable capitularies 802-813 are 72, or an average of 6 per year. In contrast, the total datable capitularies from 742 to 801 are 42, or 0.7 per year. Comparatively speaking, on average there remain only 0.12 capitularies per year in the earlier period for each one in the later period.

This may seem to argue that the sources offer much better coverage of monastic policy after 802, and that the earlier period may be deficiently represented. However, taking the Regula Theme as representative, the opposite is the case. The total regula references between 802 and 813 are 55, or 4.58 per year. The total regula references between 742 and 801 are 70, or 1.17 per year. For every regula reference after 802, 0.26 remain from the earlier period, more than double the number we would expect (actually 2.16 times, or 116% more), compared to the incidence of surviving capitularies (0.12).

Conclusion:

Pre-802 capitularies show a 116% greater rate of regula theme references compared to the better documented period following. This may be due to their having being selected for preservation, which would suggest a concern to preserve these references, either at the time or later (or both). Supposing, on the other hand, that survival is random, this result would argue
for a higher frequency of references in the earlier period, which would suggest a higher degree of contemporaneous concern with the issue. A combination of causes is likely.

This table is compiled to allay any suspicions that the earlier period is insufficiently documented to draw comparisons with the later period. However, it also suggests a lessening concern with monastic issues following 802. It has been asserted that Charlemagne's declining interest in monastic policy was the result of opposition to making the RB mandatory in 802\(^1\), but it may also be part of certain lassitude in Charlemagne's later reign\(^2\).

\(^1\) Semmler (1965), 288.
Appendix 2:
Capitularies Relevant to Charlemagne’s Monastic Policy

Comments and Key

Order: The capitularies are arranged according to their earliest possible date as a matter of consistency, and because using the latest dates tends to make more dramatic the difference between the periods before and after 800 (as discussed in appendix 1), though in either case 802 remains the pivotal year. It is also more conservative to assume the earlier dates because a greater difference would tend to support the argument presented here that there was a major shift in policy between 787 and 802.

Names and Texts: From the Boretius edition, except where noted.

Dates: Unless stated otherwise, the dates follow de Clercq (1936). References to more accurate dating are made with the following abbreviations (see bibliography for full citations).

| B     | A. Boretiuss (1883) |
| dCl   | C. deClercq (1936)  |
| E:1   | W.A. Eckhardt (1955) |
| E:2   | W.A. Eckhardt (1956) |
| G:1   | F.L. Ganshof (1947)  |
| G:2   | F.L. Ganshof (1954)b |
| G:3   | F.L. Ganshof (1958)  |
| G:4   | F.L. Ganshof (1971)  |
| G:5   | F.L. Ganshof (1954)a |
| K     | P.D. King (1987)     |

Main and Italian capitularies

<table>
<thead>
<tr>
<th></th>
<th>Name</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Karlmanni principis capitulare</td>
<td>Apr. 21, 742</td>
</tr>
<tr>
<td>2.</td>
<td>Karlmanni principis capitulare Liptinense</td>
<td>744</td>
</tr>
<tr>
<td>3.</td>
<td>Pippini principis capitulare Suessionense</td>
<td>Mar. 2, 744</td>
</tr>
<tr>
<td>4.</td>
<td>Pippini regis capitulare</td>
<td>751-755 (G:3,109)</td>
</tr>
<tr>
<td>5.</td>
<td>Concilium Vernense</td>
<td>Jul. 11, 755</td>
</tr>
<tr>
<td>6.</td>
<td>Pippini capitulare Aquitanicum</td>
<td>768-769 (K,25)</td>
</tr>
<tr>
<td>7.</td>
<td>Capitulare Haristallense</td>
<td>Mar., 779</td>
</tr>
<tr>
<td>8.</td>
<td>Karoli epistola in Italiam emissa</td>
<td>779-781</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>9.</td>
<td>89</td>
<td>Capitulare cum episcopis Langobardicis deliberatum</td>
</tr>
<tr>
<td>10.</td>
<td>91</td>
<td>Pippini Italiae regis capitulare</td>
</tr>
<tr>
<td>11.</td>
<td>30</td>
<td>Karoli epistola generalis</td>
</tr>
<tr>
<td>12.</td>
<td>95</td>
<td>Pippini capitulare</td>
</tr>
<tr>
<td>13.</td>
<td>94</td>
<td>Pippini capitulare papiense</td>
</tr>
<tr>
<td>14.</td>
<td>96</td>
<td>Capitula cum Italiae episcopis deliberata</td>
</tr>
<tr>
<td>15.</td>
<td>22</td>
<td>Admonitio generalis</td>
</tr>
<tr>
<td>16.</td>
<td>23</td>
<td>Duplex legationis edictum</td>
</tr>
<tr>
<td>17.</td>
<td>24</td>
<td>Breviarium missorum Aquitanicum</td>
</tr>
<tr>
<td>18.</td>
<td>25</td>
<td>Capitulare missorum</td>
</tr>
<tr>
<td>19.</td>
<td>21</td>
<td>Capitulare episcoporum</td>
</tr>
<tr>
<td>20.</td>
<td>28</td>
<td>Synodus Franconofurtensis</td>
</tr>
<tr>
<td>21.</td>
<td>29</td>
<td>Karoli epistola de litteris colendis</td>
</tr>
<tr>
<td>22.</td>
<td>112</td>
<td>Statuta Rhispanesia, Frisingensia, Salisburgensia</td>
</tr>
<tr>
<td>23.</td>
<td>33</td>
<td>Programmatic capitulary¹</td>
</tr>
<tr>
<td>24.</td>
<td>34</td>
<td>Capitularia missorum specialia</td>
</tr>
<tr>
<td>25.</td>
<td>35</td>
<td>Capitulare missorum item speciale</td>
</tr>
<tr>
<td>26.</td>
<td>37</td>
<td>Capitula ad lectionem canonum et regulae Sancti Benedicti pertinentia</td>
</tr>
<tr>
<td>27.</td>
<td>77</td>
<td>Capitulare Aquisgranense</td>
</tr>
<tr>
<td>28.</td>
<td>59</td>
<td>Capitula a misso cognita facta</td>
</tr>
<tr>
<td>29.</td>
<td>39</td>
<td>Capitulare legibus additum</td>
</tr>
<tr>
<td>30.</td>
<td>40</td>
<td>Capitulare missorum</td>
</tr>
<tr>
<td>31.</td>
<td>42</td>
<td>Capitula ecclesiastica ad Salz data</td>
</tr>
<tr>
<td>32.</td>
<td>43</td>
<td>Duplex capitulare missorum in Theodonis villa datum: primum, mere ecclesiasticum</td>
</tr>
<tr>
<td>33.</td>
<td>44</td>
<td>Duplex capitulare: secundum, generale</td>
</tr>
<tr>
<td>34.</td>
<td>46</td>
<td>Capitulare missorum Niumagae datum</td>
</tr>
</tbody>
</table>

¹ On the re-naming of this capitulary, see Ganshof (1958), 6-7.
### Table 1: Less precisely dated capitularies

<table>
<thead>
<tr>
<th>No.</th>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>47.</td>
<td>121</td>
<td>Missi cuiusdam admonitio</td>
</tr>
<tr>
<td>48.</td>
<td>102</td>
<td>Pippini capitulare Italicum</td>
</tr>
<tr>
<td>49.</td>
<td>38</td>
<td>Capitula de examinandis ecclesiasticis</td>
</tr>
<tr>
<td>50.</td>
<td>54</td>
<td>Capitula per episcopos et comites nota facienda</td>
</tr>
<tr>
<td>51.</td>
<td>58</td>
<td>Reponsa misso cuidam data</td>
</tr>
<tr>
<td>52.</td>
<td>69</td>
<td>Capitulare Baiwaricum</td>
</tr>
<tr>
<td>53.</td>
<td>84</td>
<td>Capitula vel missorum vel synodalia</td>
</tr>
<tr>
<td>54.</td>
<td>117</td>
<td>Quae a presbyteris discenda sint</td>
</tr>
<tr>
<td>55.</td>
<td>116</td>
<td>Interrogationes examinationis</td>
</tr>
<tr>
<td>56.</td>
<td>47</td>
<td>Capitula excerpta de canone</td>
</tr>
<tr>
<td>57.</td>
<td>79</td>
<td>Capitula originis incertae</td>
</tr>
</tbody>
</table>

### Table 2: More precisely dated capitularies

<table>
<thead>
<tr>
<th>No.</th>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>35.</td>
<td>85</td>
<td>Capitula a missis dominicis ad comites directa</td>
</tr>
<tr>
<td>36.</td>
<td>75</td>
<td>Karoli ad Fulradum abbatem epistola</td>
</tr>
<tr>
<td>37.</td>
<td>53</td>
<td>Capitulare missorum</td>
</tr>
<tr>
<td>38.</td>
<td>50</td>
<td>Capitulare missorum de exercitu promovendo</td>
</tr>
<tr>
<td>39.</td>
<td>63</td>
<td>Capitulare missorum Aquisgranense alterum</td>
</tr>
<tr>
<td>40.</td>
<td>71</td>
<td>Capitula tractanda cum comitibus, episcopis, et abbatibus</td>
</tr>
<tr>
<td>41.</td>
<td>72</td>
<td>Capitula de causis cum episcopis et abbatibus tractandis</td>
</tr>
<tr>
<td>42.</td>
<td>73</td>
<td>Capitula de rebus exercitalibus in placito tractanda</td>
</tr>
<tr>
<td>43.</td>
<td>80</td>
<td>Capitulare de iustitiis faciendis</td>
</tr>
<tr>
<td>44.</td>
<td>78</td>
<td>Capitulare e canonibus excerpta</td>
</tr>
<tr>
<td>45.</td>
<td>92</td>
<td>Capitula Mantuanum primum, mere ecclesiasticum</td>
</tr>
<tr>
<td>46.</td>
<td>93</td>
<td>Capitulare Mantuanum secundum, generale</td>
</tr>
</tbody>
</table>

### Table 3: More precisely dated capitularies (cont.)

<table>
<thead>
<tr>
<th>No.</th>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>47.</td>
<td>121</td>
<td>Missi cuiusdam admonitio</td>
</tr>
<tr>
<td>48.</td>
<td>102</td>
<td>Pippini capitulare Italicum</td>
</tr>
<tr>
<td>49.</td>
<td>38</td>
<td>Capitula de examinandis ecclesiasticis</td>
</tr>
<tr>
<td>50.</td>
<td>54</td>
<td>Capitula per episcopos et comites nota facienda</td>
</tr>
<tr>
<td>51.</td>
<td>58</td>
<td>Reponsa misso cuidam data</td>
</tr>
<tr>
<td>52.</td>
<td>69</td>
<td>Capitulare Baiwaricum</td>
</tr>
<tr>
<td>53.</td>
<td>84</td>
<td>Capitula vel missorum vel synodalia</td>
</tr>
<tr>
<td>54.</td>
<td>117</td>
<td>Quae a presbyteris discenda sint</td>
</tr>
<tr>
<td>55.</td>
<td>116</td>
<td>Interrogationes examinationis</td>
</tr>
<tr>
<td>56.</td>
<td>47</td>
<td>Capitula excerpta de canone</td>
</tr>
<tr>
<td>57.</td>
<td>79</td>
<td>Capitula originis incertae</td>
</tr>
</tbody>
</table>
### Undated capitularies

<table>
<thead>
<tr>
<th>No.</th>
<th>Year</th>
<th>Title</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>58.</td>
<td>19</td>
<td>Karoli M. capitulare primum</td>
<td>Undated</td>
</tr>
<tr>
<td>59.</td>
<td>104</td>
<td>Capitula Francica (1)(5)</td>
<td>Undated</td>
</tr>
<tr>
<td>60.</td>
<td>105</td>
<td>Capitula Italica (21)</td>
<td>Undated</td>
</tr>
<tr>
<td>61.</td>
<td>118</td>
<td>Quibus de rebus in synodo quadam provinciali tractandum sit</td>
<td>Undated</td>
</tr>
</tbody>
</table>
Appendix 3: Monastic Citations According to Theme

Key:
Themes

<table>
<thead>
<tr>
<th></th>
<th>Regula</th>
<th>NEW</th>
<th>Newcomer</th>
</tr>
</thead>
<tbody>
<tr>
<td>B-A</td>
<td>Bishop-abbot</td>
<td>JUS</td>
<td>Justice, (and appeal processes)</td>
</tr>
<tr>
<td>SB</td>
<td>Secular Business</td>
<td>VAR</td>
<td>Various government uses of monasteries</td>
</tr>
<tr>
<td>SIM</td>
<td>Simony (and other monetary abuses)</td>
<td>M/C</td>
<td>Monk/canon distinction</td>
</tr>
<tr>
<td>FOR</td>
<td>Fornication and Drinking</td>
<td>PRP</td>
<td>Property issues</td>
</tr>
<tr>
<td>HUN</td>
<td>Hunting</td>
<td>VAG</td>
<td>Vagrancy and travelling</td>
</tr>
</tbody>
</table>

Two other classes are included for ease of comparison:

<table>
<thead>
<tr>
<th></th>
<th>F.M.</th>
<th>Female Monasteries</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>S.I.</td>
<td>Single Issues (non-thematic)</td>
</tr>
</tbody>
</table>

Specifics within themes

<table>
<thead>
<tr>
<th>Regula Theme</th>
<th>B-A Theme</th>
</tr>
</thead>
<tbody>
<tr>
<td>P = positive</td>
<td>B = bishop superior</td>
</tr>
<tr>
<td>N = negative</td>
<td>Eq = equivalence of status</td>
</tr>
<tr>
<td>A = ambiguous</td>
<td>H = other hierarchical reorganisation</td>
</tr>
<tr>
<td>Ph = paraphrase</td>
<td>Ag = agreement between bishop and abbot sought</td>
</tr>
<tr>
<td>F = pertains to female monasteries</td>
<td></td>
</tr>
</tbody>
</table>

Shaded references (to undated documents) are not counted in totals for the purposes of this paper.
<table>
<thead>
<tr>
<th></th>
<th>14.5 (F) (A)</th>
<th>14.4 (H)</th>
<th>28.11</th>
<th>23.15</th>
<th>22.14</th>
<th>77.1</th>
<th>37.23</th>
<th>13.3</th>
<th>23.9</th>
<th>33.19</th>
<th>14.11</th>
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Appendix 4:
Capitulary Sources for Charlemagne's Monastic Policy

1) Bor.10. KARLMANNI PRINCIPIS CAPITULARE.
April 21, 742.

Et per consilium sacerdotum et optimatum meorum ordinavimus per civitates episcopos, et constituimus super eos archiepiscopum Bonifati qui est missus sancti Petri. Statuimus per annos singulos synodum congregare, ut nobis praesentibus canonum decreta et aecclesiae iura restaurentur et relegio christiana emendetur. Et fraudatas pecunias ecclesiarum ecclesiis restituimus et reddimus. Falsos presbiteros et adulteros vel fornicatores diaconos et clericos de pecuniis ecclesiarum abstulimus et degradavimus et ad poenitentiam coegimus.

Servis Dei per omnia omnibus armaturam portare vel pugnare aut in exercitum et in hostem pergere omnino prohibuimus, nisi illi tantummodo qui propter divinum ministerium, missarum scilicet solemnia adimplenda et sanctorum patrocinia portanda ad hoc electi sunt. Id est unum vel duos episcopos cum capellanis presbiteris princeps secum habeat, et unusquisque praefectus unum presbiterum, qui hominibus peccata confitentibus iudicare et indicare poenitentiam possint. Necnon et illas venationes et silvaticas vagationes cum canibus omnibus servis Dei interdiximus; similer ut aceptores et walcones non habeant.


Decrevimus quoque, ut presbiteri vel diaconi non sagis, laicorum more, sed casulis utantur, ritu servorum Dei. Et nullus in sua domu mulierem habitare permittat. Et ut monachi
et ancillae Dei monasteriales iuxta regulam sancti Benedicti ordinare et vivere, vitam propria gubernet studeant.

2) Bor.11. KARLMANNI PRINCIPIIS CAPITULARE LIPTINENSE. 744.

1 Modo autem in hoc synodali conventu, qui congregatus est ad Kalendas Martias in loco qui dicitur Liftinas, omnes venerabiles sacrodotes Dei et comites et praefecti prioris synodus decreta consentientes firmaverunt, se implere velle et observare promisentur. Et omnis ecclesiastici ordinis clerus, episcopi et presbyteri et diaconi cum clericis, suscipientes antiquorum patrum canones, promiserunt se velle ecclesiastica iura moribus et doctrinis et ministerio recuperare. Abbates et monachi receperunt sancti patris Benedicti [regulam] ad restaurandam normam regularis vitae. Fornicatores et adulteros clericos, qui sancta loca vel monasteria ante tenentes coinquinaverunt, praecipimus inde tollere et ad poenitentiam redigere. Et si post hanc definitionem in crimine fornicationis vel adulterii ceciderunt, prioris synodus iudicium sustineant. Similiter et monachi et nonnae.

2 Statuimus quoque cum consilio servorum Dei et populi christiani, propter imminentia bello et persecutiones ceterarum gentium quae in circuitu nostro sunt, ut sub precario et censu aliquam partem ecclesiatis pecuniae in adiutorium exercitus nostri cum indulgentia Dei aliquanto tempore retineamus, ea conditione, ut annis singulis de unaquaque casata solidus, id est duodecim denarii, ad ecclesiam vel ad monasterium redatur; eo modo, ut si moriatur ille cui pecunia commodata fuit, ecclesia cum propria pecunia revestita sit. Et iterum, si necessitas cogat ut princeps iubeat, precarium renovetur et rescribatur novum. Et omnino observetur, ut ecclesia vel monasteria penuriam et paupertatem non patiantur, quorum pecunia in precario praestita sit; sed si paupertas cogat, ecclesiae et domui Dei reddatur integra possessio.

3) Bor.12. PIPPINI PRINCIPIIS CAPITULARE SUESSIONENSE. March 2, 744.

3 Idcirco constituimus per consilio sacerdotum et optimatum meorum et ordinavimus per civitatis legitimos episcopos; idcirco constituemus super eos archiepiscopus Abel et Ardobertum, ut ad ipsos vel iudicia eorum de omne necessitate
ecclesiastica recurrant tam episcopi quam alius populus. Ut ordo monachorum vel ancillarum Dei secundum regula sancta stabiles permaneant. Et de rebus ecclesiasticis subtraditis monachi vel ancillas Dei consolentur, usque ad illorum necessitati satisfaciant; et quod superaverit, census levetur. Et abbati legitimi ostem non faciant, nisi tantum hominis eorum transmittant. Et omnes clerici fornicationem non faciant et abitu laicorum non portent nec apud canis venationes non faciant nec acceptores non portent.

4
Similiter decrevimus, ut laici homines legitimi vivant et diversis fornicationis non faciant et perjurias in ecclesia non consentant et falsi testimoniis non dicant et ecclesiam Dei in omni necessitate conservent. Et unusquisque presbyter qui in parrochia est episcopo obediens et subjectus sit, et semper in coena Domini rationem et ordinem ministerii sui episcopo reddat et crisma et oleo petat. Et quando iure canonico episcopus circumeat parrochia ad confirmandum populum, episcopi sive abbati sive presbyteri parata sint ad suscipientum episcopo in adiutorium necessitatis.

4) Bor.13. PIPPINI REGIS CAPITULARE. 751-755.

2 (in reference to incest)
De ecclesiasticis vero, si bona persona fuerit, perdat honorem suum: minores vero vapulentur aut in carcere recludantur.

3
De presbyteris et clericis sic ordinamus, ut archidiaconus episcopi eos ad synodum commoneat una cum comite. Et si quis contemptserit, comes eum distingerefaciat, ut ipse presbyter aut defensor suus LX solidos componat, et ad synodum eat. Et episcopus ipsum presbyterum aut clericum iuxta canonica auctoritatem dejudicare faciat. Solidi vero LX de ipsa causa in sacello regis veniant. Et si aliquid per violentiam presbyterum aut clericum aut incestuosum contradixerit, tunc comes ipsam personam per fideiussores positam ante regem facuat una cum misso episcopi venire; et domnus rex distingrat, ut ceteri emendentur.

4
De theloneis vero sic ordinamus, ut nullus de victualia et carralia, quod absque negotio est, theloneum praehendat; de saumis similiter, ubicumque vadunt. Et de peregrinos similiter constituimus qui propter Deum ad Romam vel alicubi vadunt, ut ipsos per nullam occasionem ad pontes vel ad exclusas aut navigi non deteneatis, nec propter scrippa sua ullo peregrino
calumpniam faciatis, nec ullum theroneum eis tollatis. Et si aliquis hoc fecerit, qualiscumque homo hoc comprobaverit, de LX solidis triginta illi concedimus, et illi alii in sacello regis veniant.

6
Ut emunitates conservatae sint.

7
De iustica facienda. Ut omnes iusticiam faciant, tam publici quam ecclesiasticici. Et si aliquis homo ad palacium venerit pro causa sua, et antea ad illum comitem non innotuerit in mallo ante racemurgii, aut de causa sua ante comite in mallo fuit ante racemburgiis, et hoc sustinere noluerit quod ipsi ei legitime iudicaverint: si pro ipsis causis ad palacium venerit, vapuletur; et si maior persona fuerit, in regis arbitrium erit. Et si reclamaverit quod legem ei non iudicassent, tunc licenciam habeat ad palacium venire pro ipsa causa. Et si ipsos convincere potuerit quod legem ei non iudicassent, secundum legem contra ipsum emendare faciat. Et si comes vel racemurgii eum convincere potuerint quod legem ei iudicassent, et ipse hoc recipere noluerit, hoc contra ipsos emendare faciat. Similiter de ecclesiasticis, si ad palatium venerint de eorum causa sibi reclamare super eorum seniore, vapulentur, nisi senior suus pro sua causa transmiserit.

5) Bor.14. CONCILIUM VERNENSE.
    July 11, 755.

3
Ut unusquisque episcoporum potestatem habeat in sua parrochia, tam de clero quam de regularibus vel secularibus, ad correngendum et emendandum secundum ordinem canonicum spiritale, ut sic vivant qualiter Deo placere possint.

4
Ut bis in anno sinodus fiat. Prima sinodus mense primo, quod est Martias Kalendas, ubi domnus rex iussisset, eius praesentia. Secunda sinodus Kalendas Octubris, aut ad Suessionis vel aliubi ubi ad Martias Kalendas inter ipsos episcopos convenit; et illi episcopi ibidem conveniant, quos modo vicem metropolitanorum constituimus, et alii episcopi vel abbates seu presbiteri, quos ipsi metropolitani aput se venire iussisset, ibidem in ipsa secunda sinodo convenire faciant.

5
Ut monasteria, tam virorum quam puellarum, secundum ordinem regulariter vivant; et si hoc facere contemperent, episcopus in cuius parrochia esse videntur hoc emendare debeat. Quod si
non potuerit, hoc quem metropolitanum constituimus innotescat, et ipse hoc emendare faciat. Quod si hoc nec ipse emendare potuerit, ad sinodum publicum exinde veniant, et ibidem canonicam sententiam accipiat. Et si publicum sinodum contempererit, aut honorem suum perdat aut excommunicetur ab omnibus episcopis, et talis in eius locum in ipso sinodo constitutur per verbum et voluntatem domno rege vel consensu servorum Dei, qui secundum ordinem sanctam ipsam gregem regat.

6
Constituimus ut nulla abbatissa dua monasteria non praesumat habere, nec extra monasterium licentiam exire, nisi hostilitate cogente. Sed domnus rex dicit, quod vellit, ut, quando aliquis de ipsa abbatissas ipse domnus rex ad se iusserit venire, semel in anno et per consenso episcopi in cuius parrochia est, ut tunc ad eum aliquas veniant, et sua iussione, si necessitas fuerit, et aliubi omnino non debeant nec per villas nec per alia loca demorare, nisi tantum cum celerius potuerit ad ambulantum et ad revertendum. Et ante a non moveat de suo monasterio, antequam suum missum ad domnum regem transmittat. Et si iusserit rex venire, veniat. Sin autem, in monasterio permaneat, interim quod hoc plenius secundum canones emendamus. Similiter nec illas monachas extra monasterium exire non debeant. Quod si aliqua in aliquo lapsu ceciderit, infra monasterio per consilium episcopi penitentiam agat. Et si necesse est de eorum necessitate ad domnum regem vel ad sinodum aliquid suggerere, eorum propositi vel missi hoc debeant facere; et quale munera ad palatium dare voluerint, per missos suos hoc dirigant. Et si aliqua monasteria sunt qui eorum ordinem propter paupertatem adimplere non potuerint, hoc ille episcopus de veritate praevideat, et hoc domno rege innotescat, ut in sua elimosina hoc emendare faciat. Et si tales foeminae velatae ad praesens ibidem congregatae inveniuntur qui regulariter vivere non vellent, nec ad hoc dignae sunt ut cum illas alias habitent, episcopus vel abbatissa praevideant locum aptum, ubi separatim cum custodia in pulsaturio habitare debeant, vel operare manibus quod ipsa abbatissa eius iusserit, interim quod probatas, si dignae sunt, in congregatione recipiuntur.

10
Ut monachi, qui veraciter regulariter vivunt, ad Romam vel aliubi vagandi non permittantur, nisi oboedientiam abbatis sui exerceant. Et si talis causa evenerit, quod absit, quod ille abbas sic remissus vel negligens inveniatur aut in manus laicorum ipsum monasterium veniat, et hoc episcopus emendare non potuerit, et aliqui tales monachi ibidem fuerint qui propter Deum de ipso monasterio in alterum migrare vellent propter eorum animas salvandas, hoc per consensum episcopi sui licentiam habeant, qualiter eorum animas possint salvare.
11
De illis hominibus, qui se dicunt propter Deum quod se tonsorassent, et modo res eorum vel pecunias habent et nec sub manu episcopi sunt nec in monasterium regulariter vivunt, placuit ut in monasterio sint sub ordine regulari aut sub manu episcopi sub ordine canonica; et si aliter fecerint, et correpti ab episcopo suo se emendare noluerint, excommunicentur. Et de ancillis Dei velatis eadem forma servetur.

13
De episcopis vagantibus qui parrochias non habent, nec scimus ordinationem eorum qualiter fuit, placuit iuxta instituta sanctorum patrum, ut in alterius parrochia ministrare nec ullam ordinationem facere non debeant sine iussione episcopi cuius parrochia est. Et si hoc facere praesumpserit, ab officio suspenderetur interim quod ad sinodum exinde venerit, et ibidem secundum canonica institutionem accipiat sententiam; nisi tantum pro itineris causa. Et si ullus clericus aut laicus tales episcopum aut presbyterum defensaverit sine comeato episcopi cuius parrochia est, excommunicetur usque ad emendationem.

16
Ex sinodo Calcidonense cap. III. Ut clerici conductores non sint, hoc est, ut non habeant actiones seculares, nisi tantum pro causas ecclesiarem, orfanorum vel viduarum, ordinante episcopo suo.

18
Ut nullus clericus ad iudicia laicorum publica non conveniat nisi per iussionem episcopi sui vel abbatis, iuxta canones Cartaginensis, capitolo IX ut ibi scriptum est: "Qui relicto ecclesiasticum iudicio publicis iudiciis se purgare voluerit, etiamsi pro illo fuerit prolata sententia, locum suum amittat. Hoc in criminale iudicio. In civili vero perdat quod evicit, si locum suum obtenere voluerit. Cui enim ad elegendos iudices undique ecclesiae patet auctoritas, ipse se indignum fraterno consortio iudicat qui, de universa ecclesia male sentendio, seculare de iudicio poscit auxilium, cum privatorum christianorum causas apostolus ad ecclesiam deferri atque ibidem terminare praepiciat". Et maxime, ne in talibus causis inquietudine domno rege faciant.

19
De emunitates. Ut omnes emunitates per universas ecclesias conservata sint.
In illo alio sinodo nobis perdonastis, ut illa monasteria, ubi regulariter monachi vel monachas vixerunt, ut hoc quod eis de illas res demittebatis unde vivere potuissent, ut exinde, si regales erant, ad domnum regem fecissent rationes abba vel abbatissa; et si episcopales, ad illum episcopum. Similiter et de illos vicos.

De peregrinis qui propter Deum vadunt, ut eis tolloneos non tollant; et de illos alios tolloneos quod vos antea perdonastis, ut sic fiat, ut, ubi legitime non debent esse, donati non sint.

Ut per pecunias nullus ad ecclesiasticum honorem nec ad gradum accedere non debeat, quia haeresis simoniaca esse videtur.

Ut nullus episcopus nec abbas nec laicus pro iustitias faciendum sportolas contra drectum non accipiat; quia, ubi ipsa dona currunt, iustitia evacuatur.

6) Bor.18. PIPPINI CAPITULARE AQUITANICUM. 768.

Incipiunt capitula quas bone memorie genitor Pipinus sinodaliter [instituit] et nos ab homnibus conservare volumus.

1 Ut illas ecclesias Dei qui deserti sunt restaurentur tam episcopi quam abates vel illi laici homines qui exinde beneficium habent.

2 Ut illi episcopi, abbatas, abbatissas sub ordine sancto vivant.

3 Ut quicquid episcopi, abbates, vel abbatissas vel reliqui sacerdotes de rebus ecclesiarum ad eorum opus habent, quieto ordine possideant, sicut in nostra sinodo iam constitutum fuit; et si quis exinde postea aliquid abtraxit, sub integritate reddat.

4 Ut ad illos pauperes homines magis non tollant nisi quantum legitime reddere debent.
11
Ut omnes laici et seculares qui res ecclesiae tenent precarias inde accipiant.

12
Ut quicquid missi nostri cum illis senioribus patriae ad nostrum profectum vel sanctae ecclesiae melius consenserint, nullus contendere hoc praesumat.

7) Bor. 20. CAPITULARE HARISTALLENSE.
March, 779.
(intro.)
Anno feliciter undecimo regni domni nostri Karoli gloriosissimi regis in mense Martio factum capitulare, qualiter, congregatis in unum sinodali concilio episcopis, abbatibus virisque inlustribus comitibus, una cum piissimo domno nostro secundum Dei voluntatem pro causis oportunis consenserunt decreta.

3
De monasteriis qui regulares fuerunt, ut secundum regulam vivant; necnon et monasteria puellarum ordinem sanctum custodiant, et unaquaque abbatissa in suo monasterio sine intermissione resedeat.

4
Ut episcopi de presbiteris et clericis infra illorum parrochia potestatem habeant secundum canones.

6
Ut nulli liceat alterius clericum recipere aut ordinare in aliquo gradu.

7
De decimis, ut unusquisque suam decimam donet, atque per iussionem pontificis dispensentur.

12
Capitula vero quae bonae memoriae genitor noster in sua placita constituit et sinodus conservare volumus.

13
De rebus vero ecclesiarium, unde nunc census exeunt, decima et nona cum ipso censu sit soluta; et unde antea non exierunt, similiter nona et decima detur; atque de casatis quinquaginta solidum unum, et de casatis triginta dimidium solidum, et de viginti trimisse uno. Et de precariis, ubi modo sunt,
renoventur, et ubi non sunt, scribantur. Et sit discretio inter precarias de verbo nostro factas et inter eas quae spontanea voluntate de ipsis rebus ecclesiarum faciunt.

8) Bor.97. KAROLI EPISTOLA IN ITALIAM EMISSA. 779-781.

Karolus, gratia Dei rex Francorum et Langobardorum ac patricius Romanorum, dilectis comitibus seu iudicibus et vassis nostris vicariis, centenariis vel omnibus missis nostris et agentibus.

Cognoscat utilitas vestra quia resonuit in auribus nostris quorumdam praesumptio non modica, quod non ita obtemperetis pontificibus vestris seu sacerdotibus, quemadmodum canonum et legum continetur auctoritas, ita ut presbyteros nescio qua temeritate presentari episcopis denegatis, insuper et aliorum clericos usurpare non pertimescatis et absque consensu episcopi in vestras ecclesias mittere audieatis, necnon et in vestris ministeriis pontifices nostros tales potestatem habere non permittatis, qualem rectitudo ecclesiastica docet. Insuper nonas et decimas vel census inproba cupiditate de ecclesiis, unde ipsa beneficia sunt, abstrahere nitimini, et precarias de ipsis rebus, sicut a nobis dudum in nostro capitulare institutum est, accipere neglegetis, et ipsam sanctam Dei ecclesiam una cum ipsis episcopis vel abbatibus emendare iuxta vires vestras denegatis. Quapropter nos una cum consensu episcoporum nostrorum, abbatum necnon et aliorum sacerdotum haec instituta partibus vestris direximus. Praecipientes enim iubemus ut nullus quilibet ex fidelius nostris, a minimo usque ad maximum, in his quae ad Deum pertinent episcopo suo inobediens parere audieat de supradictis capitulis seu alis eruditionibus ad illorum ministerium pertinentibus, sed cum bona voluntate et omni mansuetudinis subiectione unusquisque sacerdoti suo propter Deum et pacis studio obtemperare studeat. Si quis autem, quod absit, ullus ex vobis de nonis et decimis censibusque reddendis atque precariis renovandis neglegens apparuerit, et inportunus episcopis nostris, de his quae ad ministerium illorum pertinere noscuntur vel sicut in capitulare dudum a nobis factum continetur, contradicere praesumpserit, sciat se procul dubio, nisi se cito correxerit, in conspectu nostro exinde deducere rationem.

Et ut has litteras certius credatis, de anulo nostro subter eas decrevimus roborare.

9) Bor.89. CAPITULARE CUM EPISCOPIS
LANGOBDICIS DELIBERATUM.
781-786.

3
Ut tam monachi quam monachas, ubicumque fuerint, regulariter vitam degant. debent: ut unusquisque iustitiam dominorum nostrorum regum et eorum rectum consentiat.

5
De eclesiis et monasteria et senodochia que ad mundio palatii pertinet aut pertinere

10) Bor.91. PIPPINI ITALIAE REGIS CAPITULARE.
782-787.

3
Monasteria virorum et puellarum, tam que in mundio palatii esse noscuntur vel etiam in mundo episcopales seu et de reliquis hominibus esse inveniuntur, distingat unusquisque in cuius mundio sunt, ut regulariter vivant; simul et senodochia, cuiuslibet sint, fratres in omnibus pascantur iuxta illorum possibilitatem.

11) Bor.95. PIPPINI CAPITULARE.
787.

6
De monasteria et senedochia qui per diversos comites esse videntur, ut regales sint; et quicumque eas habere voluerint, per beneficium domno nostro regis habeant.

12) Bor.94. PIPPINI CAPITULARE PAPIENSE.
787-788.

2
Instituimus, sicut dominus rex Karolus demandavit, de illos monachos qui de Francia vel aliunde venerunt et eorum monasteria dimiserunt, ut presentaliter illis partibus revertantur ad monasteria, et nemo ex vobis deteneat ipsos.

4
De episcopis, abbatibus, comitibus seu vassis dominicis vel reliquis hominibus qui ad palatum veniunt aut inde vadunt vel ubicumque per regnum nostrum pergunt, ut non praesumant ipsi nec homines eorum alicui homini suam causam tollere nec suum laboratum, in tantum si non comparaverint aut ipse homo eis per suam spontaneam voluntatem non dederit. Et quando hibernum
nullus debeat mansionem vetare ad ipsos
iterantes, in tantum quod ipsi iniuste nullam causam tollant.
Et si aliquis hoc facere praesumpserit, tam seniores quam et
vassalli, et ipse homo ibidem ad eos proclamaverit, tunc
volumus, ut presentaliter ille homo qui hoc malum fecit hoc
quod ad ipsum hominem tulit ei secundum suam legem emendet. Et
si hoc evenit, quod ipsa causa ibidem secundum legem
presentaliter emendata non fuerit, et ad palatium exinde
proclamation devenerit, tunc volumus, ut ipse qui hoc malum
fecit contra ipsum hominem qui proclamavit suam legem emendet
et ad palatium nostrum bannum componat, pro eo quod super
nostrum bannum hoc facere ausus fuit.

11
Stetit nobis, ut missos nostros, unum monachum et alium
capellanum, direxerimus infra regnum nostrum previdendum et
inquirendum per monasteria virorum et puellarum que sub sancta
regula vivere debent, quomodo est eorum habitatio vel qualis
est vita aut conversatio eorum, et quomodo unumque
monasterium de res habere videtur, unde vivere possit.

13) Bor.30. KAROLI EPISTOLA GENERALIS.
Not long after 786.

Karolus, Dei fretus auxilio rex Francorum et
Langobardorum ac patricius Romanorum, religiosis lectoribus
nostrae ditioni subiectis.

Cum nos divina semper domi forisque clementia sive in
bellorum eventibus sive pacis tranquillitate custodiat, etsi
rependere quicquam eius beneficiis tenuitas humana non
praevalet, tamen, quia est inaestimabilis misericordiae Deus
noster, devotas suae servituti benigno adprobat voluntates.

Igitur quia curae nobis est, ut nostrarum ecclesiarum ad
meiliora semper proficiat status, oblitteratam pene maiorum
nostrorum desidia reparare vigilanti studio litterarum
satagimus officinam, et ad pernoscenda studia liberalium
artium nostro etiam quos possimus invitamus exemplo. Inter
quae iam pridem universos veteres ac novi instrumenti libros,
librariores imperitia depravatos, Deo nos in omnibus
adiuvante, examussim correximus. Accensi praeterea venerandae
memoriae Pippini genitoris nostri exemplis, qui totas
Galliarum ecclesias romanae traditionis suo studio cantibus
decoravit, nos nihilominus solerti easdem curamus intuitu
praecipuarum insignire serie lectionum. Denique quia ad
nocturnale officium compilatas quorundam cassio labore, licet
recto intuitu, minus tamen idonee repperimus lectiones, quippe
quae et sine auctorum suorum vocabulis essent positae et
infinitis vitiorum anfractibus scaterent, non sumus passi
nostris in diebus in divinis lectionibus inter sacra officia insonantes perstrepere soloecismos, atque earundem lectionum in melius reformare tramitem mentem intendimus. Idque opus Paulo diacono, familiari clientulo nostro, elimandum iniunximus, scilicet ut, studiose catholicorum patrum dicta percurrrens, veluti e latissimis eorum pratis certos quosque flosculos legeret, et in unum quaeque essent utilia quasi sertum aptaret. Qui nostrae celsitudini devote parere desiderans, tractatus atque sermones diversorum catholicorum patrum perlegens et optima quaeque decerpens, in duobus voluminibus per totius anni circulum congruentes quique festivitati distincte et absque vitiis nobis obluit lectiones. Quarum omnium textum nostra sagacitate perpendentes, nostra eadem volumina auctoritate constabilimus vestraeque religioni in Christi ecclesiis tradimus ad legendum.

14) Bor.96. CAPITULA CUM ITALIAE EPISCOPI
DELIBERATA.
About 788.

1
De his feminis qui se Deo voverant et se monachica veste induerant, et postea se maritos copulaverunt: ut inquirat unusquisque in iudiciariam sibi commissas ubi eas invenerint, ut sine dilatione eas ab ipsis illicitas coniunctionibus separare debeant, ut ipsas de supra memorata inlicita coniunctione ad penitentie recurrant medicamentum.

15) Bor.22. ADMONITIO GENERALIS.
March 23, 789.

3
Omnibus. Item in eodem concilio necon et in Antioceno simul et in Calcidonese, ut fugitivi clerici et peregrini a nullo recipiantur nec ordinentur sine commendaticiis litteris et sui episcopi vel abbatis licentia.

14
Episcopis. In concilio Laudicense necon in Affricano praecipitur, ut monachi et clericis tabernas non ingreandiantur edendi vel bibendi causa.

17
Clericis et nonnanis. Item in eodem concilio, quod non oporteat mulieres ad altari ingredi.
21 Clericis et monachis. In concilio Calcidonense, ut non oporteat episcopos aut quemlibet ex clero per pecunias ordinari: quia utrique deponendi sunt, et qui ordinat et qui ordinatur, nec non et qui mediator est inter eos.

23 Omnibus. Item in eodem concilio infra duo capitula necnon et in decretis Leonis papae, ut nec monachus nec clericus in secularia negotia transeat. Et ut servum alterius nullus sollicitet ad clericalem vel monachicum ordinem sine voluntate et licentia domini sui.

26 Monachis et omni clero. Item in eodem concilio, ut clerici et monachi in suo proposito et voto quod Deo promiserunt permaneant.

27 Sacerdotibus. Item in decretis Innocenti papae de eadem re, ut monachus, si ad clericatum proveatur, propositum monachicae professionis non ammittat.

29 Omnibus. Item in eodem concilio, ut nec clerici nec monachi conspirationes vel insidias contra pastorem suum faciant.

31 Omnibus. Item in eodem, ut loca quae semel Deo dedicata sunt ut monasteria sint, maneant perpetuo monasteria, nec possint ultra fieri saecularia habitacula.

38 Omnibus. Item in eodem, ut clerici et eclesiastici ordines, si culpam incurrerint, ut apud ecclesiasticos iudicentur, non apud saeculares.

40 Omnibus. In concilio Africano, ut virgines Deo sacratae a gravioribus personis diligenti custodia serventur.

46 Omnibus. Item in eodem, ut virgines non velentur ante viginti quinque annos, nisi rationabili necessitate cogente.

52 Episcopis, monachis, virginibus. Item eiusdem, ut monachi et virgines suum propositum omnimodis observent.
Episcopis. In decretis Galasii papae, ut nullus episcopus viduas velare praesumat.

Omnibus. Ut pax sit et concordia et unanimitas cum omni populo christiano inter episcopos, abbates, comites, iudices et omnes ubique se maires se minores personas, quia nihil Deo sine pace placet nec munus sanctae oblationis ad altare, sicut in euangelio ipso Domino praecipiente legimus; quia et illud secundum mandatum est in lege: 'diligas proximum tuum sicut te ipsum'; item in euangelio: 'beati pacifici, quoniam filii Dei vocabantur'. Et iterum: 'in hoc cognoscent omnes quia mei discipuli estis, si dilectionem habueritis ad invicem'. In hoc enim praecepto discernuntur filii Dei et filii diaboli; quia filii diaboli semper dissensiones et discordias movere satagunt: filii autem Dei semper paci et dilectioni movere sunt.

Sacerdotibus. Sed et hoc flagitamus vestram almitatem, ut ministri altaris Dei suum ministerium bonis moribus ornent, seu alii canonice observantiae ordines vel monachici propositi congregationes; obsecramus, ut bonam et probabilem habeant conversationem, sicut ipse Dominus in euangelio praecipit: 'sic luceat lux vestra coram hominibus, ut videant opera vestra bona et glorificent patrem vestrum qui in celis est', ut eorum bona conversatione multi prostrahantur ad servitium Dei, et non solum servilis conditionis infantes, sed etiam ingenuorum filios adgregent sibique socient. Et ut scolae legentium puerorum fiant. Psalmos, notas, cantus, compotum, grammaticam per singula monasteria vel episcopia et libros catholicos bene emendate; quia saepe, dum bene aliqui Deum rogare cupiunt, sed per inemendatos libros male rogant. Et pueros vestros non sinite eos vel legendo vel scribendo corrumpere; et si opus est euangelium, psalterium et missale scribere, perfectae aetatis homines scribant cum omni diligentia.

Sacerdotibus. Simul et hoc rogare curavimus, ut omnes ubicumque qui se voto monachicae vitae constrinxerunt monachice et regulariter omnimodis secundum vatum suum vivant, secundum quod scriptum est: 'vota vestra reddite domino Deo vestro', et iterum: 'melius est non vovere, quam non reddere'. Et ut ad monasteria venientes secundum regularem ordinem primo in pulsatorio probentur et sic accipientur. Et qui ex seculari habitu in monasterio veniunt, non statim foras ad ministeria monasterii mittantur antequam intus bene erudiantur. Et ut monachi ad saecularia placita non vadant. Similiter qui ad
clericatum accedunt, quod nos nominamus canonicam vitam, volumus ut illi canonice secundum suam regulam omnimodis vivant, et episcopus eorum regat vitam, sicut abbas monachorum.

74
Omnibus. Ut aequales mensuras et rectas et pondera iusta et aequalia omnes habeant, sive in civitatibus sive in monasteriis, sive ad dandum in illis sive ad accipiendum, sicut et in lege Domini praecipit habemus, item in Salamone, Domino dicente: 'pondus et pondus, mensuram et mensuram odit anima mea'.

75
Omnibus. Et hoc nobis competens et venerabile videtur, ut hospites, peregrini et pauperes susceptiones regulares et canonicas per loca diversa habeant: quia ipse Dominus dicturus erit in remuneratione magni diei: 'hospes eram, et suscepistis me'; et apostolus hospitalitatem laudans, dixit: 'per hanc quidam placuerunt Deo, angelis hospitio suscepit'.

76
Episcopis, abbatibus. Auditum est, aliquas abbatissas contra morem sanctae Dei ecclesiae benedictionis cum manus impositione et signaculo sanctae crucis super capita virorum dare, necnon et velare virgines cum benedictione sacerdotali. Quod omnino vobis, sanctissimi patres, in vestris parrochiis interdicendum esse scitote.

77
Clericis. Ut illi clerici, qui se fingunt habitu vel nomine monachos esse, et non sunt, omnimodis videtur corrigendos atque emendandos esse, ut vel veri monachi sint, vel veri canonici.

80
Omni clero. Ut cantum Romanum pleniter discant, et ordinabiliter per nocturnale vel gradale officium peragatur, secundam quod beatae memoriae genitor noster Pippinus rex decertavit ut fieret, quando Gallicanum tulit ob unanimitatem apostolicae sedis et sanctae Dei ecclesiae pacificam concordiam.

16) Bor.23. DUPLEX LEGATIONIS EDICTUM.
March 23, 789.

1
De monachis gyrovagis vel sarabaitis.
2 De anachoritis: melius est ut hortentur in congregatione permanere, quam animus eorum aliubi ambulare temptet.

3 Ut non parvipendentes sint pastores animarum sibi commissarum, nec maiorem curam habeant de lucris terrenis quam de animabus sibi commissis.

4 De oboedientia quae abbatī exhiberi debet, et ut absque murmuratione fiat.

5 De decanis et praepositis: ut eorum mutatio secundum regulam fiat.

6 De cellerariis monasterii: ut non avari mittantur, sed tales quales regula praecipit.

7 Ut ubi corpora sanctorum requiescunt alīud oratorium habeat, ubi fratres secrete possint orare.

8 De eulogiis.

9 De susceptione hospitum: sicut regula continet.

10 De vestimentis monachorum: ubi superfluum est, absidatur; et ubi minus, augeatur.

11 De noviter venientibus ad conversationem: ut secundum regulam probentur, et non antea suscipiantur nisi sicut regula iubet; et nullus cogatur invitus promittere. Et de oboedientia et de stabilitate permanendi, sicut regula habet.

12 De filiis nobilium qui offeruntur.

13 De ordinando abbate.

14 De fratribus in via directis.
15
Ut nullus abbas pro susceptione monachi praemium non quaerat.

16
Ut disciplina monachis regularis imponatur non secularis, id est non orbentur nec mancationes alias habeant nisi ex auctoritate regulae.

18
De sacramentis fidelitatis causa, quod nobis et filiis nostris iurare debent, quod his verbi contestari debet: ‘Sic promitto ego ille partibus domini mei Caroli regis et filiorum eius, quia fidelis sum et ero diebus vitae meae sine fraude et malo ingenio’.

19
De monasteriis minutis ubi nonnanes sine regula sedent, volumus ut in unum locum congregatio fiat regularis, et episcopus praevideat ubi fieri possint. Et ut nulla abbatissa foras monasterio exire non praesumat sine nostra iussione nec sibi subditas facere permittat; et earum claustra sint bene firmata, et nullatenus ibi winileodos scribere vel mittere praesumptam: et de pallore earum propter sanguinum minutionem.

26
Omnino prohibendum est omnibus ebrietatis malum, et istas coniurationes quas faciunt per sanctum Stephanum aut per nos aut per filios nostrorum prohibemus. Et praecipimus, ut episcopi vel abbatres non vadant per casas miscendo.

27
De eo quod missi nostri providere debent, ne forte aliquis clamor super episcopum vel abbatem seu abbatissam vel comitem seu super qualemcumque gradum sit, et nobis renuntiare.

30
Ut monachi et qui in sacerdotali gradu constituti sunt ad secularia negotia non transeant. De reliquis tonsoratis detur spatium usque in synodum nostrum.

31
Ut episcopi et abbates et abbatissae cupplas canum non habeant nec falcones nec accipitres nec ioculatorum.
17) Bor.24. BREVIARIUM MISORUM AQUITANICUM. 789.

1 De illo edicto quod domnus et genitor noster Pipinus instituit et nos in postmodum pro nostros missos conservare et implere iussimus vel de nostros edictos, quomodo fuerunt custoditi.

2 De illa restaurateon ecclesiariurn: illi qui res eorum habent per istos XX. annos, quid egere inde aut quare non sunt.

3 Ut si aliquid de illas res ecclesiae, quas eo tempore possidebant, quando illa patria sub nostris manibus posuit, postea minimatum vel abstractum fuit exinde.

4 Ut episcopi, abbatis vel coenobie sanctorum sub ordine sancto esse redibuissent, propter quid non sunt.

6 Quomodo illis beneficiis habent condictos provideant vel suos proprios.

9 De illis beneficiis intentiosis.

11 Ut decima de omnia secundum iussionem episcopi dispensentur, et omnes dent.

14 De rebus ecclesiae nono et decimo vel de causis censatis precarias renovare debet.

18) Bor.25. CAPITULARE MISSORUM. Before April 7, 793.

1 Quam ob rem istam sacramenta sunt necessaria, per ordine ex antiqua consuetudine explicare faciant, et quia modo isti infideles homines magnum conturbium in regnum domni Karoli regi voluerint terminare et in eius vita consiliati sunt et inquisiti dixerunt, quod fidelitatem ei non iurasset.

2 Quomodo illum sacramentum iuratum esse debeat ab episcopis et abbatis sive comitibus vel bassis regalibus necnon vicedomini, archidiaconibus adque canonicis.
Clerici qui monachorum nomine non pleniter conversare videntur et ubi regula sancti Benedicti secundum ordinem tenent, ipsi in verbum tantum et in veritate promittant, de quibus specialiter abbates adducant domo nostro.

Deinde advocatis et vicariis, centenariis sive fore censiti presbiteri atque cunctas generalitas populi, tam puerilitate annorurn XII quamque de senili, qui ad placita venissent et iussionem adimplere seniorum et conservare possunt, sive pagenses, sive episcoporum et abbatissuarum vel comitum homines, et reliquorum homines, fiscilini quoque et coloni et ecclesiasticis adque servi, qui honorati beneficia et ministeria tenent vel in bassallatico honorati sunt cum domini sui et caballos, arma et scuto et lancea spata et senespasio habere possunt: omnes iurent. Et nomina vel numerum de ipsis qui iuraverunt ipsi missi in brebem secum adportent; et comites similiter de singulis centinis semoti, tam de illos qui infra rego nati sunt et pagensales fuerint, quamque et de illis qui aliunde in bassalatico commendati sunt. Et si fuerint aliquid qui per ingenio fugitando de comitatu ad alium comitatu se propter ipsum sacramentum distulerit aut per superbia iurare noluerint, semoti per brebem renuntiare sciant, et tales aut per fideiussores mittant aut si ipsi fideiussores non habuerint qui in praesentia domni regis illos abducan, sub custodia servent; aut si in illo vicinio habitare voluerint, sicut ceteri iurent. Et si fugitivum quis devenirent, domno regi nuntiatum fiant per ipsos missos.

20) Bor.21. CAPITULARE EPISCOPORUM. Spring 793.

Capitulare qualiter institutum est in hoc episcoporum consensu: id est ut unusquisque episcopus tres missas et psalteria tria cantet, unam pro domno rege, alteram pro exercitu Francorum, tertiam pro presenti tribulatione; presbiteri vero unusquisque missas tres, monachi et monachae et canonici unusquisque psalteria tria. Et biduanas omnes faciant, tam episcopi, monachi et monachae atque canonici, atque eorum infra casatum homines, vel qui potentes sunt. Et unusquisque episcopus aut abbas vel abbatissa, qui hoc facere potest, libram de argento in elemosinam donet, mediocres vero medium libram, minores solidos quinque. Episcopi et abbates atque abbatissae pauperes famelicos quatuor pro isto inter se instituto nutritre debent usque tempore messium; et qui tantum non possunt, iuxta quod possibilitas est, aut tres aut duos aut unum. Comites vero fortiores libram unam de argento aut
valentem, mediocres median libram; vassus dominicus de casatis
ducentis median libram, de casatis centum solidos quinque, de
casatis quinquaginta aut triginta unciam. Et faciant
biduanas atque eorum homines in eorum casatis, vel qui hoc
facere possunt; et qui redimere voluerit, fortiores comites
uncias tres, mediocres unciam et dimidiam, minores solidum
unum. Et de pauperes famelicos, sicut supra scriptum est et
ipsi faciant.
Haec omnia, si Deo placuerit, pro domno rege et pro exercitu
Francorum et praesente tribulatione missa sancti Iohannis sit
completum.

19) Bor. 28. SYNODUS FRANCONOFURTENSIS.
June, 794.

3
His peractis de Tasiloni definitum est capitulum, qui dudum
Baioariae dux fuerat, sobrinus videlicet domni Karoli regis.
In medio sanctissimi adstetit concilii, veniam rogans pro
commissis culpis, tam quam tempore domni Pippini regis
adversus eum et regni Francorum commiserat, quam et quas
postea sub domni nostri piissimi Karoli regis, in quibus
fraudator fidei suae extiterat: indulgentiam ut ab eo
meretur accipere, humili petitione visus est postulasse,
demittens videlicet puro animo iram atque omnem scandalum
de parte sua, quaeque in eo perpetrata fuisset et sciebat. Necnon
omnem iustitiam et res proprietatis, quantum illi aut filii
vel filiabus suis in ducato Batoariorum legitimate pertinere
debuerant, gurpivit atque proiecit et, in postmodum omni lite
calvida, sine ulla repetitioe indulsit, et filiis ac
filiabus suis in illius misericordia commendavit. Et idcirco
domnus noster, misericordia motus, praefato Tasiloni gratuith
animo et culpas perpetratas indulsit et gratia pleniter
concessit et in sua aelemosa eum in amore dilectionis visus
est suscepsisse, ut securus Dei misericordia existeret inantea.
Unde tres breves ex hoc capitolo uno tenere conscriptos fieri
praecepit: unum in palatio retinendum, alium praefato
Tasiloni, ut secum haberet in monasterio, dandum, tertium vero
in sacri palacii capella recondendum fieri iussit.

6
Statutum est a domno rege et sancta synodo, ut episcopi
iustitias faciant in suis parrochis. Si non oboedierit
alia persona episcopo suo de abbatitus, presbiteris,
diaconibus, subdiaconibus, monachis et caeteris clericis vel
etiam aliis in eius parrochia, venient ad metropolitanum suum,
et ille diiudicet causam cum suffraganeis suis. Comites quoque
nostri veniant ad judicium episcoporum. Et si aliquid est quod
episcopus metropolitanus non possit corrigere vel pacificare,
tunc tandem veniant accusatores cum accusatu cum litteris metropolitano, ut sciamus veritatem rei.

11
Ut monachi ad saecularia negotia neque ad placita exercenda non exeant, nisi ita faciant sicut ipsa regula praecipit.

12
Ut reclusi non fiant nisi quos ante episcopus provintiae atque abbas comprobaverint, et secundum eorum dispositionem in reclusionis loco ingrediantur.

13
Ut abbas cum suis dormiat monachis secundum regulam sancti Benedicti.

14
Ut cellerarii in monasteriis avari non elegantur, sed tales electi sint quales regula sancti Benedicti docet.

15
De monasterio ubi corpora sanctorum sunt: ut habeat oratorium intra claustra ubi peculiare officium et diuturnum fiat.

16
Audivimus enim, quod quidam abbates cupiditate ducti praemia pro introeuntibus in monasterio requirunt. Ideo placuit nobis et sancta synodo: pro suscipientibus in sancto ordine fratribus nequaquam pecunia requirantur, sed secundum regulam sancti Benedicti suscipiantur.

17
Ut abba in congregatione non elegatur, ubi iussio regis fuerit, nisi per consensu episcopi loci illius.

18
Ut abbates, qualibet culpa a monachis commissa, nequaquam permittimus coecare aut membrorum debilitate ingerere, nisi regularis disciplina subsiaeat.

19
Ut presbyteri, diaconi, monachi et clerici tabernis ad bibendum non ingrediantur.

20
Ut episcopum canones et regulam non liceat ignorare.

24
De clericis et monachis: ut in suo proposito permaneant.
De clericis: nequaquam de ecclesia ad aliam ecclesiam transmigrentur neque recipiantur sine conscientia episcopi et litteras commendatitias de cuius diocesia fuerunt, ne forte discordia exinde veniat in ecclesia. Et ubi modo tales reperti fuerint, omnes ad eorum ecclesiam redeant, et nullus eum post se retinere audeat, postquam episcopus aut abbas suus eum recipere voluerit. Et si forte senior ignorant, ubi suum requirere debet clericum, cum quo fuerit ipse eum sub custodia retineat et non permittat eum vacare aliubi, usque dum domino suo restituatur.

Ut monasteria secundum canonicam institutionem fiant custodita.

De abbatissis quae canonice aut regulariter non vivunt episcopi requirant et regi adnuntient, ut ab honore priventur.

21) Bor.29. KAROLI EPISTOLA DE LITTERIS COLENDIS. Last years of the 8th century.

(This text follows Luitpold Wallach’s “Charlemagne’s De Litteris Colendis and Alcuin: A Diplomatic-Historical Study” Speculum 26 (1951): 290.)

Carolus, gratia Dei rex Francorum et Langobardorum ac patricius Romanorum, Baugulfo abbati et omni congregati, tibi etiam commissis fidelibus, oratoribus nostris, in omnipotentis Dei nomine amabilem direximus salutem.

Notum igitur sit Deo placitae devotioni vestrae, quia nos una cure fidelibus nostris consideravimus utile esse, ut episcopia et monasteria nobis Christo propitio ad gubernandum commissae praeter regularis vitae ordinem atque sanctae religionis conversationem etiam in litterarum meditationibus eis qui donante Domino discere possunt secundum uniuscuiusque capacitatem docendi studium debeant impendere, qualiter, sicut regularis norma honestatem morum, ita quoque docendi et discendi instantia ordinet et ornet seriem verborum, ut, qui Deo placere appetunt recte vivendo, ei etiam placere non neglegant recte loquendo. Scriptum est enim: ‘Aut ex verbis tuis justificaberis, aut ex verbis tuis condemnaberis.’ Quamvis enim melius sit bene facere quam nosse, prius tamen est nosse quam facere. Debet ergo quisque discere quod optat implere, ut tanto uberius quid agere debeat intellegat anima, quanto in omnipotentis Dei laudibus sine mendaciorum offendiculis cucurrerit lingua. Nam cum omnibus hominibus
vitanda sint mendacia, quanto magis illi secundum possibilitatem declinare debent, qui ad hoc solummodo probantur electi, ut servire specialiter debeant veritati. Nam cum nobis in his annis a nonnullis monasteriis saepius scripta dirigerentur, in quibus, quod pro nobis fratres ibidem commorantes in sacris et piis orationibus decertarent, significaretur, cognovimus in plerisque praefatis conscriptionibus eorumund et sensus rectos et sermones incultos; quia, quod pia devotio interius fideliter dictabat, hoc exterius proprius neglegentiam discendi lingua inerudita exprimere sine reprehensione non valebat. Unde factum est, ut timere inciperemus, ne forte, sicut minor erat in scribendo prudentia, ita quoque et multo minor esset quam recte debuisset in sanctatum scripturarum ad intellegendum sapientiam. Et bene novimus omnes, quia, quamvis periculosi sint errores verborum, multo periculosiores sunt errores sensuum. Quamobrem hortamur vos litterarum studia non solum non neglegere, verum etiam humillima et Deo placita intentione ad hoc certatim discere, ut facilius et rectius divinarum scripturarum mysteria valeatis penetrare. Cum antem in sacris paginis scemata, tropi et caetera his similia inserta inventantur, nulli dubium est, quod ea unusquisque legens tanto citius spiritualiter intellegit, quanto prius in litterarum magisterio plenius instructus fuerit. Tales vero ad hoc opus viri eligantur, qui et voluntatem et possibilitatem discendi et desiderium habeant alios instruendi. Et hoe [sic] tantum ea intentione agatur, qua devotione a nobis praecipitur.

Optamus enim vos, sicut dececclesiae milites, et interius devotos et exterius doctos castosque bene vivendo et scolasticos bene loquendo, ut, quicunque vos propter nomen Domini et sanctae conversationis nobilitatem ad videndum expetierit, sicut de aspecru vestro aeificatur visus, ita quoque de sapientia vestra, quam in legendo seu cantando percepit, instructus omnipotenti Domino gratias agendo gaudens recedat.

Huius itaque epistolae exemplaria ad omnes suffragantes tuosque coepiscopos et per universa monasteria dirigi non neglegas, si gratiam nostram habere vis. Et nullus monachus foris monasterio iudicaria teneat, nec per mallos et publica placita pergat. [Legens valeat.]

22) Bor.112. STATUTA RHISPACENSTRA FRISINGENSIA SALISBURGENSIA. 799-800.

2 Admonebant enim in ipso concilio; ut nullus eorum sive episcopus sive abbas vel presbiter aut monachus vel etiam ceteri ministri sanctae Dei ecclesiae seu sanctaemoniales a
recto tramite deviare praesumeret, et hic qui in canonica vita degere debuisset, recte et secundum ordinem absque ulla transgressione vitam conservasset canonicam, aut hi qui sub voto monachicam vitam observare vovissent.

3
Statuerunt, ut nullus inter aeclesiasticos ordines pro qualibet causa absque iuditio episcopi sui vel etiam metropolitani consensu ad iuditia securiarum minime audeat accedere. Sed si qualibet causa intra sanctas ecclesias contigisset adquirere, cum omni caritate et concordia in invicem conservata requiratur. Si episcopus vel abbis vel etiam presbiter inter se aliquam habuisset securiarum rei altercationem, cum moderamine caritatis et insolubili vinculo pacis cum consilio episcopi sui in invicem sibi ea quae in causa essent absque iniuria vel damnatis iuramentis fideliter et devote, iustitia inter eos peracta, cum timore Domini essent consentientes. Si vero cum consilio episcopi iustitia inter eos minime potuisset peragi, tunc ad metropolitanum episcopum causa deferatur, et cum ipsius consilio vel voluntate necnon et iussu omnia perficerentur.

11
Ut nullus episcopus vel abbis atrahere audeat res nobilium causa ambitionis sicut in canone Cartaginensi continetur cap. V.

18
Ut claustra monachorum laici non intrent nec inquietent fratres degentes sub silentio, nisi forte si maiores personae fuerint, quod omnino vitare non possimus.

19
Ut novatiani qui veniunt in monasterio non recipiantur in ordine congregationis, antequam secundum regulam pleniter examinentur, et non preponantur ceteris in monasterio, antequam regularis vitae ordinem pleniter edoceantur, sicut in regula sancti Benedicti continetur.

20
Ut nemo utatur cuculla, nisi qui se monachi voto constrinxerit, aut si necessitas poposcerit propter frigorem religiosus sacerdos utatur.

21
Et ut in monasterium puellarum non intrent clerici neque laici, nisi tantum presbiter missam cantans vel visitationem infirmorum faciens horis competentibus et statim exeat.
24
Ut monachi ad convivia laicorum minime accedere praesumant.

25
Ut qui monachico voto est constitutus nullo modo parroechiam teneat nec ad iuditia secularia accedere praesummat.

27
Ut abbatissae nullatenus exeat de monasteriis suis nisi per consensum atque licentiam episcoporum suorum, ipsique episcopi provideantur eis non negentur quando egredi debent de monasteriis pro utilitate sua. Talesque ipse abbatissae secum assumant, de quibus nullatenus redeuntes recitare praesummant ceteris sanctimonialibus 'quia plurima destructio est', sicut in sancta regula continetur.

29
Ut abbates vel monachi vel monachae ipsorum abstineant se de quadrupedia carne, sicut in sancta regula continetur, nisi infirmi se atque corporis restaurandam. Hoc vero non denegamus, si contigerit, ut caritatis officium persolvere debant, aut si evenerit ex qualicumque necessitate aut fames inopia, et hoc cum magna consideratione atque consilio episcoporum fieri debeat. Nullusque sibi reputetur haec observare non posse propter varia itinera, quia Dominus missis in praedicationem discipulis iussit non peram sumere neque calciamenta neque duas tunicas: quanto magis nos qui sumptus atque vestimenta sufficienter habemus.

30
Ut nullus episcopus neque abbas sibi atrahere audeat res tributalium domni regis, id est basilicas eorum benedicere vel quicquid a tali conditione pertinere videtur, antequam dominus rex hoc pleniter definiatur.

37
Ut episcopi, abbates, presbiteri res sanctae ecclesiae sibi commissas inter parentes et proximos suos non amplus quam canonica sancta licentia dividant, ut ad cetera plebe vel his qui res suas ibidem offerunt murmur vel detractio auferatur.

40
Ut monachi in monasterio qui vicibus ordinantur praepositi, decani, portarii, cellerarii ceterique ministri non audeant sibi aliqua peculiaria usurpare nec collegere, quod anathema esse novimus.

44
Ut nullus de nobilibus neque abbas neque presbiter tonderi audeat, antequam in praesentia episcopi examinetur eius
causa, ad cuius diocesim pertinet. Et si aliquas res vel ad monasterium vel ad ecclesiam tradiderit ubi tonsuratus est, ibi sub canonica vel regulari maneat vita. Si autem postea in propria sua residere vult, faciat hostem ut ceteri laici.

45
Notetur abbatibus, ut nullus de fratribus in monasterio plus ametur quam alius, nisi qui in bonis actibus melior inventur, ut murmur auferatur a ceteris. Et ut nullatenus alii cui consentiat aliquid peculiaris colligere vel habere. Et ut omnino litis et contentio diligentissime tollatur in monasterio; et quisquis in eo litem commoverit, tali disciplina corripiatur, ut ceteri metum habeant tali perpetrandi.

47
Convenit igitur sancta synodo, ut quando quis Deo iubente de hoc saeculo migraverit, sive episcopus sive abbas seu monachus sive presbiter seu sanctismonialis femina, de ipso loco vel monasterio dirigantur litterae ad singulas domos episcopales, et ipse episcopus in diocesi sua habeat commendatum qui ipsas litteras suscipiat, et ceteris abbatibus vel abbatissis necnon et omnibus presbiteris pro ipsa anima orandum litteris suis notum faciant nomen et tempus.

23) Bor.33. PROGRAMMATIC CAPITULARY
[CAPITULARE MISSORUM GENERALE].
March, 802.

11
Ut episcopi, abbates adque abbatissae, que ceteris prestat sunt, cum summa veneratione hac diligentia subjectis sibi preesse studeat, non potentiva dominationem vel tyrannide siti subjectos premand, sed simplici dilectionem cum mansuetudinem et caritatem vel exemplis bonorum operum commissa sibi grege sollicite custodiant.

12
Ut abbatae, ubi monaci sunt, pleniter cum monachis secundum regula vibrant adque canones diligenter discant et observent; similiter abbatissae faciant.

13
Ut episcopi, abbates adque abbatissae advocatos atque vicedomini centenariosque legem scientes et iustitiam diligentes pacificosque et mansuetus habeant, qualiter per illosque sanctae Dei ecclesiae magis profectum vel merces adcrescat; quia nullatenus neque praepositos neque advocatos damnosus et cupidus in monasteria habere volumus, a quibus
magis nos blasphemia vel detrimenta orientur. Sed tales sint, quale eos canonica vel regularis institutio fieri iubet, voluntati Dei subditos et ad omnes institutia periciciendi semper paratos, legem pleniter observantes absque fraude maligno, iustum semper iudicium in omnibus exercentes, praepositos vero tales, quales sancta regula fieri docet. Et hoc omnino observent, ut nullatenus a quibus magis nobis a canonica vel regulari norma distendant, sed humilitatem in omnibus habeant. Si autem aliter praesumpserint, regulare disciplina sentiant; et si se emendare noluerit, a praepositum removeantur, et qui digni sunt in loca eorum subrogentur.

14
Ut episcopi, abbates adque abbatissae comiteque unanimi invicem sint, consentientes legem ad iudicium iustum terminandum cum omni caritate et concordia pacis, et ut fideliter vivant secundum voluntate Dei, ut semper ubique et propter illos et inter illos iustum iudicium ibique perficientur. Pauperes, viduae, orphi et peregrini consolationem adque defensionem hab eis habent; ut et nos per eorum bona voluntatem magis premium vitae eternae quam supplicium mereamur.

15
Abbates autem et monachis omnis modis volumus et precipimus, ut episcopis suis omni humilitate et hobhedientia sint subiecti, sicut canonica constitutione mandat. Et omnis eclesiae adque basilicae in eclesiastica defensione et potestatem permaneat. Et de rebus ipse basilicae nemo ausus sit in divisione aut in sorte mittere. Et quod semel offeritur, non revolvatur et sanctificetur et vindicetur. Et si autem aliter praesumpserit, presolvatur et bannum nostrum conponat. Et monachi ab episcopo provinciae ipsius corripiantur; quod si se non emendent, tunc archiepiscopus eos ad sinodum convocet; et si neque sic se correxerint, tunc ad nostra praesentiam simul cum episcopo suo veniant.

16
De ordinatione elegenda, ut dominus imperator iam olim ad Frangorum banno concessit ut episcopi abbatitus, ita etiam nunc et firmavit; eo tamen tinore, ut neque episcopus neque abbas in monasterio viliores meliori plus diligit et eum sibi propter consanguinitatem suam vel aliqua adorationem melioribus suis praefere studeat, et tale, nobis ducere ordinandum, cum meliorem eo habeat occultato et oppressu: quod nequaquam fieri volumus, quia inrisio et delusio nostra hoc fieri videtur. Set talis in monasteriis nutriantur ad ordinandum, in quo et nobis et merces et profectus ad crescatt commendatoribus suis.
Monachi autem, ut firmiter ac fortiter secundum regula vivant, quia displicere Deo novimus quisquis in sua voluntate tepidus est, testante Iohanne in apocalypsin: 'Utinam calidus esse aut frigidus: sed quia tepidus es, incipian te evomere ex ore meo'. Seculare sibi negotium nullatenus usurpent. Foris monasterio nequaquam progrediendi licentiam habeant, nisi maxima cogente necessitatem: quod tamen episcopus, in cuius diocese erunt, omnino praeurent, ne foris monasterio vagandi usum habeant. Sed si necessitas sit ad aliquam obhedientiam aliquid foris pergere, et hoc cum consilio et consensum episcopi fiat, et tales personae cum testimonium foris mittantur in quibus nulla sit suspicio mala vel a quibus nulla oppinio mala oriatur. Foris vero peculium vel res monasterii abbas cum episcopi sui licentiam et consilium ordinet qui praevideat, non monachum, nisi alium fidelem. Quaestum verum seculare vel concupiscentia mundanarum rerum omnimodis devitent; quia avaritia vel concupiscentia huius mundi omnibus est devetanda christiani, maxime tamen in his qui mundo et concupiscentium abrenuntiasse videtur. Lites et contentiones nequaquam, neque infra neque foris monasterio, movere presumat. Qui autem presumserit, gravissima disciplina regulari corripiantur, et taliter caeteri metum habeant talia perpetranda. Ebrietatem et commissionem omnino fugiant, quia inde libidine maxime polluari omnibus notum est. Nam pervenit ad aures nostras oppinio perniciosissima, fornicationes et in habhominatione et inmunditia multas iam in monasteriis esse deprehensos. Maxime contristat et conturbat, quod sine errore magno dici potest, ut unde maxima spe salutis omnibus christianis orrii crederent, id est de vita et castitate monachorum, inde detrimentum, ut aliquis ex monachus sodomitas esse auditum. Unde etiam rogamus et contextamur, ut certissime amplius ex his diebus omni custodia se ex his malis conservare studeant, ut numquam amplius tale quid aures nostras perveniat. Et hoc omnibus notum sit, quia nullatenus in ista mala in nullo loco amplius in toto regno nostro consentire audemus: quanto minus quidem inter eos qui castitatis et sanctimoniae emendatiores esse cupimus. Certe si amplius quid tale ad aures nostras pervenerit, non solum in eos, sed etiam et in ceteris, qui in talia consentiant, talem ultionem facimus, ut nullus christianus qui hoc audierit, nullatenus tale quid perpetrare amplius presumerit.

Monasteria puellarum firmiter observata sint, et nequaquam vagare sinantur, sed cum omni diligentia conserventur, neque litigationes vel contentione inter se movere praesumat, neque in nullo magistris et abbatissis inhobedientes vel contrariae fieri audeant. Ubi autem regulares sunt, omnino secundum regula observent, ne fornicatione deditae, non ebrietatis, non
cupiditati servientes, sed omnimodis iuste et sobrie vivant. 
Et ut in claustra vel monasterium earum vir nullus intret, nisi presbiter propter visitationem infirmarum cum testimonio intret, vel ad missam tantum, et statim exeat. Et ut nemo alterius filiam suam in congregacionem sanctimonialium recipiat absititia vel consideratione episcopi ad cuius diocense pertinet locus ille; et ut ipse diligenter esquirat, qualiter in sancto ad Dei servitio permanere cupiat, et stabilitatem suam ibidem firmare vel professionem. Ancilla autem aliorum hominum, vel tales feminas quae secundum more conversations in sancta congregatione vivere volunt, omnes pleniter de congregacione eiciantur.

19
Ut episcopi, abbates, presbiteri, diaconus nullusque ex omni clero canes ad venandum aut acceptores, falcones seu sparvarios habere presumant, sed pleniter se unusquisque in ordine suo canonice vel regulariter custodiant. Qui autem presumserit, sciat unusquisque honorem suum perdere. Caeteri vero tale exinde damnum patiatur, ut reliqui metum habeant talia sibi usurpare.

20
Ut abbatissae una cum sanctimonialibus suis se unanimiter aut diligenter infra claustra se custodiant et nullatenus foris claustra ire praesumant. Sed abbatissae, cum propter aliqus de sanctimonialibus dirigere, hoc nequiquam absit licentiam et consilium episcopi sui faciant. Similiter et cum ordinationem aliqua in monasteriis agere debeant vel aliqus in monasteriis receptiones facere, et hoc cum episcopis suis pleniter antea retractent; et quod salubrius vel utilius fieri disponat, episcopi archiepiscopo annuntient, et cum eius consilio quae agenda sunt perficiantur.

22
Canonici autem pleniter vitam obserbent canonicam, et domo episcopali vel etiam monasteria cum omni diligentiam secundum canonica disciplina erudiantur. Nequiquam foris vagari sinantur, sed sub omni custodia vibant, non turpis lucri dediti, non fornicarii, non fures, non homicides, non raptores, non litigiosi, non iracundi, non elati, non ebriosi, sed casti corde et corpore, humiles, modesti, sobrii, mansueti, pacifici, ut filii Dei digni sint ad sacro ordine promovere; non per vicos neque per villas ad ecclesiam vicinam vel terminantes sine magisterio vel disciplina, qui sarabaiti dicuntur, luxoriando vel fornicando vel etiam caetera iniqua operando, quae consentiri absurdum est.
24) Bor.34. CAPITULARIA MISSORUM SPECIALIA.
March, 802.


3
De abbatitus, utrum secundum regulam vivant an canonice, et si regulam aut canones bene intellegant.

4
De monasteriis virorum ubi monachi sunt, si secundum regulam vivant, ubi promissa est.

5
De monasteria puellarum, utrum secundum regulam vivant an canonice, et de claustra earum.

9
De adulteris et inlicitis causis perpetratis, tam per episcopia et monasteria virorum et puellarum, quamque inter seculares homines.

18a
De episcopis, abbatibus, comitibus, abbatissis nostris qualiter inter se habeant concordiam et amicitiam; et in eorum sacramento missi nostri omnem rei veritatem nobis renuntiare studeant. Sciant, ut omnes habeant bonos et idoneos vicedominis et advocatos.

26) Bor.35. CAPITULARE MISSORUM ITEM SPECIALE.
802(?).

12
Ut clerici et monachi in suo proposito permaneant.

14
Ut clerici et monachi insidias contra pastorem suum non faciant.

15
Ut loca quae semel Deo dedicata sunt, ut monasteria sint, maneant perpetuo monasteria nec possint ultra fieri secularia habitacula.
33
Ut abbates regulares et monachi regulam intelligant et secundum regulam vivant.

34
Ut abbatissae canonicae et sanctimoniales canonice secundum canones vivant, et claustra earum ordinabiliter composita sint.

35
Ut abbatissae regulares et sanctimoniales in monachico proposito existentes regulam intelligant et regulariter vivant, et claustra earum rationabiliter disposita sint.

25) Bor.37. CAPITULA AD LECTIONEM CANONUM ET REGULAE S. BENEDICTI PERTINENTIA.
   October(?), 802.

23
Si placet domo meo, legatur capitula VII III VI VIII LIX LX et LXI id est 'De generibus monachorum', 'Qualis debeat esse abba', 'De obedientia discipulorum', 'De disciplina suscipliendorum novitiorum', 'De filiis nobilium vel pauperum qui offeruntur', 'De sacerdotibus qui voluerint in monasterio habitare', et 'De clericis seu et de monachis peregrinis'.

24

27) Bor.77. CAPITULARE AQUISGRANENSE.
   802 or early 803

1
Ut episcopi circumeant parrochias sibi commissas et ibi inquirendi studium habeant de incestu, de patricidiis,
fratricidiis, adulteriis, cenodoxiiis et alia mala quae contraria sunt Deo, quae in sacris scripturis leguntur quae christiani devitare debent. Et infra illorum parrochias ecclesiae, cui necesse est, emendandi curam habeant; similius nostras a nobis in beneficio datas quam et aliorum, ubi reliquiae praesesse videntur. Et ut monachi per verbum episcopi et per regimen abbatis et per bona illorum exempla regulariter vivant, prout loca locata sunt. Et ut praepositus et hi qui foras monasteria sunt, ne venatores habeant; quia iam frequenter iussimus, ne monachi foras monasterio habitassent.

9
De hoste pergendi, ut comiti in suo comitatu per bannum unumquemque hominem per sexaginta solidos in hostem pergere bannire studeat, ut ad placitum denuntiatum ad illum locum ubi iubetur veniant. Et ipse comis praevideat quomodo sint parati, id est lanceam, scutum et arcum cum duas cordas, sagittas duodecim. De his uterque habeant. Et episcopi, comites, abbates hos homines habeant qui hoc bene praevideant et ad diem denuntiat placiti veniant et ibi ostendan quomodo sint parati. Habeant loricas vel galeas et temporalem hostem, id est aestivo tempore.

10
Ut regis spensa in carra ducatur, simul episcoporum, comitum, abbatum et optimatum regis: farinant, vinum, baccones et victum abudantar, molas, dolatorias, secures, taretros, fundibulas, et illos homines qui exinde bene sciant iactare. Et marscalci regis adducant eis petras in saumas viginti, si opus est. Et unusquisque hostiliter sit paratus, et omnia utensilia sufficienter habeant. Et unusquisque comis duas partes de herba in suo comitatu defendat ad opus illius hostis, et habeant pontes bonos, naves bonas.

14
Ut episcopi et abbates advocatos habeant, et ipsi habeant in illo comitatu propriam hereditatem; et ut ipsi recti et boni sint et habeant voluntatem recte et iuste causas perficere.

28) Bor.39. CAPITULARE LEGIBUS ADDITUM.

1
De homicidiis clericorum. Si quis subdiaconum occiderit, CCC solidos componat; qui diaconum, CCC; qui presbiterum, DC; qui episcopum, DCCCC solidos componat; qui monachum, CCCC solidis culpabilis iudicetur.
Si quis in emunitatem damnum aliquid fecerit, DC solidos componat. Si autem homo furtum aut homicidium vel quodlibet crimen foris committens infra emunitatem fugerit, mandet comes vel episcopo vel abbati vel vicedomo vel quicumque locum episcopi vel abbatis tenuerit, ut reddat ei reum. Si ille contradixerit et eum reddere noluerit, in prima contradictione solidis XV culpabilis iudicetur; si ad secundam inquisitionem eum reddere noluerit, XXX solidis culpabilis iudicetur; si nec ad tertiam consentire noluerit, quicquid reus damnum fecerat, totum ille qui eum infra emunitatem retinet nec reddere vult solvere cogatur, et ipse comes veniens licentiam habeat ipsum hominem infra emunitatem quaerendi, ubicumque eum invenire potuerit. Si autem statim in prima inquisitione comitibus responsum fuerit, quod reus infra emunitatem quidem fuisset sed fuga lapsus sit, statim iuret quod ipse eum ad iusticiam cuiuslibet disfaciendum fugire non fecisset, et sit ei in hoc satisfactum. Si autem intranti in ipsam emunitatem comitibus collecta manu resistere temptaverit, comes hoc ad regem vel ad principem deferat ibique iudicetur, ut, sicut ille qui in emunitatem damnum fecit DC solidos conponere debuit, ita qui comitibus collecta manu resistere praesumpserit DC solidis culpabilis iudicetur.

29) Bor.40. CAPITULARE MISSORUM.

803.

12
Ut liber homo, qui in monasterio regulari comam deposuerit et res suas ibidem delegaverit, promissionem factam secundum regulam firmiter teneat.

14
De episcopis, abbatibus, comitibus qui ad placitum nostrum non venerunt.

30) Bor.42. CAPITULA ECCLESIASTICA AD SALZ DATA.

803-804

5
Ut nullus in monasterio puellarum vel ancillarum Dei intrare praesumat, nec presbiter nec diaconus nec subdiaconus vel clericus aut laicas, nisi tantummodo presbiter ad missam celebrandam tempore oportuno ingrediatur, salva necessitate monasterii secundum canonicum institutionem et iuxta quod episcopus ipsius parochiae ibidem ordinaverit presbiter autem missa celebrata statim exeat.
Quicumque filiam suam aut neptam vel parentem Deo omnipotenti offerre voluerit, licentiam habeat; sin autem, domui infantes suos nutriat et non aliam infra monasteria mittere nutriendi gratia presumat, nisi quae in ipso loco firmiter in Dei servitio perseverare voluerit, vel secundum instituta sanctorum patrum seu canonicam auctoritatem.

Omnino prohibemus, ut nullus masculum filium aut nepotem vel parentem suum in monasterio puellarum aut nutriendum commendare præsumat, nec quisquam illum suscipere audeat.

Ut nullus ex clericali ordine, sacerdotes videlicet aut alii clerici neque laicus, brunias aut arma infra monasteria puellarum commendare præsumat, nec quisquam recipere audeat, excepto si in elemosina datum fuerit.

31) Bor.43. CAPITULARE MISSORUM IN THEODONIS VILLA DATUM PRIMUM, MERE ECCLESIASTICUM.
First days of 806.

(Bor. p.121, notes g and p contain the capitula here called. 5a,7a,8a,9a, which Baluze included in his edition.)

5a
De caetaris disciplinis ecclesiae ut secundum canones vel regulam fiant.

7a
De nuper venientibus ad monasterium, ut primo discant regulam antequam foras mittantur ad ministeria, et quod non vadant ad iudicia secularia.

8a
De his qui seculum relinquunt ad servitium dominicum impedientum et tunc neutrum faciunt, ut aut in seculo sint aut plene in regula permaneant.

9a
Ut omnes clericis noviter conversis, ne, antequam suam legem pleniter vivendo discant, ad alia negotia mittantur.

Ut omnes clericis unum e duobus eligant, aut pleniter secundum canonicam aut secundum regularem institutionem vivere debeant.
10
De his qui seculum relinquunt propter servicium dominicum impedientum et tunc neutrum faciunt, ut unum e duobus elegant: aut pleniter secundum canonica aut secundum regularem institutionem vivere debeant.

11
De servis propriis vel ancillis ut non amplius tundantur vel velentur nisi secundum mensuram, et ibi satis fiat et villae non sint desolatae.

12
De congregationibus superfluis ut nullatenus fiant, sed tantos congreget quantis consilium dare potest.

13
De his qui non fiunt secundum regulam pulsati*, ut deinceps emendentur et pulsentura secundum regulam.

14
Ut infantulæ ætatis puellulae non velentur antequam ille elegere sciant quid velint, salva canonica auctoritate.

15
Ut laici non sint praepositi monachorum infra monasteria, nec archidiaconi sint laici.

*Bor. n.8: Praeparati, probati in pulsatorio...

32) Bor.44. CAPITULARE MISSORUM IN THEODONIS VILLA DATUM SECUNDUM, GENERALE.
First days of 806.

15
De liberis hominibus qui ad servitium Dei se tradere volent, ut prius hoc non fatiant quam a nobis licentiam postulent. Hoc ideo, quia audivimus aliquos ex illis non tam causa devotionis quam exercitu seu alia funcione regali fugiendo, quosdam vero cupiditatis causa ab his qui res illorum concupiscunt circumventos audivimus, et hoc ideo fieri prohibemus.

33) Bor.46. CAPITULARE MISSORUM NIUMAGAE DATUM.
March, 806.

3
Ut praedicti missi per singulas civitates et monasteria virorum et puellarum praevideant, quomodo aut qualiter in domibus aecclesiarum et ornamentis aecclesiae emendatae vel restauratae esse videntur, et diligenter inquirant de
conversatione singulorum vel quomodo emendatum habeant quod iussimus de eorum lectione et canto caeterisque disciplinis ecclesiasticis regulae pertinentibus.

4
Ut singuli episcopi, abbates, abbatissae diligentem considerent thesauros ecclesiasticos, ne propter perfidiam aut negligentiam custodiam aliudique de gemmis aut de vasis, reliquo quoque thesaurum perditum sit, quia dictum est nobis, quod negotiatores Iudaei necnon et alii gloriantur, quod quicquid eis placeat possint ab eis emere.

34) Bor.85. CAPITULA A MISSIS DOMINICIS AD COMITES DIRECTA. March, 806.

1
Primo igitur inter cetera praecipimus et admonemus, ut tam vos ipsi quamque omnes iuniores seu pagenses vestri episcopo vestro sive praesenti seu per missum suum mandanti per omnia, quantum ad suum ministerium pertinet, obedientes sitis et nullam exinde negligentium habeatis; deinde et de iustitiis domni imperatoris, secundum quod vobis vel scriptum vel verbis est dictum, tale certamen habeatis, sicut vos exinde debitores esse cognoscitis.

35) Bor.75. KAROLI AD FULRADEM ABBATEM EPISTOLA. Mid-April, 806.

In nomine Patris et Filii et Spiritus sancti. Carolus serenissimus augustus a Deo coronatus, magnus pacificus imperator, qui et per misericordiam Dei rex Francorum et Longobardorum, Fulrado abbati. Notum sit tibi, quia placitum nostrum generale anno presenti condictum habemus infra Saxoniem in orientali parte, super fluvium Bota in loco que dicitur Starasfurt. Quapropter precipimus tibi, ut pleniter cum hominibus tuis bene armatis ac preparatis ad predictum locum venire debas XV. Kal. Iul. quod est septem diebus ante missam sancti Iohannis baptiste. Ita vero preparatus cum hominibus tuis ad predictum locum venies, ut inde, in quamcumque partem nostra fuerit iussio, et exercitaliter ire possis; id est cum armis atque utensilibus necnon et cetero instrumento bellico, in victualibus et vestimentis. Ita ut unusquisque cabalarius habeat scutum et lanceam et spatem et semispatum, arcum et pharetras cum sagittis; et in carris vestris utensilia diversi generis, id est cuniada et dolaturia, tarratros, assias, fosorios, palas ferreas et cetera utensilia que in hostem sunt necessaria.
Utensilia vero ciborum in carris de illo placito in futurum ad tres menses, arma et vestimenta ad dimidium annum. Et hoc omnino precipimus ut observare facietis, ut cum bona pace pergatis ad locum predictum, per quacumque partem regni nostri itineris vestri rectitudo vos ire fecerit, hoc est ut preter herbam et ligna et aquam nichil de ceteris rebus tangere presumatis; et uniuscuiusque vestri homines una cum carris et caballariis suis vadant et semper cum eis sit usque ad locum predictum, qualiter absencia domini locum non det hominibus eius mala faciendi.

Dona vero tua quae ad placitum nostrum nobis presentare debes nobis medio mense Maio transmisse ad locum ubicumque tunc fuerimus; si forte rectitudo itineris tuae ita se comparet, ut nobis per te ipsum in profectione tua ea presentare possis, hoc magis optamus. Vide ut nullam negligentiam exinde habeas, sicut gratiam nostram velis habere.

36) Bor.53. CAPITULARE MISSORUM. 807-808.

De canoniciis et monachis.

37) Bor.50. CAPITULARE MISSORUM DE EXERCITU PROMOVENDO. Beginning of 808.

De hominibus nostris et episcoporum et abbatum, qui vel beneficia vel talia propria habent, ut ex eis secundum iussionem in hostem bene possun pergere, exceptis his quos eis secum domi remanere permisimus, si aliqui inventi fuerint, qui vel pretio se redemissent vel dominis suis permittentibus domi remansissent, bannum nostrum sicut superius dictum est, et fidem faciant ac persolvant. Domini vero eorum qui eos domi remanere permiserint vel ministeriales eorum qui ab eis precium accepserunt similiter bannum nostrum rewarient et fidem faciant, usque dum nobis nuntiatum fuerit.

38) Bor.63. CAPITULARE MISSORUM AQUISGRANENSE ALTERUM. 809.

De monetis statutum est ut nullus audeat denarium merum et bene pensantem reiectare; et qui hoc facere presumperit, si liber fuerit, bannum componat, si servus, corporali disciplina subiaceat. Et in cuiuscumque comitatum et potestate inventum
fuerit et denarius ex dominica moneta bene merus et pensantes reiectaverit, episcopus, abba aut comites, in cuiuslibet potestate ut diximus inventi fuerit et hoc emendare distullerint, honore priventur.

39) Bor.71. CAPITULA TRACTANDA CUM COMITIBUS EPISCOPI ET ABBATIBUS. 810-811.

1 In primis separare volumus episcopos, abbates, et comites nostros et singulariter illos alloqui.

5 Interrogandii sunt, in quibus rebus vel locis ecclesiasticis laicos aut laici ecclesiasticis ministerium suum impediunt. In hoc loco discutendum est atque interventendum, in quantum se episopus aut abbass rebus secularibus debeat inserere vel in quantum comes vel alter laicus in ecclesiastica negotia. Hic interrogandum est acutissime, quid sit quod apostolus ait: 'nemo militans Deo implicit se negotiis secularibus', vel ad quos sermo iste pertineat.

11. De vita eorum qui dicitur canonici, qualis esse debeat.

12 De conversatione monachorum, et utrum aliqui monachi esse possint praeter eos qui regulam sancti Benedicti observant. Inquirendum etiam, si in Gallia monachi fuissest, priusquam traditio regulae sancti Benedicti in has parrochias pervenisset.

40) Bor.72. CAPITULA DE CAUSIS CUM EPISCOPI ET ABBATIBUS TRACTANDIS. 810-811.

2 Quaerendam est in primis ecclesiasticis, id est episcopis et abbatibus, Ut illi nobis patefaciant de conversatione sua, qualiter vivere debeant, ut cognoscere valeamus, cui de illis aut bonum aut aliud aliquid refrenati credere debeamus; et ut scire possimus, in quantum cuilibet ecclesiastico, id est episcopo vel abbate seu monacho, secularibus negotiis se ingerere; aut quod proprie pertineat ad illos qui dicitur et esse debent pastores ecclesiae patresque monasteriorum; ut aliud ab eis nec non quaeramus, quam quod ipsis facere licet*,
et ut quislibet ex eis a nobis ea non quaearet, in quibus eis consentire non debemus.

*Bor., 162: "corrig. videtur: ut aliud ab eis non quaeamus, quam quod ipsis non licet."

3
Interrogare volumus ipsos ecclesiasticos et qui scripturas sanctas non solum ipsi discere sed etiam alios docere debent, qui sint illi quibuscum apostolus loguitur: 'imitatores mei estote', vel quis ille de quo idem dicit: 'nemo militans Deo implicat se negotiis secularibus', aut qualiter apostolus sit imitandus vel quomodo Deo militet.

4
Iterum inquirendum ab eis, ut nobis veraciter patefaciant, quid sit quod apud eos dicitur seculum relinquere, vel in quibus internoscire possint hi qui seculum relinquunt ab his qui adhuc seculum sectantur; utrum in eo solo, quod arma non portant nec publice coniugati sunt.

5
Inquirendum etiam, si ille seculum dimissum habeat, qui cotidie possessiones suas augere quolibet modo, qualibet arte non cessat, suadendo de coelestis regni beatitudine, comminando de aeterno supplicio inferni, et sub nomine Dei aut cuiuslibet sancti tam divitem quam pauperem, qui simpliciores natura sunt et minus atque cauti inveniuntur, sic rebus suis expoliant et legitimos heredes eorum exheredant, ac per hoc plerosque ad flagitia et scelera propter inopiam, ad quam per hoc fuerint devoluti, perpetranda compellunt, ut quasi necessario furti et latrocinia exerceant, cui paternarum hereditas, ne ad eum perveniret, ab alio praerepta est.

6
Iterum inquirendum, quomodo seculum reliquisset, qui cupiditate duxit propter adipiscendas res quas alium vidit possidentemhominem ad perjuria et falsa testimonia praecipua conductit, et advocatum sive praepositum non iustum ac Deum timentem sed crudelim ac cupidum ac perjuria parvipendentem inquirit et ad inquisitionem rerum non qualiter, sed quanta adquirit.

7
Quid de his dicendum, qui, quasi ad amorem Dei et sanctorum sive martyrum sive confessorum, ossa et reliquias sanctorum corporum de loco ad locum transferunt ibique novas basilicas construunt et, quoscumque potuerint ut res suas illuc tradant, instantissime adhortantur. Ille siquidem vult, ut videatur quasi bene facere sequere propter hoc factum bene meritum apud
Deum fieri, quibus potest persuadere episcopis: palam sit hoc ideo factum, ut ad aliam perveniat potestatem.

8 Miramur unde accidisset, ut is qui se confitetur seculum reliquisse neque omnino vult consentire ut ipse a quolibet secularis vocetur, armatos homines et propria vellit retinere, cum ad eos qui nondum in totum seculum renunciaverunt hoc pertineat: ad ecclesiasticos vero quomodo iuste pertineat, penitus ignoramus, nisi illi nobis insinuaverint qui haec quasi licita usurpare non dubitant.

10 In quo canonum vel in cuius sancti patris regula constitutum sit, ut invitus quislibet aut clericus aut monachus fiat, aut ubi Christus praecipisset aut quis apostolus praedicasset, ut de nolentibus et invitis et vilibus personis congregatio fieret in ecclesia vel canonicorum vel monachorum.

11 Quam paucitatem conferat ecclesiae Christi, quod is qui pastor vel magister nec cuiuscumque venerabilis loci esse debet magis studet in sua conversatione habere multis quam bonos, et non tantum probis quam multitudine hominum delectatur, plus studet, ut suus clericus vel monachus bene cantet et legat quam iuste et beate vivat, quamquam non solum minime in ecclesia contemptnenda sit cantandi vel legendi disciplina, sed etiam omnimodis exercenda; sed si utrumque cuilibet venerabili loco accedere potest, tolerabilius tamen ferendum nobis videtur imperfectione cantandi quam vivendi. Et quamvis bonum sit, ut ecclesiae pulchra sint aedificia, praeferrendum tamen est aedificiis bonorum morum ornatus et culmen; quia, in quantum nobis videtur, structio basilicarum veteris legis quandam trahit consuetudinem, morum autem emendatio proprie ad novum testamentum et christianam pertinet disciplinam. Quodsi Christus et apostoli et qui apostolos recte securti sunt in ecclesiastica disciplina sunt sequendi, aliter nobis in multis rebus faciendum est quam usque modo fecissemus, multa de usu et consuetudine nostra auferenda et non minus multa quae actenus non fecimus facienda.

12 Qua regula monachi vixissent in Gallia, priusquam regula sancti Benedicti in ea tradita fuisset, cum legamus sanctum Martinum et monachum fuisse et sub se monachos habuisse, qui mucho ante sanctum Benedictum fuit.

13 De sanctimonialium et ancillarum Dei conversatione.
41) Bor.73. CAPITULA DE REBUS EXERCITALIBUS
IN PLACITO TRACTANDA
810-811

1
In primis discordantes sunt dicunt, quod episcopi, abbates, et eorum advocati potestatem non habeant de eorum tonsis clericis et reliquis hominibus; similiter et comites de eorum pagensis non habeant potestatem.

2
Quod pauperes se reclamant expoliatos esse de eorum proprietate; et hoc aequaliter clamant super episcopos et abbates et eorum advocatos et super comites et eorum centenarios.

3
Dicunt etiam, quod quicumque proprium suum episcopo, abbatil vel comiti aut iudici vel centenario dare noluerit, occasiones quae sunt super illum pauperem, quomodo eum condemnare possint et illum semper in hostem faciant ire, usque dum pauper factus volens nolens suum proprium tradat aut vendat; alii vero qui traditum habent absque ullius inquietudine domi resideant.

4
Quod episcopi et abbates sive comites dimittunt eorum liberos homines ad casam in nomine ministerialium, similiter et abbatissae; hi sunt falconarii, venatores, telonearii, praepositi, decani et alii qui missos recipiunt et eorum sequentes.

42) Bor.80. CAPITULARE DE IUSTITIIS FACIENDIS.
Fall, 811.

2
Ut episcopi, abbates, comites et potentiores quique, si causam inter se habuerint ac se pacificare noluerint, ad nostram iubeantur venire praesentiam, neque illorum contentio aliubi diiudicetur neque propter hoc pauperum et minus potentium instititiae remaneant. Neque comes palatii nostri potentiores causas sine nostra iussione finire praesumat, sed tantum ad pauperum et minus potentium iustitias faciendas sibi sciat esse vacandum.
43) Bor.78. CAPITULA E CANONIBUS EXCERPTA.

813.

4
Providendum necesse est, qualiter canonici vivere debeant
necon et monachi, ut secundum ordinem canonicalum vel regularem
vivere studeant.

5
De monasteriis puellarum, ut presbitero oportuno tempore ad
missarum solemnnia liceat illic advenire et iterum ad proprias
ecclesias redire.

6
Ut plus non mittatur in monasterio canonicorum atque
monachorum seu puellarum quam sufferre possint.

9
Ut pax sit et concordia inter episcopos et comites et reliquos
clericos et monachos et laicos.

10
Ut comites et iudices seu reliquus populus oboedientes sint
episcopo et invicum consentient ad iustitias faciendas et
munera pro iudicia non accipiant nec falsos testes.

20
Ut mortui in ecclesia non sepeliantur, nisi episcopi aut
abbates vel fideles et boni presbiteri.

44) Bor.92. CAPITULARE MANTUANUM PRIMUM,
MERE ECCLESIASTICUM.

813.

2
Monasteria que iam pridem regularia fuerunt, tam virorum
quamque et puellarum seu que sub nostro regimine domino site
sunt, volumus ut secundum regulam disponantur et vivant. Et si
abbates vel abbatisse sine regula vivere seu inordinate
inventi vel inverte fuerint, si correpti vel correpte emendare
noluerint, abiciantur, et de ipsa congregatione, si digni
inventi fuerint, abbas vel abbatissas eligantur; sin autem,
aliunde: et de monasteriis regalibus similiter.

6
Ut tam episcopi quamque et presbiteri seu diaconi vel abbates
et monachi nulla venatione per se facere praesumant aut ubi
ipsi presentes sunt, neque ulla iocorum genera ante se fieri
permittant que contra canonum auctoritate eveniunt.
45) Bor.93. CAPITULARE MANTUANUM
SECUNDUM, GENERALE.
813.

2 Ut clerici seu monachi vagantes, sive de ipsa parrochia seu
aliunde supervenientes, sine consensu episcopi a nemine
suscipiantur.

46) Bor.79. CAPITULA ORIGINIS INCERTAE.
813 or after.

4 De monasteriis puellarum, ut presbyteris certo tempore ad
missarum solemnia celebranda liceat ad eas in ecclesia
convenire, et mox ad proprias redire ecclesias. Caeteri vero
clerici vel laici similiter observentur, ut nequaquam in eadem
monasteria ingredi audeant, nisi necessitatis causa ipsius
monasterii compulerit; hoc tamen cum summa providentia
episcopi vel abbatissae fiat. Similiter et hoc pleniter
observandum sit, ut feminae per domos clericorum minime
discurrant.

Less precisely dated capitularies.

47) Bor.121. MISSI CUIUSDAM ADMONITIO.
800-813.

6th paragraph
Monachi quod Deo promiserunt custodiant, nichil extra abbati
sui preceptum faciat; turpi lucrum non faciant; regula
memoriter teneat et firmiter custodiat, scientes preceptum
'quod multis melius est non votum vobere quam post votum non
reddere'.

48) Bor.102. PIPPINI CAPITULARE ITALICUM.
802-810.

1 Volumus atque ammonemus, ut episcopi suum in omnibus iuxta
vires peragere studeant ministerium in parrochiis eorum, et ut
predicationem et confirmationem ibidem expleant. Et ut de
monasteriis que infra eorum parrochia sunt vigilanter curent,
 ut canonici secundum canones, regulares secundam regulam
vivant: et ubi aliter quam ordo poposcit invenerint, emendare
studeant, et si emendare nequiverint, nobis renuntient.
2 Ut abbates qui monasteriis regularibus presunt, volumus atque iuvenemus, ut secundum regulam vivant et doceant et de subjectis de hoc quotquot illis et carnaliter et spiritualiter ministrare curent et vigilantiam habeant.

3 Ut abbates qui canonicam debent normam illis similiter suis prevideant clericis, sicut ordo canonicus docet, et iuxta vires certent, qualiter ipse ordo ibidem servetur et officium debitum ipsi explere queant; et ubi opus est, sua monasteria emendare procurent. Et ut abbates monasteria sibi commissa magis frequentent et suos clericos instruant, ut Dei servitium explean et ordinem suum custodiant, quam per cetera delectamenta voluntatum saecularum vacare non sinant, nisi forte contingat eos in servitio domini imperatoris nostrumque esse occupatos: et hoc ad tempus erit, non semper.

9 Ut episcopi et abbates per sinodochia et monasteria eorum ospitalem, ubi antiquitus fuit, faciant et summopere curent, ut nullatenus praetermittantur.

49) Bor.38. CAPITULA DE EXAMINANDIS ECCLESIASTICIS. 802-813.

1 Primo qualiter unusquisque aeclesiasticus, sive episcopus seu abbas vel presbiter omnesque canonici vel monachi suum habeant officium praeparatum, quidve neglectum quidque emendationi condignum, ut is qui bene noverit officium suum gratias exinde habeat et in melius semper proficere suadetur; qui autem neglegens aut desidiosus inde fit, condigna satisfactione usque ad emendationem congruam constringatur.

11 Ut nullus tonsus sine canonica sit vita vel regulari nullusque absolutus sine magisterio episcopali vel presbiter aut diaconus vel abbas; quia displicere Deo novimus eos qui sine displicina vel magisterio sunt.

16 Ut nemo ex ecclesiasticis ulla umquam occasione extra canonicam vel regularem licentiam aliquid agere praesummat.

17 Deinde omnino monachis Dei verbo praeceptum est et domini nostri omniumque optimatum suorum iussum atque decretum est, ut nullus monachus secularibus negotiis amplius occupetur,
quam in synodo Calcidonensi decretum est: 'Qui vere et sincere singularem sectantur vitam, competenter honorentur. Quoniam vero quidam utentes habitum monachi aeclesiastica negotia civiliaque conturbant, circumeuntes indifferenter urbes necnon et monasteria sibi instituere temptantes, placuit nullum quidem usquam aedificare aut construere monasterium vel oratoni domum praeter conscientiam civitatis episcopi. Monachos vero per unamquamque civitatem aut regionem subjectos esse episcopo et quietem diligere et intentos esse tantummodo ieiunio et oratorii, in locis, quibus renuntiaverunt saeculo, permanentes; nec eclesiasticis vero nec saecularibus negotiis communicant vel in aliquo sint molesti, propria monasteria deserentes'.

50) Bor.54. CAPITULA PER EPISCOPOS ET COMITES NOTA FACIENDA. 802–813.

1 Capitula quae volumus, ut episcopi, abbates et comites qui modo ad casam redeunt per singula loca eorum nota faciant et observare studeant, tam infra eorum parrochias et missaticos seu ministeria eorum conviciniantum qui in exercitu simul cum equivoco nostro perrexerunt.

6 Ut per civitates monasteria virorum et puellarum commonere faciant, ut omnes pie et caste Dei servitio certent vivere et eorum pauperes et familias iuxta possibilitatem nutrire faciant.

51) Bor.59. CAPITULA A MISSO COGNITA FACTA. 802–813.

2 De decimis et nonis atque iustitia aecclesiarum Dei, ut studeatis dare et facere sicut lex est.

3 Qui beneficium domni imperatoris et aecclesiarum Dei habet nihil exinde ducat in suam hereditatem, ut ipsum beneficium destruatur.
52) Bor.58. RESPONSA MISSO CUIDAM DATA.  
802-813  

In quinto autem capitulo referebatur de episcopis, abbatibus vel ceteris nostris hominibus qui ad placitum vestrum venire contemperint. Illos vero per bannum nostrum ad placitum vestrum bannire faciatis; et qui tunc venire contemperint, eorum nomina annotata ad placitum nostrum generale nobis repraesentes.

53) Bor.69. CAPITULARE BAIWARICUM.  
802-813.  

Ut omnes episcopi potestative secundum regulam canonicam doceant et regant eorum ministeria, tam in monasteriis virorum quamque et puellarum vel in forensis presbiteris seu reliquo populo Dei.

54) Bor.84. CAPITULA VEL MISSORUM VEL SYNODALIA.  
802-813.  

Ut episcopi habeant potestatem in eorum parochia sicut canon docet faciendi, tam in vicis publicis seu in monasteria.

Providendum est episcopis in eorum parochiis una cum misso domni regis, qualiter vivant canonici seu regulares seu sanctemuniales.

Ut monasteria qui semel dedicata fuerint habitacula secularia non fiant.

55) Bor.117. QUAE A PRESBYTERIS DISCENDA SINT.  
802-813.  

Omelias dominicis diebus et solemnitatibus dierum ad praedicandum canonem; monachi regulam similiter et canonem firmiter:
56) Bor.116. INTERROGATIONES EXAMINATIONIS.  
803-813

10 Vos autem, abbates, interrogo, si regulam scitis vel intellegitis, et qui sub regimine vestro sunt secundum regulam beatissimi Benedicti vivant an non, vel quanti illorum regulam sciant aut intellegant.

57) Bor.47. CAPITULA EXCERPTA DE CANONE.  
806 or after(?).

9 Quod non liceat clericum in duas civitates ministrare, nec abbates plurima monasteria aut cellas habere.

Undated capitularies

58) Bor.104. CAPITULA FRANCICA.  

1 (779?) Adquisitionem autem facta percipienda statuimus, ut nullus hominibus audeat commendatione facere ad monachos nisi iussione abbati suo, quia eodem scapulum staminia tene et si fur venerit nocte ac die, commendatione suscepi, nec abbas suo. Sicut domno nostro Karalo rex Francorum et patritio Romanorum facere iussit pro causa oportunis et si intentione voluerit committere, componat solidos centum, et monachus inlesus permaneat.

5 Scire debent missi dominici, qualiter episcopus atque comes inter se habent conversationem et quomodo sunt consentientes legem atque iustitiam vel pacem; et quomodo abbates vel abbatissae suie eti sunt episcopis, in quorum parrochia commanent; et quomodo habent fideles atque diligentes legem vel iustitiam vicedominos, advocatos, centenarios atque praecones, ut omnes homines qui per ministeria eorum commanere videntur et qualem pacem habent inter se.

59) Bor.105. CAPITULA ITALICA.  

21 Ut nec episcopi nec abbates nec comites nec vicarii nec iudices nullusque omnino sub mali occasione vel malo ingenio
res pauperum vel minus potentium nec emere nec vi tollere audeat; sed quisquis ex eis aliquid comparare voluerit, in publico coram idoneis testitus et cum rationibus hoc faciat. Ubicumque autem aliquid inventum fuerit factum, hoc omnino emendetur per iussionem nostram.

60) Bor.118. QUIBUS DE REBUS IN SYNODO QUADAM PROVINCIALI TRACTANDUM SIT.

5 Ut episcopi et abbates qui monachos habent illos regant et doceant secundam regulam sancti Benedicti.
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