Canon Law Collections in England ca 600–1066:
The Manuscript Evidence

by

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A thesis submitted in conformity with the requirements for the degree of Doctor of Philosophy
Centre for Medieval Studies
University of Toronto

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Abstract

This dissertation summarizes the evidence for the use of canon law collections in England during the Christian Anglo-Saxon period, that is ca 600–1066. The method is text-historical, the focus being firstly on the scientific description of the primary evidence, and secondly on the evaluation of that evidence to determine which canon law collections were in circulation in Anglo-Saxon England, and exactly when, where and (in some cases) to whom they may have been available. An attempt is also made (in Chapter 2) to find a place for future discussion of canon law collections within the field of Anglo-Saxon Studies, a field traditionally resistant to this particular aspect of early medieval legal culture.

This dissertation has been envisioned as primarily descriptive. Here and there, however, attempts are made to venture beyond mere description of the evidence and explore the broader significance of canon law collections to Anglo-Saxon legal culture as a whole; however, given the still nascent state of the study of Anglo-Saxon canon law, such explorations are very often speculative and can only be considered preliminary to a more detailed investigation into the social, political and institutional significance of the evidence that is herein presented. This is simply to say that the goals of the present study are more humble than might be hoped. A solid
foundation, rather than a consummate edifice of historical analysis, is sought after. Indeed, it bears advertising up front that not only has the definitive treatment of Anglo-Saxon canon law yet to be written; in all likelihood, it will still be many years before it is even prudent to attempt such a thing.

The appendices contain a number of transcriptions of canon law collections from Anglo-Saxon manuscripts, including the first ever transcriptions of the Collectio Sanblasiana and Collectio Turonensis, as well as transcriptions of Book 4 of the Collectio quadripartita and of the Collectio Wigorniensis (or ‘Exceptiones pseudo-Ecgberhti’) in four of its five redactions. The appendices also contain a review of the complex historiography surrounding the latter two collections, as well as case studies of three texts that appear to have been crucial to the development of canon law in the Anglo-Saxon church, namely the Libellus responsionum, the Constitutum Silvestri, and Ecgberht of York’s Dialogus. While the appendixed material is intended primarily as support for the broader arguments developed in the dissertation proper, it is also hoped that scholars will find some of that material useful in its own right, and that it will serve to promote further discussion of the importance of canon law collections—especially Continental canon law collections—within the context of Anglo-Saxon history.
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collections I have learned so much, and with whom it has been my constant pleasure to correspond about all manner of subjects pertaining to her Carolingian canon law project.

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Bibliographical short titles

ACO  Acta conciliorum oecumenicorum, series prima, ed. Schwartz

ASE  Anglo-Saxon England

ASMMF  Anglo-Saxon manuscripts in microfiche facsimile

Bieler, Irish penitentials  The Irish penitentials, ed. and trans. Bieler

CLA  Lowe, Codices Latini antiquiores

C&S  Councils & synods. Vol. I, eds Whitelock (vol. I.i) and Brett–Brooke (vol. I.ii)

CCCM  Corpus Christianorum, continuatio mediaevalis

CCM  Corpus consuetudinum monasticarum

CCSL  Corpus Christianorum series Latina

CED  Councils and ecclesiastical documents, eds Haddan-Stubbs

Coustant, Epistolae  Epistolae Romanorum pontificum, ed. Coustant

Cross–Hamer, Canon law  Wulfstan’s canon law collection, eds Cross–Hamer

CSASE  Cambridge studies in Anglo-Saxon England

CSEL  Corpus scriptorum ecclesiasticorum Latinorum

de Clercq, Galliae  Concilia Galliae a. 511–a. 695, ed. de Clercq

EHR  The English historical review

EOMIA  Ecclesiae occidentalis monumenta iuris antiquissima, ed. Turner

Frantzen, Pententials  A.J. Frantzen, The Anglo-Saxon penitentials: a cultural database

JK, JE, JL  Jaffé, Regesta pontificum Romanorum, eds Kaltenbrunner (to a. 590), Ewald (to a. 882), and Löwenfeld (to a. 1198)

JML  The journal of medieval Latin
**JTS**

*The journal of theological studies*

**MGH**

- Auct. ant.  
  Monumenta Germaniae historica
- Briefe d.dt. Kaiserzeit  
  Die Briefe der deutschen Kaiserzeit
- Capit.  
  Capitula regum Francorum
- Capit. episc.  
  Capitula episcoporum
- Capit. n.s.  
  Capitularia regum Francorum, nova series
- Conc.  
  Concilia
- Epp.  
  Epistolae
- Epp. sel.  
  Epistolae selectae
- LL nat. Germ.  
  Leges nationum Germanicarum
- SS rer. Germ.  
  Scriptores rerum Germanicarum
- SS rer. Merov.  
  Scriptores rerum Merovingicarum

**Mordek, Kirchenrecht**  
*Kirchenrecht und Reform*, ed. Mordek

**Munier, Africae**  
*Concilia Africae a. 345–525*, ed. Munier

**Munier, Galliae**  
*Concilia Galliae a. 314–a. 506*, ed. Munier

**n.s.**  
new series

**ODNB**  
*Oxford dictionary of national biography*, online edition

**PL**  
*Patrologiae cursus completus ... series Latina*, eds Migne et al.

**SC**  
Sources chrétiennes

**Schmitz, Bussbücher I**  
*Die Bussbücher und die Bussdisciplin der Kirche*, ed. Schmitz

**Schmitz, Bussbücher II**  
*Die Bussbücher und das kanonische Bussverfahren*, ed. Schmitz

**Thiel, Epistolae**  
*Epistolae Romanorum pontificum*, ed. Thiel

**Wirbelauer, Zwei Päpste**  
*Zwei Päpste in Rom*, ed. Wirbelauer

**Wormald, MEL**  
Wormald, *Making of English law*

**ZRG, KA**  
*Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Kanonistische Abteilung*

**Works by ancient/medieval authors**

**Abbo Sangerm. Sermones**  
*Abbo von Saint-Germain-des-Prés – 22 Predigten*, ed. Önnerfors

**Ælfric, Ep.I, II, III, 2a, 2, 3**  
*Die Hirtenbriefe Ælfrics*, ed. Fehr
Alaric, *Breviarium*  
*Lex Romana Visigothorum*, ed. Hänel

Alcuin, *Epistolae*  
Alcuin’s *Epistolae*, in *Epistolae Karolini aevi II*, ed. Dümmler, 1–481

Amalar. *Lib.officialis*  
Amalarius of Metz’s *Liber officialis*, in *Amalarii episcopi opera*, ed. Hanssens, II

Ambrose, *De spirit.sanct.*  
*Sancti Ambrosii De spiritu sancto libri tres*, ed. Faller

Ambrose, *Exp.ev.sec.Luc.*  
*Sancti Ambrosii Mediolanensis Expositio evangelii secundum Lucam*, ed. Adriaen

Ambrosiaster,  
*Ambrosiastri Commentarius in Pauli epistulam*, ed. Vogels

Atto Verc. *De press.eccl.*  
Atto of Vercelli’s *De pressuris ecclesiasticis*, in Bauer, “Die Schrift “De pressuris ecclesiasticis””

Augustine’s *Contra epistulam Parmeniani*, in *Sancti Aurelii Augustini scripta contra Donatistas I*, ed. Petschenig, 19–142

Aug. *De serm.dom.in monte*  
*Sancti Aurelii Augustini De sermone domini in monte libros duos*, ed. Mutzenbecher

Aug. *Enarr.in Psalm.*  
*Sancti Aurelii Augustini Enarrationes in Psalmos I–L*, eds Dekkers–Fraipont

Augustine’s *Enchiridion ad Laurentium de fide et spe et caritate in Sancti Aurelii Augustini De fide rerum invisibilium*, ed. Evans, 23–114

Aug. *Epistolae*  
*Sancti Aurelii Augustini epistulae*, ed. Goldbacher

*La Règle de Saint Augustin I*, ed. Verheijen, 417–37

Aug. *Quaest.in Hept.*  
Augustine’s *Quaestionum in Heptateuchum libri VII*, ed. Fraipont, 3–377

Aug. *Sermones*  
*Sancti Aurelii Augustini sermones*, in PL 39

*Sancti Aurelii Augustini sermones de vetere testamento*, ed. Lambot

Aug. *Speculum*  
*Sancti Aurelii Augustini Speculum*, ed. Weihrich

Aurelian’s *Regula*, in Schmidt, ‘Zur Komposition’
Auxilius Francus, *De ordinat.a formoso pap. fact.*

Auxilius Francus’s *De ordinationibus a Formoso papa factis*, in *PL* 129, cols 1059–1074C

Basil–Rufinus *Regula*

*Basil Regula a Rufino Latine versa*, ed. Zelzer

Bede, *HE*

Bede’s *Historia ecclesiastica*, in *Venerabilis Baedae opera*, ed. Plummer, I, 5–360

Bede, *Hom.ev.*

Bede’s *Homiliarum evangelii libri II*, in *Bedae venerabilis opera omnia III–IV*, ed. Hurst.

Ben. *Regula*

*Benedicti Regula*, ed. Hanslik


Benedict of Aniane’s *Codex regularum monasticarum et canonizarum*, eds Holste–Brockie

Boniface, *Epistolae*

*Die Briefe des heiligen Bonifatius und Lullus*, ed. Tangl

C***

see ‘Councils’, below

Caesarius, *Ep.encyclica*


Caesarius, *Reg.ad virg.*

*Caesarii Arelatensis Regula ad virgines*, in *Œvres monastiques I*, eds. de Vogüé–Courreau, 170–272

Caesarius, *Sermones*

*Sancti Caesarii Arelatensis sermones*, ed. Morin

*Cod.Theod.*

*Theodosiani libri XVI*, eds Krüger–Mommsen–Meyer

Coll.***

see ‘Canon law collections’, below

Cypr. *Epistolae*

Cyprian’s *Epistolae*, in *Sancti Thasci Caecili Cypriani opera*, ed. Hartel, II

Cypr. *De lapsis*

Cyprian’s *De lapsis, Sancti Thasci Caecili Cypriani opera*, ed. Hartel, I

D***

see ‘Papal decretales’, below

Defensor, *Lib.scintill.*

*Defensor, Liber scintillarum*, ed. Rochais

Ecgberht, *Dialogus*

Ecgberht of York’s *Dialogus*, in *Venerabilis Bedæ epistolæ duæ*, ed. Ware, 91–114
Episc. ad Hludow. imp. relatio  Episcoporum ad Hludowicum imperatorem relatio (829), in Capitularia regum Francorum, eds Boretius–Kraus, II, 27–51

Euseb.–Rufinus, HE  Rufinus’s translation of Eusebius’s Historia ecclesiastica, in Eusebius Werke II, eds Mommsen–Schwartz

Ferr. Regula  Regula Ferrioli, in Desprez, ‘La Regula Ferrioli’

Fruct. Regula  Regula Fructuosi, in Reglas monásticas, ed. Campos, 137–62


Greg. Mag. Moral. in Iob  Sancti Gregorii Magni Moralia in Iob, ed. Adriaen


Greg. Nazianz.–Rufinus, Apologeticus  Rufinus’s translation of Gregory of Nazianzus’s Apologeticus, in Tyranni Rufini orationum Gregorii Nazianzeni novem interpretatio, ed. Engelbrecht, 3–84


Hermas, Libell. sanct. past.  Pastor Hermae, eds Gebhardt–Harnack–Zahn

Hincmar, De divort. Lothar. regis et Theutberg. reginae  Hinkmar von Reims. De divortio Lotharii regis et Theutbergae reginae, ed. Böhringer

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<td>Sancti Isidori Hispalensis De ecclesiasticis officis, ed. W. Lawson</td>
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<td><strong>Isidore, Etym.</strong></td>
<td>Sancti Isidori Hispalensis Etymologiarum, ed. Lindsay</td>
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<td><strong>Isidore, Sententiae</strong></td>
<td>Sancti Isidori Hispalensis Sententiae, ed. Cazier</td>
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<td><strong>Isidore, Regula</strong></td>
<td>Regula Isidori, in Reglas monásticas, ed. Campos, 90–125</td>
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<td><strong>Jerome, Advers.Iovin.libri II</strong></td>
<td>Sancti Hieronymi Adversus Iovinianum libri duo, in PL 23, cols 209–338</td>
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<td><strong>Jerome, Contra Rufin.</strong></td>
<td>Sancti Hieronymi Contra Rufinum, ed. Lardet</td>
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<td><strong>Jerome, Comm.in IV ep.Paul.</strong></td>
<td>Sancti Hieronymi Commentarii in IV epistulas Paulinas, in PL 26, cols 307–618</td>
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<td><strong>Jerome, Comm.in Mat.libri IV</strong></td>
<td>Sancti Hieronymi Commentariorum in Matheum libri IV, eds Hurst–Adriaen</td>
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<td><strong>Jerome, Comm.in proph.minor.</strong></td>
<td>Sancti Hieronymi Commentarii in prophetas minores, ed. Adriaen</td>
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<td><strong>Jerome, Epistolae</strong></td>
<td>Sancti Hieronymi epistolae, ed. Hilberg</td>
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<td><strong>Jerome, In Hieremiam libri VI</strong></td>
<td>Sancti Hieronymi In Hieremiam libri VI, ed. Reiter</td>
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<td><strong>John Cassian, Collationes</strong></td>
<td>Johannes Cassiani Collationes XXIII, ed. Petschenig</td>
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<td><strong>John Cassian, De inst. coenob.</strong></td>
<td>Johannes Cassiani De institutis coenobiorum, ed. Petschenig</td>
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<td><strong>John Cassian, Regula</strong></td>
<td>Regula Cassiani, in Ledoyen, “‘Regula Cassiani’”</td>
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<td><strong>John Diac. Vita Gregorii</strong></td>
<td>John the Deacon’s Sancti Gregorii Magni vita, in PL 75, cols 59–242</td>
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<td><strong>Law.</strong>*</td>
<td>see ‘Laws of the Anglo-Saxons’, below</td>
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<td><strong>Liber quare</strong></td>
<td>Liber quare, ed. Götz</td>
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<td><strong>Martin, De corr.rustic.</strong></td>
<td>Martin of Braga’s De correctione rusticorum, in Martini episcopi Bracarensis opera, ed. Barlow, 183–203</td>
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<td>Pirmin, <em>Scarapsus</em></td>
<td>Pirmin’s <em>Scarapsus de singulis libris canonicos</em>, in Hauswald, <em>Pirmin’s Scarapsus</em></td>
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<td><em>Pontifical.Lanalet.</em></td>
<td><em>Pontificale lanaletense (Bibliothèque de la ville de Rouen A. 27. cat. 368.</em>)*, ed. Doble</td>
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<td>Ps.–Alcuin, <em>De divin.oficiis</em></td>
<td>Pseudo-Alcuin’s <em>De divinis officiis liber</em>, in <em>PL</em> 101, cols 1173–1286</td>
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<td>Ps.–Clemens–Rufinus, <em>Recognitiones</em></td>
<td><em>Rekognitionen in Rufins Übersetzung</em>, eds Rehm–Paschke</td>
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<td>Ps.–Cyprian, <em>De duodecim abusivis</em></td>
<td><em>Ps.-Cyprian de XII abusivis saeculi</em>, ed. Hellmann</td>
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<td><em>Ratoldus sacramentary</em></td>
<td><em>The Sacramentary of Ratoldus</em>, ed. Orchard</td>
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<td><em>Reg.adauct.Chrod.</em></td>
<td><em>The Old English version of the Enlarged rule of Chrodegang</em>, ed. Langefeld</td>
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<td><em>Reg.magistri</em></td>
<td><em>La Règle du Maître</em>, ed. de Vogüé</td>
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<td>Reg.monast.Tarnatensis</td>
<td><em>Regula monasterii Tarnantensis</em>, in Villegas, “‘Regula monasterii Tarnantensis’”</td>
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<td>Sulp.Sev. Vita Martin.</td>
<td>Sulpicius Severus’s <em>Vita sancti Martini</em>, in <em>Vie de saint Martin</em>, ed. Fontaine</td>
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<td>Theodulf, Cap.A, B</td>
<td>Two Old English translation of Theodulf’s <em>Cap.I</em>, both in <em>Theodulfi Capitula</em>, ed. Sauer</td>
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<td>Wulfstan, Admon.sp.doctr.</td>
<td>Wulfstan’s <em>Admonitio spiritualis doctrinae</em>, in Cross, ‘Newly-identified manuscript’, 78–80</td>
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<td>Wulfstan, De ven.sacerd.</td>
<td>Wulfstan’s <em>De veneratione sacerdotum</em>, in Elliot, ‘Wulfstan’s Commonplace Book revised’, 38–44</td>
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<td>Wulfstan, De past.et praedic.</td>
<td>Wulfstan’s <em>De pastore et praedicatore</em>, in Elliot, ‘Wulfstan’s Commonplace Book revised’, 44–6</td>
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<td>Wulfstan, Sermones</td>
<td><em>The homilies of Wulfstan</em>, ed. Bethurum</td>
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<td>Wulfstan, Polity(I/II)</td>
<td><em>Die ‘Institutes of polity’,</em> ed. Jost</td>
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**Laws of the Anglo-Saxons**

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<td>King Wihtred’s laws, in <em>Die Gesetze</em>, ed. Liebermann, I, 12–14</td>
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<td>LawIne</td>
<td>King Ine’s laws, transmitted indirectly as part of Alfred’s <em>Domboc</em>, in <em>Die Gesetze</em>, ed. Liebermann, I, 88–123</td>
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LawIIAs  King Æthelstan’s laws issued at Grately, in Die Gesetze, ed. Liebermann, I, 150–66
LawIVAs  King Æthelstan’s laws issued Thunderfield, in Die Gesetze, ed. Liebermann, I, 171–72
LawIEm  King Edmund’s laws issued at London, in Die Gesetze, ed. Liebermann, I, 171–72
LawIIEm  King Edmund’s laws on feud, in Die Gesetze, ed. Liebermann, I, 184–87
LawIIIEg  King Edgar’s ecclesiastical laws issued at Andover, in Die Gesetze, ed. Liebermann, I, 194–200
LawIIIIEg  King Edgar’s secular laws issued at Andover, in Die Gesetze, ed. Liebermann, I, 200–07
LawIVEd  King Edgar’s laws issued at Wihtbordesstan, in Die Gesetze, ed. Liebermann, I, 206–15
LawVAt  King Æthelred’s laws issued at Enham in 1008 (earlier version), in Die Gesetze, ed. Liebermann, I, 236–46
LawVIAt  King Æthelred’s laws issued at Enham in 1008 (later version), in Die Gesetze, ed. Liebermann, I, 246–58
LawVIAtr(Lat)  Wulfstan’s Latin ‘draft’ (or possibly revision) of LawVAtr/VIAt, in Die Gesetze, ed. Liebermann, I, 247–57
LawVIIIAt  King Æthelred’s laws issued in 1014, in Die Gesetze, ed. Liebermann, I, 263–68
LawXAt  Fragment of King Æthelred’s laws issued at Enham in 1008 (‘official’ version), in Die Gesetze, ed. Liebermann, I, 269–70
LawICn  King Cnut’s ecclesiastical laws issued at Winchester in 1020/21, in Die Gesetze, ed. Liebermann, I, 278–307
LawGr  Wulfstan’s treatise on the history of ecclesiastical privileges in English law, in Die Gesetze, ed. Liebermann, I, 470–73

Canon Law Collections
Brev.Hipp. Breviarium Hipponense, on which see CCAR.397
Ansegis, Coll.cap. Die Kapitulariensammlung des Ansegis, ed. Schmitz
BD Burchard von Worms. Decretorum libri XX, eds Fransen–Kölzer, reprinting the 1548 edition by Bartoldus de Questenburgh
Cap.Angilramni Die Capitula Angilramni, ed. Schon
Coll.Dach. Collectio canonum Dacheriana, in Spicilegium I, ed. de la Barre, 510–64, reprinting (with changes) the 1672 edition by Luc d’Achery
Coll.Dion.I Die Canonenssammlung de Dionysius Exiguus in der ersten Redaktion, ed. Strewe
Coll.Dion.II Collectio canonum Dionysiana conciliorum, second recension, in Bibliotheca iuris canonici veteris I, eds Justel–Voel, 101–74,
reprinting the 1628/1643 editions by Christopher Justel; repr. in PL 67, cols 139–230


Coll.Dion.-Hadr. Collectio canonum Dionysio-Hadriana, in Canones apostolorum ..., ed. Wendelstein


Coll.Hib.(A/B) Collectio canonum Hibernensis, in two versions: Redaction A in Die irische Kanonensammlung, ed. Wasserschleben; Redaction B unedited, and extant in several MSS

Coll.Hisp. La colección canónica hispana, eds Martínez Díez–Rodríguez

Coll.quad. Collectio canonum quadripartita, incompletely edited; books 1–2 unedited, and in several MSS; Book 3 in Hrabani Mauri ... opera, ed. Colvener, VI, 130–54, repr. in PL 112, cols 1337C–1398C; Book 4 in Antiqua canonum collectio, ed. Richter

Coll.Quesn. Collectio canonum Quesnelliana, in Sancti Leonis Magni ... opera, eds the Ballerinis, III, cols 13–472, repr. in PL 56, cols 359A–746C

Coll.Rem. Collectio canonum Remensis, unedited; extant only in Staatsbibliothek zu Berlin – preußischer Kulturbesitz, Phill. Lat. 1743

Coll.Sanb. Collectio canonum Sanblasiana, unedited; extant in several MSS

Coll.Tur. Collectio canonum Turonensis, unedited; extant only in MS B1

Coll.vet.Gall. Collectio canonum vetus Gallica, in Mordek, Kirchenrecht

Coll.Wig.(A/B; C/D/I/O/R) Collectio canonum Wigorniensis (olim ‘Excerptiones pseudo-Ecgberhti’), in several versions: a primitive (‘A’) version, in Cross–Hamer, Canon law, 66–113; and a later (‘B’) redaction, in Cross–Hamer, Canon law, 114–72, collating portions of MSS A1 and A3. Further unedited redactions are extant in MSS A1, A2, A3, A6, and Oxford, Bodleian Library, Barlow 37 (see Appendices X–XIII)

# Comp. Quinque compilationes antiquae, ed. Friedberg

Cresconius, Conc.can. Die Concordia canonum des Cresconius, ed. Zechiel-Eckes

ELRF Excerpta de libris Romanorum et Francorum (olim ‘Canones Wallici A’), in Bieler, Irish penitentials, 136–49

Epitome Hispana El Epítome hispánico, ed. Martínez Díez


Gratian, D. #/C. # q. # Gratian’s Concordia discordantium canonum, in Corpus juris canonici, ed. Friedberg, I

ICtp The Ivonian Collectio canonum tripartita, in Ivo of Chartres, ed. Brett

ID The Ivonian Decretum, in Ivo of Chartres, ed. Brett

IP Ivo’s Panormia, in Ivo of Chartres, eds Brasington–Brett

Martin, Capitula Martin of Braga’s Capitula, in Martini episcopi Bracarensis opera, ed. Barlow, 123–44
Ps.-Isidore, Decretales

Pseudo-Isidore’s *Collectio decretalium (partim confictorum) et canonum*, in *Projekt Pseudoisidorus*, eds Schon–Zechiel-Eckes, in 3 parts; also in *Decretales*, ed. Hinschius

*R2L*

*Reginonis abbatis Prumiensis Libri duo de synodalibus causis*, ed. Wasserschleben. Select chapters from Wasserschleben’s edition are reprinted, with German translation and updated commentary, in *Das Sendhandbuch*, ed. Hartmann

*Reg.eccl.Cart.exc.*

*Registri ecclesiae Carthaginensis excerpta, annis 397–418*, in Munier, *Africæ*, 182–247. This collection of 100 African canons (excerpted from a now lost *Registrum ecclesiae Carthaginensis*) was first used in *Coll.Dion.II*, where they are numbered 34–133 following CCAR.419, and go under the rubric ‘Recitata sunt etiam in ista synodo diversa concilia uniuersae prouinciae Africæ transactis temporibus Aurelii Carthaginensis episcopi celebrata’; on this (probably spurious) rubric, as well as the *Reg.eccl.Cart.exc.* in general, see Cross, ‘History and fiction’, 233–39. In *Coll.Dion.-Hadr.* these canons are separate from CCAR.419 and titled ‘Incipiunt canones conciliorum diversorum Africanae provinciae numero CV’ (the number 105 is arrived at by the inclusion of an additional 5 chapters of material from CCAR.419). The first 22 canons of *Reg.eccl.Cart.exc.* (cc. 34–56) are excerpted from CCAR.397; cc. 57–65 from Carthage (16 June, 401) (the canons of this council transmitted only indirectly); cc. 66–85 from Carthage (13 Sept., 401) (transmitted indirectly); cc. 86–90 from Carthage (27 Aug., 402) (transmitted indirectly); cc. 91–2 from Carthage (25 Aug., 403), c. 93 from Carthage (16 June, 404), and c. 94 from Carthage (23 Aug., 405) (all transmitted indirectly); cc. 95–106 from Carthage (13 June, 407) (transmitted indirectly); c. 107 from Carthage (15 June, 409) (transmitted indirectly); cc. 108–27 from CCAR.418; cc. 128–33 from Carthage (30 May, 419, in causa Apiarii), second session. Note: the following conclusio and subscriptions in *Coll.Dion.II* are in fact those for CCAR.419, first session (25 May); Munier therefore prints these subscriptions on pp. 153–55.

*SEA*

*Les Statuta ecclesiae antiqua*, ed. Munier

*Symmachiana*

Two dossiers of forged canonical documents—SD1 (= SK1, SL, SX, SP, SM) and SD2 (= SB, SA, SK2)—pertaining to the Laurentian controversy of ca 500, in Wirbelauer, *Zwei Päpste*, 228–342

*Synod.I Patric.*

*Synodus I Patricii* (extant only in MS B1), in *Irish penitentials*, ed. Bieler, 54–8

*Synod.II Patric.*

*Synodus II Patricii*, in Breen, ‘Date, provenance and authorship’, 112–16

*X*

*Liber extra or Decretales Gregorii IX*, in *Corpus juris canonici*, ed. Friedberg, II, cols 1–928

**COUNCILS** (*C* + CITY CODE / DATE/CENTURY / CANON #)


CAAC.816.# *Aachen* (816), in *Concilia aevi Karolini*, ed. Werminghoff, I, 312–421

CAGD.506.# *Agde* (506), in Munier, *Galliae*, 192–228. Note: *Coll.Hisp.* inserts an additional 23 canons (cc. 48–70), drawn from CEPA.517, CLAO.300 and SEA

Can. apost. *Canones apostolorum* (apocryphal), in *EOMIA*, I, 1.i

CANC.314.# *Ancyra* (314), in *EOMIA*, II, 1


CARL.813.# *Arles* (813), in *Concilia aevi Karolini*, ed. Werminghoff, I, 248–53

CAUX.561.# *Auxerre* (561 × 605), in de Clercq, *Galliae*, 265–72

Carthage I CCAR.345, but as in *Coll.Hisp.*

Carthage II CCAR.390, but as in *Coll.Hisp.*

Carthage III CCAR.397, but as in *Coll.Hisp.* See Munier, *Africæ*, xxiii and 324.

Carthage IV SEA, but as transmitted in *Coll.Hisp.* See Munier, *Africæ*, 343–54


CBRA.561.# *Braga* (561), in Concilios, eds Vives et al., 65–77

CBRA.572.# *Braga* (572), in Concilios, eds Vives et al., 78–106


CCAR.397.# *Carthage* (397, 28 Aug.), transmitted indirectly (see Munier, *Africæ*, xxii–iv). Besides the original *acta* passed at this council, the *Breviarium Hipponense* (an abridgement of canons enacted at *Carthage* [397, 13 Aug.]) was adopted in full, on which see Munier, *Africæ*, xxii–iv and 22–53. See also Cross, ‘History and fiction’, 227–33


CCAR.419.# (A, B, C) *Canones in causa Apiarii*, or the so-called *Codex Apiarii causae*, a canonical dossier with varying components (see Cross, ‘History and fiction’, esp. 240–47, and Munier, *Africæ*, 81–3, who posits a *recensio brevis* and a *recensio longa*), but principally including: the long preamble and 33 (34) canons from the first session of
Carthage (25 May, 419); a synodal letter from the same council to Pope Boniface I (‘Quoniam domino’); rescript letters from Cyril and Atticus of Constantinople to the African church (‘Scripta venerationis’ and ‘Per filium nostrum ... scripta vestrae dilectionis’); the creed and canons from CNIC.325 (versio Attici); and a synodal letter from Carthage (424×425) to Pope Celestine I (‘Optaremus si’). The letters and CCAR.419 canons are in Munier, Africae, 89–172, where the canons are edited in three recensions: Recension A, from the Collectio Maasseniana or Africanum-Romanum collections (pp. 101–15); Recension B, from Coll.Sanb., Coll.Vat., and other Italian collections (pp. 117–31); and Recension C, from Coll.Dion.I/II (pp. 133–48). In Coll.Dion.I and Coll.Dion.II the 33 (34) canons of CCAR.419 go under the rubric ‘Synodus apud Carthaginem Africanarum provinciarum’. Note: between these canons and the additional materials (letters, etc.), Coll.Dion.II inserts Reg.eccl.Cart.exc.


CCHE.816. Chelsea (816), in CED, III, 579–84
CCLE.535. Clermont/Auvergne (535), in de Clercq, Galliae, 105–112
CCLN.813. Chalon-sur-Saône (813), in Concilia aevi Karolini, ed. Werminghoff, I, 273–85
CCLO.747. Clofesho (747), in CED, III, 362–76, reprinting the 1639 edition by Henry Spelman

CCON.381. Constantinople (381), in EOMIA, II, 3
CCON.448. Constantinople (448), in ACO, II, 2.1, no. 2, pp. 3–21
CDOU.874. Douzy (874), in Die Konzilien 860–874, ed. Hartmann, 581–96
CELV.300. Elvira (ca 300), in Concilios, eds Vives et al., 1–15

CEPH.431. Ephesus (431), in ACO, I, 2–5
CGAN.355. Gangra (343/55), in EOMIA, II, 2
CGRM.742. Concilium Germanicum (742), in Concilia aevi Karolini, ed. Werminghoff, I, 2–4

CHAS.1067. Penitential articles issued after the Battle of Hastings (1067×1070), in C&S, I.ii, 583–84
CHER.672 Hertford (672), in Bede, HE 4.5, repr. in CED, III, 118–21
CHAT.679 Haethfeld (679), in Bede, HE 4.17, repr. in CED, III, 141–42
CINC.615. Concilium incerti loci post a. 615, as in Coll.Rem., in de Clercq, Galliae, 287–89

CLAO.300. The collection of canons attributed to a council held at Laodicea in the fourth century (343×380?), in EOMIA, II, 3. Note: probably
only the first 19 canons originated with the council, the rest being added sometime before the end of the fourth century.

CLER.546.### Lérida/Lleida (546), in Concilios, eds Vives et al., 55–60
CMNZ.813.### Mainz (813), in Concilia aevi Karolini, ed. Werminghoff, I, 259–73
CMNZ.847.### Mainz (847), in Die Konzilien 843–859, ed. Hartmann, 159–77
CMNZ.852.### Mainz (852), in Die Konzilien 843–859, ed. Hartmann, 240–52
CNEO.315.### Neocaesarea (314×319), in EOMIA, II, 1

Conc.Milev.

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CTOL.527.# Toledo (527/31), in Concilios, eds Vives et al., 42–52
CTOL.589.# Toledo (589), in Concilios, eds Vives et al., 107–45
CTOL.633.# Toledo (633), in Concilios, eds Vives et al., 186–225
CTOL.636.# Toledo (636), in Concilios, eds Vives et al., 226–32
CTOL.638.# Toledo (638), in Concilios, eds Vives et al., 233–48
CTOL.655.# Toledo (655), in Concilios, eds Vives et al., 297–307
CTOL.656.# Toledo (656), in Concilios, eds Vives et al., 308–24
CTOL.675.# Toledo (675), in Concilios, eds Vives et al., 344–69
CTOU.461.# Tours (461), in Munier, Galliae, 143–49
CTOU.567.# Tours (567), in de Clercq, Galliae, 176–99
CTOU.813.# Tours (813), in Concilia aevi Karolini, ed. Werminghoff, I, 286–93
CTRI.895.# Tribur (895), in Capitularia regum Francorum, ed. Boretius, II, 208–47
CVAI.442.# Vaison (442), in Munier, Galliae, 96–104
CVAN.461.# Vannes (461–491), in Munier, Galliae, 150–57
CVLA.549.# Valencia (549), in Concilios, eds Vives et al., 61–64
CWIN.1070.# Legatine council at Winchester (1070), in C&S, I.ii, 575–76
CWND.1070.# Legatine council at Windsor (1070), in C&S, I.ii, 580–81

**PAPAL DECRETALS (‘D’ + NAME CODE . CONSECRATION DATE . JK/IE/JL NUMBER)**

**DALE.105. †24**
Pseudo-Alexander I to bishops everywhere, ‘Cogitantibus nobis metum’ (JK †24), in Projekt Pseudoisidor, Teil I, eds Schon–Zechiel-Eckes; also in Decretales, ed Hinschius, 94–102

**DANA.496.744**
Anastasius II to Emperor Anastasius, ‘Exordium pontificatus’ (JK 744), in Thiel, Epistolae, 615–23

**DBON.418.349**
Boniface I to Patroclus, Remigius, etc., and the other Gallic bishops, ‘Valentinae’ (JK 349), in Coustant, Epistolae, cols 1015–18

**DBON.418.353**
Boniface I to Emperor Honorius, ‘Ecclesiae meae’ (JK 353), in Coustant, Epistolae, cols 1025–27

**DBON.418.362**
Boniface I to Hilarius of Narbonne, ‘Difficile quidem’ (JK 362), in Coustant, Epistolae, cols 1032–34

**DCAL.217. †85**
Pseudo-Calixtus I to the bishops of Gaul, ‘Fraternitatis amore’ (JK †85), in Projekt Pseudoisidor, Teil I, eds Schon–Zechiel-Eckes; also in Decretales, ed Hinschius, 135–36

**DCAL.217. †86**
Pseudo-Calixtus I to the bishops of Gaul, ‘Plurimorum relatu’ (JK †86), in Projekt Pseudoisidor, Teil I, eds Schon–Zechiel-Eckes; also in Decretales, ed Hinschius, 137–43

**DCEL.422.369**
Celestine I to the bishops of Vienne and Narbonne, ‘Cuperemus quidem’ (JK 369), in Coustant, Epistolae, cols 1065–72

**DCEL.422.371**
Celestine I to the bishops of Apulia and Calabria, ‘Nulli sacerdotum’ (JK 371), Coustant, Epistolae, cols 1072–74

**DCEL.422.381**
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**DCLE.88. †10**
Pseudo-Clemens I to Jacob of Jerusalem, translated into Latin by Rufinus, ‘Notum tibi facio/fit’ (JK †10), in PL 54, cols 731B–740D; also in Coustant, Epistolae, Appendix, cols 3–18
The so-called *Praecepta sancti Petri*, or Pseudo-Clemens I to Jacob of Jerusalem, ‘Quoniam sicut a’ (JK †11), in *PL* 56, cols 893B–896A as part of *Coll.Quesn*.

Damasus I to Paulinus of Antioch, ‘Per (ipsum) filium meum Vitalem’ (JK 235), in two recensions and followed by CROM.378, Coustant, *Epistolae*, cols 508–10 and 516

Pseudo-Eutychian to the bishops of Sicily, ‘Benedictus Deus et’ (JK †146), in *Projekt Pseudoisidor, Teil I*, eds Schon–Zechniel-Eckes; also in *Decretales*, ed Hinschius, 210–14


Pseudo-Felix II to Athanasius of Alexandria, ‘Sacram vestram synodicam’ (JK †230), in *Projekt Pseudoisidor, Teil III*, eds Schon–Zechniel-Eckes; also in *Decretales*, ed Hinschius, 484–91


Felix III to Felix, Rufinus, Thalasius, etc. in Constantinople and Bithynia, ‘Diabolicae artis’ (JK 608), in Thiel, *Epistolae*, 257–59


Gelasius I’s *Generale decretum* to the bishops of southern Italy, ‘Necessaria rerum dispositione/Dispensatione’ (JK 636), in Thiel, *Epistolae*, 360–79


Gelasius I, on catechumens and penitents (fragm.; extant only in Lucca, Biblioteca Capitolare Feliniana, MS 490), ‘Catechumeni latine’ (JK 674), in Thiel, *Epistolae*, 509–10


*Decretum Gelasianum de libris recipiendis et non recipiendis*, ‘Post propheticas’ (JK †700), ed. von Dobschütz

Gelasius I’s *Tomus de anathematis vinculo*, ‘Ne forte quod solent’ (JK 701), in Thiel, *Epistolae*, 557–70

Gregory I to the bishops of Sicily, ‘Valde necessarium’ (JE 1067), in *Gregorii Registrum*, ed. Norberg, I, 1–2 (no. 1.1)

Gregory I to Exarch Romanus of Italy, ‘Scribendi ad’ (JE 1101), in *Gregorii Registrum*, ed. Norberg, I, 38–9 (no. 1.32)

Gregory I to Maximian of Syracuse, ‘Olim quidem fraternitati’ (JE 1282), in *Gregorii Registrum*, ed. Norberg, I, 228–30 (no. 4.11)

Pseudo-Gregory I to Felix of Messina, ‘Caput nostrum, quod’ (JE †1334), in *PL* 77, cols 1322C–1328C, reprinting the 1705 edition
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DGRE.590.1354 Gregory I to Eulogius and Anastasius, ‘Cum praedicator’ (JE 1354), in *Gregorii Registrum*, ed. Norberg, I, 320–25 (no. 5.41)

DGRE.590.1491 Gregory I to Queen Brunhild, ‘Quanta in omnipotentis’ (JE 1491), in *Gregorii Registrum*, ed. Norberg, II, 518–21 (no. 8.4)


DGRE.590.1525 Gregory I to Januarius of Cagliari, ‘Praedicator omnipotentis’ (JE 1525), in *Gregorii Registrum*, ed. Norberg, II, 562–63 (no. 9.1)

DGRE.590.1636 Gregory I to Romanus, Fantinus, etc. of Sicily, ‘Quia sicut causa’ (JE 1636), in *Gregorii Registrum*, ed. Norberg, II, 663–64 (no. 9.111)


DGRE.590.1743 Gregory I to Queen Brunhild of Francia, ‘Postquam excellentiae’ (JE 1743), in *Gregorii Registrum*, ed. Norberg, II, 772–75 (no. 9.214)

DGRE.590.1747 Gregory I to Syagrius, Ætherius, Vergilius and Desiderius, bishops in Gaul, ‘Caput nostrum’ (JE 1747), in *Gregorii Registrum*, ed. Norberg, II, 783–90 (no. 9.219)

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DGRE.715.2153 Gregory II to Martinian, George and Dorotheus of Rome, travelling to Bavaria, ‘Ut datis nostris’ (JE 2153), in *Leges III*, ed. Pertz, 451–54

DHAD.772.2483–85 Pope Hadrian I to Charlemagne, ‘Domini ac redemptor’ (JE 2483–85), in *Epistolae Karolini aevi III*, eds K. Hampe et al., 6–57

DHOR.514.800 Hormisdas to the priests, deacons and abbots of *Syria secunda*, ‘Lectis litteris’ (JK 800), in Thiel, *Epistolae*, 820–30


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Simplicius to Florentius, Equitius and Severus, bishops, ‘Relatio nos vestrae’ (JK 570), in Thiel, Epistolae, 175–77

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DSIR.384.258 Siricius to the African bishops, ‘Cum in unum’ (JK 258), as part of CTEL.418 and quoting the canons of CROM.386, in Munier, *Africæ*, 59–63; also in Coustant, *Epistolae*, cols 651–58
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DZEP.199.†80 Pseudo-Zephyrin to the bishops of Sicily, ‘Divinae circa nos’ (JK †80), in *Projekt Pseudoisidor, Teil I*, eds Schon–Zechiel–Eckes; also in *Decretales*, ed. Hinschius, 131–33
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Manuscript sigla

Manuscripts copied in Anglo-Saxon England

A1 Cambridge, Corpus Christi College, MS 190, pp. iii–xii and 1–294
A2 Cambridge, Corpus Christi College, MS 265, pp. 3–208
A3 London, British Library, Cotton Nero A. i, fol. 70–177
A4 London, British Library, Cotton Otho A. i
A5 Oxford, Bodleian Library, Bodley 718 (2632)
A6 Rouen, Bibliothèque municipale, MS 1382 (U. 109), fol. 173r–198v

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B1 Cambridge, Corpus Christi College, MS 279
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B3 London, British Library, Royal 5 E. xiii
B4 London, Lambeth Palace Library, MS 1231
B5 Oxford, Bodleian Library, Bodley 516 (2570), fol. 40–104
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C1 Arras, Bibliothèque municipale, MS 644 (572)
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D1 Brussels, Bibliothèque royale Albert 1er, MS 8654–72 (1324), fol. 2–207
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D13 Würzburg, Universitätsbibliothek, M.p.th.f. 3, fol. 2r–65v
D14 Würzburg, Universitätsbibliothek, M.p.th.f. 72
D15 Würzburg, Universitätsbibliothek, M.p.th.f. 186 + binding strips in
Würzburg, Universitätsbibliothek, M.p.th.f. 5+13+37+60, + M.p.th.q. 2, +
M.p.misc.f. 3+5a
D16 Würzburg, Universitätsbibliothek, M.p.th.q. 31, fol. 1–41 and 52–9
D17 Würzburg, Universitätsbibliothek, M.p.th.q. 31, fol. 42–5
1 Introduction

‘Nowhere is the history of early canon law obscurer than in our own islands’.¹

1.1 Aims and limits of this study

Few historical subjects lend themselves so neatly to periodization as the tripartite history of canon law in medieval England.² From its early introduction along with Roman Christianity and Roman law in the late Antique period, to its revival, again by Roman impetus, under the Anglo-Saxons (ca 300–597); from the dominance of mainly Roman, Gallic and Irish-trained canonists during the Anglo-Saxon period to their eventual replacement by Norman and French canonists in the eleventh century (597–1066); and from the Conquest and canonical reforms of the twelfth century to the ousting of canonists from the schools during the Protestant Reformation³ (1066–ca 1600)—the development of canon law in England during the Middle Ages was punctuated, and intimately linked to, those moments of great cultural and institutional transformation that delineate the country’s history. Each of these periods (ca 300–597; 597–1066; 1066–ca 1600) is defined by unique intellectual, religious and political circumstances, and each experienced wholly different levels of juristic expertise, standards of jurisprudence, and swings of ecclesiastical ideology, giving rise to distinct systems and practices of canon law. Unfortunately, the nature of canon law in the earliest period is now all but unrecoverable: whatever were the legislative, disciplinary and juridical practices of the Romano-British and Sub-Roman British


² The name ‘England’ is used throughout as a geographical designation only, and refers to the region roughly coterminous with the modern political entity of the same name.

episcopacy, they—like so much else from that obscure period—cannot now be known.\textsuperscript{4} Conversely, the latest stage of this history is comparatively well illuminated: the contours of English canon law from the Conquest on have been studied intensely since the seventeenth century, and continue to receive sustained scrutiny from scholars today.\textsuperscript{5} Yet the history of canon law during the Anglo-Saxon period, a history stretching nearly half a millennium, from \textit{ca} 600 to 1066, has remained relatively unexplored. Here then is a vast lacuna, not only in the scholarly literature but also in current conceptions of the Anglo-Saxon church, and of Anglo-Saxon history in general.

The present dissertation does not intend to fill this lacuna, but rather only to spur on the process of digging. This modest objective can best be achieved by beginning where all historical inquiries must: with a sounding of the available evidence. For the present subject, as with most pertaining to the Middle Ages, the principal evidence is constituted of texts, and by extension the manuscripts that contain them. This study is therefore primarily a survey of the manuscript evidence for the transmission of canon law collections in England from 600 to 1066; however, secondary consideration will also be given to citations and quotations of canonical literature by Anglo-Saxon authors.

Before coming to a survey of the evidence, however, it will be necessary to perform some ground-clearing. This is done in the first two chapters: Chapter 1 defines the field of study, summarizes the nature of the evidence involved, and discusses the peculiar methodological limitations imposed by the Anglo-Saxon situation, while Chapter 2 attempts to situate the study of canon law collections within current conceptual models of Anglo-Saxon legal culture. Chapter


\textsuperscript{5} See, e.g., Brett, ‘Canon law and litigation’, and Helmholz, \textit{Laws of England}, and further studies cited therein.
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3, constituting the core of the present study, offers an exhaustive summary of the manuscript evidence for the use of canon law collections by Anglo-Saxons, and finds that there is considerably more such evidence than has hitherto been acknowledged in the scholarly literature. The work of analyzing and interpreting the significance of this evidence is taken up in Chapters 4 and 5, in which the importance of individual canon law collections to Anglo-Saxon England is explored, with Chapter 4 looking at the numerous ‘systematic’ collections, and Chapter 5 at the three major ‘chronological’ collections that influenced the canonical tradition of the early English church.

Some of the evidence that is considered herein is well known and long studied, while some of it is newer and still relatively un-sifted; still, much of it has hitherto gone unnoticed. Most of it is fragmentary, and all of it is difficult to interpret in terms of its overall significance to the broader historical picture. Where there are signs of canonical texts or canonistic activity in the Anglo-Saxon church, they are almost invariably vestigial or lacking in context (a set of glosses here, a manuscript fragment there). Historians trespass on such a bleak evidentiary landscape at their own peril, for with so few signposts to navigate by it is often hazardous to go further than stating that this or that text was known to one or more Anglo-Saxon churchmen. Thus, at least until further exploration has been conducted, only tentative and qualified conclusions can be drawn about the history of Anglo-Saxon canon law. Still, the present study will show that even now it is possible to chart a rough path of the progress canon law made in England from the seventh to the eleventh century.

By way of orientation to this field, it will be helpful to summarize the nature of that progress here. On the basis of the evidence assembled in Chapter 3 (and thereafter analyzed in Chapters 4–5), it will be seen that, contrary to previous scholarly assessments, both the dissemination of canon law collections within the Anglo-Saxon church and the study of canon law collections by Anglo-Saxon clergy were considerable indeed; even if they were not as popular as in some Continental churches, canon law collections served the Anglo-Saxon church as indispensable disciplinary, educational and administrative tools. Beginning in the seventh and eighth centuries, and fuelled by the early Anglo-Saxon church’s strong ties to Roman models, one sees in England the considerable influence of Italian canon law collections, most notably the collectiones
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Dionysiana, Sanblasiana and Quesnelliana.\(^6\) It was particularly at York and especially at Canterbury under the guidance of Archbishop Theodore that instruction in and study of these collections appears to have been carried out with the most fervour.\(^7\) In the eighth century, imbued with the legal teachings of these collections, reform-minded Anglo-Saxon personnel descended on the Low Countries and the lands east of the Rhine, bringing with them the institutional framework and disciplinary models they had inherited from their Roman and Celtic mentors. These included the collections already mentioned and also copies of the Collectio Hibernensis and several different types of penitential handbooks. It was also during this time that an important redaction of the Collectio vetus Gallica was disseminated on the Continent, due in part to the activities of Anglo-Saxon personnel.\(^8\) This acme of Anglo-Saxon canonical scholarship—exemplified from the seventh to late eighth century by such figures as Wilfrid, Ecgberht, Boniface, and Alcuin\(^9\)—seems to have ended sometime in the ninth century, probably as a result of the devastation of the Viking raids, which inflicted heavy losses upon England’s material and intellectual culture. In England, interest in and the manuscript resources necessary to carry out the study of Continental canonical sources would never again under the Anglo-Saxons reach the level they had attained in the first two hundred years of the English church’s existence. Following the eighth century, the Anglo-Saxon church seems to have developed an increasingly strong tradition of operating juridically within the pre-existing secular legal framework.\(^10\) In this tradition—which lasted from at least the end of the ninth century until the Conquest and beyond—the legal and disciplinary spirit of the English church stood close to and drew support from the emerging strength of West Saxon kingship. Consequently, for the duration

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\(^6\) See the discussions of these important ‘chronological’ collections in Chapter 5.

\(^7\) On the use of the Dionysiana and Sanblasiana in York and at Theodore’s school at Canterbury, see Chapter 5 (under the discussion of the Collectio Sanblasiana). For the Dionysiana at York, see also the discussion on the sources of Ecgberht’s Dialogus in Appendix III.

\(^8\) On the Hibernensis and Vetus Gallica see Chapter 4.

\(^9\) For discussion of the canonical acumen of Ecgberht see Appendices III and IV; for that of Boniface, see the discussion of the Vetus Gallica in Chapter 4 and of the Libellus responsionum in Appendix I. A brief consideration of Alcuin’s dealings with canon law can be found under the discussion of the Collectio vetus Gallica (hereafter Coll.vet.Gall.) in Chapter 4, as well as in Appendix IV. Some possible canonical preoccupations of St Wilfrid are speculated at in the discussion of the Sanblasiana (hereafter Coll.Sanb.) in Chapter 5.

\(^10\) For further on this phenomenon, see Chapter 2, where it is posited that scholars have generally exaggerated the extent to which the later Anglo-Saxon church relied upon secular legislation for its disciplinary norms.
of the Anglo-Saxon period Continental canon law collections played a correspondingly smaller role in influencing the law and discipline of the church and its members. But they never became obsolete, and indeed an upsurge of interest in these collections can be seen taking place in the tenth and early eleventh centuries. New genres of canonical literature had been gaining in popularity on the Continent since the early ninth century. Most important among these, as far as the Anglo-Saxon history is concerned, were the large penitential and canonico-penitential collections of the Carolingian period. A number of these collections crossed the Channel into England during the tenth century and were well received by the Anglo-Saxon episcopacy. By the beginning of the eleventh century, especially with the activities of Abbot Ælfric and Archbishop Wulfstan, study of canon law collections had once again attained a degree of sophistication in England. Nevertheless, despite England’s increasingly tight connections to the ecclesiastical traditions of the Continent—where the study of canon law thrived in the eleventh century—there are few signs that Ælfric’s and Wulfstan’s achievements in canonical scholarship were continued by their Anglo-Saxon successors in any significant way. Following the Conquest England saw the introduction of Norman libraries and personnel into England, a development that marks a very real terminus to the history of the Anglo-Saxon canonical tradition. The new ecclesiastical reforms and drastically different canonical preoccupations of Archbishop Lanfranc

11 See the discussions of Halitgar’s penitential and the *Collectio quadripartita* in Chapter 4. It is important to note that there was also a resurgence of interest in the *Hibernensis* (see Chapter 4) in England in the tenth and eleventh centuries.

12 The principal evidence for this is the *Collectio Wigorniensis* and the related ‘Commonplace Book’ of Wulfstan (see Chapter 4). See also the discussion in Appendix IV of the use (as well as the avoidance of) the Silvestrian accusatorial canon by tenth and eleventh-century English ecclesiastics. On Wulfstan’s enormous importance to both secular and ecclesiastical legal literature in eleventh-century England see, above all, Wormald, *MEL*, 330–66, 389–97, 449–65, *et passim*. On Wulfstan’s contributions to ecclesiastical law specifically, see: R.A. Aronstam, ‘The Latin canonical tradition in late Anglo-Saxon England: the “Exceptiones Egberti”’ (unpubl. PhD diss., Columbia University, 1974), 130–211; Cross–Hamer, *Canon law*; and R.R. Trilling, ‘Sovereignty and social order: Archbishop Wulfstan and the *Institutes of polity*’, in *The bishop reformed: studies of episcopal power and culture in the central Middle Ages*, eds J.S. Ott and A.T. Jones (Aldershot, 2007), 58–85. A full study of Ælfric’s knowledge and use of canon law has yet to appear, but will doubtless need to be based first and foremost on the content of his pastoral letters, which are in desperate need of re-editing—the edition and study by Fehr being outmoded in terms of sourcing nearly to the point of uselessness. I, along with Dr Tristan Major, have undertaken a project to edit Ælfric’s Latin and Old English pastoral letters from all available manuscripts (two of which were unknown to Fehr). An important component of the project will be the re-sourcing of these letters in an effort to determine what kinds of authorities, particularly canonical authorities, Ælfric was drawing on. Our work is very much in the preliminary stages, however, and it is as yet too early to make any concrete claims as to the types or extent of canonical influence evident in these letters.
put the study of canon law in England upon entirely new foundations.\textsuperscript{13} With the accumulation of new texts and collections, and with the development of new scientific principles for their interpretation, ground was laid for Anglo-Norman England’s contribution to the monumental canonical reforms of the twelfth century—reforms in which the by now long outmoded Anglo-Saxon canonical tradition played (almost) no part.\textsuperscript{14} Such is the picture, in rough outline, of the development of canon law in England in the second half of the first millennium.

The decision to restrict the present enquiry principally to an interpretation of the manuscript evidence was not only a deliberate one, made in order to bring the scope of the investigation within manageable limits; it is also a limitation imposed by the nature of the subject itself. When dealing with periods that antedate the advent of court records, students of medieval legal history must of necessity compensate for an impoverishment of practical and contextual evidence with intensified textual and manuscript research. Manuscripts, their origin, make-up and history, are often the early medieval historian’s only clue as to what laws were known (and perhaps used) in any given place or time. As witnesses of the texts that medieval intellectuals considered worthy of preservation, manuscripts are precious indicators of what kinds of knowledge were valued, where otherwise there would often be no such indicators at all. While there are occasional, happy instances where a brief documentary or narrative account—in the form of synodal proceedings, a charter or letter, or a passage in hagiographical literature—provides evidence of contemporary legal attitudes or of law in practice, such accounts are exceptionally rare, and more often than not frustratingly vague.\textsuperscript{15} The problem is particularly severe with respect to canon law in the Anglo-Saxon period. Not including synodal proceedings, contemporary accounts of Anglo-Saxons

\textsuperscript{13} See Helmholtz, \textit{Laws of England}, 67–106 (pp. 73–4 for Lanfranc). The \textit{Collectio Lanfranci} itself is symbolic of the shift from an Anglo-Saxon to an Anglo-Norman conception of canon law; this collection is nothing other than an abridgement of Ps.-Isidore, \textit{Decretales}, a sophisticated and historically very important collection, but one that for whatever reason was never utilized by the Anglo-Saxon episcopacy.

\textsuperscript{14} It remains to be seen of what significance to twelfth- and thirteenth-century English canon law was the copy of the \textit{Wigorniensis} (hereafter \textit{Coll.Wig.}) in Oxford, Bodleian Library, Barlow 37, on which see the introduction to Appendix XI.

\textsuperscript{15} Two well-known examples from the early Middle Ages in which specific canonical texts were put into practice can be cited here: the trial of Contumelius of Riez, on which the opinions of both Pope John II and Caesarius of Arles were brought to bear, both of whom quoted canons in support of their decisions, on which see below, Chapter 5 n. 53; and the trial by King Chilperic of Bishop Praetextatus of Rouen, whose conviction appears to have turned on the king’s production of a copy of the \textit{Canones apostolorum} (hereafter \textit{Can.apost.}), on which see Turner, \textit{EOMIA}, I, 1.i, p. 33, addendum to p. 18, and below, Chapter 1 n. 90.
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engaging with canonical texts are almost non-existent.¹⁶ Records of Anglo-Saxon synodal proceedings are themselves sparse, and contain only vague allusions to the canon law tradition. With the indigenous Anglo-Saxon canons, one is scarcely on firmer ground, as these too are few in number, and their references to ambient canonical legislation ambiguous and typically untraceable.¹⁷ The present study will only give tangential consideration to Anglo-Saxon canons and the record of Anglo-Saxon synodal legislation; since the indigenous canons of the Anglo-Saxons were never ‘codified’ or assembled by them into a canon law collection, they do not fit directly within the purview of the present investigation.¹⁸ But the history of Anglo-Saxon synodal legislation, like that of Anglo-Saxon canon law generally, provides an object lesson in how difficult it can be to set early medieval canonical literature within anything more than a bare historical context.

This is not to say that the history of canon law in England during the Anglo-Saxon period is (as during the sub-Roman period) doomed to complete obscurity. There are occasional glimpses to be caught of real Anglo-Saxon canonists in action and of real canonistic thought taking place—Ecgberht, Boniface, Alcuin and Wulfstan being foremost examples of this. Some

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¹⁶ One major exception is Alcuin, whose dispute with Charlemagne and Theodulf of Orléans on the subject of church sanctuary is discussed in Appendix IV. Two other exceptions are Wilfrid and St Boniface, whose interactions with canon law are well documented by either themselves (in the case of Boniface: see Appendix I) or biographers (in the case of Wilfrid).


¹⁸ Note, however, that the canons of the council of Clofesho (747) (CCLO.747) do form part of the Collectio Cottoniana, which, though not a canon law collection in the traditional sense, is nevertheless discussed below in Chapter 4. There is one series of Anglo-Saxon canons that was incorporated into a canon law collection (in the traditional sense), though it was not a collection that originated in England. The story of their modern (re)discovery is interesting: it was once thought that, after the Magdeburg Centurators had printed the editio princeps of the canons of the English legatine councils (CENG.786) in the sixteenth century, the unique manuscript witness they had used had gone missing; however, it was later discovered that the manuscript they had used was Wolfenbüttel, Herzogliche August Bibliothek, Helmstadt 454, fols 22v–159v (s. xiv, Hildesheim), in which the CENG.786 canons form part of the late tenth-century Collectio 233 capitulorum. On the canons, collection and manuscript, see: Cubitt, Councils, 270; P. Fournier and G. le Bras, Histoire des collections canoniques en occident depuis les Fausses décéntales jusqu’au Décret de Gratien. Vol. I: de la réforme Carolingienne a la réforme Grégorienne, Bibliothèque de l’histoire du droit 4 (Paris, 1931), 300–95; L. Kéry, Canonical collections of the early Middle Ages (ca. 400–1140): a bibliographical guide to manuscripts and literature, History of medieval canon law (Washington, D.C., 1999), 185 and 193–94; W. Levison, England and the Continent in the eighth century (Oxford, 1946), 16 n. 3 and 128 n. 9; and J. Story, Carolingian connections: Anglo-Saxon England and Carolingian Francia, c. 750–870, Studies in early medieval Britain 3 (Aldershot, 2003), 58 n. 12 and 62 n. 22.
developments and trends in the type of canonical literature preferred by Anglo-Saxon ecclesiastics are also in evidence; and occasionally it is possible to draw connections between these developments and other political, cultural, and intellectual developments that took place during the Anglo-Saxon period. It may even one day be possible to draw enough such connections to venture something like a proper ‘history’ of Anglo-Saxon canon law. It must be stressed, however, that the present study is not a history in the usual sense; it seeks only to lay some of the groundwork necessary if such a history is to be written.

1.2 An obscure and neglected subject

The quotation by Cuthbert Hamilton Turner that heads this chapter (‘Nowhere is the history of early canon law obscurer than in our own islands’), is no less true today than it was when uttered more than a century ago in specific reference to the period in English history between the arrival of the Roman missionaries at the end of the sixth century and the inauguration of the classical canon law with Gratian’s *Concordantia discordantium* (or *Decretum*) in ca 1150. One can understand Turner’s remark in two ways: as an evaluation of the laconic state of the evidential record; or as a lament for how little (then as now) the subject of canon law has been explored by students of Anglo-Saxon history. These twin themes are, of course, interrelated. Compared to

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19 See, for example, the concluding remarks in Appendix IV on the treatment of the Sylvestrian accusatorial canon by Anglo-Saxon magnates.


other regions in Europe and later periods in English history, the record left of Anglo-Saxon England’s encounters with ‘learned’ Latin law is minuscule. It is no real surprise, then, that Anglo-Saxon England has been overlooked in studies of early medieval canon law, which naturally focus on better evidenced places and times, like, for example, Visigothic Spain, Carolingian Francia, and the Gregorian reform. As a result, the student of Anglo-Saxon canon

be found in Cubitt, *Councils*. In addition, studies of Wulfstan’s Commonplace Book must of necessity touch on the subject of canon law, even if only in passing; for further on the Commonplace Book see the discussion of *Coll.Wig.* in Chapter 4, as well as Appendices X–XIII.


23 Anglo-Saxon England has received only the briefest mention in survey studies of early medieval canon law, and almost only ever in connection with the canonical works attributed to Theodore and Wulfstan/pseudo-Ecgberht; and even then the discussion is typically subsumed into a larger discussion of Irish or ‘Insular’ traditions. See: F.
law is faced with the daunting task of having to draw a coherent historical picture from a paucity of heterogeneous primary evidence—most of it still unedited and available only in manuscripts—often without the guidance or support of relevant secondary literature. Fortunately, these challenges are not insurmountable; after all, the above-quoted remark by Turner was contingent, not categorical. More and better editions can be made and further research can be undertaken, and there is every reason to expect that scholarly knowledge of the field will continue to grow, even if now it is still only in its infancy.

1.3 Past assessments, present pitfalls

In beginning an investigation into the manuscript evidence for canon law collections in Anglo-Saxon England, it is instructive to consider one of the earliest assessments ever made of the subject. The following is a passage from a lecture of that redoubtable scholar of English ecclesiastical history, Bishop William Stubbs; it is probably the first attempt by any historian to catalogue (however briskly) the canon law sources available in pre-Conquest England (I provide annotations for the purposes of correction and clarity):

But over and above [the penitentials] there were the canons, or authorized church law; and of these there also was a series of important collections. I am unable to say how far the collection of Dionysius Exiguus was received in England and Ireland at first; but from the beginning of the Church History of United England, a series of new canons began to be added to the early collections: Theodore himself

added the decisions of Roman and Byzantine councils to the resolutions of his national synods; a great and important succession of Anglo-Saxon councils issued canons which were received with great respect in all the Western Churches [!], as we know from St. Boniface’s letters and the remains of the canons themselves. From Ireland likewise proceeded a great collection of canons—the famous Collatio Hibernica, which, beginning with the edicts of St. Patrick, went on to embody the results of ecclesiastical legislation in West and East, and, by the time of Dunstan, whose copy of it we possess in the Bodleian, had added by successive accretions all that was thought worth preserving even in the capitularies of the Frank kings. The Anglo-Saxon Church possessed no such comprehensive collection of its own; but abroad the codification of church law proceeded rapidly. I have seen in the National Library at Paris some invaluable MS. collections earlier than the date of the forged decretals; and the forged decretals themselves were probably not the work of one man or one generation. Not however to tread again this well-trodden path, pass [sic] on to the collectors of genuine or less suspected canons: of whom the most important is Burchard of

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24 By ‘Byzantine councils’ Stubbs surely means here the decisions of the ancient eastern church councils, which formed the hard core of most canon law collections transmitted in the early Middle Ages.

25 Stubbs must have in mind here the canons of CCLO.747, which are now believed to have been influenced by (rather than to have influenced) the canons issued at the Continental Concilium Germanicum (CGRM.742) presided over by Boniface: Cubitt, Councils, 102–10. In fact, few if any Anglo-Saxon canons or ecclesiastical statutes are known to have had influence outside of England, much less garnered ‘great respect in all the Western Churches’.

26 The manuscript Stubbs refers to here, B6, is no longer believed to have been owned by St Dunstan: B.C. Barker-Benfield, ‘Not St Dunstan’s book?’, Notes & queries 40 (1993), 431–33; D.N. Dumville, ‘Wulflic cild’, Notes & queries 40 (1993), 5–9. B6 is considered in greater detail in Chapters 3, 4 (under discussion of Coll.Hib.) and 5 (under discussion of the Collectio Dionysio-Hadriana), and also in Appendix VI.

27 This entire sentence only makes sense if by ‘Collatio Hibernica’ one understands Stubbs to mean the collection of Irish canonical material that is B1, which begins with the so-called First synod of St Patrick, followed by the Collectio Turonensis (hereafter Coll.Tur.), which is probably the kernel (or one of them, anyway) around which the later Coll.Hib. developed. B1, along with Coll.Tur., is discussed in greater detail in Chapters 3 and 4, and also in Appendix VIII.

28 That is the collection of decretals (some of them forged) of pseudo-Isidore, compiled near Reims ca 850.
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Worms. He, at the beginning of the eleventh century, got together and arranged systematically all the materials he could find: borrowing authoritative determinations from the penitentials, the canons of councils, articles of the civil law known to him by the Theodosian code, and the capitularies of emperors. A century later, Bishop Ivo of Chartres produced the Pannormia, a similar collection, improved on that of Burchard by the use of the Digest and Code of Justinian. Ivo was a contemporary of Henry I of England, and his date carries us past the Norman Conquest and the Hildebrandine period.

Stubbs’s short account does not inspire much confidence that canon law collections played a major role in the history of the Anglo-Saxon church. The picture he paints is of an early English canonical tradition influenced strongly by the penitentials, by native conciliar decisions, and by a small handful of canon law collections, namely those that now go by the names Dionysiana, Hibernensis, and Burchard’s Decretum (though he does not make Burchard’s influence explicit). Stubbs’s account is of course inadequate by today’s standards; far more collections than these can now be identified as having passed through Anglo-Saxon hands and at least one collection that Stubbs mentions—Burchard’s Decretum (hereafter BD)—in fact does not appear to have had any currency in pre-Conquest England.

Stubbs’s account might have been more full and accurate. His Continental contemporaries, some of whom possessed far more detailed knowledge about early medieval collections than was common in the English-speaking world of the nineteenth century, could easily have added to Stubbs’s rather terse list of collections known in early England—Coll.Sanb. and Coll.quad., for example, not to mention the Coll.Wig. (or, as they would have known it, the Excerptiones Ecgberhti), which for some reason Stubbs neglects to mention at all. These Continental scholars—among whom numbered Friedrich Maassen, Hermann Wasserschleben, and Hermann

29 Stubbs here gives a note acknowledging, on Wasserschleben’s authority, the existence too of ‘several ... older compilations’ like Halitgar’s penitential and the Collectio quadripartita (hereafter Coll.quad., the editor of which Stubbs gives incorrectly as ‘Dachery’); ‘but the subject is too large for a note’, he adds.


31 On the relative strengths of modern and early-modern Continental vs. English scholarship on early medieval canon law collections, see Appendix V.
Josef Schmitz—had by now developed the study of early medieval canon law into something approaching a rigorous discipline, mainly through their work on (and by means of their access to) French, Italian and German canonical manuscripts. While the study of early medieval canon law was by no means young by the end of the nineteenth century, it had only recently reached a level of rigour that could be called scientific, the watershed being the publication in 1870 of Maassen’s *Geschichte der Quellen und der Literatur des canonischen Rechts*. But Stubbs did not know Maassen’s work and, for whatever reasons, he seems generally to have been disinclined to draw on the expertise of Continental scholars; indeed, at this time communication across the Channel between scholars working on early medieval canon law was infrequent and incomplete at best, non-existent at worst. Moreover, Continental canonists were generally content either to ignore Anglo-Saxon England, or else to lump it into accounts of early Irish or a more nebulous (and no less obscure) ‘Insular’ canonical history. Stubbs’s very limited description of the collections available to the Anglo-Saxon church therefore remained the standard account for most English-speaking historians going into the twentieth century.

During the twentieth century, scholars’ knowledge of early medieval canon law collections, and particularly the manuscripts in which they travelled, improved vastly. Already, by 1936, Reginald R. Darlington could remark that:

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32 For a lucid and helpful account of the beginnings of the modern study of early medieval canon law, see A. Firey, ‘Toward a history of Carolingian legal culture: canon law collections of early medieval southern Gaul’ (unpubl. PhD diss., Toronto, 1995), 1–56. In saying that the modern, scientific study of early medieval canon law began with Maassen, I do not mean to imply that before Maassen valuable and important research could not and had not been done. Indeed, Maassen’s great achievement was only possible because of the magnificent labours of scholars before him, scholars like Justel, the Ballerinis, and Savigny. Indeed, shortly preceding Maassen’s *magnum opus*, two editions by Hermann Wasserschleben appeared—*Die Bussordnungen der abendländischen Kirche, nebst einer rechtsgeschichtlichen Einleitung* in 1851 and *Die irische Kanonensammlung* (first edition: 1874; second edition: Leipzig, 1885)—which, though generally more important to the subsidiary study of early medieval penance, nevertheless also marked turning points in the study of early medieval canon law. But it remains true that after the publication of Maassen’s *Geschichte* study of early medieval canon law collections was generally able to proceed more rigorously and this principally because of the research he had done, particularly as exemplified in several preparatory studies for the *Sitzungsberichte* of the Österreichische Akademie der Wissenschaften: F. Maassen, ‘Bibliotheca Latina juris canonici manuscripta. Erster Theil: die Canonensammlungen vor Pseudo-Isidor’, *Sitzungsberichte der kaiserlichen Akademie der Wissenschaften. Philosophisch-historische Classe* 53, 54 and 56 (1866–1867), (vol. 53) 373–427, (vol. 54) 157–288, (vol. 56) 157–212.

33 On the tendency of modern and early-modern English-speaking historians to ignore Continental scholarship on early medieval canon law collections, see Appendix V. Stubbs was better in this regard than most, and relied extensively upon the crucial scholarship of Wasserschleben; yet, if he knew of Maassen’s research, he did not use it.

34 Cf. above, Chapter 1 n. 23.
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Before all the surviving collections have been analysed in detail it may be rash to generalize regarding the knowledge of Canon Law in England in the tenth century and the first half of the eleventh, yet it is evident that the English reformers were versed in most of the authoritative texts, and familiarity with them cannot have been confined to a few persons.35

In a note to this passage Darlington explains that by ‘authoritative texts’ he means the *Collectio canonum Dionysio-Hadrianum*, the pseudo-Isidorian *Decretals*, Ansegis’s *Collectio capitularium*, Theodulf’s capitularies, and ‘various other collections of canons and capitularies.’36 Darlington made these comments in a paper that surveyed the evidence for the monastic-inspired ecclesiastical reform in tenth- and eleventh-century England, a movement that has come to be known as the English Benedictine Reform. Darlington collected a sizable harvest of legislative texts from this period in an attempt to prove the strong legal component of this reform. But what Darlington did not know, and could not have known at the time, was that essentially all of the legal material he adduced—both ecclesiastical and royal—was the work of two ecclesiastics only, namely Ælfric, abbot of Eynsham, and Wulfstan, archbishop of York.37

More recent surveys of the legal evidence for disciplinary reform in the English church usually take this evidential bias into account and allow for the possibility that Ælfric and Wulfstan were unusual—perhaps even unique—in their legislative activities and output.38 And rightly so. There

36 Darlington adds (‘Ecclesiastical reform’, 412 n. 1), quite correctly, that ‘As yet ... the employment in England of Burchard’s *Decretum* ... has not been established.’ Note too that, despite Darlington’s insinuation to the contrary, the possibility that the Anglo-Saxons knew of pseudo-Isidore remains highly dubious.
37 The only exceptions being the *Constitutiones* of Archbishop Oda and the law-codes of Edgar and Edmund (the ecclesiastical component of the latter’s code almost certainly having been drafted by Oda). It is important to note, however, that the law-codes of Edgar that pertain to the church survive in Wulfstanian manuscripts and appear to have been augmented by him: Wormald, *MEL*, 314–15.
38 See, e.g., the cautionary remarks made by M.F. Giandrea, *Episcopal culture in late Anglo-Saxon England*, Anglo-Saxon studies 7 (Woodbridge, 2007), 36, when speaking of Wulfstan: ‘[while] attributing one individual’s vision to an entire institution is admittedly problematic, ... given the dearth of evidence, to do less would require abandoning the discussion altogether’. Too often, however, scholarly studies of the disciplinary literature produced in late Anglo-Saxon England disregard the significance of the evidentiary bias towards Ælfric’s and (especially) Wulfstan’s output; see, e.g., E.M. Treharne, ‘A unique Old English formula for excommunication from Cambridge, Corpus Christi College 303’, *ASE* 24 (1995), 185–211.
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is a considerable body of evidence for the use of canon law collections in England that comes from the eleventh century; yet it must be treated with great circumspection when considering the extent to which that evidence is representative of common trends in the Anglo-Saxon church, for almost all of it points directly at either Ælfric or Wulfstan, and no one else. Here then is another methodological difficulty in the field: while late Anglo-Saxon England does offer up substantial manuscript and textual evidence for the study and use of canon law, that evidence is probably not representative of general trends in England at that time.

The two questions fundamental to the field are therefore: how to interpret the evidence when there is a lack of it, and how when there is an abundance? Each scenario presents its own particular problems. In confronting the first scenario, which covers nearly the whole Anglo-Saxon period, the historian is forced to engage in a lot of gap-filling, and is compelled to stretch every bit of evidence as far as it can go. In contrast, the second scenario, covering a period scarcely more than a century in length, obliges one to exercise caution and restraint, and to avoid making grand generalizations. Navigating these two different evidential and methodological fields—especially if attempted simultaneously, as will be attempted here—can be hazardous, as there is constant risk of saying more or of saying less than is warranted by the evidence. It will therefore be necessary to proceed carefully, even painstakingly, and to make as few assumptions as possible about the field. To this end, before proceeding any further it seems best to define what is meant by ‘canon law collection’.

1.4 Collectio canonum: a working definition

Clear definitions are unfortunately still desiderata in the scholarship on early medieval canon law. To date, there is still no standard terminology for discussing the anatomy of a medieval canon law collection.\(^{39}\) Not only is the entire subject of medieval canon law collections burdened

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\(^{39}\) An attempt was made to establish a standard vocabulary for referring to the several formal parts of a canon law collection by G. Fransen, *Les collections canoniques*, Typologie des sources du moyen âge occidental 10 (Turnhout, 1973), 30–3; however, his terminology seems not to have met with universal acceptance. Indeed, the freedom with which canonists currently deploy terms like ‘rubric’, ‘title’, ‘inscription’, ‘capitulum’, ‘capitulatio’, ‘register’, and ‘index’, is a cause of much equivocation and (perhaps occasionally) confusion even in recent literature. Happily, two digital projects—Linda Fowler-Magerl’s *Clavis canonum* database, completed in 2005; and Abigail Firey’s ongoing *Carolingian canon law* Web project, with its granular, component-level approach to canon law collections—are spearheading efforts to determine a universal language for discussing canon law collections and their various parts. Also worthy of mention here is Greta Austin’s brief overview of what ‘a canon looks like’ in her *Shaping church*
by an inadequate system of classification whose origin dates back to early-modern confessional debates, but the very natures of the texts themselves are so fraught with complexity, the conditions of their composition, use and dissemination so varied and obscure, that they continue to resist historians’ best attempts at classification. Problems such as these strike to the core of the study of medieval canon law, and merit a study in their own right. In the absence of a universally accepted definition of what a canon law collection is, the best one can do is to begin with a provisional definition that can be modified whenever the evidence requires it. In this way, a definition can be arrived at that both utilizes the terminological framework established by canonical studies thus far, and still reflects as closely as possible the realities of the Anglo-Saxon situation.

‘Collectio canonum’ is the generic term used by legal historians to describe what was in the Middle Ages the standard vehicle by which canones were transmitted. The definition of a canon law collection is therefore inextricably bound up with the definition of a ‘canon’, a word that had some flexibility of meaning in the early Middle Ages. From the Greek word κανών, which originally meant a straight rod or a standard, the term appears in the earliest Christian conciliar legislation, where it is used to mean a custom, rule or law of the institutionalized Church, in contrast to civil law (Greek νόμος).

40 A case in point is Coll.quad.—is it a penitential, or a canon law collection? It has in fact been described and treated as both at different times by different scholars.

41 An excellent introduction to some of the conceptual problems involved in the study of early medieval canon law collections can be found in Firey, ‘Toward a history’, chapter 1; see also her ‘Mutating monsters: approaches to “living texts” of the Carolingian era’, in Digital proceedings of the Lawrence J. Schoenberg symposium on manuscript studies in the Digital Age, vol. 2, iss. 1, article 1 (2010, http://repository.upenn.edu/ljsproceedings/vol2/iss1/1/), 1–14.


43 According to Hamilton Hess, The early development of canon law and the council of Serdica, Oxford early Christian studies (Oxford, 2002), 79, in the context of the first ecumenical council (CNIC.325) κανόνες were ‘universally observed ecclesiastical standards that were of weightier import than simple custom’. Hess maintains (p. 79) that well into the fifth century, at least in the West, canons had moral, but not juridical, force.
councils (some of ecumenical status) held in the East throughout the fourth and fifth centuries, by far the most important of which was the council of Nicaea (325).\textsuperscript{44} The κανόνες laid down by these councils, which would come to form the bedrock of all Western canon law, were translated into Latin several times over the course of the fourth, fifth and sixth centuries.\textsuperscript{45} These translations preserved much of the Greek terminology of the original documents, and thus did ‘canon’ enter into common Latin parlance.\textsuperscript{46} Latin ‘canon’ thus originally referred (in a legal context) to the rules issued by late antique ecclesiastical councils.\textsuperscript{47} With regard to form and content, canons are typically concise normative statements about behaviour, belief or church administration, usually followed by some sort of ecclesiastical sanction for disobedience. It may be helpful to provide an example of a typical canon here. The following is the first of a series of canons issued by the synod held at Neocaesarea (314×319):

If a presbyter takes a wife he shall be deposed. But if he should commit fornication or adultery, he ought to be driven even further away and reduced to a state of penance.\textsuperscript{48}

One could attempt to define ‘canon’ with more detail than this, for example by describing the syntax or vocabulary typically used,\textsuperscript{49} but it seems best to stick for the moment with as general a definition as possible.\textsuperscript{50}

\begin{itemize}
\item \textsuperscript{44} On the earliest councils and development of ecclesiastical legislation in Late Antiquity, see Hess, Early development.
\item \textsuperscript{45} The three most important of these—the so-called ‘Isidorian’, ‘priscan’, and Dionysian translations—are discussed further in Chapter 5.
\item \textsuperscript{46} On the introduction of Greek terminology into the Latin language through the need to translate Greek conciliar canons, see J. Gilchrist, ‘Canon law’, in Medieval Latin. An introduction and bibliographical guide, eds F.A.C. Mantello and A.G. Rigg (Washington, D.C., 1996), 241–53.
\item \textsuperscript{47} It should be added that, in the context of western canon law the authority of the issuing council needed to be recognized as legitimate. An example of an eastern council whose authority was not recognized by the West is the council held in Ephesus in 449, famously dubbed ‘latrocinium’, or the ‘Robber council’, by the Rome-backed synod of Chalcedon (451). Several ecumenical councils were held in the East following the fifth century, notably the second and third councils of Constantinople; however, their acta—concerning for the most part doctrinal and Christological issues—do not form a significant part of the canonical patrimony of the West. That is to say that their canons do not figure prominently in western medieval canon law collections.
\item \textsuperscript{48} CNEO.315.1 (Dion.II; EOMIA II, 1, p. 119): ‘Praesbyter si uxorem acceperit, ab ordine deponatur: si uero fornicatus fuerit aut adulterium perpetrarit, amplius pelli debet et ad paenitentiam redigi.’
\end{itemize}
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To the growing body of eastern canons enacted during Late Antiquity there soon were added canons from African, Iberian and Gallic councils. Moreover, by the fifth century, another form of ecclesiastical legislation had begun to accumulate. Issued in a form patterned on Imperial decrees and rescripts, and referred to variously by contemporaries as *responsa pontificum*, *decreta pontificum*, *decretalia*, ‘papal decretals’ (or the decrees of the bishops of Rome) set down law by means of offering interpretations of existing canons and Scripture. Particularly in the West, papal decretals soon ‘achieved an authority equal to that of conciliar canons’, and they were very often transmitted beside each other in Latin collections.51 While on the whole late antique and medieval authors distinguished between the two genres of conciliar canons and papal decretals—as in the great ‘chronological’ collections, which organize them separately52—it is nevertheless common to find legal historians today referring to both under the umbrella terms ‘canons’ or ‘canon law’.

It is important to acknowledge that however neat and careful the modern scholar might try to be with his or her categories and terminology, there was very little consensus over the exact meaning of word ‘canon’ in the early Middle Ages. Some of the earliest uses of the term by Latin authors reveal that it had lost much of the precision with which it must have originally been employed by eastern bishops. By the sixth century, ‘canon’ was already being used to denote a very broad range of regulatory precepts originating from a variety of sources: it had, for

49 On which see Gilchrist, ‘Canon law’.

50 On material and formal sources (a distinction that is irrelevant to the present discussion), see below, Chapter 1, p. 21. For a more nuanced discussion of the development of the term ‘canon’, see D. Jasper, ‘The beginning of the decretal tradition: papal letters from the origin of the genre through the pontificate of Stephen V’, in *Papal letters in the early Middle Ages*, eds H. Fuhrmann and D. Jasper, History of medieval canon law (Washington, D.C., 2001), 3–133, at 16–7, and Hess, *Early development*, 77–9. For the classical (Isidorian) definition of ‘canon’, see Gratian, *Decretum*, D. 3 cc. 1–2. Interestingly, the first definition of ‘canon’ given in du Cange’s *Glossarium* is taken from the first chapter of *Coll.Wig.B*, which derives ultimately from the pen of Ælfric: ‘Canones dicimus regulas, quas sancti Patres constituerunt, in quibus scriptum est, quomodo Canonici, id est, Regulares Clerici, vivere debent’: Dom. du Cange, C. du Fresne et al., *Glossarium mediæ et infimæ latinitatis*, new edition, ed. L. Favre, 10 vols (Noirt, 1883–1887), II, 93b, s.v. *canon* sense 4. One can see how Ælfric’s notion of what strictly constitutes a ‘canon’ is heavily influenced (via a confused etymology) by the notions of the Benedictine Reform. His definition would perhaps not have made much sense to pre ninth-century ecclesiastics.


52 See below, Chapter 1 n. 76.
example, become essentially synonymous with Latin *regula, statutum, constitutio*, and *decretum*. The increasingly vague meaning of ‘canon’ as it was used in the West is encapsulated by Roger Reynolds’s definition of the term as an article of church law that ‘has been approved in some fashion by the general consensus of the faithful, by an individual either public or private, or by a group or groups of authorities’ — a definition that comes as close as any to accounting for the variety of ways in which ‘canon’ was used in the early Middle Ages. The extensible meaning ‘canon’ had in this period is doubtless a result of the fact that many new authorities besides episcopal and papal pronouncements had become common and acceptable sources of ecclesiastical law: for example, the imperatives of Christ or the apostles; precedents set down in the Old Testament; the views of church fathers; monastic *regulae*; the laws of Roman emperors or the opinions of Roman jurists; and the edicts of ‘barbarian’ kings. Even penitential handbooks—whose questionable pedigree would come to be the source of much scandal within the Carolingian church—speak of *canones* and so, by implication, insinuate their own penitential regulations into the corpus of canon law. Thus, while something like a

53 See Reynolds, ‘Law, canon’, 396, for other Latin terms synonymous with ‘canon’, many of which had once retained specific meanings under classical Roman law. For an example of the variety of Latin terms in use *ca 500* for referring to canon law, see Dionysius’s preface to his first collection of conciliar canons, edited by F. Glorie as ‘Praefatio Dionysii exigui ad Stephanum episcopum’, in *Scriptores Illyrici minores*, CCSL 85 (Turnhout, 1972), 39–42 (reprinting Maassen’s text), where Dionysius speaks of: *regulam ecclesiasticam*; *sacratissima iura pontificalibus ... digesta conuentibus*; *canones apostolorum*; *constituta pontificum*; *regulas Nicaenae synodi, et deinceps omnium conciliorum*; *sancti Chalcedonensis concilii decreta*; *graecorum canonem*; *statuta ... Serdicensis concilii, atque Africani*.


55 That is to say, virtually any reasonably authoritative *sententia* could be considered a canon, whether recent or ancient, whether issuing from emperor or king, bishop or abbot, pope or church father, and whether issued privately or promulgated by a synod or royal council. Some authorities were of course more widely recognized and respected than others.

56 For further on the penitentials, their history, and the backlash they engendered in the ninth-century episcopate, see Chapter 2.

57 A.J. Frantzen, *The literature of penance in Anglo-Saxon England* (New Brunswick, N.J., 1983), 20–22, makes this point with respect to the prologue to Cummean’s *Poenitentiale* (PCUM.600). Consider, too, the prologue to the penitential commonly attributed to Egcbert (PECG.700), which opens with a reference to the ‘institutio [...] patrum nostrorum [...] qui instituerunt penitentibus [...] medicamenta salutis eternae’ (ed. Schmitz, 661). Further on in this prologue there are references to the ‘auctoritatem canonum’ and to the ‘judicium secundum canones’ (ed. Schmitz, 662–63); one also finds in the prologue to PECG.700 the phrase ‘jus sacerdotum’, though here this probably only means the prerogative of priests to perform certain sacraments. What exactly was meant by the author of PECG.700 in referring to ‘canonum’ and the ‘institutio ... patrum nostrorum’ is not clear. Virtually no traditional sources of canon law are cited (or alluded to) in this penitential (or in the related penitential of Bede [PBED.700], which shares
strict definition of a canon may suffice when discussing the period of Late Antiquity (as also with the later Middle Ages), in the context of the early Middle Ages one must to a large extent abandon rigid definitions and allow for a degree of flexibility when considering what is meant by ‘canon’ and, by extension, by ‘canon law’.

As a genre of Christian legal literature, *collectiones canonum* have been around since as early as the second century, though these earliest collections were in Greek and contained for the most part apocryphal canons claiming to date back to apostolic times. Collections of the kind that transmit conciliar canons did not arise until the fourth century. Most collections were assembled on the initiative of private compilers, though some may have arisen as the result of official commission. Several Latin collections were already in circulation in Africa in the fourth century, and many more arose in Italy, Gaul and Spain in the fifth and sixth centuries. Many early collections were only ever of local importance, though some achieved great popularity much of the same material with PECG.700), although the influence of certain church fathers (including Benedict) is mentioned, and a good deal of Scripture is cited. Isidore of Seville is also quoted at least once, as is Caesarius of Arles (see below, Chapter 2 n. 71). The first chapter of the penitential, on *capitalia crimina*, has the phrase ‘secundum canones’ as well, but only quotes the authority of Augustine. Most of the chapters that follow in PECG.700 are taken from the penitential judgements of Theodore (PTHU.700.1–2). Only one conciliar canon is cited directly, namely *Can.apost.* 25 (in PECG.700.5.1).


59 Cf. A. Firey, ‘The *Collectio Dionysiana*’, published online in 2008 on the *Carolingian canon law* Web site (http://cel.rch.uky.edu/dionysiana-article): ‘While earlier attempts to situate Dionysius’ work in an historical context were oriented around the proposition of a “Gelasian Renaissance,” named for Pope Gelasius ... this construct is now perceived as tenuous. Instead, current research probes the apparent increase in the activities of collecting and compiling legal, liturgical, and instructional materials across the empire in late antiquity, and places the *Collectio Dionysiana* in that framework. ... The effect of this broader purview is to disengage analysis from insistence upon papal authority for validation of canonistic material and to offer new views on the possible intentions of compilers, on the reception their collections found, and on the very meaning of “codification.” It suggests that the defining feature of a “codex” might be shifted from the act of public promulgation by imperial or papal authority to, instead, the process of reception, as compilers confirmed regulatory standards, and through repetition, determined which standards were “codified.”’

60 The earliest African collections—the *Breviarium Hipponense* (hereafter *Brev.Hipp.*), the *Registrum ecclesiae Carthaginensis* (hereafter *Reg.ecl.Cart.*), and the *Codex Apiarii* (hereafter *CCAR.419*)—all seem to have had semi-official, if not official, origins: see F.L. Cross, ‘History and fiction in the African canons’, *JTS* 12 (1961), 227–47. Dionysius, too, was commissioned by Pope Hormisdas to compile a specific version of his canon law collection, on which see below, Chapter 5 n. 218.
outside of their compiler’s immediate vicinity. Although one group of collections in particular, the *collectiones Dionysiana*, seem to have been unofficially endorsed by the papacy from at least the sixth century, there is no evidence to show that there was at any time a consensus among western churches about which of the available collections was most authoritative.

Rarely did anyone in the Middle Ages have access to the original (or material) documents by which councils or other authorities had issued their canons. Rather, canons were directly accessible only through *formal* repositories of such documents, the canon law collections. Of course, given that they almost always originated in a private context, the collections themselves had no legal force (at least not in the period dealt with here). Instead, it was the common stock of canonical material from which the collections drew, and at the same time helped preserve and disseminate, that carried authority. Each canon law collection contains anywhere from tens to thousands of canons selected by the collection’s compiler from other collections or canonical documents. Compilers typically arranged the canons in their collections according either to topic (‘systematic’ collections) or to a rough chronological pattern (‘historical/chronological’); other collections seem to follow no discernible logic at all (‘farraginous’). Over time many collections were altered or augmented with new material as it became available, and thus new collections, often more sophisticated than the last, were created. According to Lotte Kéry, in whose *Canonical collections: a bibliographical guide* most of the pre-Gratian canon-law collections have been indexed, by the eleventh century the West had seen the creation of well over one-

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61 Notable here are: the three collections compiled Dionysius ‘exiguus’ ca 500 (*Coll.Dion.I/II* and *Coll.Dion.decr.*); the collection compiled by Cresconius ca 550 (*Concordia canonum*, hereafter *Conc.can.*); that (probably) compiled by Bishop Etherius of Lyon ca 600 (*Coll.vet.Gall.*); that (perhaps) compiled by Isidore of Seville (*Collectio Hispana*, hereafter *Coll.Hisp.*); and that know as *Coll.Hib.* (ca 725). To this list one can also add the *Statuta ecclesiae antiqua* (hereafter *SEA*), probably compiled by Gennadius of Marseilles (ca 475), and the *Épitome Hispana* (ca 600). See Kéry, *Collections*, s.vv., and Reynolds, ‘Law, canon’, 398–403.

62 As early as 534, Pope John II can be found quoting from Dionysian collections in a letter (JK 888) directed to Caesarius and his metropolitan province: see below, Chapter 5 n. 53. One can presume that Rome’s implicit endorsement of Dionysius’ collection was not considered binding on other churches from Caesarius of Arles’s response to Pope John’s letter that same year, wherein Caesarius quotes (de Clercq, *Concilia*, 89–90, lines 77–111) several canons from an unknown Gallic collection—probably one resembling the *Collectio Coloniensis* or *Collectio Laureshamensis*: see M.D Elliot, ‘New evidence for the influence of Gallic canon law in Anglo-Saxon England’, forthcoming in *The journal of ecclesiastical history*. Unequivocal evidence that the Roman see endorsed any particular collection does not arise until the eighth century, however, when, in a letter to Pippin the Short (JE 2277), Pope Zacharias is found quoting extensively from an enlarged version of *Coll.Dion.*: see below, Chapter 5 n. 54. Famously, it was an enlarged version of *Coll.Dion.*, known as the *Dionysio-Hadriana* (hereafter *Coll.Dion.-Hadr.*), that Pope Hadrian I supposedly bequeathed to Charlemagne in 774.
hundred and twenty canon law collections (though by this time many of the older collections had long since fallen out of use). The collections that remained most popular were typically large, systematically organized compilations drawing on a long and eclectic tradition of ecclesiastical legislation.

Given this historical context—including the flexible meaning of the word ‘canon’, as well as the enormous variety of canon law collections in use during the Middle Ages—it seems best to begin with a definition of a canon law collection that is as unrestrictive as possible. Thus, a canon law collection may be defined as any compilation pertaining to disciplinary, administrative, procedural and doctrinal matters, and that is composed of normative material that encompasses the broad range of source-types outlined above. This definition, though it may seem vague (and even somewhat circular), has the advantage of allowing for the inclusion of collections that would not traditionally be recognized by historians as ‘canonical’ but that were certainly considered so by medieval authors—the Collectio Cottoniana, for example, which is discussed below in Chapter 4. In particular, by implicitly allowing for the inclusion of penitential material, this definition clears up a persistent problem in the literature on early medieval canon law: namely, it does away with the need for a false distinction between on the one hand collections of ‘canons’ (in the strict sense), and on the other hand collections of penitential rules. Nevertheless, in order to narrow the focus of the present study, consideration of solely penitential collections will be avoided. The question of the significance of penitential law within the larger context of Anglo-Saxon canon law will, however, be treated at some length in Chapter 2.

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63 Notable exceptions being Coll.Dion. (specifically in its later reflex as Coll.Dion.-Hadr.) and Coll.Hisp. (especially in reflex as Ps.-Isidore, Decretales). Both of these rather ancient ‘chronological’ collections remained enormously popular well into the eleventh century.

64 Notable examples being Coll.Hib., Burchard’s Decretum, and the Collectio Dacheriana (hereafter Coll.Dach.).

65 See above, p. 19.

66 Either individual penitential handbooks, or large collections of penitential material like, for example, the large ‘systematically’ rubricated collection of penitentials in Oxford, Bodleian Library, Bodley 311 (2122) (s. x²; northern or northwestern France; prov. England by s. x/xi).
1.5 The importance of canon law collections in the early Middle Ages

European legal historians studying the medieval church often invoke the substantive phrase ‘the canon law’ to refer collectively to the sum total of all the canonical legislation recognized by ‘the Church’ at any given time. Of course, the notion that there was but one medieval Church, unified in its recognition of what was binding, authoritative law, is a fiction. In truth, the production of early medieval canon law enjoyed a lack of systematization and centralized legislative authority, and as a result, different churches often preferred to adhere to diverse norms on the same subjects. ‘The canon law’ of the early Middle Ages was thus the product of a multiplicity of often disjointed voices. To be sure, at its roots lay a relatively unified core of jurisprudence, born of legislative efforts of the relatively cohesive, late antique Mediterranean episcopate; however, the contributions of successive generations could never be so harmonious, as the church expanded, became increasingly regionalized, and began to look as much to matters of national and parochial concern as to universal or catholic consensus.

67 One of the implications of the following paragraph is that there can be no real meaning to the phrase ‘the canon law’ in reference to a unified and internally consistent body of ecclesiastical law in the early Middle Ages; however, the phrase may be retained as a useful way of speaking in a general way about the total corpus of ecclesiastical law available throughout the medieval West at any given time.

68 For example, consanguinity, clerical celibacy, and the process of appeal, to name only three of the many subjects that were often treated differently by churches legislating at different times and in different places.


70 See C.H. Turner, ‘Chapters in the history of Latin MSS. of canons. V’, JTS 30 (1929), 337–46, at 337–39, and S. Wessel, ‘The formation of ecclesiastical law in the early church’, in The history of Byzantine and eastern canon law to 1500, eds W. Hartmann and K. Pennington, History of medieval canon law (Washington, DC, 2012), 1–23, esp. 13–23. Cf., however, Hess, Early development, 81, who is generally skeptical about the ‘universal applicability’ of any canonical norms before the end of the fourth century. Cf., too, Wessel, ‘Formation’, 2, referring to pre-conciliar Christian church orders: ‘Because the formation of church law generally took place among nascent communities that could not assume that their legal pronouncements would be binding, nearly all of the early documents that we have are united by their emphatic determination to promote their own legitimacy.’

71 Cf. Turner, ‘Chapters in the history of Latin MSS. of canons. V’, 338: ‘Therefore, when controversy broke out [c. 419] between the Roman Church under Zosimus and the African Church under Aurelius of Carthage as to what was or was not valid canon law, the only code universally recognized on both sides was that contained in the twenty canons of Nicaea. Beyond these the Africans acknowledged nothing binding but their own native legislation [...] The Africans did not of course claim that their local code had any authority across the seas: the Roman Church did not in terms assert that papal decisions had valid currency in Africa.’
tension thus developed between what ‘the canon law’ actually was, and what it aspired to be.\textsuperscript{72} It was in theory an international law, and indeed the very notion of its catholicitas required that its jurisdiction transcend political borders,\textsuperscript{73} yet the process of de-centralized transmission (via collections), and ever-increasing legislation enacted in an ad hoc manner by a fragmented and regionalized Catholic church, had caused the corpus of Western canon law to swell to burdensome proportions and to evolve in incongruous ways.\textsuperscript{74} The coherency of the whole became compromised by the increasing multiplicity of its parts, and so it was the medieval jurist’s unhappy (or perhaps sometimes happy) challenge to draw harmony from this dissonance.\textsuperscript{75} Many early medieval canon law collections represent attempts to do just this.

In struggling with the immensity and eclecticism of the corpus of canon law—with its matrices of ambiguities, equivocalities and contradictions—compilers of canon law collections continually sought new and creative ways to organize and represent that corpus. Early medieval collections are notable for their diversity of format and presentation, a consequence of the wide variety of compilatorial methods available to compilers. Compiling a collection involved such basic considerations as how to arrange the material at their disposal: for example, whether to

\textsuperscript{72} Turner, ‘Chapters in the history of Latin MSS. of canons. V’, 337–39, describes how this tension was in fact an important factor in the development of the western canonical tradition from the fourth century.

\textsuperscript{73} It also transcended time. This became another source of difficulty, for, as time marched on and canonical tradition encompassed laws of greater and greater antiquity, it became increasingly difficult for canonists to reconcile old law with newer practices. For a brief but excellent summary of the problem, see S. Kuttner, \textit{Harmony from dissonance: an interpretation of medieval canon law}, Wimmer lecture 10 (Latrobe, PA, 1960), 33–5, who sees the medieval jurist’s struggle to overcome this obstacle (‘the primacy of reason over history’) as the beginning of the great achievement of juristic science.

\textsuperscript{74} See J.A. Brundage, \textit{Medieval canon law}, The medieval world 10 (London, 1995), 23–4. Cf. also the preface to Regino’s \textit{Libri duo de synodalibus causis} (hereafter R2L; R. Somerville and B.C. Brasington, trans., \textit{Prefaces to canon law books in Latin Christianity: selected translations, 500–1245} [New Haven, 1998], 93–4): ‘And it should be known that just as various people differ amongst themselves in type, customs, language, and laws, thus the holy universal Church spread through the whole world, though joined in unity of faith, differs from one place to another in ecclesiastical customs. Indeed, some customs in ecclesiastical operations are found in the kingdoms of Gaul and Germany, others are found in the eastern kingdoms in regions across the seas.’

\textsuperscript{75} For a fascinating look at how medieval Italian canonists negotiated these kinds of complexities while attempting to come to grips with the very idea of canonical auctoritas, see A.H. Gaastra, ‘Penitentials and canonical authority’, in \textit{Texts and identities in the early Middle Ages}, eds. R. Corradini, R. Meens, C. Pössel and P. Shaw, Österreichische Akademie der Wissenschaften: philosophisch-historische Klasse 344; Forschungen zur Geschichte des Mittelalters 12 (Vienna, 2006), 191–203. For discussion of how medieval jurists sometimes sought to cultivate (rather than to eliminate) dissonances—insofar as they could be instructional—between medieval canonical texts, see Peter Lombard. \textit{The Sentences}, 4 vols, trans. G. Silano, Medieval sources in translation (Toronto, 2007–2010), I, xix–xxx.
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arrange (as in *Coll.Dion.*) the ancient and closed corpus of ecumenical conciliar canons separately from the more ‘cutting-edge’ and open corpus of papal decretals, or to mix (as in *Coll.vet.Gall.*) decretals with both ecumenical and local conciliar canons and group them according to topic.\(^{76}\) It meant making such controversial judgements (sometimes, as will be seen in Chapter 5 and in Appendix IV, based on political bias) as whether or not to include known apocryphal documents, like for instance *Can.apost.*, which contain some permissive laws concerning clerical marriage,\(^{77}\) or the *Symmachiana*, which presumed to bolster the powers and privileges of the papal see.\(^{78}\) It could even involve such subtle deliberations as whether to use a canon’s older rubric or title (an introductory heading of some editor’s choosing, not part of the canon’s original text), or to invent a new one and thus re-contextualize an age-old canon by

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\(^{76}\) Though historians often pay lip-service to the fundamental organizational differences between so-called ‘chronological’ and systematic collections, the jurisprudential significance of this organizational choice has not yet, to my knowledge, been examined. Latin chronological collections not only recognize but also emphasize a very deep bifurcation in the canonical patrimony of the church by typically presenting Greek conciliar canons up front, followed by a varying selection of Latin letters at the back. No compiler would have been blind to the fact that, while the ancient eastern canons comprised a fixed corpus of law, the corpus of laws produced by popes was recent and ever expanding (I owe recognition of this last and important point to Abigail Firey, ‘Collectio Dionysiana’). Thus every chronological collection arranged in this way both exalted (by way of positioning up front) what was ancient and hallowed in the law, while at the same time suggesting the value of (by way of positioning as *addenda*) what was new and inevitably more applicable to an aging and changing Latin church. It is interesting that by their very nature systematic collections disregard entirely this jurisprudential balance maintained by the older chronological collections in favour of the utility of topical organization. In the hands of a systematic compiler a complex hierarchy of *auctoritates* could be flattened: a recent papal decretal was as good as a Nicaean canon, a local synod as good as a penitential, as long as they both pertained to the same topic. Moreover, in a systematic collection, if a desired canon’s status were felt to be too low (i.e. its source was too recent or local), a new inscription (i.e. a brief note identifying a canon’s source) could always be concocted in order artificially to raise its status to a degree such that it could pass muster (on this practice by medieval canonists, see below, Chapter 1 n. 79). The advantage was that systematic collections could be made to a purpose, to speak to a particular point, to have their own spin. But doing so required abandoning the older view of the canonical corpus as essentially bifurcated, and encouraged canonists to focus more on a canon’s contents, and less on its original context and historical relationship to the larger corpus of canon law.

\(^{77}\) Cf. *Can.apost.* 17, 18 and 19, which in *Coll.Dion.* take the following rubrics: ‘Quod bigami non admittantur ad clerum’; ‘Quod is, qui iuidum, uel eiectam, aut meretricem acceperit, non admittatur ad clerum’; ‘Qui duas soorores habuerit, non admittatur ad clerum’. Whether or not to include in one’s collection the *Canones apostolorum*—a translation of fifty canons from a longer series of Greek decrees originating in the primitive church—was one of the questions Dionysius was faced with in compiling his several collections. The earliest version of his collection includes *Can.apost.*, while the latest version (no longer extant) did not.

\(^{78}\) Dionysius also excluded the *Symmachiana* from his collections, possibly for political reasons: see below, Chapter 5 n. 218. The *Symmachiana* is considered further in Chapter 4 (under the discussion of *Coll.Sanb.*), and in Appendix IV.
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rebranding it (without changing its actual wording).79 Discovering the various methods of and motivations for the creation of medieval canon law collections constitutes some of the most important and exciting work being done in the field by scholars today. Such precious information often helps to place collections (and their typically anonymous compilers) in specific ideological or socio-political contexts, and therefore reveals something about how the compilers responded to contemporary ideological and political crises.80

On the other hand, medieval compilers were not always so sophisticated in their methods of selecting, organizing and manipulating the materials at their disposal. While it could be said that compiling a collection of Christian canon law (in any age) entails a degree of universalism in one’s approach—for a law enacted at one end of Christendom should equally apply at the other end—in practice, regionalistic attitudes, both accidental and intentional, played a significant role in the construction of early medieval collections. Every canon law collection produced in the early Middle Ages incorporated canons of widely varying origins in time and space; however, especially in earlier centuries, many compilers and churches showed a preference for canons that had been issued close to their own time and within their own geopolitical regions.81 Sometimes a


81 Such as when Caesarius of Arles supplemented the papal authority of Pope John II by quoting from a collection of Gallic canon law: see above, Chapter 1 n. 62. Another early collection also associated with Caesarius is the *Liber auctoritatum ecclesiae Arelatensis* (eds W. Gundlach et al., Epistolae Merovingici et Karolini aevi. Tom. I, MGH Epp. 3 [Berlin, 1892], 5–83), a collection of papal letters that treated matters pertaining specifically to Gaul: see Jasper, ‘Decretal tradition’, 32–3, 67–8 with n. 288, and 85–7. An early Gallic collection known as the *Collectio concilii secundi Arelatensis* is also composed mainly of Gallic canons: see R. Mathisen, ‘The “Second council of Arles” and the spirit of compilation and codification in late Roman Gaul’, *Journal of early Christian studies* 5 (1997), 511–54. Some of the earliest canon law collections in the West were compiled in Africa and contained predominantly African (or African and Eastern) canons. One of the most influential of such early collections was *Brev.Hipp.*, on which see Munier, *Africains*, xxi–iv and 22–53, and Cross, ‘History and fiction’, 227–33; and on the African collections generally, see Reynolds, ‘Canon, law’, 398. The *Epistolae decretales* and possibly the *Canones urbicani*—two of the earliest collections of papal decretals (ca 430)—were compiled in Rome; Jasper, ‘Decretal tradition’, 23–6. While this tendency towards regionalism in canonical collections was generally more pronounced in the early centuries than it was in the later, there are nevertheless examples to be found in later collections as well. Consider, e.g., the preface to *R2L*: ‘However, if someone is disturbed about why I have used a greater number of
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The compiler’s principle of selection seems to have been little more than using whatever canons were easily available.\footnote{82} As a result, despite aspirations to universalism on the part of many compilers, the number of collections responding arbitrarily to different regional traditions multiplied, and by the sixth century a multitude of heterogeneous, locally-oriented collections had arisen throughout Europe. The canonical patrimony of the medieval church, already an incongruous mass of material sources, was thus fragmented further by its transmission through a myriad of collections varying not only in format but also in purpose and regional bias.

Together, these hundred-odd early medieval collections represent the Latin canonical tradition(s) that had been in development since Christianity’s foundation. They can, either individually or as a collective corpus, be consulted and studied by any modern scholar with access to a university library. But for the medieval canonists and bishops whom these collections were meant to serve, even a well-stocked library—containing, say, three or four different collections at most—would offer only a relatively small window into the vast and complex tradition of western canon law.\footnote{83}

texts from our own councils—namely Gaul and Germany—let him receive a reply, and know that I took great care to insert those texts which I considered more necessary to these perilous times of ours, and which have appeared to pertain to the business at hand. ... Moreover, scripture warns that the boundaries ['terminos'], that is, the laws and decrees which our Fathers established, must be observed in all ways, never transgressed by any rash assumption. Wherefore, following the footsteps of our predecessors, I arranged in order a variety of statutes from various Fathers, leaving to the judgement of the reader what he prefers to select and approve as most important’ (trans. Somerville–Brasington, \textit{Prefaces}, 93–4).

\footnote{82} This may (contrary to the arguments of Wirbelauer; see above, Chapter 1 n. 80) have been the case with Dionysius, according to Firey, ‘Collectio Dionysiana’, n. 34: ‘Limited access, rather than selection from fully available sources, is an important factor in assessing the content of [Dionysius’s] collection.’ The question of which papal decretals Dionysius had access to, and thus which he was able to decide either to include in or exclude from his decretal collection, has exercised historians since well before the twentieth century. For a review of the problem, see Jasper, ‘Decretal tradition’, 22–65, esp. 35–6.

\footnote{83} Cf. J.A. Brundage, \textit{Law, sex, and Christian society in medieval Europe} (Chicago, 1987), 169: ‘By the early tenth century the Western Church’s accumulated body of behavioral and doctrinal regulations had grown unmanageably large. The thousands of canons adopted at synods and councils, together with the decrees and rulings of popes and bishops, the declarations of patristic writers and other spiritual authorities, and a considerable body of royal and imperial law dealing with religious and moral matters, all comprised what was vaguely thought of as canon law. The very bulk of these sources meant that a priest, bishop, or judge who sought an authoritative answer to nearly any problem arising in church administration or in ecclesiastical disputes faced a formidable task. A conscientious prelate who sought guidance in dealing with nearly any common problem ... needed a large library. He had to resign himself ... to hours of tedious searching in order to unearth the relevant conciliar enactments, papal decrees, or patristic dicta. Information retrieval, to call it by its twentieth-century name, posed major and often insoluble problems for pastors, Church administrators, and ecclesiastical courts.’ Cf. also Brundage, \textit{Medieval canon law}, 22–4.
It is important to keep in mind that, in the Middle Ages, no one individual enjoyed direct and unfettered access to the entire corpus of canon law, such as scholars have at their fingertips today (to the extent that it has been preserved); rather, a medieval jurist’s particular view and understanding of the canon law tradition was determined wholly by the collections to which he or she had access (and, of course, had the time to read). There were, to put it another way, as many conceptions of what ‘the canon law’ consisted of, as there were people to read the collections that purported to represent it. Consider, for example, that someone with access only to a collection of the ancient eastern councils (such as \textit{Coll. Dion.}), which are relatively permissive regarding the issue of clerical marriage, would have a different impression of what canon law had to say on this subject than someone who had access only to a collection of papal decretals, which on the whole took great pains to prohibit the practice.\textsuperscript{84} Again, a bishop who read canon law through the lens of \textit{Coll. Hisp.}, with its full complement of papal decretals and eastern, African, and Spanish conciliar canons, would have a very different view of the canon law on (say) lapsed clerics, than a bishop who knew only \textit{Coll. vet. Gall.}: for, on the one hand, \textit{Coll. Hisp.} contains many ancient sentences strictly prohibiting the restoration of a cleric who has performed ‘public’ (that is liturgical) penance; while, on the other hand, clear signs can be found in the Corbie redaction of \textit{Coll. vet. Gall.} (the version that became most popular in the Middle Ages) that this ‘strict position was beginning to erode’, for here the ancient canons are placed next to documents that are clearly in favour of restoration after penance.\textsuperscript{85} Some collections, it is

\textsuperscript{84} On the development of canonical prohibitions against clerical marriage, see below, Appendix IV n. 88.

\textsuperscript{85} See R.E. Reynolds, ‘The “Isidorian” \textit{Epistula ad Massonam} on lapsed clerics: notes on its early manuscript and textual transmission’, in \textit{Grundlagen des Rechts. Festschrift für Peter Landau zum 65. Geburtstag}, eds R.H. Helmholtz, P. Mikat, J. Müller and M. Stolleis, Rechts- und Staatswissenschaftliche Veröffentlichungen der Görres-Gesellschaft, neue Folge 91 (Paderborn, 2000), 77–92, esp. 78 (with quotation) and 83–4; see also Mordek, \textit{Kirchenrecht}, 227–27, n. 62. The relevant canons in \textit{Coll. vet. Gall.} prohibiting restoration can be found in Title 64 (the original collection’s final Title) and in Caesarius’s (or pseudo-Hormisdas’s) \textit{Ep. encyclica}, found in the Corbie ‘Appendix’ to \textit{Coll. vet. Gall.}; those documents in favour of restoration are the Isidorian \textit{Epistola ad Massonam} and the \textit{Excarpsus Cummeani} (PECU.700), both of which are found in the Corbie ‘Appendix’. For a survey of the various canonical positions on lapsed clerics in the early Middle Ages see R. Kottje, \textit{Die Bußbücher Halitgars von Cambray und des Hrabanus Maurus}, Beiträge zur Geschichte und Quellenkunde des Mittelalters 8 (Berlin, 1980), 216–40. As Kottje argues, the shift from a policy of strict prohibition of clerical penance to one of leniency was partly a consequence of evolving penitential systems in the West. Priestly (as opposed to strictly episcopal) participation in the administration of repeatable (or so-called ‘private’) penance was not the only innovation of the new system; priests could now also perform repeatable penance themselves often without suffering deposition. It has recently been argued by L. Körntgen, ‘Kanonisches Recht und Busspraxis: zu Kontext und Funktion des \textit{Paenitentiale Excarpsus Cummeani}’, in \textit{Medieval church law and the origins of the Western legal tradition: a tribute to Kenneth Pennington}, eds W.P. Müller and M. E. Sommar (Washington, D.C., 2006), 17–32, that \textit{Coll. vet. Gall.}’s Title 64, with its collections of ancient canonical material supporting the strict position, serves in
true, not only highlighted contradictions in the legislative record, but attempted to reconcile them—to bring ‘harmony from dissonance’ as Kuttner famously put it.\(^{86}\) \textit{Coll.Hib.} does this,\(^ {87}\) as does Burchard of Worm’s \textit{Decretum}.\(^ {88}\) All this is to say that individuals who took it upon themselves to research a subject of canon law could really go no further than, and would have had their impressions of the canonical traditions largely shaped by, the canon law collections circulating in their immediate vicinity.

The influence of any one collection would therefore be the more significant in areas with small libraries or with access to only a limited number of canonical materials. This was probably more often the case than not.\(^ {89}\) In impoverished or isolated ecclesiastical communities, a single collection, with little or no competition from other collections, might quickly acquire a reputation among local personnel as the standard textbook on ecclesiastical law—even though that collection might contain only a small portion, or an idiosyncratic selection, of the entire body of canon law available in the West. Certain collections would thus tend to acquire \textit{dominant}

\footnotesize{some manuscripts as a cross-over or transitional chapter to the penitential material that follows in the Corbie Appendix, where the subject of lapsed clerics and clerical penance is explored more fully. Körntgen further speculates (p. 29) that Titel 64 actually prompted the creation (at Corbie) of PECU.700, which, as a document in large part outlining how clerics may perform repeatable penance, was an eighth-century answer to the stringency of the ancient canons on clerical penance. PECU.700 may therefore be a witness to the fact that clerical penance, and the controversy thereover, was a lively issue in Corbie \textit{ca} 725. Given the probable involvement of St Boniface in the creation of the Corbie redaction of \textit{Coll.vet.Gall.} (on which see Chapter 4), and possibly also in the compilation of PECU.700 (on which see L. Körntgen, ‘Der \textit{Excarpsus Cummeani}, ein Bussbuch aus Corbie?’ in \textit{Scientia veritatis. Festschrift für Hubert Mordek}, eds O. Münsch and T. Zott [Sigmaringen, 2004], 59–76), it seems that this controversy was one to which Anglo-Saxon canonists made important contributions. A study into eighth-century Anglo-Saxon positions on clerical penance may therefore yield valuable results.\(^ {86}\) Kuttner, \textit{Harmony from dissonance}.\(^ {87}\) The compiler(s ?) of \textit{Coll.Hib.} famously complains in his preface of the ‘numerousness’, ‘diversity’ and ‘dark confusion’ of the corpus of canons available to him; see D. Howlett, ‘The prologue to the \textit{Collectio canonum Hibernensis’}, \textit{Peritia} 17–18 (2003–04), 144–49, at 146. On the dialectical structure of \textit{Coll.Hib.}, see Charles-Edwards, ‘Construction of the \textit{Hibernensis’}.\(^ {88}\) See the translation of Burchard’s preface in Somerville–Brasington, transs, \textit{Prefaces}, 99–100. A similar desire to draw congruity from incongruity is expressed in the prefaces to Halitgar of Cambrai’s penitential (really a canon law collection), and in \textit{R2L}; see Somerville–Brasington, transs, \textit{Prefaces}, 76 and 93–4.\(^ {89}\) For attempts to determine the extent of canonical materials contained by some early medieval libraries, see \textit{Kirchenrechtliche Texte im Bodenseegebiet. Mittelalterliche Überlieferung in Konstanz, auf der Reichenau und in St. Gallen}, eds J. Autenrieth and R. Kottje, Vorträge und Forschungen, Sonderband 18 (Sigmaringen, 1975).}
status in certain communities: the more remote the community and the less variety of canonical resources available there, the greater the likelihood of any one collection gaining a reputation of unrivalled authority in that community. This would inevitably give rise to what can be called ‘canonical parochialism’, that is adherence to, or awareness of, only a small portion of the total corpus of canon law available in the West. Instances of such parochialism would vary in degree, obviously; indeed, a degree of parochialism will have obtained in all places and at all times, since no one early medieval ecclesiastical community had access to every collection in circulation at a given time—nor is it evident that this was ever aspired to. Instances and periods of such parochialism obtained in the early Middle Ages even in the larger and more central ecclesiastical communities, like Africa, Rome and Tours.\footnote{The first being an example of deliberate parochialism. As to Rome and Africa: in the early fifth century (and probably also throughout the fourth), due to a missing rubric in the Collectio vetus Romana (see H. Mordek, ‘Karhago oder Rom? Zu den Anfängen der kirchlichen Rechtsquellen im Abendland’, in Studia in honorem eminentissimi cardinalis Alphonsi M. Stickler, ed. R.J. Castillo Lara, Studia et textus historiae iuris canonici 7 [Rome, 1992], 359–74, at 360 n. 5), Rome was under the mistaken impression that the canons of Nicaea (CNIC.325) included an additional twenty or so canons, canons that in fact originated in Sardica (CSAR.347). This misapprehension famously culminated in 419 with the dispute between the Roman and African churches over Rome’s appellate jurisdiction—a privilege that Rome upheld by citing Sardican canons that it believed to be of hallowed Nicaean origin. The entire affair led to the creation in Carthage of the Codex Apiarii (CCAR.419), on which see Cross, ‘History and fiction’, 240–47, and Turner, ‘Chapters in the history of Latin MSS. of canons. V’, 338. As to Tours: the trial of Bishop Praetextatus of Rouen in 577 is recorded in detail by Gregory of Tours, who was present and supported Praetextatus against several charges brought forward by King Chilperic. Gregory describes how, during the trial’s second session, Chilperic ‘ad metatum discessit, transmittens librum canonom’, in quo erat quaternio novus adnixus, habens canones quasi apostolicus, continentes haec: Episcopus in homicidio, adulterio et perjurio depravensus, a sacerdotio divillatur (Gregorii episcopi Turonensis libri historiarum X, second edition, ed. B. Krusch, MGH SS rer. Merov. 1.1 [Hanover, 1951], 222, line 24–p. 223, line 2). It so happened that Praetextatus did confess (under duress) to both perjury and attempted homicide of the king. Gregory’s language clearly indicates that he believed the canons in the newly affixed quaternion to be ad hoc forgeries concocted by Chilperic’s episcopal advisors the previous night. Far from being a forgery, however, the quoted canon is none other than Can.apost. 25. It would appear, then, that Gregory had no previous knowledge of Can.apost. (a rather common canonical dossier at this time), and also that those bishops on the side of Chilperic had access to a canonical library that was superior to that available at Tours—or, for that matter, at Rouen, for Praetextatus too is depicted as being ignorant of the Can.apost. article (after having heard the canon read out, Gregory says, Praetextatus ‘staret stupens’). The whole affair illustrates how a broader acquaintance with canon law on the part of Chilperic’s advisors, combined with a degree of ignorance—or ‘canonical parochialism’—on the part of the two prominent Gallican bishops, could lead not only to general confusion and (in Praetextatus’s case) to deposition, but also (in Gregory’s case) to a considerable amount of political embarrassment, for Gregory was apparently not prepared for his man to be found guilty. For an overview of these events and on the council generally, see EOMIA, I, 1.i, p. 33, addendum to p. 18; O. Pontal, Die Synoden im Merowingerreich, Konziliengeschichte: Reihe A, Darstellungen (Padderborn, 1986), 146–47; M. de Jong, ‘Gregorius, Praetextatus en Chilperik: over derereputatie van een slechte vorst’, in Rondom Gregorius van Tours, eds M. de Jong, E. Rose, and H. Teunis, Utrechtse historische cahiers 22 (Utrecht, 2001), 82–96; and G.I. Halfond, ‘Sis quoque catholicis religionis apex: the ecclesiastical patronage of Chilperic I and Fredegund’, Church history 81 (2012), 48–76, at 60–1. To my knowledge, no one has yet suggested that the quaternion produced by Chilperic was simply a copy of Can.apost.}
provinces, like Brittany, Ireland and England, where access to a variety of canon law collections must have been even more restricted than it was in the southern provinces.\footnote{Coll.Hib. was a dominant collection in Ireland since the eighth century, and certainly also in Brittany during the eighth, ninth and tenth centuries, and appears to have led to a relatively high degree of canonical parochialism in those regions; however, other collections too (e.g. Coll.Dion. and Coll.Hisp.) had clearly been available in Ireland since the seventh century (if not much earlier), and Coll.Dion.-Hadr. was also a popular collection in Brittany during the ninth and tenth centuries. As will be seen in Chapter 3, the dominant collections in Anglo-Saxon England seem to have been (at different times) Coll.Dion., Coll.Quesn., Coll.Sanb., Coll.Hib., and Coll.quad.}

Examining specific examples of canonical parochialism should be able to reveal a great deal about the spread of ideas (or lack thereof) in the early Middle Ages. Moreover, identifying a particular community’s dominant collection(s) can potentially provide crucial information for the historical interpretation of legal disputes. Imagine, for example, that two or more distinct ecclesiastical communities come into conflict with one another over a point of law, ritual or discipline; imagine also that within each community a different canonical collection is dominant, so that each has a different conception of what the canon law has to say on the subject at issue.\footnote{As was the case in the dispute between Rome and Carthage over appellate jurisdiction; see above, Chapter 1 n. 90.} One can easily see how such a state of affairs could engender real dispute as both parties attempt to adjudicate the same issue from different juridical positions. Such conflicts are in fact not uncommon in the early Middle Ages;\footnote{Examples abound, but for Anglo-Saxon history one may cite the paschal controversy as described in Bede’s \textit{HE}. Further and abundant examples can be found in Gregory I’s \textit{Libellus responsionum}.} yet a proper historical interpretation of them cannot be arrived at until one has an idea of the kinds of authorities upon which each community is relying, and more often than not this equates to knowing what canon law collections they held in esteem, and what canonical biases (that is to say competing parochialisms) were at play. Whether or not, therefore, a given ecclesiastical community was beholden to a dominant collection (or to dominant collections), is a question worthy of historical investigation.

In Anglo-Saxon England, certain collections exercised a dominant influence over different ecclesiastical communities at different times. Identifying these dominant collections will be an important step towards understanding more deeply the causes of legal, ideological and possibly even political conflicts that arose within and around the Anglo-Saxon church. Before one can appreciate the role that canon law collections may have played in any particular Anglo-Saxon
conflict, however, one must first know which collections were available, or were likely to have been available in England at any given time during the Anglo-Saxon period. To do this one must know something about the canonical contents of the libraries in Anglo-Saxon England, which of course entails an examination of the surviving manuscript evidence. Such an examination will be undertaken in Chapter 3. First, Chapter 2 will consider whether the Anglo-Saxon church considered \textit{collectiones canonum} to be its primary repositories of authoritative (and relevant) canon law, or whether—as many scholars have suggested—the law of the Anglo-Saxon church lurked principally elsewhere, in other genres of regulatory literature.
2 Where was canon law in Anglo-Saxon England?

In most Christianised regions of the early medieval West, the genre of the canon law collection enjoyed universal success as the primary vehicle by which ecclesiastical law was disseminated and as the primary format in which that law was preserved. Many hundreds of manuscripts containing many dozens of collections survive from the Continent, ca 400–1100. In contrast, very few manuscripts and collections survive from England for the Anglo-Saxon period. With the exception of Coll.Hib. and Coll.Wig.—the first an eighth-century Irish collection, peculiar in many ways; the second a repository of essentially eighth- and ninth-century Carolingian canon law, compiled in England ca 1000 (and apparently not much used outside of its Worcester epicentre)—scholars have hitherto found only trace evidence that Anglo-Saxons knew of or used canon law collections at all. This relative dearth of evidence has been interpreted by some scholars as indicating a general ignorance of canon law, particularly Continental canon law, on the part of Anglo-Saxon clergy. But—setting aside for the moment the question of whether previous assessments have taken account of all available evidence—is this a reasonable assumption to make? After all, the Anglo-Saxon church required some kind of comprehensive framework within which to exercise its administrative, educational, judicial and disciplinary functions. Is it in fact the case that this framework was provided by something other than the canonical tradition as transmitted in the sorts of canon law collections that were in common use in Continental churches?

By way of an entry point into addressing these kinds of questions, consider the following canons from Book 4 of Coll.quad.:

231. That all bishops and clerics, before being ordained, should know the canons, lest they do anything against [them]. [A canon] from the council of Carthage. It was thus decided that bishops and clerics who are to be ordained

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1 Kéry, Collections, catalogues over 120 collections for this period.
should first be instructed by their ordainers in the decrees of the councils, lest they should have cause to regret doing anything against a conciliar decree.

232. That no priest is permitted to be ignorant of their canons. [A canon] from [Pope] Celestine. No priest is permitted to be ignorant of his canons, nor to do anything that could oppose the rules of the Fathers.

[...]

234. That the statutes of the canons should be read over repeatedly. [A canon] from Bishop Augustine. And, so that you should be able to look into this little book as if into a mirror, in order that you do not neglect anything [in it] through forgetfulness, may it be consulted by you repeatedly.2

While *Coll. quad.* itself is a ninth-century Carolingian collection, the material sources for these three canons all originate in the early fifth century.3 These three are part of a series of eight canons in *Coll. quad.*’s fourth book that focus on the dignity of the canon law, require those in holy orders to familiarize themselves (even before ordination) with ‘canonica statuta’, and threaten with excommunication or deposition anyone who holds these *statuta* in contempt.4 The importance of this section of *Coll. quad.* to the history of canon law in late Anglo-Saxon England is considerable: this series of canons caught the eye of an early eleventh-century canonist

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4 The series is *Coll. quad.* 4.228–35.
working in England, who skilfully combined a number of them to form the introductory canon of *Coll.Wig.*, the anonymous Worcester canon collection:

Bishop Augustine of Orléans [*Aurelianensis*]\(^5\) says that no priest is permitted to be ignorant of his canons, nor to do anything that could oppose the rules of the Fathers. And lest the excuse of ignorance arise, or lest anything be neglected through forgetfulness, in this little book, as if in[to] a mirror, let them repeatedly look over what has been ordained by the rules of the canons.\(^6\)

*Coll.Wig.*, created between 1002 and about 1007, is one of the only canon law collections (as traditionally defined) known to have been compiled by an Anglo-Saxon.\(^7\) *Coll.Wig.* is therefore a crucial witness to the ways in which canon law was read, written, and understood in pre-Conquest England. That the first canon of *Coll.Wig.* reproduces *Coll.quad.*’s requirements for priests to learn ‘their canons’ and review them continually, says a great deal about the importance that was placed on canonical instruction in England (or at least in Worcester) at this time. But it raises the questions, which canons were Anglo-Saxon priests expected to know, and where were they to find them?

One obvious answer is that they were expected to know those canons that are transmitted in *Coll.Wig.* Though a collection of modest size (according to its most recent editors, it has 105

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\(^5\) ‘*Aurelianensis*’ (an error based on Augustine’s first name, Aurelius) is the reading in Cross–Hamer, who base their text on Corpus 265 (my siglum A2). Other versions of *Coll.Wig.* have ‘Aurelius’ (Barlow 37), ‘Aurelianus’ (Rouen 1382, my siglum A6); and ‘Aureliensis’ (Cotton Nero A. i, my siglum A3).

\(^6\) *Coll.Wig.A/B* 1 (ed. Cross–Hamer, *Canon law*, 66): ‘*Augustinus Aurelianensis episcopus dicit:* Nulli sacerdotum suos liceat canones ignorare, nec quicquam facere quod patrum possit regulis obuiare; et ne excusatio de ignorantione nascatur uel per obliuionem aliquid neglegatur, frequenter in hoc libello quasi in speculo perspiciant, quod canonum est regulis definitum.’ Cross–Hamer’s translation of the final clause, ‘because it is defined by rules of canons’, is not in keeping with the syntax of the source (‘numquam enim ignorare licet sacerdotem quod canonum ...’), where ‘quod’ is a direct object, not a causal conjunction. *Coll.Wig.A/B* 1 continues, ‘*Verumtamen non omnes clerici iudicia canonicë constitutionis usurpare aut legere debent, sed solummodo presbiteri. Sicut enim sacrificium offerre non debent nisi episcopi et presbiteri, sic nec iudicia ista alii usurpare debent.*’ The first part of this canon (up to ‘*Verumtamen*’) draws upon *Coll.quad.* 4.232–34. For the source of the second part (unidentified by Cross–Hamer), see the source information for *Coll.Wig.C* 3 in Appendix X. Worthy of notice is the fact that, even though the beginning of *Coll.Wig.* differs considerably between its two major versions, this composite canon is given prime place in each.

\(^7\) For other collections that possibly fit into this category, see below, Chapter 2 nn. 180–182. On the dating of *Coll.Wig.* see below, Chapter 4 n. 174.
canons in its original version, and 167 in its later redaction—\(^8\)in fact, as Chapter 4 explains, the latest redaction is considerably larger than this), *Coll.Wig.* does offer fairly comprehensive coverage of most of the issues commonly treated in medieval collections, including judicial procedure, ecclesiastical property, tithe, ordination, clerical duties and discipline, criminal behaviour, sexuality and marriage.\(^9\) *Coll.Wig.* may therefore have been considered by certain eleventh-century Anglo-Saxon ecclesiastics to be the definitive statement of canon law for the Anglo-Saxon church (that is, it may have been a ‘dominant collection’, as defined in Chapter 1). Indeed, it may well have been *Coll.Wig.* itself that Archbishop Wulfstan (†1023) had in mind when he wrote in his *Institutes of Polity*, ‘let each bishop attending a synod bring a book of canons’.\(^10\) On the other hand, several other ‘books of canons’ were available for consultation by English ecclesiastics at this time, some of which had (as will be seen) a far wider manuscript distribution than did *Coll.Wig.*—whose circulation seems to have been confined to the area around Worcester and possibly also York.\(^11\) There was *Coll.quad.* itself, of course, the principal source upon which the compiler of *Coll.Wig.* drew.\(^12\) There was also *Coll.vet.Gall.*, also a major

\(^{8}\) Compare this to the other systematic collections from the early medieval period, like *Coll.Dach.* (392 canons), *Coll.vet.Gall.* (450 canons, not including the ‘Appendix’), *Coll.quad.* (about 540 canons), and *Coll.Hib.* (around 1600 canons in Redaction A). The chronological collections were typically even larger: Dionysius’s second collection contains just over 400 canons; *Coll.Hisp.* boasts upwards of 1600 canons; and the collection of pseudo-Isidore includes ‘at least 10,000 textual fragments woven together’ (Reynolds, ‘Law, canon’, 405).


\(^{10}\) Wulfstan, *Incipit de synodo*, 3 (ed. Jost, *Die ‘Institutes of Polity, Civil and Ecclesiastical’: ein Werk Erzbischof Wulfstans von York*, Swiss Studies in English 47 [Bern, 1959], 211): ‘hæbbe ælc bisechop canoboc to sinoðe.’ Cf. c. 3 of Wulfstan’s episcopal capitulary, the so-called *Canons of Edgar (Wulfstan’s Canons of Edgar*, ed. R. Fowler, EETS o.s. 266 [London, 1972], 2): ‘And we lærað þæt hi [Godes þeowas] to ælcon sinoðe hæbben ælice geare becc and reaf to godcundre þenunge, and blec and bocfel to heora gerednessum, and þeora daga biwiste’ (‘And we instruct that each year God’s servants shall have at every synod the books and vestments necessary for divine service, and also ink and parchment for recording their ordinances, and also three days’ provisions’). Aronstam, ‘Latin canonical tradition’, 146–47, also suggests the possibility that by ‘canonboc’ Wulfstan was referring to *Coll.Wig.*; however, she also states (p. 139), in considering a similar injunction made in King Cnut’s law-code, that ‘Probably there was no fixed corpus of ecclesiastical law referred to; rather each bishop ... would use the penitentials, or other canonical collections available to him locally.’

\(^{11}\) Four of the five witnesses of *Coll.Wig.* have been shown to have originated at or near Worcester (or, less probably, at Wulfstan’s second scriptorium at York). The one exception is Barlow 37, which evidences a peculiarly late interest in *Coll.Wig.* in Angevin England. This manuscript has been dated s. xii°/xiii°, and placed tentatively near Worcester on account of its contents, though I can see no reason why it should not have originated at another scriptorium.

\(^{12}\) For details on this and what follows, see Chapters 4–5.
source for *Coll.Wig.*, and a collection that had possibly been in circulation in England since the eighth century. *Coll.Hib.*, too, had enjoyed great popularity in Anglo-Saxon England since at least the tenth century, and continued to be quoted by Anglo-Saxon authors well into the eleventh century. Other available collections included *Coll.Dion.-Hadr.* and Ansegis’s *Collectio capitularium*, copies of both of which were available (though in incomplete form) to Wulfstan, and likely to many others as well. Beyond these, a small handful of episcopal capitularies—that is, compilations of canons promulgated on the authority of an individual bishop—were used by ecclesiastics in the late Anglo-Saxon period. Foremost among these were the capitularies of the Carolingian bishops Ghaerbald of Liège (three capitularies), Theodulf of Orléans (two capitularies, the second in fact more like a penitential), and Radulf of Bourges (one capitulary). Indigenous episcopal capitularies were also used, including the *Constitutiones* of Archbishop Oda (†958), and the so-called *Canons of Edgar* by Wulfstan of York. Carolingian royal capitularies were also common in late Anglo-Saxon England; among these Charlemagne’s *Admonitio generalis* (789) and Louis the Pious’s *Institutio canonicorum* [or CAAC.816] were particularly favoured. And of course, there were the Latin and Old English penitentials, which populate many Anglo-Saxon manuscripts from the tenth and eleventh centuries. Several other penitentials are not found in any Anglo-Saxon manuscripts but are nevertheless quoted in Anglo-Saxon texts. Thus, by the eleventh century, the proliferation in England of not only traditional canon law collections, but also of penitentials and other ‘para-canonical’ works had created a situation in which the pool of available canon law was relatively large and of mixed character.

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14 Latin penitentials found (either partial or complete) in manuscripts of Anglo-Saxon origin or provenance include: PADO.600; the *Iudicia Theodori* (specifically the PTHC.700, PTHG.700 and PTHU.700 regradations); PECG.700; PBEA.800; POX1.700 and POX2.700; the *Poententiale 223 capitulorum*; PCAN.800; PHAL.800; PPTH.800; and (possibly) the PPGR.800. Old English penitentials—all of which are found in Anglo-Saxon manuscripts—include: the *Canons of Theodore*; the *Old English penitential*; the *Scrifboc*; and the *Old English Handbook*.

15 These include: PECU.700; PREM.700; and PIUD.700. The first two are quoted in *Coll.Wig.*; the latter may have been a source for King Æthelstan’s second lawcode (*LawIIAs*), on which see A.L. Meaney, ‘Old English legal and penitential penalties for “heathenism”’, in *Anglo-Saxons: Studies presented to Cyril Roy Hart*, eds S. Keynes and A.P. Smyth (Dublin, 2006), 127–58, at 137–38.
To be sure, a degree of canonical parochialism obtained—almost all of the works mentioned above are Carolingian in either inspiration or origin, so clearly (especially in the later Anglo-Saxon period) only select portions of the entire Western canonical corpus were represented in Anglo-Saxon libraries. Still, this was not a situation in which one or two sources had achieved dominance; rather, many different ones had. To which of these sources were priests expected to turn in order to learn ‘their canons’?

It would help a great deal if one knew exactly what the compiler of Coll. Wig. meant by the word ‘canon’. Unfortunately, the language used in Coll. Wig. is anything but precise in this regard. The following example is illustrative and not atypical: Coll. Wig. B 156, the first of a short series of canons on proper clerical attire and tonsure, introduces a chapter (taken from the late sixth- or early seventh-century Frankish law tract Excerpta de libris Romanorum et Francorum [previously known as the Canones Wallici; hereafter ELRF]) with the following words: ‘In canonibus quoque sanctorum patrum scriptum inuenimus [...]’. This phrase seems to have been added by the compiler of Coll. Wig. himself, for it does not appear in the source. Now, the chapters of ELRF are derived principally from Frankish secular statutes, and resemble so many early penitential handbooks in that they essentially constitute lists of tariffs for violent crimes. No councils, no governmental bodies, no hallowed authors or authorities are mentioned in ELRF. In what sense therefore did the author of Coll. Wig. consider ELRF to be ‘canons of the Fathers’? And how is one to reconcile Coll. Wig. B 156 with the information the compiler provides at the front of that collection, namely that ‘we call “canons” those rules that the holy Fathers set down, in which it is written how canonici, that is the regular clergy, ought to live’? This definition is at once idiosyncratic and completely at odds with the contents and character of ELRF, which scarcely mentions clergy, let alone canonici specifically. One can only conclude that the

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16 Cf. the discussion of this general problem in Chapter 1.


18 Wigorniensis B pref. (ed. Cross–Hamer, Canon law, 114): ‘Canones dicimus regulas quas sancti patres constituerunt, in quibus scriptum est quomodo canonici, id sunt regulares clerici, uiuere debent.’ The source here is Ælfric, Ep. 2. Cf. above, Chapter 1 n. 50.

19 ELRF 37 grants laypersons who have confessed to a sacerdos immunity from secular prosecution, and also discusses lawsuits between laypersons and clerici, which are to be judged either by a iudex or an episcopus,
compiler of *Coll.Wig.* had an exceptionally broad idea of what a canon was, and thus a very flexible notion of what constituted canon law. The evidence of *Coll.Wig.* thus seems to indicate that by ‘canon’, ecclesiastics from the late Anglo-Saxon period understood all manner of regulatory literatures. This is an important discovery, for it sheds valuable light on how at least one late Anglo-Saxon prelate (doubtless an important and influential one) understood his canonical heritage. In particular it suggests that Anglo-Saxon ecclesiastics were willing to accept a great body of Continental canonical material, and even secular or para-canonical material (as in the case of *ELRF*), as authoritative in their own land. Anglo-Saxon canon law was, it seems, intensely eclectic.

The fact that Anglo-Saxon canon law was deeply eclectic runs counter to what historians have generally assumed about the subject, namely that Anglo-Saxon canon law was distinctly ‘Insular’ or ‘nativist’. It has long been assumed that in lieu of traditional sources of canon law (collections, chiefly), Anglo-Saxon canon law was found in, drawn from or based upon predominantly indigenous or ‘Insular’ sources, in particular penitential handbooks and the lawcodes of Anglo-Saxon kings. The assumption that the Anglo-Saxon church relied principally upon these two non-standard canonical sources is deeply problematic for a number of reasons, not least of which is the fact that, as has been seen and as will be shown further, Anglo-Saxon England was a point of confluence for many different canonical traditions—Irish, Roman, Gallic, Carolingian and others. Nevertheless, the view that seems to hold sway today is that depending on who has initiated the suit. *ELRF* 43 explains how a *clericus* shall exculpate himself in a secular court. *ELRF* 56 clarifies that *clerici* shall pay satisfaction as if they were laymen for assaulting a layperson, and *ELRF* 57 states that a layperson will do penance for assaulting a *clericus*, in addition to paying satisfaction. *ELRF* 60 stipulates that a slave woman who has been married to her master and subsequently abandoned shall become the ward of a *sacerdos*.

20 Compare similar evidence mined from the preface to PECG.700, discussed above, Chapter 1 n. 57. Note that the preface to this penitential is found also as *Coll.Wig.C* 109 and *Coll.Wig.D* 168.

21 Recent scholarship almost universally assumed that the compiler of *Coll.Wig.* was Wulfstan of York. Problems with identifying Wulfstan as the author of *Coll.Wig.* are discussed in Chapter 4.

22 Note that, unless otherwise noted, I use the term ‘code’ to mean any legislative statement promulgated by a state authority. This is the common meaning of the term in the context of Anglo-Saxon studies, where the stricter sense of ‘code’—a comprehensive and systematically arranged publication of binding law—has no relevance.
Anglo-Saxon England was a place and a period in which a persistent and particularly severe type of ‘canonical parochialism’ held sway, where fringe, non-standard canonical sources attained dominant status, setting England strikingly apart from the rest of the West in terms of its conception of what canon law was. Though never investigated in any detail, this picture of Anglo-Saxon canon law appears to have largely been accepted as fact by historians. Since it is a view that bears directly upon the subject of this study, it is necessary to consider its merits carefully, and to assess whether Anglo-Saxon canon law was indeed subject to the specific type of canonical parochialism that modern historiography has imputed to it.

2.1 Biases in modern scholarship: the ‘nativist’ view

It has already been seen from looking at Coll.Wig. that Anglo-Saxon canon law in the eleventh century was dominated by anything but a ‘nativist’ attitude. The question remains, was the early Anglo-Saxon church nativist in its attitude towards canon law? To anticipate the conclusions of this chapter (and also the conclusions of Chapters 3–5 and Appendices III and IV): no, not at all. In order to see why not, it will be helpful to examine how the misconception of a nativist Anglo-Saxon tradition arose in the first place.

The idea that Anglo-Saxon canon law was deeply nativist is a misconception based on several biases that have long been entrenched in modern historiography. These biases can be expressed as three separate though interrelated propositions: 1) the Anglo-Saxon church was almost wholly dependent upon secular organs of legislation and secular means of law enforcement, and thereby became intimately associated with native ‘Germanic’ conceptions of law and discipline; 2) Anglo-Saxon prelates had an inherent predilection for certain ‘home-grown’ or ‘Insular’

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canonical traditions—that is the penitentials and indigenous conciliar law that had been in
development north of the Channel since at least the fifth century—as opposed to the conciliar
and decretal traditions emanating from the Continent;\textsuperscript{24} and 3) Continental canon law collections
were not generally available to officers of the early Anglo-Saxon church. As will be seen in
Chapters 3–5, the available evidence clearly demonstrates that the third proposition is erroneous.
The first and second are, by contrast, open to debate and qualification. It is therefore necessary to
deal with these two propositions in turn.

2.2 Anglo-Saxon canon law and the lawcodes of kings

From the beginning of the modern study of English history, there has existed a certain bias
towards seeing the Anglo-Saxon church as separated from the mainstream of institutional
Christianity on the Continent. Confessional debates dating back to before the time of Matthew
Parker will of course have played a role here; but there seems also to have been an overriding
sense among early-modern historians that the Anglo-Saxon church, being cut-off physically from
the Continent, was in effect left to its own devices. Freed more or less from the yoke of
Rome—so the narrative goes—the Anglo-Saxon church was left to develop institutions that were
more in keeping with the ‘Teutonic’ spirit that still shot through the Anglo-Saxon mindset.
Accordingly, early-modern English-speaking historians believed that ecclesiastical law in
England began with a strong foothold not in the canonical traditions of the Continental churches
but rather in the types of regulatory literatures that were most appropriate to the Teutonic
background of the English people.

One way in which this belief manifested itself in early-modern scholarship was in the assumption
that the Anglo-Saxon church maintained a direct, even organic, relationship with native secular
legal traditions.\textsuperscript{25} This view was staunchly held by one of the first historians to study closely the

\textsuperscript{24} For arguments that subscribe to this proposition (tacitly, if not explicitly) see, most recently, Flechner, ‘Insular

\textsuperscript{25} By secular legal tradition I mean the Anglo-Saxon legal record as reflected in Felix Liebermann’s \textit{Die Gesetze
Chapter 2

laws of the Anglo-Saxon church, John Johnson (†1725).\textsuperscript{26} In his monumental study *A collection of the laws and canons of the church of England*, Johnson wrote:

If [canonical] discipline were not exercised for the first seventy years after Augustin came over to convert us, the reason was plainly this, that the Church was not yet settled; the bishops found business enough in making and baptizing converts, in building edifices for religious assemblies, in regulating those assemblies and instructing their new converts, and teaching them how to conduct themselves in divine worship, and in all points of duty, both public and private ...

It is evident that Theodore, who was advanced to the see of Canterbury in the year 668, did exercise ecclesiastical discipline, as Ecgbriht soon after also did in the other province; and there is no reason to suppose that it was ever after interrupted. There is scarce any crime mentioned in the Saxon laws, but that satisfaction was to be made for it to God, as well as to the world, that is, penance was to be enjoined in the ecclesiastical court, as well as corporal punishment to be suffered in the civil court.\textsuperscript{27}

Johnson here articulates a belief that in its earliest stages the English church was void of any inherited disciplinary tradition, with the implication that it was an indigenous disciplinary tradition, inspired by the secular legal system, that rushed in to fill the vacuum. Whether or not Johnson was the progenitor of this view is not of concern here;\textsuperscript{28} what is of importance is that, in

\textsuperscript{26} For further discussion of Johnson’s contribution to the history of Anglo-Saxon canon law, see Appendix V.

\textsuperscript{27} J. Johnson, *A collection of all the ecclesiastical laws, canons, answers, or rescripts, with other memorials concerning the government, discipline and worship of the church of England, from its first foundation to the Conquest ...*, ed. J. Baron (Oxford, 1850), xxvi–vii. The work was originally published in London in 1720.

\textsuperscript{28} If Johnson’s work is any indication, the origins of this view were likely based in the confessional disputes that predated him. Johnson was fiercely Protestant, and the preface to his *Collection* is shot through with antipapist sentiment, including the declaration that one of his designs ‘was to furnish out a strong antidote against popery’ (p. xi). His attempts to represent the origins of English law, liturgy and theology as pure and largely untainted by alien (Roman) tradition make for entertaining—even if historically vacuous—reading today. For Johnson, the adoption of Roman canon law and papal jurisdiction into English ecclesiastical discipline was something that only came after the Norman Conquest, and had the effect of causing bitterness in the kings towards their clergy; whereas (Johnson claims) previously the disciplinary arms of the church and the king had operated in perfect synergy: see especially Johnson, *Collection*, ed. Baron, xxix–xxx. Johnson’s views are precursory to those of Stubbs and other late nineteenth-century apologists for the English church who (in Richard Helmholz’s words) ‘sought to use the history of ecclesiastical jurisdiction to demonstrate the continuity of the English Church; to demonstrate ... that the Church of
its essentials, this view remained popular among English-speaking historians well into the nineteenth and twentieth centuries. It was, for example, the considered opinion of William Stubbs, who was (as seen in Chapter 1) the first scholar to attempt to study early English canon law in a scientific way, and who, through his edition of the councils and ecclesiastical documents of the Anglo-Saxon church, has retained a strong influence on the field today. Speaking in 1882 of the history of the Anglo-Saxon church Stubbs wrote:

> on the conversion of [any] nation to Christianity a religious discipline is a necessity, and on that religious discipline, as the framework of the Church is built up, there is based a canonical jurisprudence; if the nation is in close communication with foreign churches or a great Catholic religion, it naturally adopts, from them or it, its religious legislation; if not in such close intercourse, it develops a system of its own, and, when the intercourse becomes closer, modifies its own until it is more or less in harmony with that of the nations round it, always retaining more or less of its own home growth.²⁹

Stubbs’s view of English canonical history could not be more clear: even if in later centuries the canonical discipline of the Anglo-Saxon church was brought more closely into line with that of its Continental counterparts, at its inception the English church was an institution left to its own devices, free (or bound) to develop disciplinary customs based on native (‘Teutonic’) rather than foreign (Roman/Gallic) traditions.³⁰

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²⁹ Stubbs, ‘History of the canon law’, 338. For further on Stubbs’s importance to the field of Anglo-Saxon canon law, see Appendix V.

³⁰ Cf. Stubbs, ‘History of the canon law in England’, 343–44. Mention should also be made here of the famous debate between Stubbs and F.W. Maitland on whether or not the canon law of Rome was considered to be binding on English ecclesiastical courts; for the particulars of this debate see Helmholz, Roman canon law in Reformation England, Cambridge studies in English legal history (Cambridge, 1990), 4. Insofar as it hinged on the status in post-Conquest England of canonical codes (particularly the decretal collections) developed on the Continent following the eleventh century, the Stubbs-Maitland debate has no bearing on the question of whether or not the Anglo-Saxon church made use of early medieval canon law collections (none of which claimed to present, or was ever treated as if it contained, a ‘codification’ of the Latin canon law). Nevertheless, it is worth considering the
This view of the early development of canon law in Anglo-Saxon England has, at least in its essentials, lasted until the present day. Not only has this had the unfortunate effect of stifling inquiry into the possible influence Continental canonical traditions may have had on the Anglo-Saxon church, it has also paved the way for one of the most dominant yet problematic assumptions about the nature of ecclesiastical law in Anglo-Saxon England, namely that, in the absence of a legal and disciplinary framework of its own, the Anglo-Saxon church defaulted to reliance upon native, ‘Germanic’ legal traditions. One need not look for very long through the accounts of Anglo-Saxon legal history published over the last century to find remarks about the collaborative relationship between ecclesiastical and royal legislation in Anglo-Saxon England.\(^{31}\) The possibility of a basic division between these legislative authorities has scarcely been contemplated in the literature, much less investigated seriously.\(^{32}\) The concomitant assumptions about what this meant for Anglo-Saxon attitudes towards canon law are all too clear: the earliest possibility that both scholars allowed their opinions on this issue to colour their attitudes towards the status of Roman (or simply foreign) canon law in Anglo-Saxon England. For example, the above-quoted statement by Stubbs is entirely consistent with, and may even have grown out of, his idea that in England ‘the canon law of Rome was authoritative only if it had been ratified in national or provisional church councils’ (Donahue, ‘Roman canon law’, 649)—this being the position against which Maitland argued so vociferously. On how his debate with Stubbs might have shaped Maitland’s perspective of Anglo-Saxon realities see below, Chapter 2 n. 39. It is perhaps significant that Stubbs subscribed (as Johns Selden and Selborne had before him) to the idea that in England there was a basic separation-in-status between native practice and custom on the one hand and the statutes of the Latin (and predominantly foreign) canon law on the other. The former (according to Stubbs) enjoyed automatic ‘force of law’, while the latter could only gain it via ratification by an English assembly. While this view (or something like it) may be appropriate for the post-Conquest period, it is entirely unhelpful when dealing with the Anglo-Saxon period, as I attempt to demonstrate below, Appendix V nn. 69 and 193. Modern attempts to distinguish between which canons had ‘force of law’, and which were merely regarded with academic or antiquarian interest by jurists, ultimately fail in the context of the early medieval period, where codification of the canon law had yet to occur, and where determinations of what was authoritative and what was not were often made on an ad hoc basis (and, moreover—as I argue in Chapter 1—had more to do with the limited textual materials to which one enjoyed access than with one’s ability to discriminate between more or less authoritative texts).

\(^{31}\) See, e.g., F.M. Stenton, *Anglo-Saxon England*, third edition (Oxford, 1971), 216–17, 237–38, and Helmholz, *Laws of England*, 35–7 and 39–40. See also the first volume of Frederick Pollock and Frederic W. Maitland’s *History of English law before the time of Edward I*, second edition, 2 volumes (Cambridge, 1911), esp. 21 and 40, where the authors are at pains to find any place at all for a discussion of ‘ecclesiastical law’ (independent of secular law) in England before the Norman period (Maitland’s survey of canon law and canon law collections in the early Middle Ages in the first chapter of the second edition of this work [pp. 16–18] has no relevance whatsoever to their discussion of pre-Conquest English law in the following chapter).

\(^{32}\) Cf., however, Cubitt, *Councils*, who, though dealing predominantly with the judicial functions of synods and questions of authority and jurisdiction pertaining thereto, often offers substantial findings on their legislative authority per se and the Anglo-Saxon church’s ability to pass its own, as well as promulgate foreign canonical statutes on its own initiative.
prelates of the Anglo-Saxon church ignored the Continental canonical tradition in favour of basing ‘English’ canon law on the secular institutions and jurisprudence already in place on the island. This view of Anglo-Saxon canon law even remains enshrined in the two main editions of ecclesiastical documents still consulted by Anglo-Saxonists today: William Stubbs’s *Councils and ecclesiastical documents* (vol. 3 in this series) and Dorothy Whitelock’s *Councils and synods* (vol. 1.i in that). Both of these anthologies focus on conciliar and regulatory material produced by and for the Anglo-Saxon church, including royal and secular legislation when it has anything to say about ecclesiastical matters. Both volumes, however, exclude Continental canonical texts, even when such texts are known to have been especially popular or of considerable relevance to the Anglo-Saxon church.\(^{33}\) For the student encountering the legal history of the Anglo-Saxon church for the first time, the picture presented by these volumes is of a church relying on a handful of indigenous conciliar canons, a trio of ‘English’ penitentials, and a great mass of royal legislation. Thus does the early-modern notion that the Anglo-Saxon church developed a disciplinary tradition in virtual isolation from Continental canonical traditions continue to inform research being done today.

It is true that, from the very first, the Anglo-Saxon church leaned upon secular institutions in order to accomplish its legislative and adjudicatory functions. It is questionable, however, whether this phenomenon distinguishes the Anglo-Saxon church from other early medieval churches in the West, most of which found it beneficial to at times work with (and within) the legal machinery of local secular governments.\(^{34}\) Take councils, for example. From the seventh to the eleventh centuries, there seems to have been an increasing tendency in England for ecclesiastical and secular assemblies to sit together in what are commonly (though somewhat

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\(^{33}\) This shortcoming (in what are otherwise superior feats of scholarship) might have been remedied somewhat had Whitelock included in her volume an edition of *Coll.Wig.*, whose indebtedness to Continental canon law might have been the impetus for extensive commentary by her on this subject; but unfortunately she chose not to include *Coll.Wig.* in her volume. For further on this, and also on Stubbs’s treatment of *Coll.Wig.* in *CED*, III, see Appendix V, esp. n. 165.

\(^{34}\) For discussion of legislative cooperation between secular and ecclesiastical powers in Merovingian and Carolingian Francia, see McKitterick, *Frankish church*, and G.I. Halfond, *The archaeology of Frankish church councils, AD 511–768*, Medieval law and its practice 6 (Leiden, 2010), 1–29. See also next note.
unhelpfully) known as concilia mixta. This phenomenon is also known as the lay (or royal) sponsorship of ecclesiastical synods, and can be traced back to the emperor’s position at early ecumenical councils. Not surprisingly given its late antique pedigree, lay sponsorship of ecclesiastical councils was actually quite common, even normal, in the early medieval period. Sponsorship by a lay authority, of course, need not equate to granting that authority jurisdiction or legislative prerogative in the ecclesiastical sphere, and there is no need to assume that in English councils the king and his secular magnates presumed to produce ecclesiastical legislation on behalf of the bishops. Indeed, on the Continent there prevailed a general distinction between royal and ecclesiastical legislative powers, where kings and emperors issued laws for citizens, and bishops issued laws for clerics. To be sure, it may not always have been the sharpest of distinctions—in whose jurisdiction lay the homicidal cleric, or in whose the rapist of nuns?—but the idea of a separate sphere of jurisdiction (legislative, adjudicative, appellate) for the church had nevertheless remained strong since the time of Constantine. In view of this trend on the

35 On concilia mixta in Anglo-Saxon England, see Cubitt, Councils, 44–59, and Cubitt, ‘Bishops and councils’. For concilia mixta in Frankish contexts, see Halfond, Archaeology, esp. 193–98. For the classical statement of the ‘mixed’ nature of Anglo-Saxon synods, see Pollock–Maitland, History, I, 40: ‘One well-known peculiarity of the Anglo-Saxon period is that secular and ecclesiastical courts were not sharply separated, and the two jurisdictions were hardly distinguished’.


37 On concilia mixta in Merovingian and Carolingian Francia, see W. Hartmann, ‘Laien auf Synoden der Karolingerzeit’, Annuarium historiae conciliorum 15 (1983), 260–61; I. Wood, The Merovingian kingdoms, 450–751 (London, 1994), 105–06, 145–55, et passim; M. de Jong, ‘Charlemagne’s church’, in Charlemagne: empire and society, ed. J. Story (Manchester, 2005), 103–35, esp. 108–09; Halfond, Archaeology; and Firey, ‘Toward a history’, 77–8, who observes that in early medieval southern Gaul, ‘Kings seem to have recognised that convening a synod was an act of legitimisation for their sovereignty, and so each change of ruler yielded another demonstration of the federation of royal and ecclesiastical authority. The link between synodal convention and royal power increased the national definition of the assemblies and also implicated the participants in royal claims to hegemony.’ Halfond, Archaeology, 197 with n. 69, is particularly critical of the theory—forwarded by scholars like Wilhelm Levison and Theodor Schieffer—that the Anglo-Saxons themselves had set a precedent for concilia mixta and then seeded it to Francia during the eighth century. Halfond’s criticism seems to find support in M.A. Claussen, The reform of the Frankish church: Chrodegang of Metz and the Regula canonicorum in the eighth century, Cambridge studies in medieval life and thought, fourth series 61 (Cambridge, 2004), 47–57, who emphasizes Chrodegang’s contribution to the advent of lay sponsorship of Frankish synods, ignoring entirely any possible English role in the process.

38 In addition to CNIC.325—which Constantine convoked and in which he encouraged Christian bishops to resolve their internal disputes by themselves—in 318 Constantine instituted what is known to historians as the audientia episcopalis, or the ‘episcopal court’ (Cod.Theod. 1.27.2). On the audientia see J.C. Lamoreaux, ‘Episcopal courts in Late Antiquity’, Journal of early Christian studies 3 (1995), 143–67, and N.E. Lenski, ‘Evidence for the audientia episcopalis in the new letters of Augustine’, in Law, society, and authority in Late Antiquity, ed. Mathisen, 83–97. The exact nature of the audientia episcopalis, including how it actually operated and what it meant for ecclesiastical
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Continent, one should require strong evidence to show that this was not the case in England. But strong evidence is not forthcoming, even though historians have sometimes pretended as if it were.\(^{39}\) It is therefore reasonable to assume that the status quo obtained in England as it did in most other places during this time: the church and ‘state’ retained separate jurisdictions in Anglo-Saxon England, the one not competent per se to legislate for the other.

Of course, cooperation often occurred, especially in matters of national importance or common moral or political concern, where the power to make and interpret law balanced between the jurisdiction within the Empire, is still disputed by historians, but what Constantine appears to have done with his edict is give legal force to the pre-existing custom among Christian communities for the bishop to arbitrate and settle disputes. It was a significant development, and can be seen as a turning point not only in the development of ecclesiastical jurisdiction and law, but in the privileged position of the bishop in late antique and medieval society.

\(^{39}\) The best study of the relationship between ecclesiastical and royal jurisdictions within Anglo-Saxon England remains Cubitt, *Councils*, who finds (p. 59) that, even during the Mercian supremacy, when royalty ‘manifest[ed] greater authority at the synod than earlier kings’, the ecclesiastical synod remained ‘subject to the archbishop of Canterbury, and matters which did not involve land seem to have been outside the purview of the king.’ This was not a view typically held by historians before Cubitt, who since at least the nineteenth century had generally operated under the assumption that the jurisdiction of ecclesiastical courts was in some way submerged within the greater jurisdiction of Anglo-Saxon kings. Again (cf. above, Chapter 2 n. 30), in this it seems that earlier scholars were allowing the realities of post-Conquest church-state relations to shape their opinions about how these jurisdictions had interacted before the Conquest and before the advent of a (more or less) codified canon law. Consider Maitland, for example. One of his famous rebuttals to the argument (championed most famously by Stubbs) that during the Middle Ages the English church had ‘been departing from the church of Rome and evolving a jurisprudence of her own’ is in a paper titled ‘Church, state, and decretals’ (in *Roman canon law in the Church of England: six essays* [London, 1898; repr. New York, 1968], 51–99, quotation at 59). Maitland begins this paper with the following observations: ‘In much of what has been written by historians and said by judges touching the fat...
jurisdictions of both authorities.\textsuperscript{40} Thus can one see strong collaboration between Anglo-Saxon royal and episcopal authorities in the passing of laws against, for example, adultery, paganism and working on the Sabbath.\textsuperscript{41} Royal laws even occasionally legislate on matters of specifically ecclesiastical interest, buttressing with additional, secular sanctions (corporal punishment, imprisonment, monetary fines, etc.) laws already established by the church.\textsuperscript{42} Examples of this include (but are not limited to) royal laws upholding clerical celibacy, tithes and sanctuary.\textsuperscript{43} Whether or not, or to what extent, the right to adjudicate ecclesiastical disputes was shared in Anglo-Saxon England between secular and church authorities is a question that has yet to be examined satisfactorily;\textsuperscript{44} however, the valuation of oaths for clergy and laity alike in \textit{LawWi} suggests that, at least in early seventh-century Kent, clerics and laypersons could be subject to equivalent judicial processes.\textsuperscript{45}

\textsuperscript{40} See L. Oliver, ‘Royal and ecclesiastical law in seventh-century Kent’, in \textit{Early medieval studies in memory of Patrick Wormald}, eds S. Baxter, C. Karkov, J.L. Nelson and D. Pelletet (Farnham, 2009), 97–112, esp. 103, where in discussing the presence of ecclesiastical topics in \textit{LawWi} she comments: ‘we can assume that Wihtred’s ruling supplements rather than supplants ecclesiastical authority: what William Bright calls an “intepretation of the spiritual and temporal societies”’. I do not agree with Oliver’s conclusion (p. 112) that in \textit{LawWi} we see ‘Perhaps ... the ability of a king to legislate religious matters’, as such an interpretation does not take adequate account of the presence of Archbishop Brihtwald (with several other high-ranking ecclesiastics) at the legislative assembly. For a response to Oliver’s problematic claims regarding the place of penitentials in seventh-century Kentish royal law, see below, Chapter 2 n. 49. For a recent consideration of the ‘tension between secular and divine authority’ in late Anglo-Saxon England, and the consequent ‘difficulties for the theory and practice of lawgiving’, see Trilling, ‘Sovereignty and social order’, who focuses on Wulfstan’s (not altogether) successful response to this tension.


\textsuperscript{42} Oliver, ‘Royal and ecclesiastical law’, 107, 112.


\textsuperscript{44} This question is examined by Cubitt, \textit{Councils}, 65–74, who adduces the crucial evidence of Ecgberht’s \textit{Dialogus}; however, Cubitt does not adequately address what the royal laws have to say on the matter.

\textsuperscript{45} \textit{LawWi} 16–24; and cf. \textit{LawVIIAtr} 19–27.1. The question of where clergy stood vis-à-vis the secular judicial process is illuminated, though not brought any closer to answer, by Wormald, who comments on this passage in \textit{MEL}, 103: ‘Wihtræd revealed the Church’s tightening grip on Anglo-Saxon society ... when implementing at least three of the Ten Commandments as matters of royal law, and when allowing clergy a decided advantage in legal disputes with laity.’ Cf. also \textit{Die Gesetze}, ed. Liebermann, III, 28–9, and L. Oliver, ed. and trans., \textit{The beginnings of English law}, Toronto medieval texts in translation 14 (Toronto, 2002), 174–77.
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The presence of so much ecclesiastical material in the corpus of Anglo-Saxon royal law is not surprising given the strong ecclesiastical membership of the king’s witan, or body of counsellors, in which bishops and archbishops were often the most important part. These highest-ranking ecclesiastics were regularly instrumental in the creation and promulgation of new laws at legislative councils.\(^{46}\) But that the bishops often combined their legislative efforts with those of the king (and his secular magnates) need not imply that they were ceding to the witan the right and power of making law for the church. If anything the introduction of ecclesiastical concerns into the agenda of national councils probably indicates the episcopate’s desire to expand its own sphere of moral and spiritual jurisdiction by suggesting the importance of greater church involvement in secular affairs. In any case, there is no evidence to show that Anglo-Saxon secular magnates were interested in co-opting the role of bishops as the principal legislators for law and discipline pertaining directly to the church or its officers. Ecclesiastical legislative power therefore seems to have remained firmly in the hands of the bishops, who alone were competent to determine and interpret its law. This was the attitude and position of Wulfstan of York, who (like many church prelates before him) was hostile to the idea that any layperson, king or otherwise, should presume to legislate for the church or adjudicate its legal disputes.\(^{47}\)

Precisely how to interpret the presence of so much ecclesiastical material in the Anglo-Saxon royal lawcodes remains a matter for debate. In truth, the question of why the witan chose regularly to express ecclesiastical rules in its kingdom-wide pronouncements remains generally

\(^{46}\) Of those royal codes that include a significant complement of ecclesiastical law (LawWi, LawIne, LawI–IIAs, LawIEm, LawIIeG), all but LawIIeG mention (in their prologues) the express involvement of (arch)bishops in the lawmaking process (Archbishop Brihtwald, bishops Hædde and Eorcenwald, Archbishop Wulfhelm, and archbishops Oda and Wulfstan respectively). Further, the immense influence of Wulfstan of York in all royal codes promulgated during his archiepiscopacy (LawV–XAt and LawI–IICh)—by far the most spiritual and ecclesiastically-focused codes that survive—is manifest.

\(^{47}\) See the Wulfstanian tract titled De medicamento animarum (ed. Fehr, Die Hirtenbriefe, p. 251 line 36–p. 252 line 7; = Coll.Wig.I 177): ‘His exemplis declaratur ualde perniciosum esse regi uel principi uel alicui ex laico ordine disputare aut tractare de eclesiasticis iudiciis siue canonicis causis. Paulus enim apostolus: Diuitibus huius seculi precipe non sublime sapere. [1 Tim 6:17] Alexander quoque ad demetrium regem ait. Numquam auditum uel ab aliquo factum sit ut presentibus episcopi laici disputent de canonicis uel alios eclesiasticis causis; sed omnium eclesiasticarum rerum episcopi curam habeat et ea uelut deo contemplante dispensent.’ Most of this passage can also be found in Wulfstan’s De ven.sacerd., on which see my ‘Wulfstan’s Commonplace Book revised: the structure and development of “Block 7”, on pastoral privilege and responsibility’, JML (2012), 1–48.
unexplored, and therefore almost entirely mysterious.\textsuperscript{48} Again, the fact that it remains so seems to be the result of pre-existing bias. Notwithstanding continued (and generally unsuccessful) efforts on the part of some scholars to demonstrate a direct relationship between royal and penitential law,\textsuperscript{49} legal historians have tended to focus disproportionately on the secular component of Anglo-Saxon royal law; the ecclesiastical component has been treated as either ancillary to the secular tradition, or as entirely subsumed into it.\textsuperscript{50} But, as was suggested above,  

\textsuperscript{48} Notable exceptions include studies of the works of Wulfstan of York, especially by such scholars as Karl Jost, Dorothy Whitelock, Dorothy Bethurum, and Patrick Wormald. As far as I know, however, no study has ever been published on the significance of ecclesiastical law throughout the corpus of Anglo-Saxon royal law.

\textsuperscript{49} A.J. Frantzen and Alan Harding both have recently argued for the complementarity of royal law and the penitentials (references to and discussions of their arguments are provided by Hough, ‘Penitential literature’). But the first to attempt to do this was Oakley, \textit{English penitential discipline}. Oakley succeeded in drawing attention to the important parallels, and areas of overlap, between the royal and penitential legal traditions. The numerous references to penance and penitential handbooks in some of the royal codes in particular are indicative of some degree of awareness on the part of Anglo-Saxon kings and their councillors of the tradition of penitential law: see \textit{LawWi} 23; \textit{LawAf} 1.8, 5.4; \textit{LawIIAs} 26–26.1; \textit{LawEm} 3, 6; \textit{LawIIEm} 4; cf. also Liebermann, ed., \textit{Die Gesetze}, II 618 and s.vv. ‘Beicht’, ‘Busse’. However, Oakley’s attempts to prove that penitential handbooks provided a brand of law that supplemented a body of relatively weak royal laws ultimately failed in the face of inadequate supporting evidence. For example, his claim that ‘[the Anglo-Saxon kings] constantly enforced penitential practices as supplementary aids to the suppression of disorder and crime’ (Oakley, \textit{English penitential discipline}, 148) goes far beyond what the vaguely overlapping coverage between the two types of legislation implies. The loose overlap that is seen, for example, between \textit{LawWi} 9–15 and PTHU.700.1,11.1–5 and 1,15.1–5 (for which see Oliver, ‘Royal and ecclesiastical law’, 108–12) leaves the possibility of direct borrowing very dubious indeed. Moreover, adequate account has not been taken of all the instances where these two spheres of law are at odds, like, for example \textit{LawAbt} 1 and PTHU.700.1,1.3,2 or \textit{LawIne} 2–2.1 and PTHU.700.1,14.28. Nevertheless, scholars continue to attempt to prove the direct influence of the penitentials on (pre-Wulfstanian) Anglo-Saxon royal law. As recently as 2009, e.g., one can find the Oakleian position being argued by Lisi Oliver, who claims (‘Royal and ecclesiastical law’, 110) that penitentials and royal Kentish law ‘operate[d] in concord’. See also Meaney, ‘Old English legal and penitential penalties’, who investigates (pp. 131–33 and 137–38) possible parallels between PTHU.700 and the prologue of \textit{LawAf}, and between the PIUD.700 (which she calls \textit{Penitential in thirty-five chapters}) and \textit{LawIIAs}. For a thorough review of these issues, cogently and cautiously discussed, see Hough, ‘Penitential literature’, esp. 139, who concludes that ‘there is little evidence of a close link between the penitentials and secular law in early Anglo-Saxon England. Although there were some undoubted areas of influence, such as the introduction of money payments into penitential handbooks, and the infiltration of religious terminology into the codes issued by Anglo-Saxon kings, the two forms of legislation appear to have operated largely independently until at least the end of the ninth century.’ Of course, the possibility of direct borrowing from one sphere of legislation to the other becomes far less dubious when considering the later lawcodes drafted by Wulfstan, who often deliberately blended the two.

\textsuperscript{50} See, e.g., Pollock–Maitland, \textit{History}, I, 21; ‘a close and confused union between church and state prevented the development of a body of distinctly ecclesiastical law which would stand in contrast with, if not in opposition to, the law of the land.’ In support of this Pollock and Maitland cite Stubbs’s remark that ‘There are few if any records of councils distinctly ecclesiastical held during the tenth century in England.’ Cf. also Stenton, \textit{Anglo-Saxon England}, 238: ‘The affairs of church and state were, in fact, interdependent, and no king or bishop of the eighth century would have understood an argument which tried to show that ecclesiastical legislation, or the protection of ecclesiastical interests, was a matter for churchmen alone.’ But note the important discussion by Cubitt, \textit{Councils}, 2–3, who criticizes ‘the common idea that the Anglo-Saxon church had no distinctively ecclesiastical conciliar tradition, but that the assemblies which discussed church affairs were simply an augmented form of the secular royal council.’
the subsumption of ecclesiastical legislative authority into the king’s jurisdiction is highly unlikely. And in any case, such a view cannot be endorsed so long as the ecclesiastical legal tradition remains comparatively understudied in its own right, and particularly for so long as the significance of canon law collections (both indigenous and Continental) to the Anglo-Saxon canonical tradition remains underappreciated.

In light of the predominant biases, and given the focus of the present study, the questions that can be asked here are, how much if any of the disciplinary and doctrinal regulation stored within the royal lawcodes was viewed by the Anglo-Saxon church as ‘canon law’? And to what extent did these lawcodes substitute for the kind of legislation that was, on the Continent, generally available in canon law collections?

In attempting to answer these questions, one might try to identify which articles of royal law are purely ‘secular’ and which relate solely to church discipline and doctrine and were therefore perhaps considered ‘canonical’ in nature. But, as already stated, the rapprochement between royal and ecclesiastical interests in any national Anglo-Saxon council—or witenagemot, to call it by an older name—is often so seamless as to make it nearly impossible to separate out specifically secular from ecclesiastical or canonical articles. Indeed, it seems that in attempting to identify ‘canons’ in this context, one tests the terminological limits of modern conceptualizations of medieval law. For the sake of simplicity, it will be helpful to return to our basic definition of ‘canon’ as a concise ruling about behaviour, belief or church administration, often accompanied by ecclesiastical sanction, issued on episcopal or papal authority, and in most cases regarded as authoritative for all Christians. In Chapter 1, the first canon of CNEO.315 was given as an example of what a canon, strictly speaking, looks like.

The type of ecclesiastical legislation that is embedded in Anglo-Saxon royal lawcodes looks rather different from the Neocaesarean canon, as can be seen by comparing the following five

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51 On the Anglo-Saxon witan, see F. Liebermann, The national assembly in the Anglo-Saxon period (Halle, 1913). On the terms witan and witenagemot, with suggestions as to why they should be avoided in modern scholarship, see J.R. Maddicott, The origins of the English parliament, 924–1327, Ford lectures (Oxford, 2010), 4, 50.

52 See the discussion of terminology in Chapter 1.

53 Recall that two definitions of ‘canon’ were proposed in Chapter 1: the first a more strict definition, based on the form of canons in Late Antiquity; the second a much more loose and extended definition, based on how the word ‘canon’ came to be used and understood in the following centuries.
articles, taken from the lawcodes of kings Wihtred, Edmund and Alfred. These five have been selected here for their particularly strong ecclesiastical focus:

1) Those in holy orders, who should instruct God’s people by their own example, shall maintain a state of chastity appropriate to their order, whether [it is an order for] men, or women, or whatever. And if they do otherwise, then they are deserving of that which it says in canon law [on ðam canone], and they shall lose their worldly property and their right to a hallowed place of burial, unless they make compensation.\(^{54}\)

2) If, after this council, it should happen that any gesith-born man [gesipcundne mannæ]\(^{55}\) enters into an illicit union against the command of the king and the bishop and the decree of the books [boca dom], he shall pay his lord 100 shillings as compensation, in accordance with ancient law.\(^{56}\)

3) If a priest allows an illicit union, or neglects baptism of the sick, or is so drunk that he cannot [baptize], let him cease his duties pending the bishop’s decree.\(^{57}\)

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\(^{54}\) *LawIEm* 1 (ed. Liebermann, *Die Gesetze*, I, 184, siglum D): ‘þæt þa halgan hadas, þe Godes folc laeron sculon lifes bisne, ðæt hi heora clennesse healdan be heora hade, swa werhades swa wifhades, swa hvaðer swa hit sy. 7 gif hi swa ne don, þonne syn hi þæs wyrðe þe on ðam canone cweð, and þæt hi þolian worldæhta 7 gehalgodre legerstowe, buton hi gebetan.’ The London council (ca 942) at which the laws of *LawIEm* were issued is notable for the degree to which its decisions look like synodal proceedings. It was headed by archbishops Oda and Wulfstan I and attended by ‘manega oðre biscopas’. The preamble to these laws describes the assembly as a ‘micelne synodo’. Wormald, *MEL*, 310, comments that ‘The code’s terms were in general very close to the “Constitutions” of Archbishop Oda ... The Constitutions dwelt on the duty of episcopal visitation and the need for good clerical example with special stress on sexual purity, on mutual love and peace among Christians, on ‘magical illusion’ and on tithes. ... *LawIEm* could be described as an attempt to put the impetus of vernacular law behind the principles expounded by Oda.’

\(^{55}\) An obscure designation, meaning something like ‘nobleman’ or ‘king’s companion’. On the meaning of *gesipcund* see Oliver, *Beginnings*, 155 n. a.


\(^{57}\) *LawWi* 6 (ed. Liebermann, *Die Gesetze*, I, 12): ‘Gif priost læfe unriht hæmed oþþe fulwihðe untrumes forsitte oþþe to þon druncen sie, þæt he ne mæge, sóþ he stille his þegnunæ oþþe biscoþæs dom.’
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4) If a priest kills someone, let him be apprehended along with all that he has acquired for himself in that office, and he shall be deposed by the bishop and then ejected from the mynster, unless the lord [of the priest? of the mynster?] will pay the wergild [of the deceased].

5) If someone should, without permission, publicly disregard the laws of the church [halig ryht] during Lent, he shall pay 120 shillings as compensation.

Of these, only Example 3 resembles an ecclesiastical canon, in so far as it is a purely disciplinary statement pertaining solely to ecclesiastical jurisdiction; however, articles framed like Example 3 are extremely rare in the corpus of Anglo-Saxon royal law. Far more common are articles like 1, 2, 4 and 5. Quite apart from the fact that they were composed in the vernacular—unlike essentially all canon law during the medieval period, which was composed in either Greek or Latin—these articles distinguish themselves from canons proper in a number of ways, most notably in their sanctioning the use of secular force (4), and in the provisions they make for monetary compensation (1, 2, 4, 5). These differences in both form and function set Anglo-Saxon royal laws apart from canons, at least as defined by the strict definition given above. What these differences may have meant to the Anglo-Saxon episcopate, however, cannot be known at this time: bishops may or may not have recognized a sharp and meaningful distinction between the canons they were familiar with from canon law collections and the ‘canons’ they found in the lawcodes of their own kings.

Far more important than peculiarities in form and function, however, at least for the present inquiry, are the references in 1, 2 and 5 to a body of law that exists outside of the legislation currently being promulgated by the king. These are not isolated instances; other examples of

58 LawAf 21 (ed. Liebermann, Die Gesetze, I, 62, siglum E): ‘Gif preost oðerne mon ofslea, weorpe mon to handa 7 eall ðæt he him hames bohte, 7 hine biscep onhadige, þonne hine mon of ðam mynstre agife buton se hlaford þone wer forðingian wille.’

59 LawAf 40.2 (ed. Liebermann, Die Gesetze, I, 74, siglum E): ‘Gif mon in lenctenne halig ryht in folce butan leafe alegee, gebete mid CXX scill.’ Cf. M.P. Richards, ‘Anglo-Saxonism in the Old English laws’, in Anglo-Saxonism and the construction of social identity, eds A.J. Frantzen and J.D. Niles (Gainesville, FA, 1997), 40–59, at 49: ‘Alfred’s is the first code to mention halig ryht (the laws of the Church) as an entity separate from the royal laws ... This fact furthers the impression that in compiling his collection he was thinking beyond the boundaries of his kingdom, possibly to canon law as understood in England.’
such allusive references can be found in the corpus of Anglo-Saxon royal law.\textsuperscript{60} Scholars may quibble about whether the phrase ‘on ðæm canone’ in article 1 (\textit{LawIEm} 1) refers to a specific article of canon law (most probably the Neocaesarean canon mentioned above and quoted in Chapter 1), or to a particular set of episcopal statutes,\textsuperscript{61} or even (though this seems highly unlikely) to a specific penitential that was popular among the clergy of Edmund’s kingdom. But the fact remains that, as much as \textit{LawIEm} and other royal codes may seem like primary statements of Anglo-Saxon canon law, they are not.\textsuperscript{62} Rather, they merely contain much law that

\textsuperscript{60}Two examples can be provided here. The first is \textit{LawI} 1 (ed. Liebermann, \textit{Die Gesetze}, I, 88), which states that ‘Godes ðeowas hiora ryhtregol on ryht healdan.’ As F.L. Attenborough, ed. and trans., \textit{The laws of the earliest English kings} (New York, 1963), 83, no doubt rightly remarks, ‘Godes ðeowas denotes the whole of the clergy both secular and regular’. It seems that ‘ryhtregol’ must here be understood generally as an ecclesiastica regula, since it is inconceivable that a reference to all clergy would be followed immediately by a reference merely to monastic \textit{regulae}. That is, the meaning of ‘ryhtregol’ is not restricted to a ‘Rule’ in a strictly monastic sense (though certainly such rules are implied as well), but is more generally the \textit{regulae} particular to one’s order, which for clergy means the canon law of the church. Such a use of the word \textit{regula} is well attested in canon law: see, e.g., CNIC.325.1–2. \textit{LawI} 1 may in fact be a paraphrase of DCEL.422.371, c. 1 (ed. Coustant, col. 1072B), ‘Nulli sacerdotum suos liceat canones ignorare, nec quidquam facere quod, patrum possit regulis obviare’, the same canon that begins \textit{Coll.Wig}. One would perhaps hesitate to suggest that ‘ryhtregol’ here refers to anything more specific than canon law generally, though it is certainly possible that a particular canon law collection, such as \textit{Coll.Dion.} or \textit{Coll.Sanb.}, was uppermost in the minds of the bishops (namely Hædde and Eorcenwald) who participated in King Æthelred’s council. A second example can be found in the prologue (cc. 49.7–10) to \textit{LawAf}, where King Alfred gives a brief conciliatory history of the church since the time of Christ, claiming that ‘Siðdan ðet þæ gelamp, þæt monega ðeoda Cristes geleafan onfengon, þæ wurdon monega seonodæs þe on ecne middangeard gegaderode, 7 eac swa geond Angelcyn, siðdan hie Cristes geleafan onfengon’. He then mentions how ‘Hie ðæ on monegum seonodæs monegum menniscra misðæda bote gesetton, 7 on monega seonodæc hie writan, hwær ann dom hwær ðærferne. ‘These’ (ðæs) Alfred is then depicted as having ‘tøgadere gegaderode 7 awritan het’ in conjunction with ‘ðæ ðæ ic gemette awðer ðøðe on ðæs dæge ... ðøðe on ðæs Mercna cyninges ðøðe on æhelþrehtes, þæ ærest fulluhte onfeng on Angelcynne’ (ed. Liebermann, \textit{Die Gesetze}, I, 44–6, siglum E). The syntax makes the meaning of \textit{seonodæc} in this passage difficult to interpret. The loose chronology of the narrative would seem to allow \textit{seonodæc} to mean the product of either ancient church councils or of more recent legislative councils—so, anything from ancient conciliar canons (as found in canon law collections) to more recent royal or perhaps even Frankish episcopal capitularies. While it is unlikely that by \textit{seonodæc} Ælfrith had in mind the dooms of past English kings, it is not impossible, and in this connection it is worth noting that secular laws were sometimes described as ‘synodalia’ in Anglo-Saxon England, as in the Latin \textit{relatio} of \textit{LawVIAt} (laws drafted at CENH.1008), which bears the rubric \textit{Incipienti synodalitias decreta} (ed. Liebermann, \textit{Die Gesetze}, I, 247, siglum E), written by Wulfstan’s own hand in the only surviving manuscript copy. The same rubric can also be found heading Wulfstan’s episcopal capitulary (\textit{Canons of Edgar}) in Oxford, Bodleian Library, Junius 121.

\textsuperscript{61}In this case, possibly the \textit{Constitutiones} of Archbishop Óda, on which see above, Chapter 2 n. 54. Another possibility might be CENG.786.16 (cf. Wormald, \textit{MEL}, 310), a collection of laws that is generally considered to be a source for both Óda’s \textit{Constitutiones} and \textit{LawIEm}.

\textsuperscript{62}This is the case notwithstanding the fact that many early medieval lawcodes self-consciously set themselves loyally within the framework and tradition of \textit{lex scripta}, that is to say of Roman and canon law, which were seen in Christendom as beginning with Moses. For general discussion of the importance of Mosaic law to medieval law codes, see Wormald, \textit{MEL}, 51, 418–19, and de Jong, ‘Charlemagne’s church’, 112–15; for \textit{LawWi}, see Wormald, \textit{MEL}, 103; for the prologue to \textit{LawAf}, see: M.H. Turk, \textit{The legal code of Ælfrith the Great} (Boston, 1893), 35–8; M. Treschow, ‘The prologue to Alfred’s law code: instruction in the spirit of mercy’, \textit{Florilegium} 13 (1994), 79–110;
supplemented (taking advantage of secular sanctions)\textsuperscript{63} or otherwise acted in concert with a separate and distinct body of canon law that regulated more directly the discipline and doctrine of the Anglo-Saxon church.\textsuperscript{64} Could this body of canon law have been anything other than the same body of canon law that was, and had been, in force throughout the rest of Western Christendom since Late Antiquity and that found continual expression in the canon law collections of the early medieval period? Was there a source of canon law at this time, other than the canon law collections, that could have served as the main repository for the Anglo-Saxon church?

2.3 Insular canonical sources and the long shadow of the penitentials

Some historians have attempted to explain the allusions of Anglo-Saxon lawcodes to a separate corpus of ecclesiastical legislation as oblique references to Insular canonical sources.\textsuperscript{65} Such attempts begin from the assumption that Anglo-Saxon prelates had an inherent predilection for Insular legal traditions. This proposition, as mentioned above, is the second bias that underlies the nativistic view of Anglo-Saxon canon law. There are several methodological problems with the view that Insular churches—that is the Anglo-Saxon and the Celtic (Irish and British) churches—preferred Insular sources of canon law to Continental ones. Perhaps most seriously, it has never been demonstrated that the laws and legal traditions (ecclesiastical or otherwise) that issued forth from Ireland and England in the early Middle Ages were recognized collectively by any contemporary (Insular or otherwise) as constituting a general body of law that was in any

\begin{itemize}
\item \textsuperscript{63} Cf. Wormald, \textit{MEL}, 212: ‘The object of Edgar’s laws, as of others in the Anglo-Saxon series, was to put the weight of royal power behind the Church’s dues. The Church was not on that account going to temper its own wrath. Spiritual and secular sanctions, penance and punishment, went side-by-side.’
\item \textsuperscript{64} Cf. H. Mayr-Harting, \textit{The coming of Christianity to Anglo-Saxon England}, third edition (London, 1991), 251: ‘Ine’s Law laid down very little about the clergy ... since it was assumed that other codes—of canon law—would regulate their lives.’ Cf. also the findings of Abigail Firey, ‘Toward a history’, 75, who observes that ‘in Spain and Gaul, the impact of specifically Germanic or Barbarian law on the form and development of canon law was negligible’.
\item \textsuperscript{65} This was, e.g., the opinion of Thomas Oakley, whose work on \textit{English penitential discipline and Anglo-Saxon law in their joint influence} was—as will be explained below—enormously influential throughout the early twentieth century, and is still sometimes cited today.
\end{itemize}
way coherent or distinctive. To be sure, certain Irish clergy seem to have been aware from relatively early on (ca 600) that their disciplinary standards were stricter than, and the particular hermeneutic they followed in the creation of new canon law different from, those of Continental churches. But the degree to which these distinctive features of early Irish canon law infiltrated the practice and policy of the Anglo-Saxon church is entirely unknown, and may in fact be negligible. There is no evidence to show how Anglo-Saxon clergy felt about Irish canonical attitudes vis-à-vis Continental ones, or if they even recognized a difference here at all; and, if they did recognize a difference, there is no evidence to show that Anglo-Saxon clergy on the whole preferred Irish as opposed to Continental sources. On the contrary, the reverse may sometimes have been true.

It has been compellingly argued, for example, that Irish and Insular penitentials were probably not recognized by Anglo-Saxon royal law codes until well into the tenth century, whereas, as has been seen, canon law collections seem to have been alluded to by the codes of Wihtred, Ine, Alfred and Edmund. Wilfrid, moreover, is often held up as an example of a continentally trained prelate working (rather reluctantly) in the midst of an ‘Insular’ canonical milieu, though it has never been demonstrated that he (and others) could not have received good training in Continental canon law in England. Indeed, Chapter 5 in particular will present evidence that suggests he and others probably did. Conversely, Theodore and Ecgberht have often been portrayed as paragons of the ‘Insular’ canonical spirit, principally on the basis that the canonical/penitential texts attributed to them are thought to have been based on ‘Insular’ sources. As is shown in Appendix V, however, Ecgberht’s Dialogus is based almost solely on Continental, not ‘Insular’, sources; and it appears, furthermore, that several (perhaps many more)

66 See below, Chapter 2 n. 97.

67 Bede’s opposition to certain Iro-Christian practices—especially the Irish method of tonsure and of calculating Easter—may indeed point to a general antagonism on the part of Anglo-Saxon ecclesiastics towards Irish ecclesiastical customs; see E. James, ‘Bede and the tonsure question’, Peritia 3 (1984), 85–98. But it remains to be seen whether Bede’s opposition to these customs was based at all on any reservations he had about particular modes of Irish canonical thinking. Moreover, it is impossible to know to what extent Bede’s opinions in these matters were shared by other members of the Anglo-Saxon church.

68 See above, Chapter 2 n. 49.

69 See the several preceding pages, including n. 60.

clauses in the Ecgberhtine penitential are also based on Continental sources.\(^{71}\) So too, the so-called *Iudicia* of Theodore, who lived most of his life on the Continent, is based heavily upon Continental (eastern) sources. Indeed, many chapters in PTHU.700 thought to have been derived from Irish sources may instead be based on provisions found in eastern monastic rules.\(^{72}\) The assumption, therefore, that Anglo-Saxon prelates preferred Insular to Continental canonical sources may not only be premature, it may actually prove to be entirely incorrect.

The lumping together of canonical sources from early medieval Ireland and England under the term ‘Insular’ is a purely modern convention,\(^{73}\) and one that has had unfortunate repercussions, particularly for the historiography of Anglo-Saxon canon law. To understand these repercussions requires looking more closely at the modern conception of the early Irish church as generally peculiar in its approach to discipline and canon law. As will be seen, much of what has been assumed about Anglo-Saxon canonical habits is simply based on the assumption that the Anglo-Saxons shared with their Irish neighbours a common attitude towards law and especially discipline.

The following quotation, taken from the entry ‘Canon Law’ in *Medieval Ireland: an encyclopedia*, represents the standard view of the nature of canon law in the early Irish church (notice especially the use of the word ‘Insular’):

> In the insular context, Canon Law is found in three forms. First, *in that specifically insular form*, the penitentials [emphasis added]: manuals prescribing penalties in reparation for individuals’ sins. Second, in synodal legislation [...]. Third, in *collectiones*: law books for those who applied the law in administration or a court situation. From Ireland we have, comparatively, an embarrassment of riches in all these forms from the early medieval period, and the earliest evidence

\(^{71}\) ‘In nulla re ... qualiter debeas facere’ in PECG.700.preface (ed. Schmitz, 662) is based on Isidore, *Syn.* 2.78, while PECG.700.8.3–4 are based on Caesarius, *Sermones* 13.5 and 192. On the other hand, ‘Item Ezechiael ait; Ve sacerdotibus ... et non corripientes’ in PECG.700.preface (ed. Schmitz, 662) is based on *Coll.Hib.A* 2.17.a.

\(^{72}\) I am preparing a study on the sources for PECG.700 and PTHU.700, in which I demonstrate the dependence of both works on Continental canonical sources.

\(^{73}\) See above, Chapter 1 n. 23; cf. also the title of Flechner’s article, ‘An insular tradition of ecclesiastical law’.
for the interaction of Christian law with legal systems from outside the Greco-
Roman world. Thus Brehon Law [i.e. traditional Irish law] manifests the
influences of Canon Law in its language, discussions of problems, and decisions,
whereas Canon Law was adapted to Irish legal practices, expressed in canonical
forms applying native principles on matters such as land-holding, divorce and
inheritance, and procedures, and took over elements from the law to solve
difficulties that had emerged in Canon Law in the fifth and sixth centuries on the
Continent. For example, the problems of sins after baptism and public penance,
which bedevilled Canon Law from the fourth to the seventh century, for example,
in Spanish collections of law, were solved in Ireland by adopting the native notion
of an honor price as a means of satisfying justice after an injury. The crime
against God was processed analogously to a crime of an inferior against a superior
in the native system, and this solution passed through Irish legal texts to the rest
of the Latin Church (cf. Archbishop Theodore’s judgement of the Penitential of
Finnian [PVIN.500]). This need to integrate two legal corpora—native and
canon—may be seen as a distinctive feature of Irish Canon Law. If the “lawyers”
of both systems were not to be continually at loggerheads they had to be able to
systematize the contents of their respective laws and develop jurisprudence for
this process.

We see this occurring in the greatest product of Irish Canon Law: the Collectio
 canonum hibernensis. Compiled in Ireland in the late seventh to early eighth
century, it is one of the earliest, and possibly the earliest, systematic presentations
of Christian law in Latin. [... The Hibernensis] reveals the insular situation, in that
there are elements drawn from Irish law in such matters as inheritance and
marriage, rules of evidence, and property.74

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Moynes (New York, 2005), 103–05, at 103–04.
The scope of the present study does not allow for a detailed criticism of all the claims made here about the peculiarities of the Irish canonical tradition.\textsuperscript{75} What is of relevance is the entry’s depiction of the Irish (and by extension ‘Insular’) canonical tradition as different in both form, function and spirit from the Continental traditions that went before it. This is in general accordance with the view among historians of early Ireland and England that there was something idiosyncratic, something fundamentally peculiar in the way Insular Christianities interacted with and conceived of law in an ecclesiastical context. To be sure, this narrative, especially in the Irish context, has some validity. The error, however, has been in pushing the narrative too far. The following discussion explains how the narrative became exaggerated in the first place, and attempts to reframe it in a way that is more consistent with the evidence.

The view of Insular, and particularly Irish, peculiarity with respect to ecclesiastical traditions and institutions is one that has informed scholarship for centuries. It is a notion that has grown up in fits and starts, and is in part the natural consequence of centuries of scholarship (produced primarily by the English-speaking world) devoted to determining the institutional character of

\textsuperscript{75} One or two peculiarities can be noted in brief, however. First, the statement that ‘From Ireland we have, comparatively, an embarrassment of riches in all these forms from the early medieval period’ is puzzling, for penitentials of Irish origin survive in far fewer number than do penitentials of Frankish, Italian and Iberian origin; what is more, O’Loughlin himself only mentions one canon law collection in connection with Ireland. What O’Loughlin in fact seems to mean by ‘embarrassment of riches’ here is that there is a great deal of ecclesiastical statutes found in the Irish secular lawcodes. But it has already been shown above how problematic it is, at least in the Anglo-Saxon context, to identify ecclesiastical statutes found in secular lawcodes with a body of church law proper. Statutes are just that, and there always remained in England (and so almost certainly in Ireland as well) a greater body of canon law—one not represented in (though it is occasionally referenced by) secular codes—whose benchmarks were the canon law collections. O’Loughlin’s assertion that the development of canon law in Ireland was shaped in large part by its tendency to be ‘adapted to Irish legal practices’ and to take ‘over elements from the [native secular] law’, is by no means a foregone conclusion; on the contrary it remains open to qualification, perhaps even challenge. Whatever compilatorial principles the authors of Coll.Hib. can be said to have applied, the fact remains that the major sources for the collection were neither secular nor native; rather they are overwhelmingly Continental in origin, including an impressively large complement of Gallic canonical material. Nor was Coll.Hib. unique in organizing its material into topics; several topically (or ‘systematically’) arranged collections had been in circulation on the Continent (and doubtless in Ireland) before Coll.Hib. arrived on the scene (see below, Chapter 2 n. 95). Finally, O’Loughlin’s characterization of the history of penitential systems in the early Middle Ages is reductive. The details of the shift from a canonical, liturgical or ‘public’ penitential system to ‘private’, ‘secret’ or repeatable penance are still not fully understood, and it is by no means certain that the Irish penitentials represent a ‘solution’ to a perceived problem of how to reconcile these two systems; on these issues, see the references cited below, Chapter 2 n. 115. Finally, the exculpation of sins via tariffed penance is one that is found in many early Mediterranean monastic rules, and thus predates the first penitentials by several centuries. Nor do scholars any longer accept that tariffed penance is a natural outgrowth of the customs in Insular cultures of paying an ‘honour price’ to compensate personal injury, which is anyway not a custom unique to Insular cultures (see below, Chapter 2 n. 116).
early Irish Christianity despite a desperately laconic historical record.\(^{76}\) Also, confessional debates and nationalistic attitudes have had a share in influencing the historiographical narrative, which has of course led to biased theorizing and historical retrofitting. It is only comparatively recently that some of the many conceits and stop-gaps that were used in the construction of the concept of Irish ‘peculiarity’ have begun to be duly scrutinized, and many of their shortcomings are now being laid bare.\(^{77}\) One of the core concepts upon which so many other assumptions have been based is the idea that early Irish ecclesiastical culture (from *ca* 600 on) functioned on a system of monastic *paruchiae*, each of which comprised a federation of monasteries united under a titular saint’s main monastery.\(^{78}\) For most scholars working at the end of the twentieth century, this system was seen as having far-reaching social and religious implications in Ireland, for it effectively inverted the Continental system of ecclesiastical organization by placing the authority of the abbot over that of the bishop; it therefore presumed a weakened episcopal class, and placed administrative, jurisdictional and disciplinary responsibility in the hands of abbots.\(^{79}\) The peculiarity of Irish ecclesiastical culture is seen to stem in large part from this organizational framework. And it seems probable that the lack of attention paid by scholars to the place of Continental canon law collections in early Irish ecclesiastical culture is in part the result of widespread belief in the relative weakness of the Irish episcopate. More recent scholarship,

\(^{76}\) I owe much of my understanding of the modern historiography surrounding these issues chiefly to Abigail Firey, who kindly shared with me the first chapter of an unpublished work titled ‘A church with one foundation’. I have also relied upon D. Ó Cróinín, *Early medieval Ireland, 400–1200* (London, 1995).


\(^{78}\) On the organizational structure of the early Irish church, including discussion of current scholarly controversy surrounding the subject, see Ó Cróinín, *Early medieval Ireland*, 147–68.

\(^{79}\) Cf. Ó Cróinín, *Early medieval Ireland*, 147: ‘From an initially standard administrative system adopted from the western church, in which bishops ruled over dioceses whose territorial boundaries were clearly defined, Irish churches appear to have been transformed into quite a different but distinctive organization in which most of the important churches are monastic houses, united to lesser daughter houses in a confederation or *paruchia* under the overall control of the abbot of the mother church. In stark contrast to the earlier continental pattern, the *paruchia* was not a territorial unit with fixed boundaries, for the monastic churches comprising it might be widely scattered. This and other distinctive features marked off the Irish churches as peculiar: administrative power was in the hands of the abbot, not the bishop. Bishops there were still, of course, since the ecclesiastical dignities and sacramental functions of the bishop could never be dispensed with. But his administrative jurisdiction was apparently a thing of the past; that now rested in the hands of the abbot. There was nothing like this on the continent.’
however, has challenged the view that Irish ecclesiastical organization was predominantly monastic: closer examination of the historical evidence has revealed ‘not a Church dominated by abbots, as was once thought, but the authority of bishops, abbots, and coarbs existing side by side in an apparently complicated ecclesiastical structure.’

Thus, the theory that the socio-political framework of the early Irish church was based upon an essentially monastic system, in which the authority of the bishop was largely subsidiary to that of the abbot, is quickly being eroded.

Nevertheless, the notion of Irish peculiarity has persisted, so much so that many historians, particularly those interested in Insular canonical texts, still conceive of ‘early medieval Ireland as if it was incommunicado with most of the Continent, or at least as if the traffic of ideas was one way’, that is from island to mainland. There is perhaps no better demonstration of this bias than the fact that, although there have been dozens of studies of the significance of Coll.Hib. to both Insular and Continental legal and cultures, there has been virtually no attention given to the Continental canonical collections that were obviously antecedents to Coll.Hib. I am aware of only a few exceptions. Besides perhaps Roy Flechner (whose doctoral dissertation on Coll.Hib. I have not been able to read), the only scholar to have done serious work on the non-indigenous sources of Coll.Hib. is Luned Mair Davies, who finds that at least two different Gallic collections (including SEA) were major sources for Coll.Hib.

Aidan Breen has also made compelling arguments for the use of an ‘Isidorian’-derived canon law collection (perhaps Coll.Quesn.) by

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82 The lack of attention given to Coll.Hib.’s source collections is doubly surprising given that ‘Dionisius exiguus’ is cited as a source for two canons in the first book of Coll.Hib.B (MS B6, fol. 6r).

83 Davies, ‘Statuta ecclesiae antiqua’. Davies indicates (p. 106) that Coll.Hib. shares several readings with ‘MS K of Munier’s edition’. Munier’s MS K is none other than the Collectio canonum Coloniensis, so-called because it survives uniquely in Cologne, Erzbischöfliche Diözesan- und Dombibliothek, Codex 212 (s. vi/vii, southern Francia [Lyon?]), one of the oldest extant German manuscripts. A collection like the Coloniensis may well have been a source for Coll.Hib., for it contains all those Gallic councils from which Coll.Hib. quotes (see Davies, ‘Statuta ecclesiae antiqua’, 107–08; note that the Coloniensis does not contain CCLE.535, which is used four times in the ‘K’ version of Coll.Hib.). A comparison with Mordek’s edition of Coll.vet.Gall. indicates that this collection was probably not one of the sources used by the compilers of Coll.Hib.
the seventh-century Irish author of Synod.I Patric.\(^ {84} \) It may be significant that the only extant copy of Synod.I Patric. is found in MS B1, where it is followed immediately by Coll.Tur.; both Coll.Tur. and Synod.I Patric. are important sources for Coll.Hib.

Thus has the notion of Irish peculiarity had an especially acute effect on the study of Insular canon law, where underlying notions about Celtic distinctiveness, assumptions of geographical and intellectual isolation, and preconceptions about institutional ‘backwardness’ have led to generally facile descriptions of the canonical landscape of early Ireland and England.\(^ {85} \) Much of the blame for the inadequacy of the current narrative can be placed at the door of modern canonists, who have in general been quick to dismiss Insular contexts from their consideration. In the grand surveys of the history of early medieval canon law published over the last few centuries, discussion of Ireland rarely receives more than a paragraph or two, and then only in order to provide obligatory mention of the penitentials and Coll.Hib.; England is hardly ever mentioned at all, and when it is it is inevitably subsumed into discussions about the idiosyncrasies of Irish or ‘Insular’ canonical traditions.\(^ {86} \) Study of Insular canonical texts has therefore been left principally to literary critics and historians of the British Isles, in whose hands

\(^ {84} \) Breen, ‘Date, provenance and authorship’, 86, 92–3. The ‘Isidorian’-derived canon law collection to which Breen refers is today better known as the Collectio Maasseniana or Corpus canonum Africanum-Romanum (cf. Kéry, Collections, 1–5), upon which collections like Coll.Quesn. and (much later) Coll.Hisp. were based, hence the Isidorian attribution. For further on the Maasseniana/Corpus Africanum-Romanum see below, Chapter 5 n. 135.

\(^ {85} \) Cf., e.g., Fournier-le Bras, Histoire, 51–61. The views expressed by Maurice Sheehy are also illustrative: in his ‘Collectio canonum Hibernensis’, 525, he described how one of the main differentiating characteristics of the ‘Irish’ canon law collection (the Hibernensis) ‘is that it reflects a social polity more insular than most [collections]—a consequence of the historical fact that Ireland had not been subject to direct Roman Influence. As a result, the Hibernensis is often attempting to express in latin what had previously been expressed only in an orally-handed-down Old Irish conceptual tradition. This characteristic of concern with an isolated society distinguishes the use in the Hibernensis of latin sources common to both it and contemporary continental collections [sic].’ It is worth noting that this characteristic, which he referred to as an ‘alien’, ‘isolated’ and ‘insular’ phenomenon, Sheehy himself later repudiated as ‘completely misguided’ (for notice of Sheehy’s repudiation see Jaski, ‘Cú Chuimne’, 67 n. 90). While much in Sheehy’s article now seems off the mark, its remains valuable for its core argument (pp. 529–35): that the origin of Coll.Hib. cannot be properly understood without considering the context of contemporary legal reforms in Ireland, an argument upheld by Jaski, ‘Cú Chuimne’, esp. 65–6. It is important, however, to weigh arguments for the apparent ‘harmony of spirits between [the] Irish canonists and the secular lawyers’ (Jaski, ‘Cú Chuimne’, 66, quoting Kathleen Hughes) against important recent work done on the sources of Coll.Hib. Several excellent articles by Luned Mair Davies, for example, have demonstrated the great extent to which the compilers of Coll.Hib. were indebted to Continental sources; for example, the compilers seem to have had access to ‘a plethora’ of material relating to Gallic canon law: Davies, ‘Statuta ecclesiae antiqua’, 107. As Davies herself observes, studies such as her own serve to counter ‘the usual believe that the early Irish church was a church in isolation’: Davies, ‘Isidorian texts’, 242.

\(^ {86} \) See above, Chapter 1 n. 23.
the relevant texts have been mined for what they can reveal about the contours of early Irish and English society. Thus, while much excellent work has been done exploring the significance of Insular canonical texts to the languages, literatures, secular laws, and cultural histories of Insular peoples, comparatively little research has been done on the (Continental) sources and textual traditions of these texts—areas of research in which canonists excel—or on how these texts fit into the medieval canonical tradition generally.

There is thus a great amount of assumption and speculation in recent literature about the origin, transmission and historical significance of Insular canonical texts, and comparatively little consideration given to the importance that Continental models and traditions played in their development. Books and articles discussing the sorts of canonical sources that were available (and indeed of any importance) to the Insular churches give close attention to the significance of Scripture, penitentials, indigenous canons, and Coll.Hib. in this regard, but never consider in any detail the obvious Continental antecedents to these: the monastic rules, the conciliar canons and decretals, and the canon collections that Insular ecclesiastics must have relied upon in the first place. Indeed, one could be forgiven for assuming, simply on the basis of what is not said in the scholarly literature about antecedent models, that works like the Irish penitentials and

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87 Of late this problem has begun to be remedied; Sven Meeder, Aidan Breen, and Luned Mair Davies are in many ways at the fore of a revolution in the way Insular canonical texts are studied. Their work on texts like Coll.Hib., De duodecim abusiuis, and the two so-called synodi Patricii combines close manuscript and source analysis with a knowledge of contemporary canonical developments and sensitivity to the importance of Insular-Continental cross-influence. See especially: Meeder, ‘Spread and reception’; S. Meeder, ‘Boniface and the Irish heresy of Clemens’, Church history 80 (2011), 251–80; Breen, ‘Date, provenance and authorship’; Breen, ‘De XII abusiuis’; Davies, ‘Statuta ecclesiae antiqua’; Davies, ‘Isidorian texts’; L.M. Davies, ‘The “mouth of gold”: Gregorian texts in the Collectio canonum Hibernensis’, in Irland und Europa: Texte und Überlieferung, eds Ni Catháin–Richter, 249–67.

88 On monastic regulae as the early forerunners of penitential handbooks, see below, Chapter 2 n. 119.

89 Cf., e.g., the quotation from O’Loughlin’s article ‘Canon law’, given above. The notion that the early Irish canonists’ stockpile of material was essentially limited to Scripture, penitentials, indigenous conciliar material, and Coll.Hib., is implicit in most articles on the subject, like, e.g., Gerriets, ‘Theft, penitentials, and the compilation of the early Irish laws’, esp. 18–19, and Ó Corráin–Breatnach–Breen, ‘Laws of the Irish’, esp. 402–03 and 407–10, where an underlying assumption is the fundamental separation of early Irish canonistic activity from the Continental traditions that went before it. Similarly, most scholars have assumed that the late antique system of public (or canonical) penance was never known in Ireland and England; see, e.g., C. Vogel, Les ‘libri paenitentiales’, Typologie des sources du moyen âge occidental 27 (Turnhout, 1978), 35, and the quotation below, in Chapter 2 n. 107. The implication is that the literature in which this system was described (Continental canon law collections) was not available north of the Channel. But this is simply not the case.
Coll.Hib. sprung into existence ex nihilo. ⁹⁰ An ‘Insular tradition of ecclesiastical law’ has been conceived of, and it is marked, we are told, by the transmission of specifically Insular canonical texts and by methods of compilation and codification that distinguished it dramatically from the Continental tradition. Thus does Roy Flechner, current editor of Coll.Hib., conclude in a recent study: ⁹¹

 Canonical authorities on either side of the Irish Sea did not operate in isolation [viz. from one another]. Ever since the communication between Gildas and Vinnian in the sixth century, mutual influences drove the evolution of canon law in Ireland and the island of Britain. The Anglo-Saxon archbishop Theodore drew upon the Irish Bishop Cummean and, in turn, [the Collectio Hibernensis] and other Irish canonical and penitential works drew upon Theodore. ... There emerges a pattern of cross-fertilisation in the realm of Insular canon law, which gave rise to comparable approaches to the codifying of canon law, and eventually brought about structural and thematic correspondences between Irish and Anglo-Saxon canon law texts. ⁹²

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⁹⁰ See, for example, Richard Sharpe, ‘Gildas as a father of the Church’, in Gildas: new approaches, eds Dumville–Lapidge, 193–205, at 193, who suggests that ‘In the age of Gildas [author of one of the earliest penitentials], there were no manuals of canon law. Guidance in matters of ecclesiastical discipline was accordingly sought from Scripture, the decrees of the early synods, and the Fathers; useful passages were extracted to make a point or illustrate an argument on subjects with which the clergy were concerned.’ Quite apart from the fact that (despite Sharpe’s claim to the contrary) before Gildas’s birth several Latin collections were already available (at least in Italy, if not elsewhere), Sharpe seems here not to realize that the ability of Irish prelates to cite the decisions of early synods actually necessitates the presence in Ireland of canon law collections. Sharpe continues: ‘This approach to answering questions concerned with ecclesiastical life and discipline is a notable feature of the Churches of Celtic Britain and Ireland; it contrasts with the legislative approach of the Church in Francia or Visigothic Spain, where authority lay in episcopal or synodal decisions. [... T]he major Frankish compilation, the Vetus Gallica, is vastly different in method from the principal Irish collection, the Hibernensis’. Sharpe here cites the work of the early twentieth-century canonist Paul Fournier. Again, there seems to be a fundamental misunderstanding of what sort of canonical resources must have been available to early Irish canonists. While one could perhaps argue that Gildas did not rely upon a (Continental) canon law collection, the same cannot be true of the compilers of Coll.Hib., whose canonical contents are so impressive as to indicate that not one, but several Continental collections were drawn upon as sources (for which, see above, Chapter 2 nn. 82–84).


⁹² It is difficult to imagine what ‘Anglo-Saxon canon law texts’ Flechner is thinking of in this final sentence. After the Iudicia of Theodore (who was not Anglo-Saxon, but Cilician), and with the exception of a handful of non-standard compilations like the Collectio Cottoniana and those later penitential collections mentioned below, in Chapter 2 nn. 180–182, no canon law collection is known to have been compiled in England until the eleventh
The picture of Insular canonical culture painted here is typical of that presumed by most studies of early Insular canonical texts. It is also deeply misleading. Flechner’s study skews the evidence in favour of his conclusions by focusing almost entirely on the fate of a small handful of texts (particularly Coll.Hib. and the Iudicia Theodori)93 ostensively authored in Insular regions; he downplays or ignores entirely the importance of a host of other canonical texts of Continental origin, texts that most certainly circulated in Ireland and England in the seventh and eighth centuries, where they exerted heavy influence.94 How Flechner can imagine a ‘vibrant canonical environment’ to have obtained in Ireland and England, without considering also the important contributions that Continental collections made to this environment, is difficult to understand.95 Such a view of Insular canonical culture can only stem from the old nativist belief that England and Ireland operated as a matter of course outside of the mainstream of Continental ecclesiastical traditions.

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93 Only, for some reason, in its Northumbrian redaction (PTHU.700), and not its various other, probably earlier (and possibly Continental!) versions.

94 For the various Continental canon law collections that likely circulated in England during the seventh and eighth centuries—many of which must also have been available in Ireland at this time, to judge from the contents of Coll.Hib.—see Chapters 4–5. Flechner does acknowledge the importance of Pope Gregory I’s Libellus responsionum (DGRE.590.1843) as ‘the earliest canonical text in Anglo-Saxon England’ (thereby implicitly accepting this document’s authenticity; cf. Appendix I), and also argues for the presence and influence of the Italian Coll.Dion. in early Ireland, though his grounds for the latter are merely that early Ireland seems to have had access to Pope Innocent I’s letter to Victricius of Rouen (DINN.401.286) and to Can.apost., both of which were transmitted in many more early collections than just Coll.Dion. He passes over, however, the existence and significance in Insular circles of other canonical collections, in particular those that would have been necessary for the construction of Coll.Hib., like the Statuta ecclesiae antiqua (SEA) and other Gallic and/or Iberian collections (see above, Chapter 2 nn. 83–84).

95 Flechner is in fact generally dismissive of the large chronological collections that were popular in the West during the early Middle Ages, and instead focuses on the systematic collections, which, he says, ‘represent a more “progressive” mode of medieval canonical thinking’—a claim that is disputable (see above, Chapter 1 n. 76). He furthermore attempts to place the credit for the invention, or at least the perfection, of systematic collections at the door of the Insular churches, as O’Loughlin does in the quotation given above. But this is an untenable proposition; for, as Flechner himself acknowledges, several systematic collections were already in circulation on the Continent well before the end of the seventh century, including Fulgentius’s Brev.can., Cresconius’s Conc_can., Coll.vet.Gall., and SEA—all of which Flechner unfairly describes as ‘rudimentary’. Moreover, that of the two more ‘elaborate ... [systematic] Insular collections’ discussed by Flechner, namely Coll.Hib. and PTHU.700.2, one (PTHU.700.2) is based on a collection of sentences originating with a foreign monk who was attempting to synthesize conflicting Greek and Roman canons for an Insular audience, seriously undermines Flechner’s attempts to argue Insular propriety for the material he considers.
To be sure, Insular canonical culture had its distinguishing characteristics. As recent work by Aidan Breen, Richard Sharpe, Thomas Charles-Edwards, and Roy Flechner has shown (particularly through their researches on the Patrician and Gildasian canonical materials, and on Coll.Hib. and the Theodorian penitential tradition), Irish ecclesiastics sometimes fell back on canonical sources that would have been viewed as unconventional by their Continental counterparts. Scripture, for example, figures very prominently in Irish canonical literature, while in Continental collections Scriptural quotations are far less common. Coll.Hib. and the Liber ex lege Moysi are the principal examples of Irish canonical texts that draw on Scripture as a principal source; another Irish (or perhaps Breton) canon law collection, the Collectio Turonensis (Coll.Tur.)—a major source for Coll.Hib.—can now be added to this list. This aspect of Irish canonical literature may have infiltrated Anglo-Saxon legal culture, though perhaps not until as late as the tenth or eleventh century.

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97 This aspect of Irish canonical culture has been discussed most recently by Sven Meeder, ‘Boniface and the Irish heresy’, who remarks (pp. 269–70) that ‘While for the [Gallic] bishops the legislative framework of the Church was foremost provided by canon law constituted by the rulings of earlier ecclesiastical synods together with papal decretals, for Columbanus the Bible (including the Old Testament) was primary, and alongside this lay the authority of earlier, widely revered Fathers, whose works often consisted of exegetical explications of the Bible. In his letter to the synod at Chalon-sur-Saône (603), Columbanus responded to the bishops’ accusation that he went against canon law by pointing out that the books of the New Testament are “our canons, the commands of the Lord and the apostles, in these our confidence is placed.”’


99 For the sources of this collection, many of which are purely scriptural, see Appendix VII.

100 Witness the Ælfrician (?) work Decalogus Moysi found on folios 31r–32r of Boulogne-sur-Mer, Bibliothèque municipale, MS 63 (70), fols 1–34 (s. xi), Abbey of Saint-Bertin, and translated into English in Ælfric, Ep.III—on which works see Fehr, ed., Die Hirtenbriefe, 190–203; and C.A. Jones, ‘Meatim sed et rustica: Ælfric of Eynsham as a medieval Latin author’, JML 8 (1998), 1–57, at 11–12 and 18. The Latin text was a source for the second half of Wulfstan’s De initio creaturæ (the first half being mostly drawn from Pirmin’s Scarapsus), which is the first of
a marked tendency to compile patristic, scriptural and penitential sentences into short *libelli* has also been noticed, in stark contrast to the typical Continental practice of assembling vast collections of authoritative conciliar and papal judgements. Finally, with respect to England in particular, it is significant that since at least the tenth century the Anglo-Saxons were engaged in efforts to translate into their vernacular (thereby rebranding as their own) certain continental penitential handbooks, something that does not seem to have occurred on the Continent. These characteristics appear to be distinctive to canonical texts authored in Insular regions; but they are not (with the exception of the last) unique to them. None of them indicates a fundamental separation between Insular and Continental canonical models, nor do they suggest that Ireland and England worked in isolation from Continental traditions.

At this point in the discussion it must be stressed that most of the conceptual problems identified so far have sprung primarily from misconceptions about *Irish* ecclesiastical organization, and the peculiarity of *Irish* institutions and traditions. England is not Ireland, of course. Nevertheless, as has been seen, historians of canon law have tended to treat England and Ireland as essentially identical in terms of the idiosyncrasies of their early canonical traditions. Why has this been so?

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seven short collections of scriptural *praecepta legalia* in MS *A1*—on which material see: K. Jost, *Wulfstanstudien*, Swiss Studies in English 23 (Bern, 1950), 49; P. Clemoes, ‘The Old English Benedictine office, Corpus Christi College, Cambridge, MS 190, and the relations between Ælfric and Wulfstan: a reconsideration’, *Anglia* 78 (1960), 265–83, at 277–81; and C. di Sciacca, ‘An unpublished *Ubi sunt* piece in Wulfstan’s “Commonplace Book”’: Cambridge, Corpus Christi College 190, pp. 94–96’, in *Form and content of instruction in Anglo-Saxon England in the light of contemporary manuscript evidence*, eds P. Lendinara, L. Lazzari, and M.A. d’Aronco (Turnhout, 2007), 217–50, at 244–46. The seven tracts are edited below in Appendix XIII as cc. 1–7 of *Coll.Wig.O*. The same (second) half of *De initio creaturae* was a source for Wulfstan’s *Sermo 10b* (Bethurum, ed., *Homilies*, 322), and Wulfstan’s *In nomine domini* appears to borrow from both *De initio creaturae* and *Decalogus Moysi* (see di Sciacca, ‘An unpublished *Ubi sunt* piece’, 245–46). It is, as Karl Jost noted (‘Einige Wulfstantexte und ihre Quellen’, *Anglia* 56 [1932], 265–315, at 278–79), highly significant that Boulogne-sur-Mer 63 contains both Ælfric, *Ep.2a* and his *Decalogus*, both of which were to be used by Wulfstan in his own compositions; this is, in fact, the most tantalizing evidence to date in favour of the hitherto unproven theory—forwarded by several scholars, but most compellingly by Patrick Wormald—that Ælfric was directly supplying Wulfstan with some of his (canonical) source materials. Furthermore, in light of Wulfstan’s connections to *De initio creaturae* and Ælfric’s *Decalogus*—both of which are digests of Old Testament law—it is interesting that MS *B1*, the only extant witness of *Coll.Tur.* and one of the witnesses of the *Liber ex lege Moysi*, is thought to have been at Worcester during Wulfstan’s pontificate (see discussion of this manuscript below, in Chapter 3). I have found no compelling evidence, however, that Wulfstan ever relied upon *Coll.Tur.* or the *Liber*; his own compilation of scriptural law in *A1* may have developed independent of his knowledge of *B1*.

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The answer probably rests in the fact that Anglo-Saxon England produced relatively few canonical texts of its own. The Irish church was, on the other hand, a comparative heavyweight in this arena, producing not only penitentials and numerous other canonical and para-canonical texts, but also *Coll.Hib.*, one of the most influential canon law collections of the early Middle Ages. England, then, by virtue of both its proximity to Ireland and its modest stature in terms of production of canonical texts, fell into the historiographical gravity well of Ireland’s canonical tradition. With apparently little in terms of its own canonical story to tell, Anglo-Saxon England was easily incorporated into the richer fabric of ‘Insular’ canonical history by historians of early canon law.

Put this way, the neglect that Anglo-Saxon canon law has suffered at the hands of legal historians is understandable. Yet it is hardly justified. Modern historians have overestimated the influence Irish conceptions of canon law had on Anglo-Saxon legal culture in general and on Anglo-Saxon canon law in particular. English ecclesiastical culture stood, after all, at the intersection of Roman, Gallic (later Carolingian), and Irish (or Celtic) influences. Irish ecclesiastics were a major influence on certain quarters of the Anglo-Saxon church, especially in the seventh and eighth centuries; but there were other influences, just as strong if not stronger, coming from other quarters. It cannot be forgotten that the Anglo-Saxon church was founded upon a Roman mission, and was fuelled by a considerable influx of Roman and Frankish personnel and literary equipment, particularly during its first fifty years, but for long after as well. Given this, it should have been obvious in the first place that a significant element of the Anglo-Saxon canonical tradition must have been not only Continental but Roman in derivation. Unfortunately, such elements are all but invisible today to anyone looking at Anglo-Saxon canon law.

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103 R. McKitterick, *Anglo-Saxon missionaries in Germany: personal connections and local influences*, Vaughan paper 36 (Leicester, 1991), 4: ‘The early English church was one open to influences from Gaul, Ireland, and Rome, and some of its members were remarkable in their energy and enthusiasm for, and in the speed with which they adopted, the language and intellectual traditions of the Christian church.’


105 See Dumville, ‘Importation of Mediterranean manuscripts’. 
England through green-tinted glasses and expecting to find, as one does with early Ireland, distinctively ‘Insular’ or idiosyncratic canonical habits. But as will be seen in Chapters 4–5 there are in fact clear and strong indications of Continental canonical influence in Anglo-Saxon England, even in the earliest periods. What is more, many of these indications are hidden in plain sight—in Ecgberht’s *Dialogus*, for example—or where they have hitherto gone unnoticed for the simple fact that they do not bear the stamp of ‘Insular’ weirdness, and so have generally not passed the nativist historian’s threshold of awareness.

### 2.3.1 Paenitentiale and collectio: complementary genres

Thus far several varieties of ‘Insular’ canonical texts have been considered that are generally looked upon as characteristic of Insular and particularly Irish peculiarity. Of these, perhaps none has been thought so important to the history of Anglo-Saxon canon law as the penitentials, also known as *libri paenitentiales* or penitential handbooks.

To judge solely from the literature published on the subject over the past two centuries, the Anglo-Saxon church would seem to be one in which the penitential was the dominant form of regulatory literature. This has become something of an historical orthodoxy, with recent assessments going so far as to assert that penitentials were so popular in early England that they displaced canon law collections as the standard vehicle of ecclesiastical law. The origins of this belief—which is of course a misconception—are not entirely certain, though it doubtless has a great deal to do with the pre-existence of several nativist biases. Many penitentials are, after all, little more than lists of tariffs for behavioural peccadilloes (often sexual or dietary) or criminal offenses. They therefore look suspiciously like the early Anglo-Saxon lawcodes—also

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106 See Appendix III.

107 Cf. Helmholz, *Laws of England*, 29. See also R. Meens, ‘The frequency and nature of early medieval penance’, in *Handling sin: confession in the Middle Ages*, eds P. Biller and A.J. Minnis (Woodbridge, 1998), 35–61, at 40, where he speaks of ‘the insular tradition of penitentials’ as opposed to the ‘mediterranean “canonical” tradition of canon law’. See also J.T. McNeill and H.M. Gamer, *Medieval handbooks of penance: a translation of the principal libri poenitentiales and selections from related documents* (New York, 1938), 26, where it is rather boldly claimed that ‘In England the ancient public penance was never established, and Theodore of Tarsus, the chief organizer of the English Church, adopted the essentials of the Celtic discipline.’ The first of these two statements—apparently based on the singular testimony of an unknown eighth-century Northumbrian—is made problematic by certain statements made in Ecgberht’s *Dialogus* (see Appendix III, with n. 107). The second of these two statements seems to be based on several misconceptions, and furthermore ignores a great deal of evidence for Theodore’s reliance upon Italian canon law collections (see Chapter 5).
often little more than tariff lists—which has implied to some that there was something innately Teutonic in the penitentials’ conception. 108 Thus, even if the first wave of penitentials (sixth–seventh century) were Irish in origin, 109 why should the Anglo-Saxon church not have adopted this convenient and familiar form of disciplinary literature into their own legal framework?

The idea that in Anglo-Saxon England penitentials served as a fundamental tool in not only ecclesiastical but also secular discipline was popularized in the early twentieth century with the publication of Thomas Oakley’s *English penitential discipline and Anglo-Saxon law in their joint influence*. Oakley argued that Insular penitentials and royal lawcodes acted in tandem to support the Anglo-Saxon church by upholding its status as a privileged institution and by making provisions for disciplinary measures should that status be impinged upon. Oakley’s thesis was generally accepted throughout most of the twentieth century; 110 however, it has recently been criticized by scholars who question the many unwarranted assumptions that lay behind Oakley’s arguments. 111 Consequently, the idea that penitentials directly augmented secular legal and disciplinary systems has fallen out of favour.

But the successful dismantling of Oakley’s arguments does not preclude the possibility that penitentials served as important sources of law within the context of the Anglo-Saxon church. For example, the popularity of penitentials among Anglo-Saxon ecclesiastics in the eighth century is clearly indicated by the role of English missionaries in the dissemination of penitential literature on the Continent during that time. 112 But the evident popularity of the penitentials

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108 This proposition, supported by such prominent historians as John T. McNeill (*Handbooks*, 25) and Henry Mayr-Harting (*Coming of Christianity*, 259), is now discredited; see below, Chapter 2 n. 116.

109 They may well not have been; cf. below, Chapter 2 n. 139.


among a certain cross-section of the Anglo-Saxon prelature need not imply that these texts formed the backbone, as it were, of the Anglo-Saxon canonical corpus. After all, Anglo-Saxon missionaries to the Continent also brought with them several canon law collections. Are scholars therefore justified in viewing Anglo-Saxon canon law as a tradition dominated by the penitential?

To answer this question, one must consider historical interpretations of the penitential genre more broadly. In what follows, it must be borne in mind that the history and significance of this genre to early medieval canon law is still being worked out. Opinions today vary widely as to their origin, purpose, use, and ultimate importance within the legal and canonical traditions of the West. With so little certainty surrounding the history of the penitentials, only a very tentative discussion of their significance to the history of canon law in Anglo-Saxon England can be offered here.

The twentieth century saw the consummation of over one hundred years of work on the history of medieval penance, work that culminated in the creation of a ‘grand narrative’ outlining the shift from the ‘public’ penitential system of Late Antiquity to the ‘private’ system of the Middle Ages. It is a narrative so well known it does not need rehearsing here. Towards the end of the last century, however, this narrative began to change, its orthodoxy became challenged. The narrative that is now emerging is the result of less reductive and teleological approaches to the study of the complex literary and historical evidence at play. The current picture of how late antique and medieval penance was practised includes a confluence of flexible and interrelated systems. Professional penance, monastic devotion, liturgical ceremony, disciplinary rules, theological debates, confessional and instructional encounters—all operated throughout this

period at different times and in different places with varying degrees of institutionalization. One of the most important achievements of recent research has been to unseat two of the core conceits of the old narrative. First, scholars no longer believe that the history of early penance can be described simply as a transition from public to private fora.\textsuperscript{115} And second, the exculpation of sins via tariffed penance is no longer believed to have been a particularly Irish innovation.\textsuperscript{116} Lists of tariffs for sins (in the form of ‘for sin Y do X years of penance’) can in fact be found in the earliest eastern conciliar canons.\textsuperscript{117} Moreover, one of the earliest Christian monastic rules, that written by the Egyptian St Pachomius (†348) and later translated into Latin by Jerome, contains explicit instructions for monks to undergo both individual penance for personal sins, and communal penance for purposes of communal purification.\textsuperscript{118} It is very likely Mediterranean monastic rules like Pachomius’s that influenced the development of the first Irish penitential handbooks in the sixth and seventh centuries.\textsuperscript{119} The claim that the Irish were

\begin{footnotes}
\footnotetext[117]{The last seven canons of CANC.314 (cc. 18–24) deal with issues such as virginity, adultery, abortion, homicide, and consulting omens and fortune-tellers, with concomitant penances stretching from five years to a lifetime.}
\footnotetext[118]{Jerome’s translation of Pachomius’s Rule was collected with other rules by Benedict of Aniane in the eighth century in his Codex regularum monasticarum et canonarum ... Vol. I, eds L. Holste and M. Brockie (Augsburg, 1759; repr. Graz, 1957–58). The following exemplary chapters are quoted from volume 1 (pp. 32–3) of this edition: ‘CXXV. Qui vas fictile fregerit, et juncos tertio infuderit, aget poenitentiam vespere in sex orationibus’; ‘CXXXI. Si id perdiderit, ante altare publice corripietur. Si vero de propriis vesticulis fuerit, quid perditum est, tribus hebdomadis non accipiet; et in quarta acta poenitentia dabitur ei, quod amiserit’; ‘CXXXVI. Qui absque d’fortune ... dictiones ecclesiastique 7 (Louvain, 1932).}
\end{footnotes}
singlehandedly responsible for the introduction of penitentials, and of the disciplinary and confessional systems these penitentials imply, is therefore one further aspect of the old historical narrative that is now open to re-evaluation. Several scholars have in fact already begun to put forward evidence that questions the old assumption that the Continent had to await Irish and Anglo-Saxon missionaries before it could get its hands on penitential handbooks. Sarah Hamilton has summed up nicely the revised narrative that current research is adopting: ‘It used to be thought that the practice of secret penance originated in sixth-century Irish monasticism, and was spread to England and the continent by missionary monks in the seventh century, but recent work has demonstrated that secret penance was not a specifically insular invention but rather that late sixth-century Frankish aristocrats supported the Irish missionary Columbanus precisely because the practice of secret penance had already evolved independently on the continent during the sixth century.’

Another aspect of the old narrative that is open re-evaluation—and one that is particularly relevant to the present investigation—is the perceived formal dichotomy between the genres of penitential and canon law collection. This supposed dichotomy underpins Wolfgang Müller’s description of the development of the penitentials as a genre:

During the early medieval period, the original, close relationship between penance and church law as part of a unique disciplinary apparatus was gradually obscured by the emergence of so-called Penitentials, books detailing a process of formal reconciliation with the Church that was far more flexible than what the ancient Romans had envisioned. ... The older and more severe Roman rules of penance were soon handed down together with norms drawn from the Penitentials, which

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120 Hamilton, *Practice of penance*, 4. It is worth noting also that Vogel’s interpretation of the decisions of CTOL.589 as evidence that Irish penitentials had arrived on the Continent at about the time Columbanus was engaging in missionary activity is entirely speculative; Vogel, *Libri paenitentiales*, 35–6. The council in fact mentions neither penitentials nor Irishmen (nor Celts of any kind). The passage is probably better taken as evidence that penitential handbooks had already infiltrated the Visigothic church by the time Columbanus arrived on the Continent.
simultaneously circulated separately in manuals offering advice to monks and clerics who had to tend to priestly and confessional activities rather than serving at court. The transmission of texts on penance in the form of monographic manuals, geared toward pastoral rather than legal purposes, thus created a formal dichotomy between penitential and canonical types of literature that had not had a precedent in Antiquity.  

There are some merits to the idea of a formal dichotomy between penitentials and canon law collections. From a literary-historical perspective, there are some very obvious differences between these two genres. For example, canon law collections and penitentials look back upon legal traditions of markedly different origins: the one on a long tradition of ‘approved’ episcopal legislation beginning in the fourth century; the other on a much younger and more nebulous aggregate of judgements deriving from ecclesiastics and religious working often at the fringes of the institutionalized Church. There are therefore significant differences in the type and pedigree of laws they transmit. There are also general differences in subject matter treated by the two genres: early penitentials are predominantly concerned with ritual minutiae, hygiene, sex, and criminal behaviour; canon law collections, on the other hand, tend to treat more rarefied subjects like church administration, heresy, and judicial procedure. Thus, in theory at least, there are some general differences between collections and penitentials in terms of both sources and subject matter. This seems to have created in the minds of historians the not unreasonable impression of a hard generic separation between the two. In practice, however, these distinctions often fail to hold up, since features believed to be diagnostic of one genre are often found in the other. For example, some penitentials touch on matters of doctrine, judicial process, and administration, just as certain canon law collections contain canons on hygiene, food and sex, or sections dealing with penance directly.  

Moreover, in so far as penitentials and collections both

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122 Penitentials that contain ‘canonical’ material include (but are not limited to): PTHU.700 (esp. Book 2); PECU.700 (esp. cc. 8 and 12); and PHAL.800 (passim). Canon law collections that devote significant attention to penance or penitential matters include (but are not limited to): SEA (esp. cc. 18–22, 65–7, 84, = Carthage IV, cc. 68, 75–82 in Coll.Hisp.); Fulg.Ferr. Brev.can. (esp. cc. 49–50, 98, 118, 146, 151–55, 169); Cresconius, Conc.can. (esp. cc. 27, 60, 64, 74–5, 78, 84–90, 99–104, 161, 213–15, 220, 234–36); Coll.Hib. (esp. Book 47, ‘De penitentia’ and Book 54, ‘De carnibus edendis’); Coll.vet.Gall. (Title 46 and esp. Title 64, ‘De lapsis et penententibus’, on which see above, Chapter 1 n. 85); the Collectio Burgundiana; Ben.Lev. Cap. (esp. cc. 1.117–42, 2.106, 2.206, and Book 3);
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share a concern for enforcing Christian morality, they were in practice not restricted to drawing canons from their respective generic traditions alone, but were free to draw upon any and all sources of Christian law, providing the authority of that law was deemed reasonably acceptable. Consequently, some early penitentials reference ‘formal’ canon law, while certain canon law collections include penitential articles alongside other non-standard sources, like for example the words of church fathers. All of this is to say that, notwithstanding the expectations of modern historians, studying penitentials and early medieval canon law collections side-by-side reveals at least as many similarities between the two genres as differences.

So much can be said regarding distinctions based on sources and subject matter. But what about more concrete, practical differences between penitentials and canon law collections? Here the evidence for a hard, generic separation is also ambiguous. To start with the evidence in favour of distinction. There are differences—namely in size, format and style—that would seem to indicate

the Collectio 400 capitulorum (esp. cc. 266–40); the Collectio 77 capitulorum; and BD (esp. Book 19). These examples could easily be multiplied by considering chronological collections that include any of those many councils and decrets that legislated on hygiene, food, sex, etc. Additionally, the series of inter-related canonico-penitential collections compiled in Francia in the tenth century—including Coll.Dach., Coll.quad. and R2L (with PHAL.800, already mentioned above)—all include a large amount of penitential material. Coll.Wig., too, is a complex amalgam of canonical, penitential, sermonic and liturgical materials.

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(or rather necessitate) that penitentials and collections were used in different institutional and socio-economic contexts. First, there is a significant difference in terms of length: many canon law collections are long enough to fill whole codices, while penitentials are typically shorter, scarcely filling a single quaternion.\(^\text{125}\) Thus, canon law collections would not only have been difficult for the confessor priest to carry with him when travelling through his parish, they would have been costly and difficult to come by, certainly more so than the smaller, more portable penitential handbooks.\(^\text{126}\) This suggests that the penitential served chiefly as a *vademecum* for itinerant clergy, while the canon law collection was used as a reference work or study tool and spent most of its functional lifetime stationary in an episcopal or monastic library. In terms of format, the great majority of canon law collections come equipped with tables of contents—a necessity given their size and the expansiveness of their coverage—which in turn increased their usability. Such tables are rarely present in penitentials, however. Again, this suggests that the collections were used chiefly as reference works, meant for studying *in situ* rather than for use on the go. Finally, in terms of style, most contents in a canon law collection are written either in a florid style (in the case of the papal decretals) or in the inevitably awkward Latin idiom that results from translation of a Greek original (in the case of the ancient conciliar canons). This

\(^{125}\) In manuscripts copied before the ninth-century (during and after which scribes adopted smaller and more compact scripts), chronological collections range anywhere from 60 folios (as *Coll.Dion*** I** in MS D10) to 90 folios (as the *Collectio Weingartensis* in Stuttgart, Württembergische Landesbibliothek, HB VI 113 [s. viii⁴⁰, Rhaetia]), to 230 folios (as *Coll.Quesn.* in MS D5) in length. In pre-ninth-century manuscripts, systematic collections typically fill around 100 folios (as *Coll.vet.Gall.* in Stuttgart, HB VI 113, and as Cresconius, *Conc.can.* in Berlin, Staatsbibliothek Preussischer Kulturbesitz, Phillips 1748 [ca 800, southern Burgundy] and Verona, Biblioteca capitolare, MS LXII [s. viii–ix, northern Italy]). Full copies of *Coll.Hib.* do not survive from before the ninth-century; however, in the earliest complete witness (Orléans, Bibliothèque municipale, 221 [ca 800, Fleury?]), *Coll.Hib.* fills about 90 folios. The difference in length for penitentials is especially striking when comparing penitentials composed before the ninth century, which sometimes occupy no more than 5 folios; some however can reach upwards of 20, even 25 folios in length. The following is a list of the rough lengths of all penitentials (not including those of Iberian origin) found in pre-ninth-century manuscripts (for manuscript dates and full shelfmarks see Table 1, in Chapter 2 p. 81): PBOB.700 fills 5 folios in Paris, Lat. 13246; PBUR.700 fills 6 folios in Brussels 8780–93 and 6 folios in Munich, Clm 14780; PECG.700 fills 9 folios in Vatican, Pal. Lat. 554; PECU.700 fills 16 folios in Berlin, Phillips 1667, 21 folios in Stuttgart HB VI 113, 21 folios in Cologne 91, and 11 folios in Zürich, Rh. XXX; PIUD.700 fills about 16 folios in St Gallen 150; PPAS.700 fills 6 folios in Paris, Lat. 7193; PREM.700 fills 34 folios in Paris, Lat. 1603; PTHG.700 fills 25 folios in Munich, Clm 14780 and 13 folios in Paris, Lat. 3848B; and PTHU.700 fills 24 folios in Vienna, Lat. 2195. Note that PVIB.700, which is a substantially longer work than other contemporary penitentials, fills 82 folios in Vienna, Lat. 2233. These data on penitential manuscripts are based on the same studies as are cited below, Chapter 2 n. 140.

\(^{126}\) On the size and format of manuscripts containing the so-called Frankish tripartite penitentials—a size and format that generally made them amenable to use by itinerant priests, but also is the reason why so few of these handbooks have survived—see Meens, ‘Frequency’, 55–61.
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would have made them less accessible to the common, rustic priest, and so much less useful as a pastoral and instructive tool than the penitentials, which are almost universally written in terse, simple and formulaic Latin. Thus would several differences in the usability of the early penitentials as compared to their counterpart, the canon law collections, have made them more economical, practical and valuable for use among the priestly class. Of course, there is no reason to think that penitentials could not also have been highly valued among bishops for these same reasons.

Secondly, differences in early medieval terminology suggest that ecclesiastics viewed penitentials and canon law collections as in some ways distinct genres. Unfortunately, the vocabulary of early medieval canon law is a subject that has never been treated in depth, and the canonistic lexicon in use during the pre-Gratian period is in particular need of elucidation and analysis. Nothing more than a few passing remarks, mostly confined to the context of Anglo-Saxon England, can be given here. When early medieval literati referenced canon law, they typically only did so by alluding vaguely to the original (or material) sources of canon law in general, using such imprecise citations as ‘the canons’, ‘the statutes’ or ‘the decretal’ of the

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127 On the Latinity of the penitentials, see Bieler, *Irish penitentials*, 27–47. In the manuscripts, penitentials are typically written using unexpected and wild orthography, and more often than not very corrupt syntax. Whether this is wholly the result of scribal error (the incidence of which may have been unusually high due to the unfavourable conditions—haste, lack of episcopal supervision—under which the penitentials were probably copied) or a faithful reflection of the type of language in use by the presbyterate in the early Middle Ages remains to be seen.

128 These are the conclusions of Meens, ‘Frequency’. It can be noted here that in most of the Carolingian and Anglo-Saxon lists of books necessary for priests to have there is listed a *poenitentiale*; on such lists, see below, Chapter 2 n. 136. In none of these lists (at least, in none of the lists of which I am aware) is there mentioned a *liber canonum* or equivalent term to designate a canon law collection. This might indicate that canon law collections were commonly considered to be out of reach of the common priest, further suggesting that the contents thereof were considered the province primarily of the episcopate. Or, less probably, it might simply mean that *libri canonum* were so ubiquitous as to not need mentioning.

129 See above, Chapter 1 n. 39. The discussion provided by John Gilchrist, ‘Canon law’, is concerned with the vocabulary, syntax and style (if one can speak of style in compilatorial works) used within canonical works, rather than with the words used by medieval authors to denote different genres of canonical literature, as is the concern here.

130 For a brief discussion of canonical terminology in the Anglo-Saxon legal codes, see Liebermann, ed., *Die Gesetze*, II, 530–31 and 542–44, s.vv. *Kanones* and *Kirchenstaatsrecht*. A fuller investigation into the ways in which Anglo-Saxons talked about canon law might begin by comparing usage of vernacular terms like *canon*, *canondom*, *regol*, *regollic* and *regollice*, and of Latin terms like *canon*, *canonice* and *canonicus* with the texts or ideas to which these words refer.
Fathers or ecumenical councils. If a specific council was named as a source, it was typically the celebrated first council of Nicaea (CNIC.325), whether or not Nicaea had actually legislated on the topic in question; medieval canonists considered this council to be the wellspring of most subsequent canon law, so invoking its name was sometimes all that was needed to suggest canonicity. Early medieval ecclesiastics were not, as historians are today, concerned with the particular compendium (the formal source) to which one had to go to find canons, and so references in early medieval literature to specific canon law collections are extremely rare. This is also in part because the titles that are taken for granted today—Collectio Dionysiana, Collectio Hibernensis, Collectio Quesnelliana—did not exist for early medieval canonists to use. Early collections were almost never titled and only rarely indicated the names of their compilers. When specific books of canon law were mentioned by medieval authors, the indistinct phrase liber/librum/codex canonum was inevitably used. In contrast, penitential handbooks were often referred to specifically as paenitentialia (singular paenitentiale), for example in the

131 Cf., e.g., above, Chapter 1 n. 57 and Chapter 2 n. 6, and below, Chapter 2 n. 156 and Appendix V n. 115.

132 The collections of Dionysius, Fulgentius Ferrandus, Cresconius and Martin of Braga are notable exceptions; on which, see the prefaces in Somerville–Brasington, trans., Prefaces, 46–54. But even the collections of Dionysius were almost never referred to by name. Thus, there must be reasons more fundamental than merely paucity of named compilers for why early collections were treated, not as works in and of themselves, but rather as mere windows to the ancient traditions of the church. The question is a very interesting one, and is deserving of a full-length study in its own right. I suspect the answer is closely tied to the early church's preference for chronological rather than systematic collections of canon law. Compilers of early chronological collections were, it seems to me, generally uninterested in drawing attention to themselves. Rather, their concern was to preserve the canonical tradition in its proper historical context (this at least helps explain the numerous historical introductions to councils that we find in the chronological collections). The high status of the law was as important to the early church as was its content, and it was not the job of a compiler to filter the tradition or otherwise get between the reader and his access to the most ancient legal precepts of the church. The advent of systematic collections (on which see above, Chapter 1 n. 76)—where the premium is on instruction and content, not on history and status—is all the more significant when seen in this context.

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Carolingian reform councils of the ninth century,\(^\text{134}\) in manuscript incipits,\(^\text{135}\) and, perhaps most interestingly, in lists of books deemed most important for priests to know.\(^\text{136}\) That penitentials

\(^{134}\) CCLN.813.38 (ed. Werminghoff, 281): ‘Modus autem paenitentiae peccata sua confitentibus aut per antiquorum canonum institutionem aut per sanctorum scripturarum auctoritatem aut per ecclesiasticam consuetudinem ... imponi debet, repudiatis ac penitus sanitatis est, quorum sunt certi errores, incerti auctores, ... qui ... pro peccatis gravibus leves quosdam et inusitat os imponunt paenitentiae modos’; CTOU.813.22 (ed. Werminghoff, 289): ‘Episcopis, presbyteris diligentem cautela protractandum est, qualler hominibus suae sibi delicta confitentibus tempus abstinenti adscibant, ut iuxta modum paenitentibus abstinens inducit, quoniam varie ab aliqua pacis sacerdotibus et discrere haec iudicia proferunt. Ideo necessarium videbatur, ut omnes episocpi ad sacrum palatium congregati fuerunt, ab eis edoceri, cuius antiquorum liber paenitentialis potissimum sit sequendus.’ CPAR.829.1.32 (ed. Werminghoff, 633): ‘Quoniam multi sacerdotum partim incuria, partim ignorantia modum paenitentiae reatum suum confitentibus secus, quam iura canonicum decernunt, imponunt, utentes scilicet quibusdam codicellis contra canonicam auctoritatem scriptis, quos paenitentiales vocant; ... omnibus nobis salubriter in commune visum est, ut unusquisque episcoporum in sua parrochiae eosdem erroneos utentes, scilicet partim ignorantia modum paenitentiae reatum suum confitentibus secus, quam iura canonicum decernunt, imponunt, utentes scilicet quibusdam codicellis contra canonicam auctoritatem scriptis, quos paenitentiales vocant; ... omnibus nobis salubriter in commune visum est, ut unusquisque episcoporum in sua parrochiae eosdem erroneos utentes, scilicet partim ignorantia modum paenitentiae reatum suum confitentibus secus, quam iura canonicum decernunt, imponunt, utentes scilicet quibusdam codicellis contra canonicam auctoritatem scriptis, quos paenitentiales vocant; ... omnibus nobis salubriter in commune visum est, ut unusquisque episcoporum in sua parrochiae eosdem erroneos utentes, scilicet partim ignorantia modum paenitentiae reatum suum confitentibus secus, quam iura canonicum decernunt, imponunt, utentes scilicet quibusdam codicellis contra canonicam auctoritatem scriptis, quos paenitentiales vocant; ... omnibus nobis salubriter in commune visum est, ut unusquisque episcoporum in sua parrochiae eosdem erroneos utentes, scilicet partim ignorantia modum paenitentiae reatum suum confitentibus secus, quam iura canonicum decernunt, imponunt, utentes scilicet quibusdam codicellis contra canonicam auctoritatem scriptis, quos paenitentiales vocant; ... omnibus nobis salubriter in commune visum est, ut unusquisque episcoporum in sua parrochiae eosdem erroneos utentes, scilicet partim ignorantia modum paenitentiae reatum suum confitentibus secus, quam iura canonicum decernunt, imponunt, utentes scilicet quibusdam codicellis contra canonicam auctoritatem scriptis, quos paenitentiales vocant; ... omnibus nobis salubriter in commune visum est, ut unusquisque episcoporum in sua parrochiae eosdem erroneos utentes, scilicet partim ignorantia modum paenitentiae reatum suum confitentibus secus, quam iura canonicum decernunt, imponunt, utentes scilicet quibusdam codicellis contra canonicam auctoritatem scriptis, quos paenitentiales vocant; ... omnibus nobis salubriter in commune visum est, ut unusquisque episcoporum in sua parrochiae eosdem erroneos utentes, scilicet partim ignorantia modum paenitentiae reatum suum confitentibus secus, quam iura canonicum decernunt, imponunt, utentes scilicet quibusdam codicellis contra canonicam auctoritatem scriptis, quos paenitentiales vocant; ... omnibus nobis salubriter in commune visum est, ut unusquisque episcoporum in sua parrochiae eosdem erroneos utentes, scilicet partim ignorantia modum paenitentiae reatum suum confitentibus secus, quam iura canonicum decernunt, imponunt, utentes scilicet quibusdam codicellis contra canonicam auctoritatem scriptis, quos paenitentiales vocant; ... omnibus nobis salubriter in commune visum est, ut unusquisque episcoporum in sua parrochiae eosdem erroneos utentes, scilicet partim ignorantia modum paenitentiae reatum suum confitentibus secus, quam iura canonicum decernunt, imponunt, utentes scilicet quibusdam codicellis contra canonicam auctoritatem scriptis, quos paenitentiales vocant; ... omnibus nobis salubriter in commune visum est, ut unusquisque episcoporum in sua parrochiae eosdem erroneos utentes, scilicet partim ignorantia modum paenitentiae reatum suum confitentibus secus, quam iura canonicum decernunt, imponunt, utentes scilicet quibusdam codicellis contra canonicam auctoritatem scriptis, quos paenitentiales vocant; ...

\(^{135}\) Cf., e.g.: the rubric for PECG.700: EXCARPSUM DE CANONIBUS CATHOLICORUM PATRUM VEL PENITENTIALIAE AD REMEDIAM ANIMARUM DOMINI EAMBERTHI [EGBERHTHI in MS A5, fol. VIIIv, and ECHBERHTITI in Barlow 37, fol. 13v and MS A2, p. 37] ARCHEIEPISCOPI EBURACÆ CIVITATIS; the rubric for PAMB.500: ‘INCIPIT LIBER POENITENTIALIS’; and the famous rubric for Book 6 of Halitgar’s penitential: ‘Incipit liber poenitentialis ex scrinio Romanæ Ecclesiae assumptus’. It is worthy of notice, however, how much diversity of description there is in incipits for early medieval penitentials, which include: ‘INCIPIT DE PENITENTIA’ (PCOA.600); ‘INCIPIT PROLOGUS DE MEDICINAE SALUTARI ANIMARUM’ (PCUM.600); ‘INCIPIUNT CANONES ADOMNANI’ (PADO.600); ‘Canones sancti Gregori pape urbis Romae’ (PTHG.700); ‘Incipit iudicium de penitentia Theodori episocpi’ (PTHC.700); ‘[...] incipit prefatio libelli quem pater Theodorus diversis interrogantibus ad remediam temperavit penitentiae’ (PTHU.700.1); ‘INCIPIT EXSCRAPSUM (var. EXCARPSUM) DOMINI BENDANI PESBRYTERI’ (PBED.700); ‘Incipit capitula quoadundum de penitentialis vel canonis’ (PECU.700 and PREM.700 [ed. Asbach, p. 4]); ‘INCIPIT EXCARPSUS DE ALIAS PLURES PENITENTIALIAE ET CANONES’ (PECU.700 [MS D4]); ‘Incipit de poenitentia et remissione peccatorum’ (PECU.700 [MS Munich, Bayerische Staatsbibliothek, Clm 6243]); ‘[...] incipit capitula de pluribus penitentialibus’ (PECU.700 [MS Einsiedeln, Stiftsbibliothek, Cod. 326]); ‘INCIPIT PENITENTIALIS SCRIPTUS (var. EXCARPSUS) DE ALIAS PLURES PENITENTIALIAE ET CANONIS’ (PREM.700 [ed. Asbach, p. 15]); ‘Item de diuersis criminiibus (POX1.700); ‘INCIPIT IVDICIVM PENITENTIAE’ (PFLO.700); ‘IN DEI NOMEN INCIPIT IVDICIVS PENITENCIALIS’ (PBBO.700); ‘INCIPIT IVDICIVM PATRVM AD PAENTENTES’ (PMEA.700 [MS Vienna, Österreichische Nationalbibliothek, Lat. 2225]); ‘INCIPIT CONCILIO PENITENTIAE’ (POX2.700). The recurrence of the word excarpus in these penitential titles indicates that medieval readers were aware that these texts were florilegia and highly derivative in nature. More interesting is the use of the words iudicium and canon, which suggests an element of ambiguity in how medieval copyists thought of the authority of these texts vis-à-vis more ‘formal’ canonical documents (cf. the discussion of the word ‘canon’ in Chapter 1).

could be referenced as a distinct type of canonical literature, while canon law collections were typically not, indicates that some sort of difference in status between penitentials and collections was recognized in early medieval ecclesiastical culture. It is however unclear how much should be made of this, since there are many instances where such terminological distinctions break down, as in the preface to the Ecgberhtine penitential (PECG.700), whose language in many ways blurs the distinction between collection and penitential. 137

The preceding paragraphs outline real material, stylistic and terminological reasons for upholding modern historians’ idea of a ‘formal dichotomy’ between the genres of penitential and canon law collection. Notwithstanding these reasons, there are in fact indications that there was nothing like a firm generic distinction between penitentials and canon law collections in the Middle Ages, at least not before the twelfth century. Though historians today may be able to point to several obvious differences between these genres, early medieval canonists appear to have conceived of penitentials and collections as two sides of the same coin, or two forms of the same class of regulatory literature. The evidence for this comes from the manuscripts themselves, which are the best indicators of how these texts were actually used. The oldest manuscripts containing penitentials date to the eighth century, and none of them is Insular in origin. 138 In fact, no Insular copies of penitentials survive from before the tenth century— English copies of penitentials are extant only from the tenth century and later, while strangely not a single manuscript of any penitential copied in Ireland remains preserved today. While there is no material evidence for the use of penitentials previous to the eighth century, we know from the texts themselves that their use, at least in Ireland, goes back to the seventh and even the sixth centuries. Still, by the early eighth century it seems that penitentials as a genre had only recently been introduced to the Continent from Ireland and England (this according to the traditional

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137 See above, Chapter 1 n. 57; cf. also the final sentence in Chapter 2 n. 135.

138 Vatican, Biblioteca Apostolica Vaticana, Pal. Lat. 554, fols 5–13 (s. viii–ix, Germany or England) may be one, and if so probably the only, exception. This manuscript is the oldest witness of PECG.700.
The interesting thing is that, even in the manuscripts from this early period, penitentials are more often than not bundled together with canon law collections or with other more traditional canonical material. Table 1 lists the 24 manuscripts that can be dated to before the ninth century and that contain penitential material, together with any canonical material they may contain.

**Table 1: Pre-ninth-century penitential manuscripts and their canonical contents**

<table>
<thead>
<tr>
<th>No.</th>
<th>Shelfmark</th>
<th>Date and origin</th>
<th>Penitential content</th>
<th>Canonical content</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Berlin, Staatsbibliothek Preussischer Kulturbesitz, Phillipps 1667</td>
<td>s. vii–ix, Francia</td>
<td>PECU.700</td>
<td>none</td>
</tr>
<tr>
<td>2</td>
<td>Brussels, Bibliothèque royale Albert 1er, MS 8780–93 (2493)</td>
<td>s. vii–ix, north Francia</td>
<td>PBUR.700</td>
<td>Collectio Burgundiana</td>
</tr>
<tr>
<td>3</td>
<td>MS D2</td>
<td>s. viiex, Belgium?</td>
<td>PTHU.700.2; PREM.700 [incomplete]</td>
<td>Coll. vet. Gall., etc.</td>
</tr>
<tr>
<td>4</td>
<td>Cologne, Erzbischöfliche Diözesan- und Dombibliothek, Codex 91</td>
<td>s. vii–ix, Burgundy</td>
<td>PTHU.700.2; PECU.700</td>
<td>Coll. vet. Gall., etc.</td>
</tr>
<tr>
<td>5</td>
<td>Cologne, Erzbischöfliche Diözesan- und Dombibliothek, Codex 210</td>
<td>s. vii, northeast Francia</td>
<td>PTHG [incomplete]</td>
<td>Coll. Hib. [incomplete]; an unidentified canon law collection containing Greek, African, and Frankish canons,</td>
</tr>
</tbody>
</table>

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139 Older research puts the introduction of penitential handbooks on the Continent shortly before the year 600; but newer research takes a decidedly different view, and posits the independent development of private penitential literature on the Continent during the sixth century. See the remarks in Hamilton, *Practice of penance*, 4, as well as the discussion above, Chapter 2 n. 120.

140 The data for Table 1 have been culled from the following studies: Asbach, ed., *Poenitentiale Remense*; Bieler, *Irish penitentials*; Finsterwalder, ed., *Die Canones Theodori*; Haggenmüller, *Die Überlieferung der Beda und Egbert zugeschriebenen Bußbücher*, Europäische Hochschulschriften, Reihe 3: Geschichte und ihre Hilfswissenschaften 461 (Frankfurt am Main, 1991); G. Hägele, ed., *Das Paenitentiale Vallicellianum I. Ein oberitalienischer Zweig der frühmittelalterlichen kontinentalen Bußbücher*, Quellen und Forschungen zum Recht im Mittelalter 3 (Sigmaringen, 1984); F. Kerff, *Der Quadripartitus: ein Handbuch der karolingischen Kirchenreform. Überlieferung, Quellen und Rezeption*, Quellen und Forschung zum Recht im Mittelalter 1 (Sigmaringen, 1982); Kéry, *Canonical collections*; L. Körnten, *Studien zu den Quellen der frühmittelalterlichen Bußbücher*, Quellen und Forschungen zum Recht im Mittelalter 7 (Sigmaringen, 1993); R. Kottje et al., eds, *Paenitentiale minora: Franciae et Italiae saeculi VIII–IX*, CCSL 156(A) (1994, Turnhout); Kottje, *Die Bußbücher*; R. Meens, *Het tripartite boeteboek. Overlevering en betekenis van vroegmiddeleeuwse biechtvoorschriften*, Middeleeuwse studies en bronnen 41 (Hilversum, 1994); Mordek, *Kirchenrecht*; and C. van Rhijn, ed., *Paenitentiale pseudo-Theodori*, CCSL 156B (Turnhout, 2009). In cases where different studies give different dates for a specific manuscript, I have followed the opinion of Bernhard Bischoff or, where this is not available, the opinion of the most recent assessor. Thus, even though Haggenmüller, *Die Überlieferung*, 114, dates to ‘s. viii–ix’ the manuscript Vienna, Österreichische Nationalbibliothek, Codex Lat. 2223 (Main river region)—which contains, among other things, PTHU.700, PBED.700, an excerpt from PCUM.600 (prologue), PIUD.700, DGRE.590.1843, and PECC.700—it is not included in Table 1 because Bischoff dates it to s. ix in his ‘Panorama der Handschriftenüberlieferung aus der Zeit Karls des Großen’, in *Karl der Große. Lebenswerk und Nachleben*, 5 vols, eds W. Braunfels et al. (Düsseldorf, 1965–1967), II (ed. B. Bischoff), 233–54, at 27–8.
<table>
<thead>
<tr>
<th></th>
<th><strong>MS D4</strong></th>
<th>s. vii	extsuperscript{1}, origin disputed	extsuperscript{141}</th>
<th>PECU.700 [incomplete]; PCUM.600 [excerpts]; SEA [excerpts]; Coll.Hib. [excerpts]; Epitome Hispana [excerpts]; DGRE.590.1843 [incomplete]; CAUX.561, etc.</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>Darmstadt, Hessische Landes- und Hochschulbibliothek, MS 895</td>
<td>s. vii–ix?, origin unknown</td>
<td>POX2.700 [or PECU.700?]</td>
</tr>
<tr>
<td>8</td>
<td>Munich, Bayerische Staatsbibliothek, Clm 6333, fols 5, 24–28 and 86–91 (palimpsest)</td>
<td>s. vii\textsuperscript{ex}, north Francia</td>
<td>PIUD.700 [incomplete]</td>
</tr>
<tr>
<td>9</td>
<td>Munich, Bayerische Staatsbibliothek, Clm 14780, fols 1–25</td>
<td>s. vii\textsuperscript{ex}, Francia</td>
<td>PTHG.700</td>
</tr>
<tr>
<td>10</td>
<td>Munich, Bayerische Staatsbibliothek, Clm 14780, fols 87–91</td>
<td>s. vii\textsuperscript{ex}, north Francia</td>
<td>PBUR.700</td>
</tr>
<tr>
<td>11</td>
<td>Paris, Bibliothèque nationale, Lat. 1603</td>
<td>s. vii/ix, northeast Francia</td>
<td>PTHU.700.2; PREM.700</td>
</tr>
<tr>
<td>12</td>
<td>Paris, Bibliothèque nationale, Lat. 3848B</td>
<td>s. vii–ix, Flavigny</td>
<td>PTHG.700</td>
</tr>
<tr>
<td>13</td>
<td>Paris, Bibliothèque nationale, Lat. 7193, fols 41–56</td>
<td>s. vii\textsuperscript{med}, Chelles</td>
<td>PPAS.700</td>
</tr>
<tr>
<td>14</td>
<td>Paris, Bibliothèque nationale, Lat. 12444</td>
<td>s. vii–ix, Fleury?</td>
<td>PTHU.700 [excerpts]; PREM.700.15</td>
</tr>
<tr>
<td>15</td>
<td>Paris, Bibliothèque nationale, Lat. 13246</td>
<td>s. vii, south Francia or north Italy</td>
<td>PBOB.700</td>
</tr>
<tr>
<td>16</td>
<td>Prague, Knihovna metropolitní kapituli, O.LXXXIII, fols 131–47</td>
<td>s. vii\textsuperscript{2}, Bavaria or Italy</td>
<td>PTHG [incomplete]</td>
</tr>
<tr>
<td>17</td>
<td>St Gallen, Stiftsbibliothek, Codex 150, pp. 273–322</td>
<td>s. vii/ix or ix\textsuperscript{in}, St Gallen</td>
<td>PCUM.600.prologue; PIUD.700; PTHS.700 [i.e. the St-Gallen recension of PTHU.700]</td>
</tr>
<tr>
<td>18</td>
<td>Stuttgart, Württembergische Landesbibliothek, Codex fragm. 100A; w; x; y; z</td>
<td>s. vii/ix, north Italy</td>
<td>POX2.700 [fragm.]</td>
</tr>
<tr>
<td>19</td>
<td>Stuttgart, Württembergische Landesbibliothek, HB VI 113</td>
<td>s. vii\textsuperscript{ex}, Rhaetia</td>
<td>PECU.700</td>
</tr>
<tr>
<td>20</td>
<td>Stuttgart, Württembergische Landesbibliothek, HB VII 29 (Fragm. 100) (palimpsest)</td>
<td>s. vii\textsuperscript{ex}, north Italy</td>
<td>PBED.700.prologue /PECG.700.prologue [fragm.]</td>
</tr>
<tr>
<td>21</td>
<td>Vatican, Biblioteca Apostolica Vaticana, Pal. Lat. 554, fols 5–13</td>
<td>s. vii–ix, Germany, England?</td>
<td>PECG.700; ninth-century additions of PECU.700 [excerpts] and Admonitio Bedae</td>
</tr>
</tbody>
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\textsuperscript{141} See the description of MS D4 in Chapter 3, as well as the further discussions in Chapter 4 (under discussion of Coll.Hib.) and in Appendix I.
Of these 24 manuscripts only ten (nos 1, 7, 8, 10, 13, 15, 18, 20, 21, 24) contain penitentials without accompanying canonical material. Nearly half of these, however, are fragmentary (no. 7 [4 fols], no. 8 [12 fols], no. 18 [8 fols], and no. 20 [1 fol.]), so their full original contents—which might have included canonical material—cannot now be known. Thus, of the earliest manuscripts that contain penitentials, the greater part also contains canon law collections. This fact, which is rarely mentioned in the literature, shows that, more often than not, penitentials and canon law collections occupied the same manuscript context. It may be, as Rob Meens has cautioned, that it was precisely the fact that these manuscripts contained canon law collections in the first place that they were most likely to be preserved in episcopal libraries. As reasonable

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142 I consider here DGRE.590.1843 (Pope Gregory I’s Libellus responsionum) to be a canonical document. Despite its being better known today as an historical document included in Bede’s Historia ecclesiastica, before the publication of the Historia the Libellus was (as is demonstrated in Appendix I) transmitted primarily as a papal decretal within Italian canon law collections. A full quarter of the 24 manuscripts listed in Table 1 contain the Libellus, as do many more penitential manuscripts from the ninth century.

143 The first scholar to emphasize the importance of early medieval penitentials and canon law collections sharing the same manuscript context was Franz Kerff, who used this fact to argue that that manuscripts containing penitentials were most often employed by or under the direction of bishops in either synodal or educational settings: see F. Kerff, ‘Mittelalterlichen Quellen und mittelalterliche Wirklichkeit. Zu den Konsequenzen einer jüngst erschienenen Edition für unser Bild kirchlicher Reformbemühungen’, Rheinische Vierteljahrsblätter 51 (1987), 275–86, and F. Kerff, ‘Libri paenitentiales und kirchliche Strafgerichtsbarkeit bis zum Decretum Gratiani. Ein Diskussionsvorschlag’, ZRG, KA 75 (1989), 23–57. This thesis was approved of by Alexander Murray in his ‘Confession before 1215’, Transactions of the Royal Historical Society, 6th ser., 3 (1993), 51–81, at 61, but has subsequently been criticized by historians (see, e.g., next note).

144 Meens, ‘Frequency’, 46. To go from an expression of this caveat, however— with its corollary that probably ‘manuscripts intended to be used by priest confessors were more common than the surviving evidence suggests’—to the claim that ‘penitentials were generally intended to be employed in a pastoral context’ and that ‘The manuscripts were composed for parish priests’ as opposed to bishops goes quite beyond the evidence. While Meens does allow (‘Frequency’, 45) some room for Kerff’s contrasting views on this subject (see above, Chapter 2 n. 143), he diminishes their historical importance by moving their relevance from the ninth century to the tenth, claiming (‘Frequency’, 45–6) that ‘It is remarkable that while in the ninth century the manuscripts which prevail [sc. survive] are those written with a pastoral intent, that is, those consisting mainly of penitential text or combining penitentials
as this theory sounds, it does entail an argument *ex silentio*; and anyway, it does not change the
fact that a great many penitential manuscripts datable to before the ninth century are not merely
‘penitential handbooks’ at all, but rather they are large compendia of both penitential and
canonical materials. To be sure, in most of these manuscripts, the penitential material is discrete
and separate from the more formal canonical material. There is little mixing of penitential with
canonical articles; the recombination of these materials into consolidated canonico-penitential
collections, such as is seen in the ninth century with such works as *Coll. quad.* and *R2L*, has yet
to take place. This is not surprising given that all of these manuscripts are Continental in origin,
and the arrival on the Continent of Insular penitentials was still a relatively recent event at the
time these manuscripts were copied. Canon law collections, with their long history of
Continental transmission, still remained the established genre of canonical literature, while
penitentials, the comparative new-comers, had still yet to acquire the status collections had
enjoyed for so long. Yet the fact that they were packaged together implies that those who used
these books were interested in the complementary aspects of both. This is significant in itself, but
becomes particularly important for the present study when it is recalled that it was Anglo-Saxons
who are largely credited with introducing to the Continent several of the most popular
penitentials in the eighth century.\footnote{145} The implication is that it was in part they who had delivered
penitentials into the hands of Continental prelates *in a canonical context*. Indeed, it may have
been the Anglo-Saxons who had established the precedent of packaging penitentials and canon
law collections together.

In sum, there have been unfortunate side-effects to segregating the study of collections from the
study of penitentials. As already mentioned, modern canonists have traditionally studied canon
law collections and have for the most part been happy to leave the penitentials to the linguists
and social historians. This division of scholarly labour still generally obtains today, though
fortunately it is beginning to break down as more and more canonists begin to consider seriously

\footnote{145 Including, though not necessarily limited to, PTHU.700, PECG.700, and probably PBED.700 and POX2.700.}
the impact the penitential tradition had on medieval canon law. One consequence of the two
genres having been studied in relative isolation is a general lack of communication between
those who study collections and those who study penitentials. In particular, scholars who
study primarily Insular canonical literature have tended to be ill-informed about (and possibly
uninterested in) the history of canon law collections on the Continent. Not looking for evidence
for the use of canon law collections in early England, Anglo-Saxonists have (with only a few
exceptions) failed to find any, and so mention of collections is rarely found in scholarly literature
on Anglo-Saxon England. Modern canonists, then, looking at the literature and finding little of
any relevance to their study of the history of collections, have assumed that collections simply
were not of interest or importance to the Anglo-Saxon church, which (again, judging from the
published literature) must have been far more preoccupied with the penitential genre. This has
led to the assumption, implicit in much modern historiography, that these two genres of
canonical literature competed with each other, that the penitential and the canon law collection
vied with one another for the attention of their ecclesiastical audiences in a sort of zero-sum
competition. Not only (so the argument goes) can the success of the penitential in Anglo-Saxon
England be explained by the failure of the canon law collection, but the failure of the collection
can be explained by the success of the penitential. Thus has the theory of a ‘formal
dichotomy’ between penitentials and canon law collections led in part to the idea that the Anglo-
Saxon church was an institution so dominated by penitentials that traditional canon law
collections could scarcely have had any historical relevance. Far from being irrelevant, however,
canon law collections were—as Table 1 suggests and as the following chapters demonstrate—
exceedingly important to the development of the law and discipline of the Anglo-Saxon church.

146 The study by Ludger Körntgen (‘Kanonisches Recht’) of the relationship between Coll.vet.Gall. and PECU.700,
and those by A.H. Gaastra (‘Penance and the law’; ‘Penitentials and canonical authority’) of the influence of
penitentials in Italian canon law collections, are just two examples.

147 For a number of reasons, this seems often to have boiled down (especially in the seventeenth to nineteenth
centuries) to a lack of communication between Insular and Continental scholarly camps. For further discussion of
this phenomenon, see Appendix V.

148 Cf. Helmholtz, Laws of England, 29: ‘The evidence of the circulation of canonical collections ... pales in
comparison with the evidence about the presence of penitentials in England. Perhaps the very popularity of the latter
explains in part why the former have not left more of a mark. Penitentials were used in their place.’ Cf. also Meens,
‘Frequency’, 47.
2.4 Anglo-Saxon conciliar canons: their relation to the broader canonical tradition

Before coming to consider the full body of evidence for the use of canon law collections in Anglo-Saxon England, one final aspect of the nativist view must be reckoned with. It was stated above that the second bias that underlies the nativist view is the assumption that Anglo-Saxon prelates showed preference for indigenous, ‘Insular’ legal traditions. It has already been considered how this includes the belief that canonical texts and trends of Irish origin—the penitentials foremost among these—exerted particular dominance over the development of Anglo-Saxon canon law, and it has been seen how, although such texts do have a place in the English canonical tradition, by no means are they likely to have substituted for the use of canon law collections. It now remains to speak of the Anglo-Saxons’ attitude towards their own conciliar tradition, for this too must be counted part of the ‘Insular’ canonical tradition. The question that needs to be posed here is, did the production of Anglo-Saxon conciliar canons preclude the need for Continental canon law collections in the Anglo-Saxon church? Or, to put the same question another way, did the Anglo-Saxons valorize their own indigenous canons and look to them differently, perhaps more reverently, than they did to canons originating on the Continent?

The answer, in brief, is that they did not, and this is clear for a number of reasons. First, measured by volume alone, the corpus of Anglo-Saxon conciliar canons is far too small to provide by itself the kind of coverage needed for the administration of so large a province as England. Not counting the modest number of episcopal capitularies produced in Anglo-Saxon England, only four series of conciliar canons survive from Anglo-Saxon synods, all enacted between 672 and 816. As Catherine Cubitt notes,

> Five councils are known to have promulgated [four] important sets of canons. ... These councils and their canons stand in isolation: no other English synod of this period is known to have published a major series of canons. Merovingian and

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149 Almost all of the Anglo-Saxon episcopal capitularies are later in date than the five royal laws quoted above. They could not, therefore, by themselves comprise any part of the body of canons to which most of these royal laws allude. For the Anglo-Saxon episcopal capitularies, some of which survive in the vernacular, see C&S, I.i, text nos 20, 46, 48, 53–7 and 63.
Visigothic synods, by contrast, seem regularly to have issued sets of canons, which were quickly incorporated into important collections of church law. But even more important than their paucity is the extent to which the Anglo-Saxon canons strive to align themselves with established Continental (specifically Roman) tradition. A brief summary of the various series of Anglo-Saxon canons will suffice to demonstrate this. The acta of the Council of Hertford (672) (CHER.672) seek to insinuate themselves into the tradition of Continental conciliar canons by including a confirmation of ‘those things that have been decreed and defined by the holy and accredited fathers’. The ten canons issued by Theodore at this synod cover a surprisingly wide range of administrative and disciplinary subjects; yet they are exceptionally brief, and as Theodore himself declares, they are but a synopsis of a more comprehensive set of canons found in an unnamed canon law collection.

The Council of Hæthfeld (679) (CHAT.679), which issued no canons, patterned its acta on those of Pope Martin’s Lateran council of 649, which had been delivered to the English church by Pope Agatho via John the Archcantor of Rome. CHAT.679 was convoked (again by

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150 Cubitt, Councils, 62.

151 Bede, HE 4.5, ed. Plummer, I, 215: ‘ut, quaecumque decreta ac definita sunt a sanctis ac probabilibus patribus, incorrupte ab omnibus uobis serventur.’

152 The CHER.672 canons cover the following: 1. unity in observing Easter; 2. bishops not to overstep diocesan boundaries; 3. bishops not to interfere with monasteries; 4. monks not to travel without commendatory letters; 5. clergy not to wander or leave their bishop without commendatory letters; 6. travelling clergy to be content with whatever hospitality is offered them, and not to perform duties without permission from the bishop in whose territory they find themselves; 7. synods to be held twice a year, but when this is impossible, once a year (at Clofesho, on 1 August) is permissible; 8. seniority of consecration alone to determine seniority between bishops; 9. more bishops to be consecrated as the faithful increase; 10. incest forbidden; divorce forbidden, except for fornication, after which remarriage is not permitted.


Theodore) in response to the Monothelite heresy that had been renewed in the East.\textsuperscript{155} It began with a pronouncement of orthodox faith,\textsuperscript{156} and included a confirmation of the five holy and universal synods of the blessed Fathers, who were pleasing [acceptabilium] to God, that is: the 318 who gathered at Nicaea against the impious Arius and his teachings; the 150 who gathered in Constantinople against the madness of Macedonius and Eudoxius and their teachings; the 200 who gathered in the first council of Ephesus against wicked Nestorius and his teachings; the 630 who gathered at Chalcedon against Eutyches and Nestorius and their teachings; and those who gathered in the second council of Constantinople—the fifth in the ecumenical series—in the time of Justinian the younger, against Theodore and the letters of Theodoret and Iba and their teachings against Cyril.\textsuperscript{157}

The entire context of CHAT.679 thus puts it in line with the Continental canonical tradition, possibly even with a specific canon law collection.\textsuperscript{158}

Likewise, the eleven canons of the Council of Chelsea (816) (CCHE.816), presided over by Archbishop Wulfred, begin with a confirmation of the canons of the Fathers,\textsuperscript{159} and it is of

\textsuperscript{155} For discussion of the historical context, see H. Chadwick, ‘Theodore, the English church and the Monothelite controversy’, in Archbishop Theodore, ed. Lapidge, 88–95, and my response to Chadwick’s arguments below, Chapter 5 n. 375.

\textsuperscript{156} Bede, HE 4.17, ed. Plummer, I, 239: ‘et confitemur secundum sanctos patres, proprie et ueraciter Patrem et Filium et Spiritum Sanctum trinitatem in unitate consubstantialem et unitatem in trinitate, hoc est unum Deum in tribus subsistentiis, uel personis consubstantialibus, aequalis gloriae et honoris.’ Further creedal statements can be found in the conclusion to this council’s acta (ed. Plummer, 240): ‘glorificantes [viz. nos] Deum Patrem sine initio, et Filium eius unigenitum ex Patre generatum ante saecula, et Spiritum Sanctum procedentem ex Patre et Filio inenarrabiliter’. On the possible significance of ‘et Filio’ here, see below, Chapter 5 n. 375.

\textsuperscript{157} Bede, HE 4.17, ed. Plummer, I, 240: ‘Suscipimus sanctas et uniuersales quinque synodos beatorum et Deo acceptabilium patrum: id est, qui in Nicaea congregati fuerunt CCCX et VIII contra Arrium impiissimum et eiusdem dogmata; et in Constantinopoli CL contra uesaniam Macedonii et Eudoxii et eorum dogmata; et in Efeso primo ducentorum contra nequissimum Nestorium et eiusdem dogmata; et in Calcedone DC\textsuperscript{cum} et XXX contra Eutychen, et Nestorium, et eorum dogmata; et iterum in Constantinopoli quinto congregati sunt concilio in tempore Iustiniani minoris contra Theodorum, et Theodoreti et Iba epistulas, et eorum dogmata contra Cyrilum’.

\textsuperscript{158} Given that the context of the council was the repudiation of Monothelitism—to which the Monophysitism of Eutyches (fifth century) was antecedent—it is entirely possible that there was present at CHAT.679 a collection like the fifth-century Italian Coll.Quesn., a canon law collection that centers around the doctrinal disputes of Chalcedon and the condemnation of Eutychianism. For further on this collection, see Chapter 5.
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particular significance that canon 8 alludes to the *Council of Chalcedon (451)* (CCHA.451) when discussing the property rights of monastic foundations: ‘and if anyone should desire [to know more], let him not shy away from consulting the council of Chalcedon.’ Such a statement implies that the ancient canons were readily available to any English ecclesiastic who wished to consult them.

A confirmation of the canons of all the ecumenical councils also prefaces the series of twenty canons produced by the legatine councils (CENG.786) held in southern England, Northumbria and Mercia in 786 under the authority of the papal legates George of Ostia and Theophylact of Todi. These canons, which survive now only in the subsequent *relatio* or report written by

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159 The CCHE.816 canons cover the following: 1. catholic and orthodox faith to be kept, along with the canons of the Fathers; 2. new churches should be sanctified by the appropriate bishop; Eucharist to be put in a box and kept in the basilica, so that even if there are no other relics there will be this; there shall be depictions of holy things on the walls, table, or altar; 3. concord and peace to be kept; judgements to be unanimous and free of favouritism; 4. bishops to elect abbots and abbesses in consultation with the monastery’s convent; candidates to be selected without simony or favouritism, and to be examined; they are to be free of capital sins (namely murder, procreation, or theft) and be good speakers; 5. Irishmen (‘Scottorum’) not to be allowed to administer or touch the sacraments, for it is uncertain where and by whom they were ordained; 6. the judgements of past bishops not to be abrogated by anyone except the king; on accusations and attending judicial synods; 7–8. on the preservation, leasing and proper divestment of monastic property; 9. bishops to record the judgements passed at synods and to report them to his parish; 10. on the proceedings to be followed immediately after a bishop’s death; 11. bishops not permitted to invade the parish of another or perform consecrations without permission; except the archbishop, for he is the head of his churches; priests not to take on more duties than those bestowed on him by their bishops; baptism not to be denied to anyone; on the proper method of baptizing infants.

160 CED, III, 582: ‘sed si quis desiderat, in synodo Calcidanesse repirirre non pigiat.’ The reference seems to be to both CCHA.451.17 and 24.

161 On CENG.786 see Story, *Carolingian connections*, 54–90, and Cubitt, *Councils*, 153–90. For a translation of the CENG.786 canons, see Carella, ‘Alfred and Alcuin’, 99–119. They cover the following: 1. the Nicaean faith to be upheld, and every year in synods the bishops to gather and examine their priests to ensure they are instructing the people in the Apostolic faith in accordance with the six ecumenical councils; 2. baptism to be given at the canonical time; all to know the Creed and the Lord’s Prayer; infants to have sponsors to renounce Satan on their behalf, and when the infants mature they should be taught the Creed and Prayer by their sponsors; 3. two councils to be held every year; once a year bishops to visit their parishes and call *conventicula* to ensure good pastorship on the part of their priests; priests not to charge for their services, etc.; 4. bishops to ensure his canonici live canonically and monks live *regulariter*; there should be a distinction between the two, and they should conform to the Eastern examples for such living; the canons of the six ecumenical councils and the decretals of the popes to be read often and observed; 5. when an abbot or abbess dies, the bishop to lead the election of a new abbot or abbess from the monastery, or from another monastery if none suitable are found in the first; 6. none to be promoted unless they are of probate life and practice, and not without good cause; 7. churches to hold their *cursum* publicly and with reverence at the canonical hours; 8. ancient privileges granted by Rome to remain in place, and any that have been written down un-canonically because of the influence of powerful men to be dissolved; 9. no ecclesiastic to eat his food in secret, falsely simulating fasting; 10. a priest not to give mass while wearing shorts, lest his ‘filth’ be visible;
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George to Pope Hadrian I,\textsuperscript{162} were composed by Continental (not Anglo-Saxon) prelates,\textsuperscript{163} and many of them seem to have been modelled on Continental examples.\textsuperscript{164} Of particular relevance

alms should be bread, not crust; the chalice and the paten not to be made of animal horn; bishops not to make judgements on \textit{secularia} when holding councils; prayers to be made on behalf of the Church of God; \textbf{11}. a ‘sermo ... \textit{ad reges et principes}’: govern with care and judge with justice; kings, princes, and all their dignitaries admonished to be good rulers; they should honour their bishops; kings to avail themselves of prudent counsellors; \textbf{12}. corrupt men to have no say in the election of kings; kings to be elected by the priests and ‘senioribus populii’, and not to be the product of incest; all to honour the king as ‘christus Domini’; no one to usurp (‘detrahat’) the king; what kind of punishment a regicide and his co-conspirators shall receive; the final sentence reads: ‘For it has often been proven by examples among you that whoever has been responsible for the killing of people while they slept has come to the end of life in a very short space of time, and has been outlawed by both civil and canon law \textit{[utroque iure]}’ (Bryan Carella’s translation); \textbf{13}. the rich and powerful to judge justly, and not to show favouritism or prejudice or accept bribes; \textbf{14}. fraud, violence, and rapine prohibited, and no tributes to be demanded of the church beyond what is stipulated by \textit{lex Romana} and the \textit{antiqua consuetudo} of early emperors, kings and princes; there to be concord between all of every rank and order; \textbf{15}. illegitimate unions prohibited, as much with nuns and virgins as with other illicit persons; \textbf{16}. legitimate heredity to be withheld from the sons of \textit{meretrices}; sons of adulterers and of nuns judged to be ‘spurios’ and themselves adulterous; the \textit{canon, evangelica doctrina, and decreta apostolorum} are alluded to as far as they address legitimate marriage, times for sex (‘nubendi’) and times for abstaining; \textbf{17}. on tithes, which are to be given in secret; usage prohibited; on equal measures and weights; \textbf{18}. vows to be fulfilled; \textbf{19}. all remaining pagan customs to be abolished; \textit{tincturae} (‘tattooing’?) mentioned; the English accused of wearing the garments of pagans, mutilating and eating horses, and casting lots to resolve \textit{litigia}; \textbf{20}. be quick to turn to the Lord; do penance. On the possibility that these canons represent the ‘lawcode’ of King Offa of Mercia mentioned by King Alfred in his \textit{Domboc}, see Cubitt, \textit{Councils}, 169–70, and 187, and Wormald, ‘In search of Offa’s “law-code”’.

\textsuperscript{162} Only in a single Continental copy: Wolfenbüttel, Herzogliche August Bibliothek, Helmstadt 454, fols 22v–159v (ca 1000, Saxony, probably Hildesheim). On this manuscript, in which CENG.786 forms part of the \textit{Collectio 233 capitulorum}, see above, Chapter 1 n. 18. Charles West, ‘Legal culture in tenth-century Lotharingia’, in \textit{England and the Continent in the tenth century}. \textit{Studies in honour of Wilhelm Levison} (1876–1947), eds D. Rollason, C. Leyser and H. Williams, Studies in the early Middle Ages 37 (Turnhout, 2010), 351–75, at 356, comments that this manuscript ‘appears to be a copy of material which the Lotharingian monk Adalbert, soon to be Archbishop of Magdeburg, took with him when he went to Saxony in 968. In addition to distinctively Trier liturgical material (which helps identify its provenance), it includes ... Pseudo-Isidore, though ... in the form of the late ninth-century reworked collection attributed to Bishop Remedius of Chur.’ Copies of the CENG.786 canons were nevertheless available in England in the tenth and eleventh centuries, for Alfred knew these decrees, Oda used them in his \textit{Constitutiones}, and, probably, Wulfstan of York drew on them for his \textit{De ven.sacerd}. For Alfred, see Wormald, ‘In search of Offa’s “law-code”’. For Oda’s \textit{Constitutiones} see Whitelock, \textit{EHD}, 836, C&S, I, 67–74, and Wormald, ‘Offa’s “law-code”’. For Wulfstan’s \textit{De ven.sacerd}., see Elliot, ‘Wulfstan’s Commonplace Book revised’; cc. 3 and 11 of CENG.786 share many of the same themes, scriptural quotations, and even phrasings that can be found in Wulfstan’s ‘Block VII’ texts, and particularly in \textit{De ven.sacerd}.

\textsuperscript{163} It is possible that this is not entirely true. The subscription list and epilogue to George’s report describe how he was joined in York by Alcuin, at that time lector: cf. CENG.786 (ed. Dümmler, 28, lines 10–11). Scholars have noticed that stylistic features of some of the CENG.786 canons (esp. cc. 11–14) suggest Alcuin’s involvement in their composition: see Carella, ‘Alcuin and Alfred’, 17–50; Cubitt, \textit{Councils}, 157–90; Story, \textit{Connections}, 62–4 and 177. The argument rests upon similarities between CENG.786 and the second half of Charlemagne’s famous \textit{Admon.gen.} (789) (written three years after the legation to England), which Alcuin is also believed to have helped author. Carella, ‘Alcuin and Alfred’, 48, concludes from a stylistic analysis that ‘Alcuin was not merely an advisor, but had a direct influence on the composition of the Legatine Capitulary.’ Story, \textit{Connections}, 63, cautions, however, that ‘The degree of Alcuin’s influence on the reform programme embedded in George’s letter to Hadrian
here is canon 4, which states ‘that the conciliar canons [synodalia edicta] of the six ecumenical councils along with the decrees of the popes be read through exceedingly often, that they be observed, and that the condition of the English church be brought into line with their example [iuxta eorum exemplar ecclesiae status corrigatur], so that nothing novel may be permitted by any to be introduced—lest schism enter the Church of God.’ Such a canon would, of course, make no sense unless the legates knew the Anglo-Saxon church to possess a sufficient supply of canon law collections.

The thirty canons issued under the authority of Archbishop Cuthberht at Clofesho (747) (CCLO.747) stand out as the single most extensive canonical statement of any Anglo-Saxon council. They cover a variety of subjects, the most important of which seem to have been the gubernatorial functions of the bishops, and the ordering of monasteries and parishes. Most of

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164 Story, Connections, 85–7, noting parallels between George’s canons and legislation passed in the First Saxon capitulary, and at Herstal (779), Soisson (744), Ver (755), and Compiègne (757).

165 CENG.786 (ed. Dümmler, 22): ‘ut synodalia edicta universalium sex conciliorum cum decretis pontificum Romanorum sepius lectitentur, observentur et iuxta eorum exemplar ecclesiae status corrigatur, ut nec quid novi ab aliquibus introduci permittatur, ne sit scisma in ecclesia Dei.’


167 The CCLO.747 canons cover the following: 1. bishops to keep their pastoral care and the ancient canons, and to avoid secular business; 2. all bishops to strive for concord between each other; 3. bishops to visit their parishes yearly; 4. abbots and abbesses to live regulariter and conduct themselves appropriately; 5. on secular monasteries; 6. those to be ordained shall first be examined; 7. study of the lection should to be promoted so that it be known by heart; 8. priests to refrain from worldly business; 9. priests to visit their parishes frequently to preach, teach and baptize, and not to offer bad example; 10. priests to know the creed and Pater Noster, and to learn how to perform their offices and interpret the liturgy properly; 11. priests to carry out their ministry in one and the same way; 12. priests not to sing the mass like secular poets, nor use a tragic voice, but with a simple and modest melody, or failing that let them simply read it out loud; priests not to sing parts suitable for the bishop; 13. feasts and celebrations to be held on the same day and at the same time, according to ‘the written example we have from the Roman Church’ and the ‘martyrologium of the Roman Church’; 14. Sundays to be celebrated by all in the proper way, and all extra business to be put off, and the people to be invited by priests to hear edifying sermons; 15. the seven canonical hours to be obeyed in monasteries everywhere, and nothing to be read or sung that is not scriptural or of Roman origin ‘quatenus unanimes uno ore laudent Deum’, and that prayer not to be only ‘for ecclesiastics and religious alone’, but also ‘pro Regibus et totius populi Christiani incolumitate’; 16. the Greater Litany to be celebrated on (?) 23 April, according to the Roman tradition, and the Lesser Litany three days before Ascension, and not with games or horse-races or great feasting, but with honour and relics; 17. festivals of Gregory and Augustine to be held every year and
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this council’s canons are reminiscent of continental canons—indeed they seem in large part to have been patterned on Frankish synodal decrees—and there is frequent mention of desire for concord with Roman traditions. But though the CCLO.747 canons are relatively extensive, they are far from comprehensive. They say, for example, nothing about how to deal with lapsed clerics, an issue that caused particular difficulty for many Continental churches and that produced considerable (and often contradictory) legislation. Nor does CCLO.747 have anything to say on the subject of judicial process, specifically the all-important process of appeal. Appeal, in fact, is a subject on which no Anglo-Saxon council ever legislated; yet, it is known from the controversy surrounding the career of Wilfrid that appellate procedure was a

their names to be mentioned in the Litany; the three ember fasts to be observed and taught to the people according to the Roman rite; monks and nuns to live according to their rule and to wear appropriate clothing; monasteries to be places of silence, and not places for poets, citharists, musicians, jokes and weaving; laypersons to be kept out whenever possible; ecclesiastics not to pursue drunkenness nor compel others to it; ecclesiastics to prepare themselves for the Eucharist, and be corrected sharply if they err; boys, while young, should resist being tempted by sexual pleasure, and, when older, are advised to become either celibate or married so that they be fit to receive the Host as often as possible; laymen wishing to take religious vows to be examined first, and bishops and provosts (‘rectores monasteriorum’) to do the examining; if one who is unfit is inadvertently promoted, he is not to be cast out of the monastic/eclesiastical community unless absolutely necessary; after a synod, bishops to convene their priests, abbots and provosts and instruct them to keep the synod’s decrees; if a bishop cannot correct something in his diocese, he shall bring it before the synod; alms to be given every day to the needy and to those doing penance; discussion of penance and the commutation of sin, with condemnation of the latter; no cleric to take on a congregation larger than he can sufficiently maintain; on the proper garments to be worn by clergy; clerics and monks not to live in secular houses; clergy to remain outside of secular jurisdiction.


169 Cf. canons above, in Chapter 2 n. 167; cf. also Cubitt, Councils, 149: ‘The Clofesho canons are an expression of the movement within the Anglo-Saxon church for unity and uniformity with Rome’; and Vollrath, Synoden, 142: ‘Die Synode ist ... von großer Bedeutung ... weil sie die angelsächsichen Kirche im Kontakt sowohl mit der römischen als auch, über den Angelsachsen Winfrid–Bonifatius, mit der fränkischen Kirche zeigt.’

170 See above, Chapter 1 n. 85. Note, however, that lapsed clerics are treated in chapter 5 of Ecgberht’s Dialogus, which was produced at roughly the same time as CCLO.747. For discussion of the significance of this chapter to the question of the Dialogus’s authorship, see below, Appendix III p. 406.

171 Nor does appeal seem to have been dealt with by any royal legislation until the time of kings Æthelstan and Edgar: cf. LawIIAs 3, and LawIIIeg 2–2.1.
controversial issue in England, particularly during the archiepiscopacy of Theodore. The combined weight of all of this—the overall paucity of the corpus, its lack of coverage of certain crucial and controversial legal subjects, and its frequent references to Continental traditions and Continental canonical materiae—far from demonstrating the canonical independence of the Anglo-Saxon church, shows that the earliest English conciliar canons were intended to supplement, not stand in for, the Continental (and especially the Roman) canonical tradition.

Supplementation, not substitution, is further demonstrated by direct borrowings and references within the Anglo-Saxon canons. If the nativist view were in any way credible, then one should expect to find a good deal of indigenous canons being referenced by Anglo-Saxon synods; but in fact this is almost never found. Rather, instead of seeking to promote a specifically English or Insular tradition of conciliar legislation, Anglo-Saxon synods present themselves as eager to engage with the Continental tradition. It has already been seen that Anglo-Saxon synods were keen to set their legislation within the greater Continental canonical tradition by beginning their proceedings with confirmation of the canons issued by the ecumenical councils. It was also observed that the acta and canons of CHER.672, CHAT.679, CCLO.747 and CENG.786 were all, in different ways and to greater or lesser extents, modeled directly after either Roman or Frankish synodal legislation. Cubitt has, furthermore, remarked on how ‘The canons of the ancient church occupy a special place in the decrees of the Council of Chelsea’, and has demonstrated that in particular these decrees, issued by Archbishop Wulfred, drew inspiration from the councils of CCHA.451, Antioch (ca 328) (CANT.328), and Sardica (343×347) (CSAR.347), and from the apocryphal Can.apost. Joanna Story, too, has pointed out further

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172 On Wilfrid’s legal difficulties in England, and his frequent appeals to the papal see, see by C. Cubitt, ‘Wilfrid’s “usurping bishops”: episcopal elections in Anglo-Saxon England c. 600–c.800’, Northern history 25 (1989), 18–38. Some discussion of Wilfrid’s run-ins with canon law can also be found in Stancliffe, Bede, Wilfrid, and the Irish, esp. 7–9.

173 According to Cubitt, Councils, 159–60, the canons of CCLO.747 directly influenced several of the canons issued by CENG.786. Cubitt also observes (p. 193 n. 6) that a CHER.672 canon may have been behind two CCHE.816 canons. C. Cubitt, ‘Pastoral care and conciliar canons: the provisions of the 747 council of Clofesho’, in Pastoral care before the parish, eds J. Blair and R. Sharpe (Leicester, 1992), 193–211, at 194, also notes that one of the CCLO.747 canons influenced a canon issued at CCHE.816.

174 Cubitt, Councils, 192–94 with nn. 5–6. For further discussion of Continental canonical influences on Wulfred, the president of CCHE.816, see Cubitt, Councils, 199–201. Wulfred engaged with and endorsed the canon law in other ways as well. For example, two charters (S 1433 and S 22) associated with Wulfred, archbishop of Canterbury (805–832), make broad references to the Continental canon law tradition, and particularly to the canonical subject of
parallels between Wulfred’s canons and Frankish legislation.\footnote{175} And there is at least one quotation (hitherto not acknowledged by scholars) from Leo the Great’s letter to Rusticus of Narbonne (DLEO.440.544) in canon 26 of CCLO.747.\footnote{176} This was a popular decretal letter, and was transmitted in a number of chronological canon law collections antedating the eighth century, including Italian collections like \textit{Coll.Sanb.}, \textit{Coll.Quesn.}, the \textit{collectiones Teatina} and \textit{Vaticana}, and Dionysius’s decretal collection.\footnote{177} The relevant chapter of DLEO.440.544 is also found in an appendix that was added to \textit{Coll.vet.Gall.} at Corbie in the second quarter of the eighth century.\footnote{178} In this connection, it may be significant that St Boniface, who provided much of the inspiration behind the CCLO.747 canons, has been connected to the creation of \textit{Coll.vet.Gall.}’s Corbie appendix.\footnote{179}

Another powerful indicator that the Anglo-Saxons were not intent on substituting the Continental canonical tradition with their own indigenous legislation is that, so far as is known, and unlike their Continental counterparts, no Anglo-Saxon prelate ever compiled the canons of his native church (CHER.672, CHAT.679, CCLO.747, CENG.786 and CCHE.816) into a representative or ‘national’ canon law collection.\footnote{180} Besides a handful of collections of Old English penitential


\footnote{175} Story, \textit{Connections}, 207.


\footnote{177} DLEO.440.544 was also transmitted in \textit{Coll.Hisp.}, and in the Gallic \textit{collectiones Colbertina, Diessensis} and \textit{Corbeiensis}, all of which are discussed further in Chapter 5.


\footnote{179} On Boniface’s relationship to \textit{Coll.vet.Gall.}, see Chapter 4.

\footnote{180} Maassen, \textit{Geschichte}, 224; Carella, ‘Alcuin and Alfred’, 10. The two possible exceptions here are not really exceptions at all. The first is the \textit{Collectio Cottoniana}, on which see Chapter 4. The second is the collection of
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materials that survive from the eleventh century, only two canon law collections are known to have been compiled in Anglo-Saxon England, and these contain predominantly foreign canonical material. The first is based on the *Iudicia Theodori*, a small corpus of judgements by Archbishop Theodore on Roman, Greek and Irish canonical and penitential practices. These judgements were assembled after Theodore’s death into various collections, namely PTHB.700, PTHC.700, PTHD.700, PTHG.700, and PTHU.700. These different collections are generally classed as penitentials, and indeed they contain a very high percentage of penitential rulings. But the last of these redactions (PTHU.700), known as the *versio discipuli Umbrensis*, is divided into two books, only the first of which deals with penitential matter; its second book is distinguished from the first, and was in fact often transmitted independently, because it contains material that is more canonical than penitential in nature. The second Anglo-Saxon collection is *Coll. Wig.*, a collection of mainly Carolingian canonical material compiled in England ca 1005, and also extant in multiple redactions. The evidence of these two collections—both of which are concerned predominantly with Continental canonical traditions—weighs heavily against the nativist view that the Anglo-Saxons were interested in substituting ‘native’ or ‘Insular’ canonical

penitential letters assembled by Archbishop Wulfstan that makes up *Coll. Wig. C* 232–40/D 159–167 (see Appendix X). On this collection of letters see R.A. Aronstam, ‘Penitential pilgrimages to Rome in the early Middle Ages’, *Archivum historiae pontificiae* 13 (1975), 65–83. All of these letters bear directly on English affairs, and although some of them were authored by popes to English recipients, none of them is in the character of a decretal proper. I would therefore not consider them to constitute a canon law collection in any meaningful sense.

181 Namely: Brussels, Bibliothèque royale Albert 1er, MS 8558–63 (2498), fols 132r–153v (s. xi1, south England or Mercia); Cambridge, Corpus Christi College, MS 190, pp. 295–420 (s. xi\textit{med}, England); Cambridge, Corpus Christi College, MS 201, pp. 8–160 and 161–67 (s. xi1 or xi\textit{med}, Winchester?); Cambridge, University Library, Additional 3206 (s. xi2, England); Oxford, Bodleian Library, Junius 121 (5232) (s xi3/4, Worcester); and Oxford, Bodleian Library, Laud misc. 482 (1054) (s. xi\textit{med}, Worcester).

182 One further example of a Latin canon law collection compiled in Anglo-Saxon England might be Cambridge, Corpus Christi College, MS 320, fols 117r–170v (s. x\textit{x}–x\textit{xiv}, St Augustine’s, Canterbury), which contains PTHU.700, DGRE.590.1843, and PCAN.800. It is unclear whether this is an original Canterbury production, or merely a copy of a Continental exemplar; however, the presence of a Latin poem by Archbishop Theodore on the fol. 154v certainly makes a Canterbury origin possible (the modified excerpt of the introduction to the Old English *Scriftboc* on fol. 170r has been added by a later hand). In any case, this interesting manuscript consists predominantly of penitential material, and so is not considered further in the present study.

183 Charles-Edwards, ‘Penitential of Theodore’, esp. 147. For further on the *discipulus*, see below, Chapter 5 nn. 379 and 381.

184 For further on *Coll. Wig.*, see Chapter 4.
texts for the many Continental canon law collections that were already amply available in their own libraries.

2.5 Summary

Where was the canon law in Anglo-Saxon England? It did not, as proponents of the nativist view have implied, reside in the law codes of Anglo-Saxon kings, for these make clear references to a separate, independent and more comprehensive body of ecclesiastical laws. That this body of laws may—as a number of scholars have argued—be identified principally with the penitentials can be ruled out, for this is to exaggerate the evidence for the use of penitentials in early Anglo-Saxon England and to ignore entirely the considerable evidence for Anglo-Saxon use of collections. Penitentials simply could not have served as the dominant source of rules for ecclesiastical discipline, judicial procedure and church administration in the early English church. Claims to the contrary appear to be based in large part on assumptions about the institutional ‘backwardness’ of Insular Christianities—something that, while perhaps in some ways true of the early Irish church, was clearly not the case with the early Rome-oriented Anglo-Saxon church. Nor, finally, is there any good reason to believe that the Anglo-Saxon church’s own tradition of indigenous conciliar legislation was meant to serve as a substitute for the enormous mass of canonical legislation that the Anglo-Saxon church inherited from its Continental progenitors. The evidence assembled in this chapter points rather to the conclusion that it was canon law collections that served in England—just as they did on the Continent—as the main repository of church law. It remains now, in Chapters 3–5, to consider the evidence for the use of such collections by Anglo-Saxon personnel.
3 Manuscript evidence for canon law collections in Anglo-Saxon England

‘Are we to suppose, in the absence of any copies of canon law in insular script known to have been produced in England, that their ghosts are apparent in copies made from them that do survive?’ Thus wrote Rosamond McKitterick in a seminal article in 1985 titled ‘Knowledge of canon law in the Frankish kingdoms before 780: the manuscript evidence’. This question goes to the heart of the study of Anglo-Saxon canon law. As McKitterick’s rhetorical formulation suggests, the question must be answered in the affirmative. For, as she rightly notes, in terms of canonical manuscripts associated with Anglo-Saxon England, a great deal of indirect evidence makes up for a conspicuously small amount of direct evidence.

To date, manuscripts have provided almost all the evidence that scholars have been able to collect on the subject of Anglo-Saxon canon law. The problem here has been that Anglo-Saxon manuscripts containing canon law collections are rare to the point of being nearly nonexistent. No canon law collection copied in England before the tenth century survives today; the only possible exceptions are two manuscripts (C2 and C3 in the list of sigla below), which, if actually copied in England, were transferred to the Continent very shortly after they were produced. But the reason for this is not that no collections were copied in England between 600 and 950; rather it is merely an accident of history. It is well known that in England the problem of poor manuscript survival from before the tenth century is particularly acute. Both the Viking invasions of the ninth century and the Reformation dissolution of the monasteries in the sixteenth have ensured that modern historians are left with little in the way of material evidence for the content of Anglo-Saxon libraries, especially for the earliest periods. Of the almost one thousand books


and book fragments that survive from before the twelfth century, the great majority date from after the reign of King Alfred (†899), while only about two hundred date from before that time.\(^3\) Most of these two hundred are datable to the eighth century. Many only survived the ravages of the Vikings and the rapine of Cromwell’s commissioners because they ‘were taken to the continent in the course of the Anglo-Saxon mission’ where they might remain comparatively unmolested.\(^4\) Many Continental (especially German) libraries that still survive from the eighth century indeed reveal connections—both direct and indirect—to the Anglo-Saxon mission in the eighth century. And almost all of these libraries boast comparatively rich troves of early manuscripts. To be sure, in the course of history Continental libraries have experienced their own crises, so that even there the medieval book was not guaranteed survival. But this only implies that many more seventh- and eighth-century English books than actually survive in Continental libraries must have once existed there, having been either brought south of the Channel during the eighth century, or copied \textit{in situ} by Anglo-Saxon or Anglo-Saxon-trained scribes. What is important to recognize is that, given the way history unfolded, finding traces of now lost Anglo-Saxon manuscripts requires taking into consideration the contents of Continental libraries.

The search for Anglo-Saxon canon law thus inevitably leads beyond England itself and into the better preserved medieval libraries on the Continent, where so many clues about Anglo-Saxon intellectual culture are still preserved. The following list of manuscripts bearing on the history of Anglo-Saxon canon law demonstrates the absolutely crucial importance of considering the Continental evidence. Manuscript shelf-marks are listed below alphabetically, followed (in the case of composite codices) by the relevant folio or page ranges, then the date and place of origin as generally agreed upon by palaeographers,\(^5\) followed by a footnote listing catalogues and

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\(^3\) Gneuss, ‘King Alfred’, 36–7.


\(^5\) In cases where there is significant disagreement between palaeographers I have either represented the range of opinions in the appropriate space, or—when the number of opinions was great enough—opted to print whatever
important studies of the manuscript. Then follows (after the long hyphen) a list of the canon law collections contained therein. If the manuscript contains additional texts of a canonical nature, these are then listed in smaller type between parentheses.

The list is divided into four sections, each of which represents a different status of evidence. Those manuscripts that are known with certainty to have been copied in Anglo-Saxon England are designated with the prefix A. Manuscripts from the A class are of the greatest importance to the present study, since they demonstrate direct and unquestionable knowledge by Anglo-Saxon scribal communities of the canon law collections they contain. Unfortunately, the range of collections represented by the A class is limited to \textit{Coll.Wig.} and \textit{Coll.quad.} alone.\footnote{Though it seemed necessary to include it in the list and discussion below, I do not consider the \textit{Collectio Cottoniana} to be a canon law collection proper.} Manuscripts from the B class, however, contain a total of six different collections. B manuscripts are manuscripts that, while not copied in Anglo-Saxon England, were at one time or another part of an Anglo-Saxon library. Manuscripts from this class are important since it can be assumed that their contents had been read at least by the Anglo-Saxon personnel who spent effort and money in acquiring and housing these books. The prefix C is given to manuscripts of doubtful origin or provenance, but for which there is reasonable evidence to assume they were either produced or at one time present in Anglo-Saxon England. Manuscripts of purely Continental origin and provenance (that is, manuscripts that were neither produced nor ever owned in Anglo-Saxon England) are entered into the D class if there is evidence that Anglo-Saxons working on the Continent may have been involved in their production, augmentation or dissemination. Obviously, there must necessarily be some doubt about the relevance to Anglo-Saxon history of manuscripts in the C and D classes; accordingly, one must be cautious when using these manuscripts as evidence for the use of canon law collections by Anglo-Saxons. However, as will be clear from their sheer number, the manuscripts found in these classes constitute a significant and relatively untapped mine of information about the sorts of canon law collections probably being used by Anglo-Saxons, whether they were working in England or on the Continent.

date/location seems to have garnered the most acceptance in the scholarly literature. Very often this meant siding with the opinions of Bernhard Bischoff and Neil R. Ker.
3.1 Manuscripts copied in Anglo-Saxon England (A)

A1. Cambridge, Corpus Christi College, MS 190, pp. iii–xii and 1–294 (s. xi\(^1\), Worcester?; prov. Exeter by s. xi\(^{med}\))\(^7\) — Collectio canonum Wigorniensis (+ PPTH.800, Ælfric’s Ep.2 and 3)

‘Almost certainly’ in a Worcester hand, according to David Dumville.\(^8\) A1 was already joined with Corpus 190, pp. 295–420 by the time it arrived in Exeter.

A2. Cambridge, Corpus Christi College, MS 265, pp. 3–208 (s. xi\(^{med-3/4}\), Worcester?; prov. Worcester, s. xi\(^2–xiii\))\(^9\) — Collectio canonum Wigorniensis (+ Ghaerwald’s First capitulary)

Fritheul’s Cap.I and II, Old English handbook, Admon.gen.(789) [excerpts], Radulf’s Cap. [excerpts], ELRF [excerpts], PECG.700, Ælfric’s Ep.2 and 3, excerpts from an unidentified canon law collection

Despite common claims to the contrary, a Worcester origin for this part of the codex (pp. 3–208) is not certain: the script does not conform to the distinctive Worcester house style


\(^8\) D.N. Dumville, English Caroline script and monastic history: studies in Benedictinism, A.D. 950–1030, Studies in Anglo-Saxon history 6 (Woodbridge, 1993), 52 n. 228.

of the later eleventh century, nor does the parchment flyleaf (pp. 1–2) containing a monastic profession dedicated to St Wulfstan (bishop of Worcester 1062–1095) form an original part of this section of the manuscript.10 In his Toronto doctoral dissertation, Drew Jones showed that Corpus 265, pp. 3–208 (A2) was copied by a single scribe, while pp. 209–15, 216–36 and pp. 237–68 are separate booklets copied by several later scribes working at Worcester.11 It is not clear exactly when A2 was joined with these three booklets (Corpus 265, pp. 209–68), or at what point two additional booklets (Corpus 265, pp. 269–442, and Corpus 265, pp. 443–500) were added to the whole, but the entire volume had been assembled into its current state by the end of the thirteenth century at the latest.12 For further discussion of the codicology of A2, see Appendix IV.13

A3. London, British Library, Cotton Nero A. i, fols 70–177 (1006×1023, Worcester or York; prov. Worcester? until s. xvi)14 — *Collectio canonum Wigorniensis* (+ Ghaerbald’s *First capitulary*)

Henry R. Loyn and Patrick Wormald have together shown that A3 is made up of five booklets (copied by several scribes), which are now out of their original order.15 According to Wormald, A3 was probably not joined with Nero A. i fols 3–57 until the sixteenth century, perhaps around the time fols 58–69 were copied and inserted by Joscelyn;16 certainly they were joined by the end of that century when the entire volume entered Cotton’s Library.

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10 Jones, ed., *Ælfric’s Letter*, 71 and 75.
13 Below, Appendix IV p. 439.
A4. London, British Library, Cotton Otho A. i (fragm.; s. viii\(^2\), Mercia? [Lichfield?];
medieval prov. unknown)\(^{17}\) — Collectio Cottoniana

A4 was nearly completely destroyed in the fire at Ashburnham House in 1731. Only 9
folios remain, one of which is now preserved as Oxford, Bodleian Library, Arch. Selden B.
26 (SC 3340), fol. 34v.

A5. Oxford, Bodleian Library, Bodley 718 (2632) (s. x\(^2−cx\), Sherborne?, Canterbury?, Exeter?;
prov. Worcester?, thence Ramsey?, thence Dorchester?; Dorchester after 1067, and thence
Exeter, probably in 1071/2; Exeter certainly by 1327 and until 1602)\(^{18}\) — Collectio
canonum quadripartita (books 2–4) (+ CROM.1078 and False decretals [excerpts, in later hand].
PECG.700, Ghaerbald’s First capitulary, Coll.Hib. [excerpts, in later hand]; DLEO.1048.4208 [in later
hand])

The sequence of provenances given above is based on certain suggestions made by
Patrick Wormald, who indicated that the manuscript could have originated in Canterbury or
Sherborne, arrived in Worcester during the pontificate of Oswald, and been transferred
thence to Dorchester (via Ramsey) through the agency of bishops Æthelric or Eadnoth II.\(^{19}\)

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\(^{19}\) See Blair, ‘Estate memoranda’, 116, citing personal correspondence with Wormald. See also Wormald, MEL, 223 n. 240, where he argues for a Worcester provenance, while simultaneously dissenting from the view that A5 originated in Exeter.
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A5 was copied by the same scribe\(^\text{20}\) that wrote Exeter, Cathedral Library, MS 3507 (s. x\(^2\), Canterbury or Sherborne), and Paris, Bibliothèque nationale, Lat. 943 (s. x/xi–xi\(^1\), Sherborne? Canterbury?), the latter being the so-called ‘Dunstan’ pontifical. On the possibility that A5 was originally two manuscripts, see the discussion of Coll.quad. in Chapter 4. An English scribe has added additional canons (concerning women) from Coll.Hib. to the end of Coll.quad.; the last of these additional canons ends abruptly at the bottom of fol. 178v, showing that the manuscript is incomplete at this point. Following this, on fol. 179r, there is a short series of post-Conquest memoranda pertaining to rents in the see of Dorchester.\(^{21}\) On the evidence of these memoranda, John Blair was able to put the manuscript in the possession of the Dorchester cathedral community under Bishop Remigius sometime between 1067 and 1071/2. The manuscript was probably brought to Exeter by Bishop Leofric shortly before his death in 1072; it was there that the small collection of post-Conquest canons that now precedes the volume (up to fol. VIIr), as well as the two final additional canons from CROM.1078 and Pope Leo IX (fol. 180r–v), were added to the codex.

For early-modern encounters with and assessments of A5, see Appendix V.

A6. Rouen, Bibliothèque municipale, MS 1382 (U. 109), fols 173r–198v (incomplete; s. xi\(^1\), England; prov. Jumièges Abbey, ca 1050–s. xviii)\(^\text{22}\) — Collectio canonum Wigorniensis (+ PECG.700 [prologue], Ghaerbald’s First capitulary)

According to Wormald, ‘a significant amount of this book’s content no longer survives’.\(^\text{23}\) A6 is a witness to Wulfstan’s Commonplace Book, and the only manuscript from this

\(^{20}\) Note that a second scribe was responsible for a short stint at A5, fol. 101r–v; the script here is not dissimilar to (though obviously not the same as) that of A2.

\(^{21}\) These were first printed by Bateson, ‘Supposed Latin penitential’, and have recently been re-examined and re-edited by Blair, ‘Estate memoranda’.


\(^{23}\) Wormald, MEL, 216 n. 208.
tradition besides A3 that could have possibly been copied during Wulfstan’s lifetime. A6’s exact time and place of origin, however, are currently unknown. Robert Champart, who had been abbot of Jumièges Abbey 1037–1044, is believed to have sent A6 from England to Jumièges sometime between the years 1044 and 1052, during which time he was bishop of London and then archbishop of Canterbury. It is therefore probable that Robert would have found A6 at either London or Canterbury. This is interesting because Wulfstan had been bishop of London 996–1002, and certainly would have retained strong ties to London during his subsequent tenures at York and Worcester; probably not a few new additions to London’s library at this time would have been gifts from the Archbishop himself, of which A6 may have been one.

It was probably in Jumièges that A6 was joined to Rouen 1382, fols 1–172 (containing saints’ lives, etc.), which also dates from the eleventh century but is of Norman origin. Presumably it was also in Jumièges that much of A6 was lost, and that two further Continental folios (fols 199–200) were appended to the end of the codex.

3.2 Continental manuscripts owned in Anglo-Saxon England (B)

B1. Cambridge, Corpus Christi College, MS 279 (s. ix<sup>ex</sup>–x<sup>in</sup> in, Tours; prov. England

[Worcester?], ca 1000; Worcester by s. xvi)<sup>24</sup> — Collectio canonum Turonensis; Collectio canonum Hibernensis (excerpts) (+ Synod.I Patric., Liber ex lege Moysi, PTHU.700 [excerpts])

B1 was almost certainly copied at Tours, probably in the last quarter of the ninth century. As it stands, the manuscript is incomplete: the final quire wants a leaf, and there may have been further quires after this that are now lost. B1 contains numerous glosses, including

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Irish and Old Breton glosses in the main scribe’s hand. Many of the Irish and Breton glosses are corrupt, which probably indicates (as has been suggested by others) the main scribe’s ignorance of these languages. B1 also contains two glosses (one Old English, one Latin) in an Anglo-Saxon hand dating from the eleventh century. These glosses have led some scholars to suggest that the manuscript was in England, probably Worcester, around the year 1000. B1 was certainly in Worcester by the sixteenth century, when Matthew Parker acquired it from the library of Worcester Cathedral and made a transcript of a portion of its text (now Corpus 298, fols 236v–237r).

B2. London, British Library, Cotton Otho E. xiii (incomplete; s. ix/x or x\(^{in}\), Brittany; prov. St Augustine’s, Canterbury by s. x?, certainly by s. xii/xiii)\(^{26}\) — Collectio canonum Hibernensis (+ Liber ex lege Moysi, ELRF, PTHB.700/PTHD.700 [excerpts], PADO.600, Coll.Hib. [supplement], CROM.721, Lex Salica [excerpts])

B2 was damaged in the fire at Ashburnham House in 1731. Only 181 folios remain, and when these were rebound they were arranged out of their proper order. B2 thus stands in a state of considerable disarray. In addition to containing Coll.Hib., B2 contains a supplement from the B redaction of Coll.Hib. that, according to Wasserschleben, has been added on different parchment and in a different hand.\(^ {27}\)

B3. London, British Library, Royal 5 E. xiii (s. ix\(^{ex}\), Francia [Brittany?]; prov. England by s. x; Worcester by s. xii?, certainly by 1622)\(^ {28}\) — Collectio canonum Hibernensis (abridged) (+ PBEA.800, CCOM.756.1–2)

\(^{25}\) Cf. Ker, ‘Handwriting’, 315 n. 2.


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**B3** was copied by several scribes, with corrections and additions made by a number of later hands, some of which are Anglo-Saxon and date from the tenth century, proving that the manuscript was in England by that time. The question of when **B3** came to Worcester is not yet settled. A brief description of the manuscript’s contents, along with an altered press mark, has been added to the final folio (100v) by a twelfth-century hand. Shannon Ambrose describes this hand as that of ‘a Worcester scribe’, comparing it to the hand in Worcester, Cathedral Library, Q. 58. Ambrose’s claim that **B3** was in Worcester ‘by the 10th century’ seems to be based on a misreading of Gneuss’s *Handlist*, which has ‘prov. England by s. x med., (prov. Worcester)’. **B3** in fact cannot be placed with certainty at Worcester until 1622, when it was catalogued by Patrick Young. It should be noted that **B3** may be a composite codex; as Ambrose has observed, ‘Although the content of the codex is consistent, the order of the quire signatures is not.’

**B4. London, Lambeth Palace Library, MS 1231** (fragm.; s. ix, Francia [Brittany?]; prov. unknown) — *Collectio canonum Hibernensis*

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33 Ambrose, ‘*Collectio canonum Hibernensis*’, 109 n. 7; Gneuss, *Handlist*, 81.

34 Ambrose, ‘Continental sources’, 89. Ambrose is, however, skeptical about the possibility of **B3** being composite, as this would require that the text of *Coll.Hib.* be divided in two.

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**B4**’s script has been described by N.R. Ker as a ‘rather untidy Caroline minuscule’. The manuscript now consists of only a bifolium and a single leaf (3 folios), which were formerly used as pastedowns in bindings.

**B5. Oxford, Bodleian Library, Bodley 516 (2570)**, fols 40–104 (s. ix$^{3/4}$, northeast Francia?, northern Italy?; prov. Brittany or Wales by s. x; England by s. xi; Salisbury by s. xiv$^{in}$) — Halitgar’s penitential (+ Chrysostom’s *De reparatione lapsi*)

**B5** had already been bound together with Bodley 516, fols 1–39 (containing works by saints Augustine and Ambrose) before the entire codex arrived in England by (at the latest) the beginning of the eleventh century.

**B6. Oxford, Bodleian Library, Hatton 42 (4117)** (composite codex: fols 8–142r, s. ix$^{1/3}$, Brittany; fols 142v–188v line 20, s. ix$^{24}$, northern Francia; fols 188v line 21–204v, s. ix$^{2}$, northern Francia; Part I prov. Corbie/St-Riquier?, s. ix; whole volume prov. Christ Church, Canterbury, s. x; Worcester by s. xi$^{1/4}$ and until s. xvii$^{med}$) — *Collectio canonum Hibernensis; Collectio canonum (conciliorum) Dionysio-Hadriana; Ansegis’s Collectio capitularium (Book 1) (+ ELRF, PADO.600, Gaii institutionum epitome [Book 1], PTHD.700 [excerpts, in later hand])*

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**B6** is a composite codex in three parts. Two scribes were responsible for Part I, fols 8r–24v line 2 having been copied by a different hand than fols 24v line 3–142r. Part II (fols 142v–188v line 20) was joined to Part I at the time of II’s creation, just as Part III (fols 188v line 21–204v) was joined to Part II upon its creation. Part I may have spent some time in the possession of Paschasius Radbertus († ca 860), Abbot of Corbie and possibly one of the figures responsible for the creation of the pseudo-Isidorian forgeries. 40 Where and when Part I acquired its Breton glosses, of which it has many, is unknown, but it is likely to have been before the middle of the tenth century, when the entire codex left the Continent for good and came to England. **B6** probably arrived in Canterbury first, where its first quire (fols 1–7) was recopied and replaced. 41 The manuscript seems thence to have travelled to Worcester, though at what time is not known (despite many previous claims to the contrary, there is no evidence that **B6** had a Glastonbury provenance in the tenth century). 42 At Worcester **B6** was used and annotated extensively by Archbishop Wulfstan. 43 For a detailed description of the contents of **B6**, see Appendix VI.

### 3.3 Manuscripts of possible/doubtful Anglo-Saxon provenance (C)

**C1. Arras, Bibliothèque municipale, MS 644 (572)** (incomplete; s. viii(ix, northeast Francia, Saint-Amand Abbey?, Saint-Vaast Abbey?; prov. England? [Bath?], s. xi1; Saint-Vaast Abbey, s. xi2) 44 — *Collectio canonum Quesnelliana*

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41 Ker, ‘Handwriting’, 328 n. 1.


C1—which currently wants about twenty folios—was copied by several scribes, one of whom (fols 109v–113v) may have been trained at Saint-Amand. Like D5, a manuscript probably produced at the same scriptorium, C1 begins with a papal regnal list; unlike D1, however, C1’s list only goes as far as Pope Severinus (†640). C1 was once, if only for a brief time, in the possession of Abbot Saewold of St Peter’s at Bath. Exactly where and when C1 entered Saewold’s possession is uncertain. Following the Conquest, Saewold fled England to Flanders in 1068, and while on the Continent he donated a portion of his library to the Abbey of Saint-Vaast at Arras. Saewold’s donation is recorded on the last page of Arras, Bibliothèque municipale, MS 849, where one finds mention of a ‘librum canonum’—most certainly a reference to C1. Whether C1 is a book that Saewold acquired in England before the Conquest, or one that he obtained on the Continent afterwards (though before he made the donation to Saint-Vaast) is at present unknown. As Gneuss has cautioned, ‘there is no proof’ that the books given by Saewold to Saint-Vaast were ever in England. An Anglo-Saxon provenance for C1 therefore remains uncertain.

C2. Cologne, Erzbischöfliche Diözesan- und Dombibliothek, Codex 213 (s. vii, Lindisfarne?, York?, Ireland?, Echternach?, Cologne?; prov. Germany by s. viii med, Cologne by s. ix?, certainly by s. xvi) — Collectio canonum Sanblasiana

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45 *EOMIA*, I, 2.i, p. xi.
50 Gneuss, *Handlist*, 117. Brett, ‘Theodore and the Latin canon law’, 122 n. 6, claims (without explanation) that C1 ‘was very probably brought to England from Saint-Bertin in the tenth century.’
51 On the possibility that C1 originated in Saint-Vaast Abbey, and actually has never left it, see below, Chapter 5 n. 161.
The script, origin and provenance of C2 are considered in detail in the discussion of Coll.Sanb. in Chapter 5.


Only four folios of C3 are now extant. The script has been described as a ‘very skillful’ Anglo-Saxon minuscule, and is written in columns with rubric headings in uncial. Insular influence is further evidenced by the type of ruling used and, perhaps, by the unusual placement of quire marks. E.A. Lowe believed he could identify Northumbrian influence in the script, namely in the shape of the scribe’s ‘x’. Lowe further suggested that C3 may have been written by the same ‘Ercanfrit’ who wrote Würzburg, M.p.th.f. 47, which may have been copied at Kent. However, scholars now generally accept a Continental origin for C3, probably at Werden Abbey, a centre with strong Anglo-Saxon connections at the time of the manuscript’s production. Richard Drögereit, however, has cautioned that a Werden origin for C3 is not certain. This may be so; nevertheless, the case for Werden—including the facts that a good number of other fragments at Düsseldorf’s university library also originated in Werden books, and that several other manuscripts and manuscript fragments copied in an Anglo-Saxon script similar to C3’s can be traced to the scriptorium at Werden—is compelling indeed.

C4. Oxford, Bodleian Library, Bodley 572 (2026), fols 51–107 (incomplete; s. ix 1/3, northern Francia; prov. England by s. xi?, certainly in Canterbury by s. xv) — †Collectio

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Klosterwelt Werden 799–1803, ed. J. Gerchow (Cologne, 1999), 49–58, at 56 (see also Eckhard Freise’s discussion of the manuscript on pp. 374–75 of the same volume).

54 Bischoff, Katalog, I, no. 1072.

55 Lowe, CLA, VIII, 46.

56 Lowe, CLA, VIII, 46; Lowe, English uncial, 24.

57 Lowe, CLA, IX, no. 1414.


59 Drögereit, Werden, 25.


canonum vetus Gallica (+ PECU.700 [incomplete], CAUX.561, SEA [excerpts], Can.a.  [excerpts], Coll.vet.Gall. 46 [excerpts], Caesarius’s Ep.encyclica, Inquisitio pseudo-Hieronymi de poenitentia, DGRE.590.1843 [in later hand], PECG.700 [prologue, in later hand], Pirmin’s Scarapsus [incomplete])

C4 currently wants an unknown number of folios from its beginning (fol. 51r begins partway into PECU.700.3.18). Since the current contents appear to comprise a special form of the appendix to the Collectio vetus Gallica, it can be assumed that a copy of this collection once fronted the manuscript but has now been lost. The manuscript was in England by the second half of the fifteenth century, by which time it had been bound together with four other volumes of Insular (perhaps Cornish) origin. It may have arrived in England some time before this, however, possibly even long before. There is a close relationship between C4 and D4 in terms of contents, though the significance of this has yet to be worked out.

3.4 Continental manuscripts with possible Anglo-Saxon connections (D)

D1. Brussels, Bibliothèque royale Albert 1er, MS 8654–72 (1324), fols 2–207 (s. ix1/3, northeast Francia [Abbey of Saint-Bertin?]; prov. Saint-Bertin until at least s. xiv)
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Collectio canonum vetus Gallica (excerpts); ‘kleine Kirchenrechtssammlung’ (+ Admon. gen. [789], Duplex legationis edictum, nine unidentified canons, DGRE.715.2153 [excerpt])

D1 contains two Old English glosses and notes. Donald Bullough has argued that D1 belonged to a member of Charlemagne’s court, and has given reasons for associating the manuscript specifically with Alcuin. For further discussion of this manuscript and its possible connection with Alcuin, see Appendix IV.

D2. Brussels, Bibliothèque royale Albert 1er, MS 10127–44 (363) (s. viii(ix, northern Francia [Belgium? Liège?]; prov. Abbey of Saint-Peter in Ghent from s. xii or xiii and until 1599) — Collectio canonum vetus Gallica (+ DLEO.440.544 [second part], Synod. II Patric., DGRE.590.1843, DGRE.590.1747 [excerpt], DGRE.590.1743 [excerpt], PTHU.700.2, PREM.700 [incomplete], Caesarius’s Ep.encyclica; DGRE.590.1747; DGRE.590.1743 [first part], CROM.595, CROM.721)

D2—which shows signs of being incomplete at its end (the text on fol. 136r ends abruptly)—was copied by several hands writing an early Caroline minuscule with Insular symptoms. The manuscript is believed to have originated at the same scriptorium as


Bremmer–Dekker, ASMMF 13, 51.


Below, Appendix IV p. 428.

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Brussels, Bibliothèque royale Albert 1er, MS 8780–8793. D2’s contents and compact size have suggested to some scholars that it was intended as a vademecum, or a handbook for episcopal use.

D3. olim Cheltenham, Phillipps collection, MS 17849 (incomplete; s. vii\textsuperscript{ex}, northern Italy; prov. Reichenau until no later than s. xix\textsuperscript{med}) — Collectio canonum Sanblasiana

D3 currently wants its first quire, and possibly any number of quires from its end. It was copied by three scribes, the first (fols 1–2r) writing a mixed half-uncial/miniscule, the second (fols 2r–60v) writing uncial and pre-Caroline minuscule with Insular abbreviations and spellings, the third (fols 61–94) writing a more cursive pre-Caroline minuscule with Insular features. Bernhard Bischoff conjectured that the second scribe was actually ‘ein insularer’. Von Euw and Plotzek observe that the first eight gatherings (fols 1–64) are ruled differently than the last four (fols 65–94). The manuscript may thus have been copied in two stages, the combined effort of the first two hands ceasing half-way through the eighth gathering (thus, half-way through Const.Silv.), and the second hand resuming the first’s work sometime thereafter, but for whatever reason using differently ruled quires.

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\textsuperscript{72} Bischoff, Katalog, I, 160.

\textsuperscript{73} McKitterick, ‘Knowledge of canon law’, 116; Mordek, Kirchenrecht, 276.


\textsuperscript{75} Von Euw–Plotzek, Die Handschriften, IV, 35: ‘Pergament, 94 Blätter, mit römischen Zahlen von II–XIII signierte Lagen: 1–11\textsuperscript{8}, 12\textsuperscript{9}, 220×175 mm.’

\textsuperscript{76} Lowe, CLA, II, no. 143; von Euw–Plotzek, Die Handschriften, IV, 35, 39.

\textsuperscript{77} Von Euw–Plotzek, Die Handschriften, IV, 39, citing Bischoff’s correspondence with H.P. Kraus.

\textsuperscript{78} Von Euw–Plotzek, Die Handschriften, IV, 35.
to finish the job (and for some reason leaving fol. 68v blank). D3 contains a copy of *Coll.Sanb*. that is imperfect at the beginning (begins on fol. 1r part way through CNIC.325.8) and at the end (ends on fol. 98v part way through DINN.401.286). The manuscript was auctioned from the Phillipps collection after World War II and has since been part of the collections both of Peter and Irene Ludwig (shelfmark Ludwig XIV 1) and the J. Paul Getty Museum (shelfmark 83.MQ.162). As of 2008 the manuscript was up for sale through *Dr. Jörn Günther Rare Books* (item no. 1 in their catalogue from that year). D3 has since been sold and is now housed in a private European collection, the location of which is currently unknown.


— *Collectio canonum Hibernensis* (excerpts); *Epitome Hispana* (excerpts) (+ DLEO.440.544 [resp. 8], DGEL.492.675 [c. 2], PECU.700 [partial], CAUX.561, CPAR.614.10, PCUM.600 [excerpts], SEA [excerpts], Isidorian *Epistula ad Massonam, Inquisitio pseudo-Hieronymi de poenitentia*, DGRE.590.1843 [incomplete])

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79 I note that the explanation given by C.H. Turner, ‘Chapters in the history of Latin MSS. III’, *JTS* 4 (1903), 426–34, at 427–28, of the process by which two scribes conspired to produce the St Petersburg copy of the *Collectio Lugdunensis* can equally be used to describe the process by which D3 was copied.

D4 is incomplete at beginning and end. Exactly how much content has been lost from the beginning can be determined by the remaining quire marks, the first of which occurs on fol. 14v and reads ‘q. IIII’; there is also a faint ‘iii’ at the bottom of fol. 6v, where the mark for the third quire should be. The manuscript must therefore be missing its first quire along with the first two folios of its second. As to its incompleteness at end, the text (DGRE.590.1843) on the final folio (117v) ends abruptly: about 15 lines of text are missing, which would account roughly for a single missing folio. Thus, at least one folio, if not an entire additional quire (or more), is missing from the end of D4.

Four hands are at work, all writing a large French uncial script: Hand A copies fols 1r–7v; Hand B copies 8r–14r; Hand C copies fols 14v–31r; and Hand D copies fols 31v–117v.

The origin of this manuscript has been much disputed. Citing the presence of ‘Visigothic symptoms’ in the script, Lowe placed D4’s origin in southern France, ‘probably in a centre under Visigothic influence’. Other scholars, arguing mainly on the grounds of D4’s content rather than its palaeography, have suggested northern Italy, northern France and Germany as possible places of origin. For more detailed discussion of both the palaeography of D4 and its disputed origin, see Chapter 4 and Appendix I.

D5. Einsiedeln, Stiftsbibliothek, Codex 191 (277) (incomplete; s. viii(ix) [772×795?], northeast Francia; prov. Bodensee region by s. xi/xii) — Collectio canonum Quesnelliana

Friedrich Maassen described several ways in which D5 is now incomplete, including the fact that D5 now wants CNIC.325.1–17, that a quire has gone missing after fol. 8v, and

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81 Below, Chapter 4 p. 141, and Appendix I p. 360.

that D5 currently lacks fols 81, 203 and 204. Additionally, there is a gap in the texts between fols IIIv and IVr, where a folio has gone missing, so that the first quire (fols Ir–1v) contains only 7 folios. The second quire (fols 2r–8v), too, contains only 7 folios; that the missing folio here is from the beginning of Quire 2 (rather than the end of Quire 1) is suggested by the fact that the final text of Quire 1 (‘De quattuor sinodis receptis’, clearly added as an afterthought to the bottom of fol. 1v) ends imperfectly. Quire 2 presents other anomalies. It begins with a blank page (fol. 2r), on the back of which is copied an ornate and colourful arcade, similar in dimension and shape (though not in color or detail) to the arcade in Quire 1 (fol. 5v). The ornate title to Coll.Quesn. fills fol. 3r, and the entire list of the collection’s contents follows on fols 3v–7v, copied by a different hand than the one that copied subsequent quires (Quire 3, etc.). The contents list ends half-way down fol. 7v, after which the remaining 2.5 pages of the quire (up to fol. 8v) were left blank by the scribe (though on the final page of the quire [fol. 8v] another scribe has added a short list of the first six ecumenical councils, up to the third Council of Constantinople [681–682]). Taken together, these peculiarities give the impression that Quire 2 is not an integral part of D5, but rather was copied as a separate booklet and added later.

D5 is probably from the same scriptorium as C1, and (like C1) probably belonged to the court library of Charlemagne. D5 bears notes and corrections made by Insular hands, one of which wrote an Anglo-Saxon script. Like C1, D5 contains at its beginning a list of popes: in D5 this list (fols VIr–1v) continues up to pope ‘Adrianus’ (r. 772–795) whom the scribe lists as having reigned for ‘añ’. If this abbreviation is to be resolved as ‘annum’, then it would seem the scribe was writing in the year 773; however, ‘añ’ appears to be followed by an erasure, and so the entry may originally have specified any number of years.

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83 See Maassen, ‘Bibliotheca Latina juris canonici manuscripta’, (vol. 56) 199, where he also notes two small gaps in the text: between fols 226v and 227r; and between fols 228v and 229r.


85 Mordek, Kirchenrecht, 239; and see below, Chapter 5 nn. 161 and 166.

86 Bischoff, Katalog, I, no. 1116.

87 See below, Chapter 5 n. 163.
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into Pope Hadrian I’s reign. In any case, the scribe of the papal list was probably writing while Hadrian was still pope, which, if the list is contemporary with the rest of the manuscript (which it almost certainly is), dates the codex to 772×795. The papal list falls near the end of D5’s first quire (fols Ir–1v). While (as is argued above) it is certainly possible that the content of the second quire (fols 2r–8v)—if not the entire second quire itself—was added at a later date, there seems to be no reason to believe that the papal list, or the quire that contains it, was also added later; rather, the papal list shows every sign of being original with D5. Firstly, the hand that copied the list is the same as that that copied Quire 3 (among others). Secondly, the decorated title and rubrication of the papal list, as well as the detailed arcade ornamentation on fol. Vv (of which the arcade on fol. 2v is probably a later imitation), argue against these items having been added as mere afterthoughts. Finally, that both C1 and D5 begin with papal lists suggests that this feature was not introduced arbitrarily to these codices, but that such a list was part of their shared archetype.

D6. Kassel, Landesbibliothek und Murhardsche Bibliothek, MS 4° theol. 1 (s. ix1/3, Main river region [Fulda?]; prov. Fulda by s. xv) — Collectio canonum (conciliorum) Dionysiana I

D6 is written in Caroline minuscule, with notes and corrections by several hands writing Anglo-Saxon minuscule.

D7. Oxford, Bodleian Library, Laud misc. 436 (882) (s. ix in–1/3, Würzburg?; prov. Würzburg from s. ixmed to 1631) — Cresconius’s Concordia canonum (+ canonica miscellanea)

88 I find no reason to agree with Lowe’s comment (CLA, VII, 12) that ‘The list of popes at the beginning of the manuscript cannot be used for dating’.

89 Pace von Euw, Liber viventium, 130.

90 For further on this archetype, see below, Chapter 5 n. 166.

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D7 was copied by at least two scribes, one of whom wrote in Anglo-Saxon minuscule and is the same scribe who copied Oxford, Bodleian Library, Laud. Lat. 92 (832×842, Würzburg or Fulda).\(^93\) This scribe may also be the same who copied Oxford, Bodleian Library, Laud. Lat. 108.\(^94\) Additions made to D7, fols 182v–183r were made by a scribe writing a ‘long’ Caroline minuscule—the same hand that Bischoff considered alongside three other Würzburg manuscripts, namely Oxford, Bodleian Library, Laud. misc. 256, and Würzburg, Universitätsbibliothek, M.p.th.f. 6 and 40.\(^95\)

D8. Paris, Bibliothèque nationale, Lat. 3836 (s. viii\(^2\), Corbie region; prov. unknown, but in the Bibliotheca Colbertina by s. xviii\(^{1/3}\))\(^96\) — Collectio canonum Sanblasiana

D8 comprises five sections (‘Einschnitte’) copied by several hands writing Corbie ab-type script.\(^97\) There is some glossing by contemporary hands. According to McKitterick, the

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93 Nicholson, Summary catalogue, II.1, 37.


96 Turner, ‘Chapters in the history of Latin MSS. of canons. VI’, 9; Lowe, CLA, V, no. 554; Stürner, ‘Quellen der Fides’, 80; D. Ganz, Corbie in the Carolingian renaissance (Sigmaringen, 1990), 50; Wirbelauer, Zwei Päpste, 195–96.

97 Wirbelauer, Zwei Päpste, 195.
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script shows Insular features.\(^98\) \(Pace\) Eckhard Wirbelauer, there is no convincing reason to believe that \(D8\)’s exemplar came from Trier.\(^99\)

**D9. St Gallen, Stiftsbibliothek, MS 243** (incomplete; s. ix\(^1\), St Gallen)\(^100\) — *Collectio canonum Hibernensis*

According to Maassen, \(D9\) is incomplete.\(^101\) Indeed, quire marks indicate that folios are currently missing from the first two quires. The only contemporary quire mark now visible in the manuscript is a ‘B’ at the bottom of p. 12. The following quire (the second, spanning pp. 13–24) is composed of 12 pages (6 folios), while all remaining quires (pp. 25–254) have 16 pages (8 folios). From p. 13 on, moreover, all quires have been numbered (‘3’ to ‘17’) in red crayon by a hand of about s. xv, the century in which \(D9\) was probably rebound. Whatever their original quantity, it is clear that the first two quires are now missing several pages. Their removal was most likely deliberate, since the missing pages would have contained large ornamental initials introducing both the preface and Book 1 of *Coll.Hib*.

\(D9\) was copied by two St-Gallen scribes writing Caroline minuscule. According to Sven Meeder, ‘the hand of the first scribe, who copied up to page 88, is said to resemble that of

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\(^{101}\) Maassen, ‘*Bibliotheca Latina juris canonici manuscripta*’, (vol. 56) 209: ‘Hinter dem Verzeichniss der Titelrubriken [pp. 3, 3a, 3b] ist etwas ausgefallen. Der Körper der Sammlung beginnt in c. 2 des Titels *De diacono mit den Worten | plenos spiritu sancto et sapientia.* In dem Titel *De variis causis* ist der grösste Theil eines Blattes ausgeschnitten (zwischen p. 250 und p. 251). Es fehlen dadurch c. 9–18 dieses Titels.’
Wolfcoz, a very prolific scribe during the abbacy of Gozbert (816–837). D9 has on its final page (p. 254) a colophon that reads:

Ego eadberct hunc librum de ueteris et noui instrumenti testimoniiis coaptatum et de sanctorum exemplis patrum collectum multisque scripturarum floribus ornatum non sine corporis labore depingens. [corr. from dep[**]gens] opitulante deo. ad finem usque perdux; Qui nescit scribere non putat esse laborem. Tres [enim add. sup. lin.] digiti scribunt totum corpus laborat. Obscro quicumque hęc legens recitaueris ut propitium mihi fieri deum rogare digneris;

On the basis of this colophon, it has been suggested that D9 was copied by a scribe with the Anglo-Saxon name Eadberht. This is almost certainly not the case, however, since, quite apart from the fact that the colophon names only one scribe (when it is known that D9 had two), the passage bears corrections and is decorated with coloured initials, suggesting that it was part of the text being copied. The colophon was therefore probably present in the scribes’ exemplar. Thus, while the colophon probably does not indicate the identity of the scribe(s) who copied D9, it does suggest that the monks of St Gallen possessed a copy (D9’s exemplar) of Coll.Hib. that was written by an Eadberht.


D10 was copied by a scribe writing Anglo-Saxon miniscule. The name ‘Herimundus’, possibly the name of a scribe or rubricator, appears on fol. 31v.

D11. Vienna, Österreichische Nationalbibliothek, Lat. 2141, (ca 780, Lorsch region [Fulda?]; prov. Fulda until s. xvi?) — Collectio canonum Quesnelliana (incomplete); Collectio canonum Maasseniana (incomplete)

D11 comes from the same scriptorium as D12. According to McKitterick, D11 shows Insular features in its script and abbreviations. The manuscript contains an incomplete copy of Coll.Quesn., which continues up until the middle of CANT.328.1 (= Coll.Quesn. c. LIX), at which point the text switches over (fol. 98r) to the Collectio canonum Maasseniana, following that tradition for the remainder of CANT.328, then adds CTEL.418/DSIR.384.258, Regula formatarum, CLAO.300, CCON.381, CCAR.419, and the Isidorian Epistola ad Massonam (cf. Coll.Quesn. cc. LX–III). The reason and significance of this textual shift within D11 have yet to be explained. The evidence for


107 Also known as the Corpus canonum Africanum-Romanum, and the basis for the versio Isidori tradition of ancient conciliar canons; cf. Kéry, Collections, 1–5. For further on the Maasseniana/Corpus Africanum-Romanum see below, Chapter 5 n. 135.

108 Maassen, Geschichte, 487; EOMIA, I, 2.i, p. x; Mordek, Kirchenrecht, 240.
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D11’s being at Fulda until the sixteenth century comes from Turner’s attempt to identify D11 with a book listed in a sixteenth-century Fulda catalogue.\(^{109}\)

D12. Vienna, Österreichische Nationalbibliothek, Lat. 2147 (ca 780, Lorsch region [Fulda?])\(^{110}\) — Collectio canonum Quesnelliana

D12 comes from the same scriptorium as D11. According to McKitterick, D12 shows Insular features in script, abbreviations, and parchment preparation.\(^{111}\)

D13. Würzburg, Universitätsbibliothek, M.p.th.f. 3, fols 2r–65v (s. ix\(^{in}\), Main River region; prov. probably at Würzburg by s. xv)\(^{112}\) — Collectio canonum (conciliorum) Dionysiana II\(^{113}\)

According to Bischoff, D13 was copied in the region of the Bonifatian mission by three hands writing Anglo-Saxon minuscule, none of which are known to have copied any other Würzburg manuscripts.\(^{114}\) The first two quires (fols 2r–16v) were copied by Hand A alone, and fols 17r–25r by Hand B alone; thereafter, both hands alternate, with Hand C copying line 1–6 on fol. 36v. According to Hans Thurn, later hands (s. ix), also writing Anglo-Saxon script, have added Latin and Old High German glosses to fols 1r, 20r, 33v, 50r and

\(^{109}\) EOMIA, I, 2.i, p. x–xi.

\(^{110}\) Academia Caesarea Vindobonensis, Tabulae codicum, II, no. 2147; Lowe, CLA, X, no. 1506; Maassen, Geschichte, 488–90; Stürner, ‘Quellen der Fides’, 76; Mordek, Kirchenrecht, 240; McKitterick, ‘Knowledge of canon law’, 116.

\(^{111}\) McKitterick, ‘Knowledge of canon law’, 116 n. 91.


\(^{113}\) Alternatively, Collectio canonum (conciliorum) Dionysio-Hadriana (as B6). On the difficulty of classifying this collection, see below, Chapter 5 p. 207.

\(^{114}\) Bischoff, ‘Würzburger Schreibschule’, 45.
66r; included among these, on fol. 1r, is a *probatio pennae* in the form of an alphabet.\(^\text{115}\)

The contents of *D13* bear a striking resemblance to those of *D14*; for discussion of the possible significance of this, see Chapter 5.\(^\text{116}\)

**D14. Würzburg, Universitätsbibliothek, M.p.th.f. 72** (incomplete; s. ix\(^2/3\), Germany [Fulda?]; prov. probably at Würzburg by s. xv)\(^\text{117}\) — *Collectio canonum (conciliorum) Dionysiana II*\(^\text{118}\)

*D14* was copied by three hands, hands A and C being Carolingian (though showing signs of Insular influence) and Hand B being Anglo-Saxon. Their stinting is confined to separate quires: hands A and C copied fols 1v–8v and 25r–31, respectively, while Hand B copied the remaining majority of the volume (9r–24v and 32r–71v).\(^\text{119}\)

According to Abigail Firey, *D14* has many early medieval binding strips, a number of leaves cut out, and different hands copying different quires, some of which have running headings identifying the councils and some not; it may have been assembled from simultaneously prepared sections, rather than being a continuous copy of a single exemplar.\(^\text{120}\)

Fol. 1r is blank, while Hand A has added the following title to fol. 1v (which apparently stands alone on that page): ‘*Iste codex est scriptus de illo authentico qvem domnus adrianus apostolicus dedit gloriosissimo carolo regi francorum et langobardorvm ac*

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\(^{115}\) Thurn, *Handschriften*, III.1, 4.

\(^{116}\) Below, Chapter 5 p. 207.


\(^{118}\) Alternatively, *Collectio canonum (conciliorum) Dionysio-Hadriana* (as *B6*). On the difficulty of classifying this collection, see below, Chapter 5 p. 207.

\(^{119}\) Bischoff, ‘Würzburger Schreibschule’, 49.

\(^{120}\) Firey, ‘Mutating monsters’, 9–10.
Chapter 3

patricio romanorvm qvando fuit romae'.

There follows: Can.apost. (fols 2r–8v);

CNIC.325 (including the Constitutio et fides, metrical preface and subscriptions: fols 9v–17v); CANC.314 (including subscriptions: fols 17v–23v); CNEO.315 (with subscriptions: fols 23v–25v); CGAN.355 (including synodal letter ['Isidori antiqua’] and subscriptions: fols 25v–30r); CANT.328 (including synodal letter ['Isidori'] and subscriptions: fols 30r–38v); CLAO.300 (fols 38v–46v); CCON.381 (including definition of faith and subscriptions: fols 47r–50v); CCHA.451 (including definition of faith and subscriptions: fols 50v–65v); and CSAR.347 (including the preface to the Brevatio canonum Sardicensium: fols 65v–71v).

D14 ends incompletely on fol. 71v in the middle of CSAR.347.9. As Firey notes, ‘It is impossible to assess whether there were [once] decretals following the councils’. The contents of D14 bear a striking resemblance to those of D13; for discussion of the possible significance of this, see Chapter 5.

D15. Würzburg, Universitätsbibliothek, M.p.th.f. 186 + binding strips in Würzburg, Universitätsbibliothek, M.p.th.f. 5+13+37+60, + M.p.th.q. 2, + M.p.misc.f. 3+5a

(fragm.; s. viii/ix–ixin, Germany; prov. probably at Würzburg by ca 800) — Collectio decretalium Dionysiana

According to Bischoff, D15 was copied by a single scribe writing a form of Anglo-Saxon minuscule that betrays Northumbrian influence. The portion of D15 used as binding strips for M.p.misc.f. 3 contains material from DINN.401.311, while the portion that is now M.p.th.f. 186 (which, before 1977, was part of M.p.th.f. 38) contains material from

121 Firey, ‘Mutating monsters’, 9. See also Thurn, Handschriften, III.1, 60, and Hofmann, ‘Würzburger Dombibliothek’, 119, who further notes that the title ‘Canones apostolorum’ has been added by a hand of s. xiii.

122 Thurn, Handschriften, III.1, 60.


124 Below, Chapter 5 p. 207.


126 See Bischoff, ‘Würzburger Schreibschule’, 46, where he also points out that the outer corners of each page appear to have been cut so as to be rounded.
Chapter 3

DSIR.384.255, as do the portions used to bind M.p.th.f.5, M.p.th.f.13, M.p.th.f.37, M.p.th.f.60, and M.p.th.q. 2. According to Thurn, the portion of D15 used as binding strips for M.p.misc.f. 5a has remained missing since 1960; however, it seems also to have contained material from DSIR.384.255.127 Almost certainly D15 is the volume referred to as ‘decreta pontificum’ in the Würzburg library catalogue (ca 800) found on fol. 260r of Oxford, Bodleian Library, Laud. misc. 126.128

D16. Würzburg, Universitätsbibliothek, M.p.th.q. 31, fols 1–41 and 52–9 (s. viii/ix, Germany; prov. Würzburg by s. xviii)129 — Collectio canonum Hibernensis (excerpts, mainly patristic) (+ Sententiae Bonifatianae Wirceburgenses)

The following is Sven Meeder’s description of D16:

This codex is a composite manuscript of three contemporary elements. The first element (fos. 1–41) contains an important florilegium of patristic excerpts from the ... Collectio canonum Hibernensis. A contemporary element (fos. 42–51), which may only have been bound with the other elements sometime after the eleventh century, contains a fragment of another canon law collection, the Collectio Vetus Gallica. The third element (fos. 52–59) is a compendium of sententiae of various patristic authors, papal decretals, and some excerpts which also appear to draw from the Hibernensis. Judging from the similar size and quality of the

127 Thurn, Handschriften, III.1, 121.
parchment and the correspondence of the handwriting, the first and the third elements must have belonged together. Together they comprise 49 folios, the greater part of which is written in a beautiful pointed Anglo-Saxon minuscule, but parts of folio 17r and 17v are written in a more cursive grade of Anglo-Saxon minuscule, and certain short passages are written in handwriting described by E.A. Lowe as crude Continental minuscule influenced by Insular script or Insular minuscule showing Continental influence ... The manuscript is thought to originate from an Anglo-Saxon centre on the continent, probably Würzburg or the surrounding area. The script can be dated to the late eighth or early ninth century.130

D17. Würzburg, Universitätsbibliothek, M.p.th.q. 31, fols 42–51 (fragm.; s. viii/ix, Germany; prov. Würzburg by s. xviii)131 — Collectio canonum vetus Gallica

D17 is a ‘booklet’ that was originally separate from the rest of the codex but that became bundled with fols 1–41 and 52–9 shortly after its creation. Roger Reynolds believes D17 to have been copied ‘in western Germany in a scriptorium under Irish influence’; however, Hubert Mordek believed it to have been copied in an Anglo-Saxon centre in Germany.132

3.5 Summary

Table 2 summarizes the data provided above and organizes it according to manuscript dates (oldest to youngest):

131 In addition to the bibliography for D16, see Lowe, CLA, IX, no. 1440; Bischoff, ‘Würzburger Schreibschule’, 11; Hofmann, ‘Würzburger Dombibliothek’, 66, 109, 156 n. 250 (‘BV 44’); Mordek, Kirchenrecht, 99, 222 nn. 31 and 34, 300–01, 317–18; Reynolds, ‘Unity and diversity’, 110.
132 Reynolds, ‘Unity and diversity’, 110; Mordek, Bibliotheca, 961. Glatthaar, Sakrileg, 385–6, notes that D17’s copy of the Vetus Gallica comes from a very old exemplar, which may have been close to the archetype of the north-German Vetus Gallica tradition.
# Table 2: Summary of manuscript evidence for canon law collections in Anglo-Saxon England

<table>
<thead>
<tr>
<th>Siglum</th>
<th>Date and origin</th>
<th>Date in England (for classes B and C)</th>
<th>Anglo-Saxon connection (for classes C and D)</th>
<th>Collections contained</th>
</tr>
</thead>
<tbody>
<tr>
<td>C2</td>
<td>s. vii, Lindisfarne?, York?, Ireland?, Echternach?, Cologne?</td>
<td>probably from time of production to s. viii&lt;sup&gt;med&lt;/sup&gt;</td>
<td>copied in part by an Insular hand; probably produced in Northumbrian scriptorium</td>
<td>Coll.Sanb.</td>
</tr>
<tr>
<td>D4</td>
<td>s. vii, northern Francia? (Burgundy?), northern Italy?, Septimania?, Germany?</td>
<td>none yet established, though possible connections with Anglo-Saxon mission</td>
<td></td>
<td>Coll.Hib.; Epitome Hispana</td>
</tr>
<tr>
<td>A4</td>
<td>s. vii&lt;sup&gt;2&lt;/sup&gt;, Mercia? (Lichfield?)</td>
<td></td>
<td></td>
<td>Collectio Cottoniana</td>
</tr>
<tr>
<td>D8</td>
<td>s. vii&lt;sup&gt;2&lt;/sup&gt;, Corbie region</td>
<td>script shows Insular symptoms</td>
<td></td>
<td>Coll.Sanb.</td>
</tr>
<tr>
<td>D11</td>
<td>ca 780, Lorsch region (Fulda?)</td>
<td>script shows Insular symptoms</td>
<td></td>
<td>Coll.Quesn.</td>
</tr>
<tr>
<td>D12</td>
<td>ca 780, Lorsch region (Fulda?)</td>
<td>script and parchment preparation show Insular symptoms</td>
<td></td>
<td>Coll.Quesn.</td>
</tr>
<tr>
<td>D3</td>
<td>s. vii&lt;sup&gt;ex&lt;/sup&gt;, northern Italy</td>
<td>script shows Insular symptoms</td>
<td></td>
<td>Coll.Sanb.</td>
</tr>
<tr>
<td>D10</td>
<td>s. vii&lt;sup&gt;ex&lt;/sup&gt;, Main River region (Hersfeld? Fulda? Mainz?)</td>
<td>copied by an Anglo-Saxon hand</td>
<td></td>
<td>Coll.Dion.I</td>
</tr>
<tr>
<td>C3</td>
<td>s. vii&lt;sup&gt;ex&lt;/sup&gt;–viii/ix, Werden, England?</td>
<td>possibly (though not likely) from time of production to shortly thereafter</td>
<td>copied by an Anglo-Saxon hand</td>
<td>Coll.Quesn.</td>
</tr>
<tr>
<td>C1</td>
<td>s. vii/ix, northeast Francia, Saint-Amand Abbey?, Saint-Vaast Abbey?</td>
<td>possibly from s. xi&lt;sup&gt;1&lt;/sup&gt;–xi&lt;sup&gt;med&lt;/sup&gt;</td>
<td>part of the personal library of Saewold, sometime Abbot of St Peter’s at Bath</td>
<td>Coll.Quesn.</td>
</tr>
<tr>
<td>D2</td>
<td>s. vii/ix, northern Francia (Belgium? Liège?)</td>
<td>script shows Insular symptoms</td>
<td></td>
<td>Coll.vet.Gall.</td>
</tr>
<tr>
<td>D5</td>
<td>s. vii/ix</td>
<td>notes and corrections by an Anglo-Saxon hand</td>
<td></td>
<td>Coll.Quesn.</td>
</tr>
<tr>
<td>D16</td>
<td>s. vii/ix, Germany</td>
<td>copied by (two?) Anglo-Saxon hands</td>
<td></td>
<td>Coll.Hib.</td>
</tr>
<tr>
<td>D17</td>
<td>s. vii/ix, Germany</td>
<td>script shows Insular symptoms</td>
<td></td>
<td>Coll.vet.Gall.</td>
</tr>
<tr>
<td>D15</td>
<td>s. vii/ix–ix&lt;sup&gt;in&lt;/sup&gt;, Germany</td>
<td>copied by a Northumbrian hand</td>
<td></td>
<td>Coll.Dion.decr.</td>
</tr>
<tr>
<td>D13</td>
<td>s. ix&lt;sup&gt;in&lt;/sup&gt;, Main River region</td>
<td>copied by three Anglo-Saxon hands</td>
<td></td>
<td>Coll.Dion.II</td>
</tr>
<tr>
<td>D7</td>
<td>s. ix&lt;sup&gt;in–1/3&lt;/sup&gt;, Würzburg?</td>
<td>copied in part by an Anglo-Saxon hand</td>
<td>Cresconius’s Conc.can.</td>
<td></td>
</tr>
<tr>
<td>C4</td>
<td>s. ix&lt;sup&gt;1/3&lt;/sup&gt;, northern Francia</td>
<td>possibly by s. xi, certainly by s. xv&lt;sup&gt;2&lt;/sup&gt; and after</td>
<td>may have been in England by, possibly even before, 1000</td>
<td>†Coll.vet.Gall.</td>
</tr>
<tr>
<td>D6</td>
<td>s. ix&lt;sup&gt;1/3&lt;/sup&gt;, Main river region</td>
<td>notes and correction by an Anglo-</td>
<td></td>
<td>Coll.Dion.I</td>
</tr>
</tbody>
</table>

<sup>133</sup> Cf. the discussion in Chapter 4, p. 141, and in Appendix I, p. 360.
Half of the manuscripts in category A were produced in either Worcester or York in the eleventh century (A1–A3). This is not surprising, as almost all manuscripts from category A contain Coll.Wig., a canon law collection associated with Wulfstan, bishop of Worcester 1002–1016 and archbishop of York 1002–1023. The origin of A6, another eleventh-century manuscript containing Coll.Wig., is unknown; however, given its contents it almost certainly originated in the South of England, and most likely near Worcester or Exeter. The origin of A5, a tenth-century manuscript containing Coll.quad., one of the major sources for Coll.Wig., is also uncertain; however, available evidence points rather strongly to either Sherborne or Canterbury as the place of origin. A4, the only A-class manuscript from the early Anglo-Saxon period, is atypical in more than one way. A Mercian manuscript dating from the second half of the eighth

\[134\] See below, Chapter 4 p. 159.
century, A4 is less a canon law collection and more of a dossier of materials pertaining to ecclesiastical administration. In terms of its contents and purpose (on which see Chapter 4), A4 stands alone not only among Anglo-Saxon canonical manuscripts, but among Anglo-Saxon manuscripts in general.

All B manuscripts were copied in Brittany or northwest Francia in either the late ninth or early tenth century, and were in England by the end of the tenth century. B5 is the only manuscript that seems not to have arrived in England until the eleventh century, and it may be significant that it is also the only manuscript of this class not to contain Coll.Hib. The manuscripts of class B should be considered in the context of the influx of Breton personnel and manuscripts to England in the tenth century. Needless to say, this phenomenon—which appears to be due in part to the metropolitan atmosphere cultivated at the courts of kings like Edward the Elder and Æthelstan—bears considerably on the history of Anglo-Saxon canon law.

The manuscript evidence from classes C and D reveals a great deal of canonical activity on the Continent that was associated with the Anglo-Saxon mission in the eighth century. In particular, classes C and D indicate that Insular influence was responsible for the introduction into eighth-and ninth-century French and German centres of a wide variety of canon law collections, many of them already quite ancient (like Coll.Dion., Coll.Quesn. and Coll.Sanb.), and some more recent (like Coll.vet.Gall. and Coll.Hib.). It should be noted that the two manuscripts in class C that can be dated to the eighth century (C2 and C3) may actually have originated in England; in neither case is an English origin certain, however, and in fact the case for C3’s English origin is much weaker than C2’s. The strong showing made in classes C and D of the older Italian collections like Coll.Quesn. and Coll.Sanb. is particularly interesting. Indeed, the majority of extant witnesses for both collections can be connected to Anglo-Saxon activity, and this would seem to indicate that these older collections were very popular among Anglo-Saxon prelates during the seventh and eighth centuries. This makes sense in the light of both the Anglo-Saxon church’s papal origins, its continued devotion to the traditions of the Roman see, and the fact that

135 Below, p. 190.

136 It has received due attention from several scholars, most recently from Shannon Ambrose, ‘Collectio canonum Hibernensis’, 107–09, esp. 109.
frequent English pilgrimages to Rome during the seventh and eighth centuries—in part a result of the increasing popularity of the cult of Saint Peter—were powering an influx of Italian books into England during this time.\textsuperscript{137}

The manuscripts in classes B–D are, naturally, of more varied origin and dates than those in class A, all of them (with the possible exception of C2 and C3) having been produced in Continental scriptoria over the course of two centuries, namely the beginning of the eighth and the end of the ninth centuries. That so many manuscripts from classes B–D originated in late eighth- to early ninth-century Francia or Germany is surely due to the Anglo-Saxon missions to the Continent in the first half of the eighth century; that possible Anglo-Saxon influence can be detected on manuscripts produced during and immediately following this period must be due in particular to the training in Insular miniscule script that many Continental scribes received from Anglo-Saxon personnel.\textsuperscript{138} Why no Continental canonical manuscripts are found from the late tenth or early eleventh centuries with Anglo-Saxon provenance or connections is not known. On the one hand, this could be an accident of the evidential record, though this seems unlikely given that so many eighth- and ninth-century Continental manuscripts with Anglo-Saxon connections have survived. On the other hand, it could mean that Continental canonical manuscripts for some reason ceased being imported to England after the ninth century. Speculation could vary widely as to why this might have happened. One possible explanation is that there was an element of distrust on the part of Anglo-Saxon prelates towards post-Carolingian collections. This would at least explain why the immensely popular compilations of pseudo-Isidore and Benedictus Levita (ca 850)—a large portion of which were, notoriously, forgeries—have left no trace in Anglo-Saxon libraries or literature. It is however difficult to imagine how such collections could engender distrust among the English prelature alone, while experiencing near universal acceptance everywhere else in the West. A better explanation may therefore be mere indifference; that is, perhaps Anglo-Saxon canonists took notice of, but were simply not particularly interested in the newer collections being produced on the Continent in the tenth and eleventh centuries. In addition to the pseudo-Isidorian collections, works like the \textit{Collectio Anselmo dedicata} (875×900, northern

\textsuperscript{137} See Mordek, ‘Kanonistische Aktivität’, 22.

Italy), Regino of Prüm’s *Libri duo de synodalibus causis et disciplinis ecclesiasticis* (ca 900, Trier) and Burchard’s *Decretum* (ca 1010, Worms)—all enormously successful on the Continent—may not have appealed to Anglo-Saxon ecclesiastics, who found that the older Irish, Italian, Gallic, and Carolingian collections provided enough in the way of coverage and canonical instruction. This theory squares particularly well with the literary-source evidence from the later Anglo-Saxon period. The most recent Continental canonical work drawn on by *Coll.Wig.*, for example, dates to around 850,139 that is to more than one hundred and fifty years before *Coll.Wig.* was compiled. So too, the most recent Continental canonical source for Ælfric’s Latin pastoral letters seems to have been Theodulf of Orléans’s *First capitulary* (ca 800–815),140 a work that was already two hundred years old by the time Ælfric set to writing his letters. It seems, therefore, that Anglo-Saxon canonists from the tenth and eleventh centuries were rather conservative when it came to the canonical sources they used; in particular they retained a fondness for canonical works produced in Francia under Charlemagne and Louis the Pious.

139 Namely *Coll.quad.*; for further discussion of the origin of this collection see Chapter 4, p. 148 and Appendix V. Another collection written shortly before *Coll.quad.*, Halitgar’s penitential, is also a source for several chapters of *Coll.Wig.*, as is PPTH.800, a Continental penitential compiled somewhere between Reims and Mainz, whose most recent editor dates to s. viii24; van Rhijn, ed., *Paenitentiale pseudo-Theodori*, ix–xiv. It should also be noted that a possible source for ‘Incipt exemplum de excommunicato pro capitali’, one of the chapters of *Coll.Wig.* not edited by Cross–Hamer but edited by Fehr (*Die Hirtenbriefe*, 246; cf. *Coll.Wig.I* 171/O 166 in Appendices XII and XIII) is chapter 5 of Hincmar’s *De divort. Lothar.regis et Theutberg.reginae* (ed. Böhringer, 140, lines 19–27), a legal treatise composed ca 860 (on this text see A. Firey, *A contrite heart: prosecution and redemption in the Carolingian empire*, Studies in medieval and Reformation traditions 145 [Leiden, 2009], 9–60). The ultimate source here, however, is pseudo-Gregory I to Felix of Messina (DGRG.590.†1334), a work that *Coll.Wig.* uses elsewhere (*Coll.Wig.C* 154/D 214; *Coll.Wig.B* 142, 148–49; *Coll.Wig.O* 47).

140 See *Die Hirtenbriefe*, ed. Fehr, 47, 70, and P. Brommer, ed., *Capitula episcoporum, Teil I*, MGH Capit. episc. (Hanover, 1984), 73–4. Note, however, that Fehr’s discussion of the canonical sources of Ælfric’s letters is generally untrustworthy. A new study of these letters’ sources is greatly needed, and it is not inconceivable that such a study will reveal that Ælfric in fact used Continental sources more recent than Theodulf’s work.
4 The systematic collections

This and the following chapter consider in greater detail the significance of the manuscript evidence assembled in Chapter 3. The present chapter focuses on eight of the nine systematic canon law collections\(^1\) that either are known to have been used or may have been used by Anglo-Saxons ecclesiastics, while Chapter 5 considers three of the four chronological (or ‘historical’) collections.\(^2\) In general, the systematic collections treated in the present chapter have been well served by historians. For this reason, detailed discussions of the systematic collections— their overall history and development—are dispensed with, so that more space can be devoted to considering the importance of each to the Anglo-Saxon church. In contrast to the systematic collections, the chronological collections are much less well studied by scholars, and so their origins, development and influence in England are much less well understood. The three collections considered in Chapter 5 are therefore treated at greater length.

4.1 Ansegis’s *Collectio capitularium*


The *Collectio capitularium* of Saint Ansegis (or Ansegisus, †833), abbot of several Carolingian abbeys, is especially important in the context of Archbishop Wulfstan’s legal studies and reforms.\(^3\) Ansegis’s collection differs from many early medieval canon law collections in that it is not a collection of church canons per se, but rather a selection of capitulary statutes issued by

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\(^1\) Due to constraints of time and space, Cresconius’s *Conc. can.* (found only in a single ‘D’ manuscript: D7) will not be considered in this dissertation. On this collection see Zechiel-Eckes, ed., *Concordia canonum des Cresconius*.

\(^2\) Due to constraints of time and space, the *Epitome Hispana* (found only in a single ‘D’ manuscript: D4, one with arguably few or no signs of an Anglo-Saxon connection) will not be considered in this dissertation. On this collection see Martínez Diez, ed., *El Epítome hispánico*.

Charlemagne, Louis the Pious, and Lothar I, arranged according to author and subject matter, and divided into four books. Nevertheless, the Carolingian capitular legislation that Ansegis reproduced drew much of its inspiration from canon law collections; thus, Ansegis’s *Collectio capitularium* contains a considerable amount of both ancient and more recent canonical material.

The single manuscript witness of relevance to Anglo-Saxon England, B6, contains only Ansegis’s Book 1, comprising capitular legislation by Charlemagne that pertains to the church. The question of whether or not books 2–4 were also available to Anglo-Saxons in the ninth, tenth and eleventh centuries still needs answering. Some evidence for the use in England of Book 2, at least, can be considered here.

Consideration must begin with Wulfstan and his relationship to B6’s copy of Ansegis. Probably soon after his promotion from Bishop of London to the sees of York and Worcester in 1002, Archbishop Wulfstan came into possession of B6—probably along with other Breton law books, like B1 and B3. Wulfstan annotated and corrected several (though not all) of the canonical texts in B6, but by far most of his attention focused on B6’s copy of Book 1 of Ansegis’s collection. The substance of the Archbishop’s notes shows that he was comparing relevant sections of Ansegis’s collection against one of Ansegis’s sources, namely Charlemagne’s famous legal statement of 789 known as the *Admonitio generalis*. In fact, it appears that Wulfstan did not know that what he had in front of him was actually the text of Ansegis; rather it seems he believed himself to be correcting a copy of *Admon.gen.(789)*—that in B6, which appeared to him to be devolved—against a purer copy of the same. That Wulfstan could have mistook Ansegis for *Admon.gen.(789)* is entirely understandable, since Ansegis’s first book reproduces faithfully

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5 Schmitz, ed., *Die Kapitulariensammlung*, 110–13; Ker, ‘Handwriting’, 328–30. Two scribes, both rather unskilled, copied this portion of B6. Many of Wulfstan’s corrections are merely to correct the grammar or update the orthography employed by the original scribes. The sheer volume of Latin material added by Wulfstan above lines and in the margins makes B6 particularly important as evidence for Wulfstan’s Latin orthography, and even Latinity. Besides the marginalia in B6, very few instances of extended Latin prose written out in Wulfstan’s own hand have been preserved; examples include A3, fols 80v, 125v, 155r, 158r and 162r (cf. Ker, ‘Handwriting’, 322–24), and London, British Library, Cotton Vespasian A. xiv, fols 171v and 173v (Ker, ‘Handwriting’, 327); cf. also the Latin verses on fol. 148v of Cotton Vespasian A. xiv (Ker, ‘Handwriting’, 326–27).

nearly the entire text of *Admon. gen.(789)*, and because *B6* lacks Ansegis’s preface (in which Ansegis names himself as the author/compiler of the work). Indeed, this error explains why the following rubric title was entered by an eleventh-century hand in *B6* at the bottom of fol. 188v, where it currently introduces Ansegis’s text: ‘INICIPIVNT EXCERPTA QE ConCROGREGAVIT KAROLVS REX DE SINODIS [SENODIS a. corr.] GAL LICIS’. The title was probably added by someone within Wulfstan’s own circle who believed, just as Wulfstan seems to have, that the text was a copy of *Admon. gen.(789)* itself, rather than Ansegis’s later recension of it. The many small differences between the original *Admon. gen.(789)*—of which Wulfstan had a copy—and the version of that text that appears in Ansegis’s collection in *B6* were probably believed by Wulfstan to be nothing more than the result of scribal error, though in fact they were the result of Ansegis’s own editorial decisions. The many corrections throughout *B6*’s copy of Ansegis speak not only to Wulfstan’s fondness for Carolingian canon law, but also to his drive for textual perfection, and his determination to provide his bishops with correct texts. It is a matter of simple irony that he was correcting a text that, from our point of view, did not require correcting.

In a groundbreaking study published in 1978, Patrick Wormald detailed many instances in King Æthelred’s lawcodes in which the King’s draftsman—none other than Wulfstan himself—seems to have drawn on Carolingian legislation, as if ‘King Æthelred and his archbishop consciously modelled themselves on the Carolingians’. Many of the articles used in these lawcodes come, Wormald discovered, from Ansegis’s collection. Not all of the Ansegis borrowings came from Book 1, however; some of Æthelred’s laws appear in fact to draw on Ansegis’s second book, which cannot be found in *B6*, or indeed in any other extant Anglo-Saxon manuscript. What is more, certain chapters from Ansegis’s third and fourth books seem to have influenced other

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7 Cf. J.E. Cross, ‘De festiuitatibus anni and Ansegisus, Capitularum collectio (817) in Anglo-Saxon manuscripts’, *Liverpool classical monthly* 17 (1992), 119–21, at 120, and Wormald, ‘Æthelred the lawmaker’, 73, who, in considering the fact that much of Ansegis’s collection made its way into Æthelredian legislation, draws the conclusion that ‘Wulfstan, if not Æthelred, knew that they were following Charlemagne as well as the founders of the English Church.’

8 Most notable among these being the absence in Ansegis of certain *Admon. gen.(789)* chapters on homicide, theft, perjury, and weights and measures; cf. Ker, ‘Handwriting’, 329.

9 Wormald, ‘Æthelred the lawmaker’, 73. Wormald’s article was in fact concerned with issues of far greater importance than merely the sources of Æthelred’s legislation; among other things it established, finally and with breathtaking genius, the contours of Æthelred’s legislative canon, and outlines in detail Wulfstan’s principal role in the legislative reforms of Æthelred’s reign.
Anglo-Saxon secular legislation. Wormald,Unable to trace these borrowings to any extant manuscript, remarked that ‘If a full version of Ansegisus were available somewhere in tenth century England not only could we account for those correspondences of ecclesiastical legislation which depend upon Book II, as well as Book I, but also for parallels in secular legislation.’10

In fact there are traces of Ansegis’s second book in a number of extant Anglo-Latin canonical writings. The most well known of these is, as James E. Cross noticed, the frequent appearance by itself of Collectio capitularium 2.33 (‘de festivitatibus anni’) in several Canterbury manuscripts dating from the late tenth to mid-eleventh century.11 Cross noted too that Wulfstan quoted Collectio capitularium 2.41 in a Commonplace Book text titled ‘De incestuosis et homicidis’,12 while Hans Sauer has noted another text in the Commonplace Book that uses Collectio capitularium 2.34 as a source.13 To this list of quotations can also be added Collectio capitularium 2.45, which is quoted in Coll.Wig.B 25.14 All four of these canons, however, can in fact be found in B6’s copy of Ansegis, as additions or substitutions to the main text.15 These

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10 Wormald, ‘Æthelred the lawmaker’, 73.

11 Cross, ‘De festivitatibus anni’, esp. 119–20, specifying three British Library manuscripts: Harley 5431, fols 4–126; Cotton Tiberius A. iii, fols 2–173; and Cotton Titus A. iv. Cross didn’t notice that Coll.cap. 2.33 is also found in a fourth Canterbury manuscript dating from the late tenth-century, Cambridge, Corpus Christi College, 57, a manuscript that shares many contents in common with the other three (including Benedict’s Regula, Memoriale qualiter, and the Capitulare monasticum [817]). On the relationship of these manuscripts to one another see T. Graham, ‘Cambridge Corpus Christi College 57 and its Anglo-Saxon users’, in Anglo-Saxon manuscripts and their heritage, eds P. Pulviano and E.M. Treharne (Aldershot, 1998), 21–69, esp. 25.

12 Cross, ‘De festivitatibus anni’, 121; cf. Coll.Wig.I 168/O 163 in Appendices XII and XIII.


14 Cross–Hamer, Canon law, 122, record Coll.cap. 2.34 as the source here, but this is not strictly correct. Although the final five words of Coll.Wig.B 25 (‘ita ut nouis oratorii tribuantur’) are taken from Coll.cap. 2.34, the phrase ‘nec alia ulla possessione’ clearly points to Coll.cap. 2.45 as the source for the main body of the canon. On the blending of Coll.cap. 2.34 and 2.45 in B6, see next note.

15 B6’s copy of Ansegis’s Book 1 contains the following omissions, additions and substitutions: Coll.cap. 1.157 has been lengthened with material from Coll.cap. 2.21, and Coll.cap. 1.158 has been replaced by Coll.cap. 2.33; the final chapter of Book 1 (c. 162) is lacking; to the end of Book 1, on fol. 204v, have been added two more canons from Book 2, namely Coll.cap. 2.41 and 2.45, concerning the obstinately criminous, and the privileges of ancient churches; a later hand (not Wulfstan’s, but rather one that is found making many corrections elsewhere in B6, especially to its copies of ELRF and Coll.Dion.-Hadr.) added ‘ita ut nouis oratorii tribuan/tur’ to the latter of these, thinking it to be from Coll.cap. 2.34 (identical to 2.45, but for the fact that it lacks these final five words); finally, another, non-professional hand (the same that added Roman legal material to fol. 138v) has added an additional
borrowings from Ansegis’s second book therefore do not necessarily point to the existence in Anglo-Saxon England of other copies of Ansegis collection besides B6.

There are other instances of borrowing that are not so easily explained, however. During their work deciphering damaged folios in A3, the principal witness to Coll.Wig.B, Cross and Andrew Hamer discovered that previously illegible text on fol. 132r of A3 contains a canon drawn from Collectio capitularium 2.22. This chapter is not found anywhere in B6, and so suggests that Wulfstan may have possessed another copy of Ansegis’s collection that has not survived. Furthermore, in two Commonplace Book manuscripts—A2 and Oxford, Bodleian Library, Barlow 37 (SC 6464), fols 1–61 (s. xiiEX/xiiiIN, Worcester?)—there is a series of canons excerpted from Ansegis that that begins ‘Libro primo capitulorum aecclesiasticorum magni imperatoris Caroli de mansis uniuscuiusque ecclesiæ’. This line provides further evidence that in Wulfstan’s circle Ansegis’s collection travelled under the name of Charlemagne. Moreover, the fact that Wulfstan has here specified (correctly) that the following extracts are from ‘Libro primo’ implies that he knew there were other books to Ansegis’s collection. This implication is confirmed by the last canon in the series, which bears the rubric ‘Libro secundo de antiquis ecclesiis ut honorem suum habeant’. The source for this canon is Collectio capitularium 2.34, which, as has already been noted, is found as an addition in B6; yet, in B6 this chapter is part of Book 1, and nowhere in B6 is there any indication that Ansegis’s first book, the book that is copied out, is only part of a larger work with additional books. One must conclude, therefore,
that Wulfstan had available to him another copy of the *Collectio capitularum* that contained at least Books 1 and 2, if not the collection’s entire complement of four books.  

### 4.2 Collectio canonum Hibernensis


While *Coll.Hib.* is not quite the oldest systematic canon law collections in Europe, it is certainly early and certainly one of the most important. It was composed *ca* 725, probably in Ireland though possibly in Brittany. The author is believed to have been Cú Chuimne of Iona (†725), who perhaps collaborated with Ruben of Dairinis (†747). The attribution of *Coll.Hib.* to these two men is problematic, however, because it is based solely on a garbled colophon found in a ninth-century Saint-Germain manuscript (Paris, Bibliothèque nationale, Lat. 12021).

Several versions of the collection may have circulated in the early Middle Ages, but two main ones—redactions known as *A* and *B*, each containing upwards of 70 books—seem already to have gained dominance by the ninth century. *Coll.Hib.* circulated widely on the Continent in the eighth and ninth centuries, particularly in Brittany, and had a particularly strong influence on Italian canonistic thought after the ninth century. Beyond topics typically covered by canon

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19 Additional evidence for Wulfstan’s use of Book 2 of Ansegis’s *Coll.cap.* may be found in his *Canons of Edgar*. Though composed in the vernacular—which makes it difficult to identify sources with certainty—the *Canons of Edgar* contains the following chapters that may have been inspired by Ansegis’s second book: *Canons* 14 ~ Ansegis 2.36; *Canons* 17 ~ Ansegis 2.35 and 2.44; and *Canons* 19 ~ Ansegis 2.75.

20 This edition is due to be superseded by that currently in preparation by Roy Flechner of Cambridge University.

21 See above, Chapter 2 n. 95.


23 On the colophon see R. Thurneysen, ‘Zur irischen Kanonensammlung’, *Zeitschrift für Celtische Philologie* 6 (1907–1908), 1–5, and on problems in accepting the authority of this colophon, see Dumville, ‘Ireland, Brittany, and England’, 86. For a thorough consideration of the identities of Ruben and Cú Chuimne, including their possible political and ideological affiliations, see Jaski, ‘Cú Chuimne’.


law collections, *Coll.Hib.* touches on prayer, consecrated places, martyrs, the ‘substances of men’, blessings, and the soul; indeed, certain chapters are better characterized as short essays on morality than canons. Maurice P. Sheehy said of *Coll.Hib.* that, ‘as a single document, [it] is probably the most ambitious endeavour to codify Christian life of all the medieval canonical compilations.’\(^\text{26}\) A considerable portion of the work comprises excerpts from ancient canons and decretals; far more common, however, are citations of Scripture\(^\text{27}\) and church Fathers, most commonly Origen, Jerome, Augustine, Pope Gregory I, and Gregory of Nazianzus. *Coll.Hib.*’s use of Greek fathers as sources for canon law has been called ‘unique’,\(^\text{28}\) though it must be recalled that PTHU.700—composed at around the same time—also did this, as did *Coll.vet.Gall.* slightly earlier,\(^\text{29}\) and as will *Coll.quad.* (and to a far greater extent than *Coll.Hib.*) in the ninth century. In fact, *Coll.Hib.*’s dependence upon Scripture and *patristica* seems to be due in large part to the collection’s heavy reliance upon *Coll.Tur.*, an older collection of just these types of sources, and one on which more will be said below. Questions of priority aside, *Coll.Hib.* remains a distinctive collection, whose important characteristics were perhaps best summarized by Gabriel le Bras when he remarked that

> il faut considérer l’*Hibernensis*, bien plus que comme une collection canonique, comme un recueil de textes scripturaires et patristiques se rapportant à la discipline et où l’auteur croit reconnaître les premières sources du droit. De ce caractère de l’*Hibernensis* résulte, tout naturellement, qu’elle embrasse un domaine beaucoup plus vaste que les autres collections: non seulement tout le domaine de la constitution ecclésiastique, mais encore celui de la vie sociale et de la vie spirituelle.\(^\text{30}\)

\(^{26}\) Sheehy, ‘*Collectio canonum Hibernensis*’, 527.


\(^{28}\) Davies, ‘*Isidorian texts*’, 212.


To date one of the most important studies of *Coll.Hib.* is that by Thomas Charles-Edwards, who carefully considered the methods by which the compiler(s) of this collection organized their material: ‘the *Hibernensis* both contains and relies on exegesis to a far greater extent than do such collections as those of Dionysius Exiguus.' The compiler(s), or ‘exegete’ as Charles-Edwards calls him, was interested not only in presenting decisions, but in finding answers to questions on morality; it was the compiler’s own moral preoccupations as well as his own interpretation of his sources that determined the shape and content of the collection. The compiler’s use of *testimonia* and *exempla* to prove a rule sometimes led him to take a ‘dialectical’ approach to legal questions, in which he would present opposing rules on a single topic and attempt a sort of crude reconciliation, though usually this reconciliation is only ever implied. This compilatorial method has led some scholars to consider *Coll.Hib.* as something of a *summa discordantium.* Regardless of whether one accepts this designation, there is evident in *Coll.Hib.* a degree of canonistic sophistication that is difficult to recognize in many other collections of the early medieval period.

As mentioned in Chapter 2, *Coll.Hib.* has been studied intensely over the last century not only by canonists but also by scholars of English and (especially) Irish history. The influence of *Coll.Hib.* in England has even been the subject of a recent doctoral dissertation by Shannon Ambrose. Ambrose has explored the personal and ideological conduits by which *Coll.Hib.* manuscripts may have been introduced to England, and examined the ways in which the collection was used as a source in Anglo-Saxon literature from the tenth to the eleventh century. Ambrose summarized the results of her research in a 2005 article titled ‘The *Collectio canonum Hibernensis* and the literature of the Anglo-Saxon Benedictine reform’, and there is no

33 Charles-Edwards, ‘Construction’, 210. The term *summa discordantium* is Sheehy’s, ‘*Collectio canonum Hibernensis*’, 527, on which see also Sheehy, ‘Bible’, 277–78. For a discussion of the ideological implications of *Coll.Hib.*’s ‘dialectical’ style—namely its relevance to the ‘nativing and internationalising tendencies within Irish Christianity’ in the seventh and eighth centuries—see Dumville, ‘Ireland, Brittany, and England’, 86.
35 Ambrose, ‘Continental sources’. 
reason to repeat her findings here. It will be helpful, however, to provide a few remarks on the relevant manuscripts, as well as to add a few examples to Ambrose’s list of instances in Anglo-Saxon literature where \textit{Coll.Hib.} was used as a source.

\textbf{D9} is the manuscript upon which Wasserschleben based his edition of 1874. This manuscript is mentioned in a St-Gallen library catalogue of 850×880, where it is referred to as ‘Collectio Eadberti de diversis opusulis sanctorum patrum’, a reference to the figure named on the final page of \textbf{D9} in a colophon copied from \textbf{D9}’s exemplar. The importance of this has been emphasized by Sven Meeder, who suggests not only that the Eadberht in question ‘was responsible for bringing the collection to the monastery of St-Gallen’, but also that the St-Gallen monks viewed him ‘as the author of the collection’. One should not, of course, take this as evidence that the author of \textit{Coll.Hib.} was actually an Anglo-Saxon named Eadberht; nevertheless, that ninth-century St-Gallen monks attributed the authorship of their copy of \textit{Coll.Hib.} to his name is, as Meeder points out, evidence of the important role that Anglo-Saxons played in disseminating Insular canonical material in the Bodensee region in the eighth century.

The relevance of \textbf{D4} to the history of Anglo-Saxon canon law is tenuous but not entirely insignificant. \textbf{D4}, an eighth-century collection of various canonical and penitentials materials, has come under the scrutiny of several scholars in the last half century—including Margaret Deanesly, Paul Grosjean, Franz Asbach, Rob Meens and Roger Reynolds—due principally to the

\begin{itemize}
\item \textbf{36} Ambrose, ‘\textit{Collectio canonum Hibernensis}’.
\item \textbf{37} Most copies of Wasserschleben’s first edition were lost to fire; the second edition, printed in 1885, is the edition most often referred to by scholars today. Wasserschleben’s edition has been criticised on a number of counts, one of which is its use of \textbf{D9} as a base manuscript, and another of which is its division of the text into sixty-seven chapters, a division that does not follow any manuscript authority; see Fournier–le Bras, \textit{Histoire}, 62; Sheehy, ‘\textit{Collectio canonum Hibernensis}’, 534. Wasserschleben used a transcription of \textbf{D9} prepared by a colleague, as was often the practice of editors at the time.
\item \textbf{38} On this colophon, see the entry for \textbf{D9} in Chapter 3.
\item \textbf{39} Meeder, ‘Spread and reception’, 220.
\item \textbf{40} Cf. Meeder, ‘Spread and reception’, 221–22, who remarks: ‘It seems probable that the catalogue’s compilers viewed Eadbert \textit{sic} as the author of the collection, a possibility that has never been considered seriously by modern scholars, though the claim of authorship of Eadberct could rival that of Ruben and Cú Chuimne.’
\item \textbf{41} For further discussion of this question, see Appendix I, p. 360.
\end{itemize}
Chapter 4

fact that it is the earliest witness for all of the texts it contains (with the possible exception of the Epitome Hispana). Especially because of D4’s great age, it is interesting that most of the texts it contains are in the form of excerpts or abridgements. Chiefly on the basis of D4’s penitential contents (namely a lengthy abridgement of PECU.700 that includes several additional chapters from PCUM.600), but also due to its containing the so-called ‘Letter’ version of Pope Gregory I’s Libellus responsum (DGRE.590.1843), scholars have attempted to connect D4 to Anglo-Saxon missionary circles on the Continent. Specifically, Margaret Deanesly and Paul Grosjean argued in 1959 for a connection between D4 and Willibrord, while Rob Meens has recently suggested that D4 may have been copied specifically for St Boniface’s use. Both arguments are highly speculative, however. There is indeed no reason why D4’s penitential material should necessarily indicate use in an Anglo-Saxon missionary context, nor does D4’s particular version of DGRE.590.1843 need to suggest a connection with Boniface. On the contrary, palaeographical analysis of D4’s several uncial scripts suggests a southern French origin, while the fact that it contains a peculiar (primitive?) recension of the canons of the diocesan synod of Auxerre (561×605) (CAUX.561) would suggest an origin in middle or north-east Francia, or perhaps northern Burgundy. An origin in northern Francia is made more likely by the fact, noted by Asbach, that many of the contents of D4, including its unusual version of CAUX.561, are shared also by C4, a ninth-century manuscript from northern Francia. If D4’s origin can be secured to Francia, then it becomes considerably less likely that it had some connection to

42 D4 contains excerpts from: Coll.Hib.; Epitome Hispana; DLEO.440.544; DGI.92.675; CPAR.614; PCUM; and SEA. It also contains abridgements of PECU.700 and the Isidorian Epistola ad Massonam. The only full texts D4 contains are CAUX.561, the Inquisitio pseudo-Hieronymi de poenitentia and DGRE.590.1843—the first of these in an unusual recension; the last with an incomplete ending due to the loss of a folio (or more) at the manuscript’s end. It is interesting that the version of DGRE.590.1843 contained in both D4 and Lucca, Biblioteca Capitolare Feliniana, 490 (s. viii lx–ix, Lucca)—which also contains the Epitome Hispana, along with Coll.Sanb.—lacks the controversial passage on marriage law: see Meyvaert, ‘Les “Responsiones”’, 885–87, and Appendix I. The similarity of these two early manuscripts may therefore be of some importance for determining the textual tradition of DGRE.590.1843.


45 For a discussion of this issue, as well as other misconceptions surrounding Boniface’s relationship to DGRE.590.1843, see Appendix I.

46 One of the manuscript’s four scribes seems to have been trained in a centre under Visigothic influence; on which see below, Appendix I p. 360.
Anglo-Saxon missionary activity in Germany. Clearly, more research is needed in order to determine the likelihood of D4 ever having been seen by Anglo-Saxon eyes.

D4’s importance to the Coll.Hib. tradition is considerable. Contained on fols 69v–80v is a small selection of Coll.Hib. canons along with the Isidorian Epistola ad Massonam.47 It has recently been suggested that this material might represent a small collection that acted as a formal source for Coll.Hib., possibly in conjunction with Coll.Tur, another of Coll.Hib.’s formal sources.48 The full significance of this has yet to be worked out, but it is certainly interesting to find unique examples of Coll.Hib.’s formal sources in two Continental manuscripts (D4 and B1), the oldest of which (D4) shows no definite Insular associations whatsoever even though it was copied only shortly after Coll.Hib. was compiled.

The Anglo-Saxon connection of D16 has long been known due to its containing what has come to be known as the Sententiae (or Sententiolae) Bonifatianae Wirceburgenses. The manuscript has recently been thoroughly discussed by Michael Glatthaar and Sven Meeder, so only a summary of their accounts need be given here.49 D16’s exemplar seems to have originated somewhere in Boniface’s circle, and while the origin of D16 itself is unknown, its contents as well as the fact that it was copied around the year 900 in Anglo-Saxon minuscule suggests an origin somewhere in the region of the Anglo-Saxon mission, probably in Germany, possibly in Würzburg. The manuscript contains on fols 1–41 a selection of canons attributed to Ambrose, Augustine, Gregory the Great, Gregory of Nazianzus and Jerome, all taken from a putative

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47 The whole series has been transcribed by Rob Meens, ‘Oldest manuscript’, 15–19. A new transcription is now available on the Carolingian canon law Web site http://ccl.rch.uky.edu/node/6388. Meens believed that D4 also contains a second series of Coll.Hib. excerpts on fols 42r–44r (between the CAUX.561 canons and PECU.600 excerpts), but I do not believe this is so. Rather, I reckon the sources for the canons on fols 42r–44r as follows: Can.aapost. 41 (42); Can.aapost. 42 (43); Synod.I Patric. 6; Can.aapost. 43 (44); CNIC.325.3 (versio Rufini); SEA 77 (64); SEA 83 (89); Can.aapost. 49 (50); SEA 73, 76 (60, 63); SEA 88, 54 (66, 26); SEA 26 (45); Synod.II Patric. 23; Synod.II Patric. 28. None of these canons therefore needs to have been derived from Coll.Hib. A new transcription of this series of canons is also available on the Carolingian canon law Web site: http://ccl.rch.uky.edu/node/5816.

48 Reynolds, ‘“Isidorian” Epistula ad Massonam’, 80–1; Meens, ‘Oldest manuscript’, 5–7. Of significance here is the fact that inserted within this series of Coll.Hib. material in D4 is the Isidorian Epistola ad Massonam, one of the sources upon which Book 11 of Coll.Hib. (on lapsed clerics) drew heavily. Far from containing merely an ‘excerpt’ of this letter, however (as reported in Reynolds, ‘“Isidorian” Epistula ad Massonam’, 80, and Meens, ‘Oldest manuscript’, 6), D4 actually contains nearly the entirety of this important text, lacking only (following the PL edition) the first paragraph, half of the second, the fourth, and the final (thirteenth) paragraphs.

‘proto-version’ of Coll.Hib.—Meeder has named this selection the ‘Würzburg florilegium’.\footnote{Meeder, ‘Spread and reception’, 81–2, 103–08.} The Sententiae Bonifatianae Wirceburgenses are found on fols 52–9, and comprise mainly excerpts from conciliar canons, papal decretals and patristica, including several chapters that appear to have been drawn from Coll.Hib. Several strong connections between this collection of sententiae and Boniface—including his known concerns, sources he used elsewhere, and both intrinsic and extrinsic textual evidence—show it to be a collection originally compiled within Boniface’s circle, most likely by Boniface himself.\footnote{Glatthaar, Sakrileg, 117–63; Meeder, ‘Spread and reception’, 114–15; Meeder, ‘Boniface and the Irish heresy’, 260–65. Glatthaar and Meeder both rely heavily on August Nürnberger’s seminal work on the Sententiae.}

Of the five manuscripts remaining to be considered, two—\textbf{B2} and \textbf{B4}—require little further comment beyond what was said in Chapter 3.\footnote{I should add that \textbf{B2} may have been consulted at some time by Wulfstan, on which see J.E. Cross, ‘Atto of Vercelli, De pressuris ecclesiasticis, Archbishop Wulfstan and “Wulfstan’s Commonplace Book”’, \textit{Traditio} 48 (1993), 237–46, at 238 n. 14. Of \textbf{B4} I have only to add the following: this tiny fragment (3 folios) contains parts of books 2 and 8–10 of Coll.Hib., but in a version that differs ‘in order and wording and to some extent in content from the collection in [B6] and as printed by H. Wasserschleben’; the text is, moreover, said to be very corrupt, with no divisions into chapters or books: Ker apud Bill, \textit{Catalogue of manuscripts in Lambeth Palace Library}, 61.} The remaining three—\textbf{B1}, \textbf{B3} and \textbf{B6}—all have connections to Worcester cathedral under Archbishop Wulfstan. \textbf{B6}, like \textbf{B2}, was early on deposited at Christ Church, Canterbury, where the first quire (fols 1–7v, containing Coll.Hib.B, to Book 2.14) was replaced.\footnote{Ker, ‘Handwriting’, 328 n. 1: ‘It looks like the beginning of an attempt to replace the old and bad text.’ According to Bishop, ‘Notes on Cambridge manuscripts’, 423, the scribe responsible was the same that copied: London, British Library, Harley 110; London, British Library, 15 B. xix, fols 1–35; and London, British Library, Royal 5 E. xi, fol. 11r–v.} In addition to the corrections and additions he made to \textbf{B6}’s copy of Ansegis’s Collectio capitularium, Wulfstan also made several (though far fewer) corrections to its copy of Coll.Hib.B, especially to Book 28, chapter 4 (‘De quatuor causis quibus sors elegitur missa’).\footnote{Ker, ‘Handwriting’, 328.} Exactly when and how \textbf{B6} left Canterbury is not known, but it was already in Worcester during Wulfstan’s tenure there (1002–1016), and seems in fact to have been used by him as early as 1007.\footnote{The approximate \textit{terminus ante quem} for Coll.Wig.B (cf. below, Chapter 4 n. 193). \textbf{B6} appears to have been instrumental to Wulfstan’s work in compiling Coll.Wig.B. This becomes evident when one compares the \textit{A} version to the \textit{B}: almost all the expansions and revisions found in the \textit{B} redaction arise from additional material being mined in this manuscript.}

Very probably \textbf{B6} came to Worcester with Wulfstan immediately after
his promotion from the bishopric of London.\textsuperscript{56} It was possibly in this same luggage train that two other Breton legal manuals, B1 and B3, arrived in Worcester, two manuscripts that scholars have assumed formed part of Wulfstan’s Worcester library. One must be cautious here, however; for, although B1 and B3 had certainly been in circulation in England since the tenth (B3) and eleventh (B1) centuries, it is not certain that they were in Worcester by Wulfstan’s time, or even before the Early Modern period.\textsuperscript{57} All three manuscripts contain Coll.Hib. in some form or another. B6, a composite codex, contains in its present form just over a dozen canonical, legal and computistical texts, the first of which is a full copy of the B redaction of Coll.Hib.\textsuperscript{58} B3 contains fifteen texts (by Shannon Ambrose’s count) of quite varied nature, including the Paenitentiale additivum Bedae-Ecgberhtii (PBEA.800) and a lengthy series of excerpts from Coll.Hib.\textsuperscript{59} The excerpts on pp. 157–83 of B1 include selections or abbreviations of several Coll.Hib.A chapters.\textsuperscript{60}

from Coll.Hib.B, ELRF, and Book 1 of Ansegis’s collection—all texts found in B6. Several verbal correspondences noted by Cross and Hamer also indicate that the compiler of Coll.Wig.B was relying upon versions of these sources very much like the ones found in B6.

\textsuperscript{56} Dorothy Whitelock made some rather compelling speculations in this direction (cf. C&S, i.i, p. 193), the substance of which is as follows. Perhaps early in his tenure at London Wulfstan befriended Wulfsige III, abbot of Westminster Abbey (988–997) and later bishop of Sherborne (993–1002); B6 may (as Dumville, ‘Wulfric Cild’, 7 also suggests) have resided for a time at Westminster, ‘Canterbury’s dependent monastery’, and Wulfstan may have become aware of it there and later acquired it during his move to Worcester. This may also explain how he became aware of Ælfric’s pastoral letter for Wulfsige; moreover, this series of incidents might have served as the catalyst for Wulfstan’s own relationship with Ælfric. Cf. also C&S, i.i, pp. 230–31, where Whitelock suggests that while Wulfstan was bishop of London he may have consulted with Wulfsige on issues such as penance, evidence for which might be seen in their exchange of a penitential letter (C&S, i.i, p. 237, no. ix) that Wulfstan later, as archbishop, had copied into Copenhagen, Kongelige Bibliotek, Gl. kgl. Sam. 1595 (4\(^{°}\)) (1005 × 1023). For this penitential letter see Coll.Wig.D 166.

\textsuperscript{57} Unfortunately, certain speculations on the part of David Dumville regarding a Worcester provenance for B3 (D.N. Dumville, English Caroline script and monastic history: studies in Benedictinism, A.D. 950–1030, Studies in Anglo-Saxon history 6 [Woodbridge, 1993], 48 [also mentioning B1], and D.N. Dumville, ‘Biblical apocrypha and the early Irish: a preliminary investigation’, Proceedings of the Royal British Academy 73 [1973], 299–338, at 331) have been transformed into claims of fact by Shannon Ambrose; see above, Chapter 3 n. 28.

\textsuperscript{58} See Appendix VI for a full description of the contents of B6.

\textsuperscript{59} The Coll.Hib. excerpts have been edited in full by Ambrose, ‘Codicology’.

\textsuperscript{60} These are given in the following list, based on Sharpe, ‘Gildas’, 202–05, with my own corrections: Coll.Hib.A 8.2; 1.3; 7e, 8, 9a–b, 18a; 2.2, 9, 11a, 11d–e, 13b–c, 14, 25; 11.6; 12.1a, 2a, 15a; 15.1, 3c; 16.3d; 17.6, 11a, 12a; 18.6a–b; 21.6a, 12, 26b–c, 28–9; 28.13b–c; 29.7; 31.18; 32.17a, 19c; 33.11a, 11c, 12e, 12g; 39.3a, 3c, 4a, 40.15c; 41.1a, 3a, 4a–c, 6a, 7b, 10; 42.3a, 3c, 4e, 8, 11a–b, 12f, 13a, 14b–c, 29, 31; 45.7a; 46.10, 31; 47.12a; 49.10; 50.1. In
With regards to Anglo-Saxon texts that use *Coll.Hib.* as a source, Ambrose has, as already mentioned, summarized most of the evidence: Oda, archbishop of Canterbury (941–958), used *Coll.Hib.* in his *Constitutiones; Ælfric used it in his* *Letter to Brother Edward;* and Wulfstan used it in his *Institutes of Polity* and *Coll.Wig.*61 In addition to these works, *Coll.Hib.* was used in two sermons in the ninth-century St-Père Homiliary now found in Cambridge, Pembroke College, MS 25 (s. xi2, Bury St. Edmunds), whence it influenced several Old English sermons.62 *Coll.Hib.* is also a source for several additional works by Wulfstan, whose deep familiarity with this collection is demonstrated not only, as Ambrose points out, by its use in *Coll.Wig.* and *Institutes of Polity,* but also by the great many unedited texts and passages throughout Wulfstan’s Commonplace Book that draw on phrases found in *Coll.Hib.*63 Included here are four works from Block VII of Wulfstan’s Commonplace Book, namely *De rapinis ecclesiasticarum rerum,* *Ecclesia sponsa,* *De pastore et praedicatore* (*De past.et praedic.*), and *De veneratione sacerdotum* (*De ven.sacerd.*), along with a fifth, related text *De medicamento animarum.*64 The latter three texts all use chapters from Book 21 of *Coll.Hib.,*65 while *De rapinis ecclesiasticarum* almost every case, inscriptions (attributions) have been excised by the excerptor. After these *Coll.Hib.* excerpts there follows (pp. 183–88) a series of four short miscellaneous texts: ‘De his quibus facitur feria’, ‘De lavatione pedum hospitum’, ‘De vindicta crucis’ and ‘Quatuor modis anima uniuscuiusque uisitat post mortem’. The first three texts have been edited by Simpson, ‘Ireland’, 118–19, the last by Wright, *Irish Tradition,* 258–59. The final page of B1 (p. 188) contains *Coll.Hib.A* 18.8a–b (8b ends imperfectly).

61 Ambrose, ‘*Collectio canonum Hibernensis,*’, 110–18.

62 See J.E. Cross, *Cambridge Pembroke College MS 25: a Carolingian sermonary used by Anglo-Saxon preachers* (London, 1987), items 22 and 90, pp. 140 and 156–59. Both of these Latin sermons were perhaps originally composed in Ireland or in an Irish centre: Cross, *Carolingian seremony,* 64–90. According to Cross, *Carolingian seremony,* 91, the Pembroke homiliary was an important source for Old English sermons in general, ‘being second in influence only to the Carolingian homiliary of Paul the Deacon.’

63 Indicated by the many references to this collecton in the source notes in appendices X–XIII. Note in particular the series of canons in *Coll.Wig.C* (C135–39; cf. *Coll.Wig.D* 113–16) that draw on Book 46 of *Coll.Hib.A.* These canons were not edited by Cross and Hamer and so went unnoticed in Ambrose’s study.

64 *De rapinis ecclesiasticarum rerum* and *Ecclesia sponsa* are edited by Cross, ‘Atto of Vercelli’, 243–46; and cf. *Coll.Wig.O* 28. *De past.et praedic.* and *De ven.sacerd.* are edited by Elliot, ‘Wulfstan’s Commonplace Book revised’, 38–46. *De medicamento animarum,* is edited by Fehr, *Die Hirtenbriefe,* 251–53, and in Appendix XII as *Coll.Wig.I* 177.

rerum quotes an augmented form of Coll.Hib. 42.3.a,\textsuperscript{66} which then becomes adapted slightly more in Ecclesia sponsa (this text being essentially a revised and augmented version of De rapinis ecclesiasticarum rerum).\textsuperscript{67} By way of Ecclesia sponsa, Coll.Hib. 42.3.a then becomes translated into Old English in Wulfstan’s Institutes of Polity and in his Sermones 10b and 10c.\textsuperscript{68} Finally several chapters of Wulfstan’s Canons of Edgar also seem to be indebted to this collection in one way or another.\textsuperscript{69}

4.3 Collectio canonum quadripartita

MS: A5 — edition: no complete edition, though several parts of the collection have been edited in the past; for discussion and references see Appendix V. A transcription of Book 4 from A5 can be found in Appendix IX.

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\textsuperscript{66} Gareth Mann, ‘The development of Wulfstan’s Alcuin manuscript’, in Wulfstan, archbishop of York: the proceedings of the second Alcuin conference, ed. M. Townend, Studies in the early Middle Ages 10 (Turnhout, 2004), 235–78, at 260, prefers to see the first chapter of Oda’s Constitutiones (which drew on the Coll.Hib.) as the immediate source here, but this appears less likely when one considers the manuscript erasure discussed by G. Schoebe, ‘The Chapters of Archbishop Oda (942/6) and the canons of the Legantine councils of 786’, Bulletin of the Institute of Historical Research 35 (1962), 75–83, at 79, n. 8. The details of the erasure are of no concern here; however, it leads one to wonder if Wulfstan had a part in ‘improving’ the first chapter of Oda’s Constitutiones, as he did certain other legal texts preserved in his manuscripts, on which see Wormald, MEL, 314–15. In any case, the canon in question, which in De rapinis ecclesiasticarum rerum and Ecclesia sponsa reads ‘Gregorius enim ait: “Si quis eccleriam Christi [var. Dei] denudauerit anathema sit”; ad quod respondentes omnes dixerunt: “Amen”’, is not to be found among Pope Gregory II’s authentic Anathemata (CROM.721), though it is clearly formatted so as to appear as if it were. It is of interest that in neither Oda’s Constitutiones nor Coll.Hib. does the canon contain the ‘ad quod respondentes omnes dixerunt: “Amen”’ so typical of the authentic Gregorian Anathemata. Since Wulfstan supplied this bit on his own, the implication is that Wulfstan had knowledge of the authentic Anathemata. This is indeed to be expected, as Gregory’s Anathemata are found at the end of Wulfstan’s copy of Coll.Dion.-Hadr. (fols 186r–188v of B6).


\textsuperscript{69} As already discussed above (Chapter 4 n. 19), because Wulfstan composed the Canons of Edgar in Old English, and was rather free in translating his sources, it is often difficult to identify a source with certainty. Nevertheless, the following parallels can be noted: Canons 7 ~ Coll.Hib. 21.27b and 20.5.a; Canons 10 ~ Coll.Hib. 39.10.a; Canons 16 ~ Coll.Hib. 64.1; Canons 20 ~ Coll.Hib.B (B6, fol. 114v) and Coll.Hib. 52.1; Canons 41 (‘X’ version) ~ Coll.Hib. 48.1.c; Canons 46 ~ Coll.Hib.B (B6, fol. 114v); Canons 46 (‘X’ version) ~ Coll.Hib.B (B6, fol. 87r); Canons 47 ~ Coll.Hib. 52 and 10.u; Canons 53 ~ Coll.Hib. 54.6; Canons 59 ~ Coll.Hib. 10.i.
The modern name ‘Collectio canonum quadripartita’—it has also been called simply ‘the Quadripartitus’—comes from the fact that this collection is divided into four books of distinct character. The first book concerns the life, preaching, judgement and duty of the priest, and weaves together seamlessly a host of excerpts from monastic rules and patristic literature (including works by several Greek authors) that treat these issues. The second and third books contain an enormous amount of mainly patristic excerpts (with some canons as well) that discuss the purpose and use of penance, as well as the minor and cardinal sins, the dangers they pose to one’s soul and to one’s community, and effective salvific remedies for each. The fourth is the largest book, and most resembles a traditional canon law collection; it contains nearly 400 short chapters drawn from conciliar, papal, patristic, penitential, and monastic sources, concerning all manner of disciplinary issues. Coll.quad. has occasionally been classed in the genre of the penitential handbook, but the scope of the collection is much broader than merely disciplinary penance. A very full account of the origins, sources, and influence of Coll.quad. was published by Franz Kerff in 1982. Kerff’s remains the only reliable study of this collection, though his sourcing of many of Coll.quad.’s chapters are occasionally in error or incomplete; an updated list of sources for Book 4, together with a transcription of the text from A5, is therefore provided in Appendix IX.

One of the later collections on which Coll.quad. had a significant influence was Coll.Wig.; Coll.quad. was in fact the principal source for the most primitive version of that collection (Coll.Wig.A). This enormous though today little-known Frankish collection thus played crucial role in the later history of Anglo-Saxon canon law. Moreover, due in part to the extent to which Coll.Wig. resembles Coll.quad. (for the very reason that the former was so inspired by the latter), these two collections have often been confused with one another by scholars. This confusion is in fact the context of most of the earliest modern discussion of the Anglo-Saxon canonical tradition, and for a time led to Coll.quad. being associated with Archbishop Ecgberht of York. For this reason, and for others, this dissertation includes a detailed discussion in Appendix V of the

70 It may be of interest to Anglo-Saxonists that two canons in this collection, Coll.quad. 4.111 and 4.378, are attributed to and are in fact drawn from the works of Bede—and not from the penitential (probably falsely) attributed to him, but from his homilies on the Gospels and Catholic Epistles. For references see cc. CXI and CCCLXXII in Appendix IX.

71 Kerff, Der Quadripartitus.
important early historiography surrounding the relationship between *Coll.quad.* and *Coll.Wig.*, wherein it is shown how several errors on the part of early-modern English editors and historians led to centuries of misguided assumptions about these collections and about Anglo-Saxon canonical history in general. The present discussion for the most part bypasses historiographical considerations, and focuses instead on the evidence for and significance of *Coll.quad.*’s transmission in Anglo-Saxon England.

**A5**, the only surviving copy of *Coll.quad.* with Anglo-Saxon connections, was—unlike most other manuscripts considered in this dissertation—actually copied in Anglo-Saxon England. In its current form, **A5** begins with a small booklet copied on two small, folded sheets of paper. Contained in this booklet’s first three pages (its last five pages being blank) is a table of contents copied by an eighteenth or nineteenth-century hand. The booklet is foliated ‘ii–v’, and was apparently once preceded by the flyleaf that now follows it, which is foliated ‘i’. The following parchment folio is foliated ‘vi’, its recto blank but for a few catalogers’ notes. The text that begins on the verso of ‘vi’, which continues until the verso of ‘vii’, is a small collection of canons, mostly from the council of Rome (1078). These canons are obviously post-Conquest additions, and so too, perhaps, are the folios they are written on. Two folios have been cut away between the folios currently labelled ‘vi’ and ‘vii’; whether text was also removed in the process is uncertain, for the page change corresponds to a chapter division. The collection of post-Conquest canons ends on the last line of the verso of ‘vii’. Hereafter begins the Anglo-Saxon portion of the manuscript.

The next folio of **A5**, which contains the table of contents for the Ecgberhtine penitential (PECG.700) that follows, has been paginated twice. It appears that the folio was first paginated ‘I.’, and that, sometime later, the same hand that paginated the previous seven folios wrote ‘viii (alt.)’ beside it. This may indicate that the preceding seven folios containing the post-Conquest

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72 The sources of these canons are as follows: CROM.1078.11; CROM.1078.7; CROM.1078.8; CELV.300.75; DFEL.269.†143, c. 13 + *Cap.Angilramni* 9; John the Deacon, *Vita Gregorii* 2.54 (*PL* 75, cols. 110D–111C); CROM.1078.1; CROM.1078.3; CROM.1078.9; and DEVA.97.†20, c. 11.

73 They were added by the same hand that added DLEO.1048.4208 to fol. 180v.

canons were added to the codex sometime in the modern period. Additionally, this double numbering indicates that modern users of the manuscript have been unsure about how this folio is related to the rest of the codex. Indeed, fol. viii/I belongs to a bifolium (the second folio of which has been cut away) that is slightly smaller in size than the rest of the manuscript; moreover, the placement of the text at this point is odd (see below), and makes it further seem as if this page was not original with the folios that follow. As will be seen, the most likely explanation of fol.viii/I is that it was a bifolium (later cut to a singleton) that was inserted as a replacement of the first two folios of the manuscript’s first quire.

The following folio, on which begins the preface to PECG.700, has been foliated ‘1’, and thereafter foliation proceeds regularly up to ‘181’.\(^75\) A flyleaf is added at the end, and is numbered ‘182 (alt.)’ by the same hand that foliated the beginning (fol. ‘i’ to ‘vii [alt.]’) of the codex. It is clear that the folio now numbered ‘1’ was originally the third folio in that quaternion, for on fol. 6v one finds the quire mark ‘.I.’ Quire marks are not continuous, however: besides the ‘.I.’ on fol. 6v, there are only two others: ‘.II.’ on fol. 14v; and ‘.III.’ on fol. 28v. The binding is currently too tight to observe collation directly; however, the reason for these erratic quire marks can be deduced, and in fact has important implications for the history of both this book and late Anglo-Saxon canon law.

The missing quire mark ‘.III.’ must once have been found on the verso of a folio, now missing, that once followed fol. 21. It is on fol. 21r that the penitential *ordines* that conclude PECG.700 end, while the following page (fol. 21v) is blank. Book 2 of *Coll.quad.* begins on fol. 22r, but without its preface. The text of this missing preface contains a reference to and detailed description of Book 1 of *Coll.quad.*, which is not found in *A5*—at least, not in its present state. This is interesting, and indeed a little suspicious: for the possibility arises that *A5* did once contain the preface for Book 2, but that it was later removed. The reason for its removal would be clear: had the Book 2 preface been left in place, it would have made the absence of Book 1 from *A5* blatantly obvious, for this preface both references and describe the content of

\(^75\) With the exception that foliation skips one after fol. 150, so that, from fol. 151 on, foliation is in error by one (e.g. fol. 154 is numbered ‘153’).
Chapter 4

Coll.quad.’s first book.\textsuperscript{76} No one, upon reading the preface to Book 2 of Coll.quad., could have mistaken its description of Book 1 for the Ecgberhtine ‘book’ that now stands before. Fols 21–22 seem therefore to cover a seam in the codex, where the once-separate first three quires (containing PECG.700, Ghaerbald’s \textit{Cap.I}, and the \textit{ordines}) have been joined to the rest of the book (containing Coll.quad. 2–4). Moreover, it looks as if the compiler who joined the two sections did so with the intent to deceive. For, in order to make the seam less noticeable, he cut away the last folio of Quire 3 (which contained the quire mark ‘.III.’), as well as the first folio of Quire 4, which must have contained the preface that describes the missing first book of Coll.quad. Taking into account the missing 2 folios from the beginning of Quire 1, the missing folio from the end of Quire 3, and the missing folio from the beginning of Quire 4, the original foliation of A5 would have been as follows:\textsuperscript{77}

\textbf{Figure 1: Current vs original collation of A5}

\begin{center}
\begin{tabular}{lllll}
\textit{Original quire marks} & I & II & *III & III \\
\begin{tabular}{c}
| (– –) – – – – – | – – – – – | – – – – – | (–) (–) – – – – – | (–) – – – – (etc.) \\
\end{tabular}
\begin{tabular}{c}
\textit{Current quire marks} \\
I & II & III \\
\textit{Current fol.} \\
1–6 & 7–14 & 15–21 & 22–28
\end{tabular}
\end{tabular}
\end{center}

Thus, what was once folio 8 (the end of Quire 1) is now folio 6, what was once folio 24 (the end of Quire 3) is now missing, and what was once folio 32 (the end of Quire 4) is now folio 28.

\textsuperscript{76} The preface to Book 2 is edited by Richter in \textit{Antiqua canonum collectio}, 3: ‘Post primum namque libellum, qui de sacerdotis rectorumque omnium vita et sermone ac discretio, nec non et sollicitudine est utcumque breviter ex sacrис sanctorum patrum paginis excerptus, secundus hic opitulante Deo ex eorundem libris defloratus incipit libellus ...’

\textsuperscript{77} In Figure 1, each ‘–’ represents a folio, and each ‘|’ a quire division. Original foliation and quire marks are on top of the line (putative number ranges are marked with ‘*’), and current foliation and quire marks are on the bottom. Folios that have been removed are indicated between parentheses; thus, ‘(–) | (–)’ represents the seam at fols 21–22 (current foliation), at which the two sections of A5 were joined.
The compiler responsible for this union of PECG.700 with Books 2–4 of Coll.quad. took further steps to hide his work: it was probably he who replaced the first two folios of Quire 1 (the contents of which can only now be guessed at) with the bifolium-turned-singleton, whose remaining portion (fol. viii/I) contains a table of contents for PECG.700. This table of contents ends, at the top of the verso, with ‘EXPLICIVNT CAPITVLA LIBRI PRIMI’ and is followed by the title (for some reason placed at the bottom of the page) for PECG.700 itself. By adding a table of contents to PECG.700 the compiler was able to bring the format of the new ‘first book’ of A5 into line with the format of the following three books of Coll.quad., which all contain tables of contents and (except Book 2) a preface. A5’s table of contents for PECG.700 is apparently unique for that text, which reinforces the theory that the compiler invented it for his immediate purpose.  

One can conclude therefore, just as Lord Selborne suggested over a century ago, that A5’s Ecgberhtine penitential was in the first place separate from the section containing Coll.quad. The two parts were only later fused, as seamlessly as possible, by a compiler whose intention was to make the penitential appear an integral part of the greater collection. Whether or not A5 once contained a full copy of Coll.quad.—that is whether it contained the first book as well as the final three—cannot now be known, though the probability of this seems high: why else would the compiler take such pains to hide the fact that he had substituted a penitential in its place? In fact, as will be seen below, the replacement of various books of Coll.quad. with other canonical works was a very common phenomenon in the Middle Ages. In any case, the fusion of A5 must have happened soon after both parts of the present volume (PECG.700 section and Coll.quad. section) had been copied, and most likely within the same scriptorium, for both sections appear to have been copied by the same (highly

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78 See Kerff, Der Quadripartitus, 21 n. 29. All other witnesses to the English tradition (or ‘normannische Gruppe’ of manuscripts) of PECG.700—A2, Barlow 37 and, possibly indirectly, Paris 3182 (on which see below, Appendix IV n. 129)—lack a register (or capitulatio) of titles. Two other witnesses of PECG.700, from the so-called Lorsch family of manuscripts—Vienna 2223 and Vatican, Pal. Lat. 485, fols 5–13 (on which see below, Chapter 5 n. 86)—do include a register of titles; however, these titles, which number sixteen and thirteen respectively, are different from and apparently not related in any way to A5’s twenty titles; see Haggenmüller, Die Überlieferung, 149–95, esp. 156–60 and 173–74 with n. 177. The implication is that the compiler of A5 created his titles and added them to fol. VIIIr–v on his own initiative rather than copying them from an exemplar. It may be important to note too that the arrangement in A5’s Book 1 is register–preface–text, while the arrangement in A5’s books 2–4 is preface–register–text.

79 Selborne, Ancient facts, second edition, 326 n. 2.

80 It is as yet unknown if ever a manuscript copy of the first book of Coll.quad. circulated in England.
skilled) scribe; even the inserted table of contents for PECG.700 seems to have been copied in the same hand as the rest of the volume. This last fact suggests that the rather ingenious compiler was none other than the tenth-century scribe of A5 himself, or possibly someone for whom that scribe worked. Whether the fusion took place at Sherborne—one of A5’s likely places of origin (see below)—or elsewhere, and what significance this has for understanding canonical and scribal culture in England at the end of the tenth century, still needs working out.

Another peculiarity of A5 is its positioning of Ghaerbald’s Cap.I between the prologue and text of PECG.700, so as to give the impression that Cap.I is actually an integral part of the Ecgberhtine penitential. A5 actually shares this peculiarity with several other medieval manuscripts, all of which combine Cap.I with either the entirety of PECG.700, or else just with this penitential’s preface. All such manuscripts are, interestingly, Anglo-Saxon or Anglo-Norman. While the association of Cap.I with PECG.700 within English manuscripts may seem a trivial fact, it has had astounding consequences for the historiography of early Anglo-Saxon canon law. It is, for example, precisely because Anglo-Saxon and Anglo-Norman manuscripts present Cap.I as part of PECG.700 that early-modern English-speaking historians were led to attribute Coll.Wig. to Archbishop Ecgberht (hence ‘Excerptiones Ecgberhti’, the old title for Coll.Wig.); and it is largely upon this misattribution that Ecgberht’s modern reputation as a canonist has been built. The details of how this came about are interesting though rather complex; they are explored fully in Appendix V. What can be discussed here, however, is the particular importance of A5 in this story.

81 The other five are the so-called ‘Lanalet’, ‘Dunstan’ and ‘Ecgberht’ pontificals—that is, Rouen, Bibliothèque municipale, MS 368 (A. 27) (s. xi–xii, Cornwall); Paris, Bibliothèque nationale, Lat. 943 (s. x/xi–xii, Sherborne); Paris, Bibliothèque nationale, Lat. 10575 (date and origin given below)—and two Commonplace Book manuscripts, namely Barlow 37 and A6. On these manuscripts see Brommer, ed., Capitula episcoporum I, 5, and Dumville, Liturgy, 82–6. Like Coll.Wig., Coll.quad. and (possibly) PECG.700, the Pontifical.Ecgb. is another example of a pseudo-Ecgberhtine work.

82 That this specific arrangement of Ecgberhtine and Ghaerbaldian material appears only in English manuscripts is confirmed by a consultation with both Brommer, ed., Capitula episcoporum I, 6–14, and Hagenmüller, Die Überlieferung, 51–116.

83 There are, however, other and good reasons for viewing Ecgberht as a sophisticated canonists; for these, see Appendix III.
As mentioned, A5 is only one of six medieval manuscripts where Ghaerbald’s Cap.I is associated with PECG.700. All but one of these was definitely copied later than A5, the one exception being the roughly contemporary Paris, Bibliothèque nationale, MS Lat. 10575 (s. xmed–x/xi, England [Worcester?] ; prov. Évreux, s. xi) — once known as the ‘Ecgberht pontifical’.84 It was suggested by Patrick Wormald, who followed Christopher Hohler, that A5’s configuration of texts influenced all of these manuscripts insofar as they each imitated A5’s placement of Cap.I immediately after the PECG.700 preface.85 Hohler and Wormald suggested that the exemplar of A5, a lost Frankish manuscript with the same Ecgberht-Ghaerbald arrangement, was the vehicle by which this peculiar textual amalgam was transmitted from a Continental to an English context.86 But, while it is probably true that the exemplar of the second section of A5 (the part that contains Coll.quad. 2–4) was Frankish, the same cannot be assumed for A5’s first section; for, as has been argued above, these two sections were originally separate, and so may well have had exemplars of different origin. The possibility thus remains that A5’s PECG.700+Cap.I amalgam was copied from an English exemplar.

The best candidate for this exemplar is Paris 10575.87 Here it is important to note that Ghaerbald’s Cap.I was transmitted in three main versions, two of which (Brommer’s groups ‘I’ and ‘III’) are found, with only one exception, in Continental manuscripts, and one of which


85 Hohler, ‘Some service books’, 72 with n. 47; Wormald, MEL, 216; Wormald, ‘Holiness of society’, 196. See also West, ‘Legal culture’, 373 n. 62.

86 Four Continental manuscripts contain both PECG.700 and Cap.I. Of these, only one contains a version of Cap.I similar to that that was transmitted in Anglo-Saxon England: Munich, Bayerische Staatsbibliothek, Clm 12673 (s. x, Salzburg?), a tenth-century collection of penitentials and episcopal capitularies, that also includes PHAL.800, Theodulf’s Cap.I, Ghaerbald’s Cap.II and III, and Isidore’s De officiis eclesiasticis: see Haggenmüller, Die Überlieferung, 79; Brommer, ed., Capitula episcoporum I, 7. Quite apart from the manuscript’s late date, it seems unlikely that the idea of the Ecgberht-Ghaerbald amalgam originated with a collection such as this, for PECG.700 and Cap.I are separated in this manuscript by some 90 folios. The other three Continental manuscripts contain a version of Cap.I (Brommer’s ‘Gruppe III’) that is significantly different from the ‘English’ version (‘Gruppe II’): Heiligenkreuz, Stiftsbibliothek, MS 217, fols 30–300 (s. xmed, Germany); Munich, Bayerische Staatsbibliothek, Clm 3853 (Aug. 153) (composite [penitential and Cap.I in separate parts], s. xmed, Augsburg?); and Verona, Biblioteca Capitolare, MS LXIII (61) (s. xmed, Italy, Verona?). On these manuscripts, see Haggenmüller, Die Überlieferung, 63–65, 76–78 and 110–11; Brommer, ed., Capitula episcoporum I, 12–14; Kéry, Collections, 93–4, 182–83 and 191.

87 Selborne, Ancient facts, second edition, 229–30, posited that Paris 10575 was copied from A5, ‘or from the work which [it] represents’. I am suggesting that just the opposite is true.
Chapter 4

(Brommer’s group ‘II’) is found only in English manuscripts. \( ^{88} \) Paris 10575 is the only English manuscript that Peter Brommer, the editor of Cap.I, classed within the purer Continental version (group ‘I’) of Cap.I. \( ^{89} \) Importantly, Paris 10575 is the only manuscript to bridge the recensional gap between the Continental and English traditions of Cap.I, for it alone has the two major variant readings characteristic of each group: namely ‘initium’ for ‘vitium’ in c. 14 (characteristic of the primitive Continental version), \( ^{90} \) and ‘timentibus’ for ‘testibus’ in c. 5 (characteristic of the English version). \( ^{91} \) This means that no extant English copy of Cap.I could have given rise to Paris 10575, whereas Paris 10575 could well have given rise to every other English copy of Cap.I (that is to Brommer’s group ‘II’). Similar to the tradition for Cap.I, PECG.700 exhibits a major variant in its preface that is common only to English witnesses. \( ^{92} \) But significantly this variant is not shared by Paris 10575, \( ^{93} \) which further indicates that the texts found in this manuscript are not dependent upon the texts found in other English manuscripts, but rather lie close to Frankish exemplars. \( ^{94} \) Put another way, the texts of Paris 10575 have yet to receive fully the distinctive Anglo-Saxon stamp that later derivatives bear; yet, they show signs of heading in that direction. It seems safe to conclude, therefore, that it was not A5’s exemplar, but rather Paris 10575 (or, more precisely, its Frankish exemplar) that is responsible for

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\( ^{88} \) Brommer, ed., Capitula episcoporum I, 4–14.

\( ^{89} \) On the primitiveness of group ‘I’ see Brommer, ed., Capitula episcoporum I, 6.

\( ^{90} \) Brommer, ed., Capitula episcoporum I, 6.


\( ^{92} \) Besides Paris 10575, the preface to PECG.700 is found in six English manuscripts: A2 (Coll.Wig.C 109); Barlow 37 (Coll.Wig.D 168); A6, fols 196v–198r; A5, fols. 1v–3r (collated as ‘B’ by Stubbs in CED, III, 416–18); Paris, Bibliothèque nationale, Lat. 943, fols 147–149r; and Rouen, Bibliothèque municipale, MS 368 (A. 27), fols 176v–178v (ed. G.H. Doble, Pontificale lanaletense [Bibliothèque de la ville de Rouen A. 27. cat. 368.]. A pontifical formerly in use at St. Germans, Cornwall, Henry Bradshaw Society 74 [London, 1937], 125–27). In all of these there is a long variant passage after ‘divitem et pauperem’ and up to ‘incontinentes’ (see Haddan–Stubbs, CED, III, 417 n. 34) that is not found in any of the Continental copies of this penitential; cf. Chapter 4 n. 94, below. There is also a chapter in Coll.Wig.J (1165–66; cf. Coll.Wig.O 161) and a chapter in Coll.Wig.C/D (C132/D200) that have adapted this section of the PECG.700 preface in its ‘English’-variant form.


\( ^{94} \) The oldest witnesses to PECG.700—Vatican, BAV, Pal. Lat. 554, fols 5–13 and Vienna, Österreichische Nationalbibliothek, Lat. 2223—both copied just before and just after 800 (respectively) in or around the Main river region, do not contain the ‘English’ variant. The variant also appears to be missing from those Continental copies of the Bedan penitential that incorporate the Ecgberhtine preface.
introducing the combined Ecgerhtine-Ghaerbaerdian penitential into England in the tenth
century, thereby playing a crucial role in creating the impression among early-modern historians
that both Coll.Wig. and Coll.quad. were the works of Ecgerht of York.

The absurdity of the Ecgerhtine attribution of Coll.quad. is easy to appreciate in retrospect.
None of the nine manuscript witnesses of Coll.quad. extant today (not even A5) attributes the
collection to Ecgerht. Table 3 lists these manuscripts, and briefly summarizes their content and
arrangement:

<table>
<thead>
<tr>
<th>No.</th>
<th>Shelfmark</th>
<th>Date and origin</th>
<th>Contents</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Antwerp, Museum Plantin-Moretus, M 82 (66), fols 52–100</td>
<td>s. xii, north-east Francia</td>
<td>Coll.quad. (P4, T4 – Ep); DCLE.88.†11; Capitula Antwerpensis; canonical excerpts</td>
</tr>
<tr>
<td>2</td>
<td>Monte Cassino, Archivio dell’Abbazia, Cod. 541 (olim 552)</td>
<td>s. xi, South Italy</td>
<td>Cresconius, Conc.can.; theological material (creeds, etc.); epistolae/decretals; Coll.Dion. (abbrev.); Coll.Dach.; Coll.quad. (P4, R4, T4 – Ep); chapters on baptism</td>
</tr>
<tr>
<td>3</td>
<td>A5</td>
<td>s. x–xii, Sherborne?, Canterbury?, Exeter?</td>
<td>PECG.700 (with Ghaerbaerd, Cap.I); confessional ordines; Coll.quad. (R2, T2 – P3, R3, T3 – P4, R4, T4 – Ep); three conciliar canons; Coll.Hib. (excerpts)</td>
</tr>
<tr>
<td>4</td>
<td>Stuttgart, Württembergische Landesbibliothek, HB VII 62</td>
<td>s. ix, Bodensee region</td>
<td>Coll.quad. (DL, AK – GP, R1 – P2, R2, T2 – P3, R3, T3 – P4, R4, T4 – Ep); several patristic excerpts</td>
</tr>
</tbody>
</table>

In Table 3 the following sigla are used to refer to the various parts of Coll.quad.: DL (dedicatory letter); AK (‘Autoritätenkatalog’ or catalogue of authorities); PG (general preface); R1–4 (registers of titles for books 1–4); P2–3 (prefaces of books 2–4); T1–4 (texts of books 1–4); Ep (epilogue). The various parts of Coll.quad. are discussed in greater detail in Appendix V. For detailed descriptions of all nine Coll.quad. manuscripts, see Kerff, Der Quadripartitus, 15–35.

A composite codex; for discussion of its four parts, see Kerff, Der Quadripartitus, 15 n. 3.

R. Pokorny, ed., Capitula episcoporum, Teil III, MGH Capit. episc. (Hanover, 1995), 105, dates this section of the manuscript to s. xii/xiii.

Also known as the Praecepta sancti Petri, this early apocryphal decretal was transmitted in several sixth-century Italian and Gallic canon law collections: see Maassen, Geschichte, 410–11.


The decretals are DLEO.440.411, JE †1366, and JL 4269.

Kerff, Der Quadripartitus, 19 n. 18, compares this ‘brevatio canonum’, which follows historical order, to the systematic Brevatio canonum compiled by Fulgentius Ferrandus in the sixth century.
Only in A5 (3) is Coll. quad. directly associated with the works of a named author (Ecgberht), and even A5 does not claim Ecgberht’s authorship of the collection. Coll. quad. originated, and by and large remained, an anonymous work throughout the Middle Ages. It was subjected, at the hands of medieval canonists, to the kinds of textual trauma and experimentation that anonymous systematic collections typically experienced. The variety of forms in which Coll. quad. circulated, and the variety of texts and contexts with which it is associated in the extant manuscripts speak to a lively, if uneven and unauthorized reception. As can be seen from Table 3, some copies of Coll. quad. circulated without Book 1 (3), some without Book 3 (8), and some without Book 4 (5). Some copies transmitted only Book 4 (1)—the most ‘canonical’ of Coll. quad.’s books—which was occasionally tacked onto the end of Coll. Dach. (2, 6), turning that three-book collection into a four-book one. It is very interesting that, providing one ignores

102 Coll. quad. is analyzed and partially edited from this manuscript by Linda Fowler-Magerl in Clavis canonum: selected canon law collections before 1140. Access with data processing, MGH Hilfsmittel 21 (Hanover, 2005), as collection ‘QU’.
103 As in Monte Cassino 541.
104 The first 4 chapters of T4 have been displaced to fol. 79, before Coll. Dach.
105 Several chapters from books 17 and 19 of BD have been inserted on fol. 56 between R4 and T4: Kerff, Der Quadripartitus, 31.
106 Kerff, Der Quadripartitus, 32.
107 A ninth-century French collection found only in this manuscript and two others dating from the second half of the ninth century: Kéry, Collections, 167.
the evidence of the later Monte Cassino manuscript (2)—which is merely a copy of Vatican 1347 (6)\(^{108}\)—the only text with which *Coll.quad.* is associated more than once in the extant manuscripts is Ghaerbald’s *Cap. I*, which precedes *Coll.quad.* in A5 (3), and follows it in Vendôme 55 (8). This may be significant in light of the connections explored above between *Cap.I* and PECG.700 in Paris 10575 and A5; at present, however, there are no known grounds to support a direct relationship between A5 and Vendôme 55 other than the fact that they happen to share two popular Frankish canonical works.\(^{109}\) What is important to take away from a survey of the manuscripts, however, are: 1) the fact that no manuscript (not even A5) attributes *Coll.quad.* to a named author; and 2) an appreciation for the variety of forms and contexts in which *Coll.quad.* was disseminated throughout France, Germany, Italy and England between the ninth and twelfth centuries.\(^{110}\)

While A5 is the only Anglo-Saxon copy of *Coll.quad.* to survive to modern times, there are some small but tantalizing signs that further copies of *Coll.quad.* were available in late Anglo-Saxon England. The first thing to notice is that A5 must have had a Continental exemplar for its copy of

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\(^{108}\) Kerff, *Der Quadripartitus*, 18–20, 40–2 and 52.

\(^{109}\) Their texts of *Coll.quad.* appear to be entirely unrelated. Kerff, *Der Quadripartitus*, 48–52, found evidence of textual similarities between A5 and the Ballerinis’ Vatican 1253, while the closest textual relative to Vendôme 55 seems to be the Antwerp manuscript.

\(^{110}\) As Kerff points out (*Der Quadripartitus*, 69–76), the medieval transmission of *Coll.quad.* can be measured by more than just the surviving manuscript evidence; as many as 9 later canon law collections (mostly of northern French and Trier origins) drew directly upon *Coll.quad.:* the *Collectio Mediolanensis II* (written s. ix near Rheims; Kéry, *Collections*, 178–79); R2L (ca 906, Trier; Kéry, *Collections*, 128–33); *Coll.Wig.A* (ca 1005, England); the *Collectio Sinemuriensis* (shortly after 1067, Rheims; Kéry, *Collections*, 203–04; Fowler-Magerl, *Clavis canonum*, 104–10); the *Collection Brugensis* (s. xii\(^{6}\), of uncertain origin; Kéry, *Collections*, 281–82; M. Brett, ‘Martin, Urban II and the collections attributed to Ivo of Chartres’, in *Proceedings of the eighth international congress of medieval canon law: San Diego, University of California at La Jolla, 21–27 August 1988*, ed. S. Chodorow, Monumenta iuris canonici, subsidia 9 [Vatican, 1992], 27–46, at 39–41); the *Collectio tripartita* commonly attributed to Ivo of Chartres (hereafter *ICtp*; ca 1100, Chartres; Kéry, *Collections*, 244–50); the collection that is Cambridge, Corpus Christi College 442 (after 1100, northern France; Kéry, *Collections*, 279; Brett, ‘Martin, Urban II and the collections’, 44 n. 56); the collection that is Trier, Stadtbibliothek, MS 1098/14 (s. xii, Trier; Kéry, *Collections*, 187; Schmitz, ed., *Die Kapitulariensammlung*, 360–62); and the collection that is Paris, Bibliothèque nationale, nouv. acq. Lat. 352 (s. xiii\(^{5}\), northern France; Kerff, *Der Quadripartitus*, 75–6). It is also possible that *Coll.quad.* influenced the *Collectio V librorum* (ca 1020, central or southern Italy; Kéry, *Collections*, 157–60; R.E. Reynolds, ‘The south-Italian Collection in five books and its derivatives: the Collection of Vallicelliana Tome XXI’, *Proceedings of the eighth international congress of medieval canon law*, ed. Chodorow, 77–91; M. Fornasari, ed., *Collectio canonum in V libris*, CCCM 6 [Turnhout, 1970], edition of books 1–3 only). The question of the influence of *Coll.quad.* on this last collection depends on some hitherto unnoticed parallels between the two, including (but not necessarily limited to) *Coll.quad.* 4.207–08 and 304, which appear to be sources for *Collectio V librorum* 2.184–85 and 182, respectively.
Chapter 4

Coll.quad., an exemplar that must have been imported from France, perhaps in the first half of the tenth century, and that probably remained in an English library long afterward. Second, as Patrick Wormald noticed, certain quotations of Coll.quad. in Coll.Wig.A do not match exactly the readings of A5, and this suggests that the author of Coll.Wig.A had access to a manuscript other than A5.¹¹¹ There may in fact be a trace of another such copy in the list of books that John Leland (†1552) found in the library of Salisbury Cathedral and recorded in Part III of his Itinerary.¹¹² Immediately before listing what is certainly a reference to Cotton Vitellius A. xii (on which see Appendix III), Leland notes the presence of a ‘Poenitentiale Egberti Archiepiscopi Eboracensis.’¹¹³ Such a title might (for Leland) have adequately described A5, which begins with PECG.700; indeed, more than one other early-modern historian referred to A5 as a Paenitentiale Ecgberht.¹¹⁴ But A5 was in Exeter from the end of the eleventh century until it was donated to the Bodleian Library in 1602, so whatever manuscript Leland saw at Salisbury, it was not A5. It may have been a manuscript like A5, however.

The question of A5’s origin has not yet been settled. Possibilities range from Canterbury, to Exeter, to Sherborne. The case for Exeter, however, was (it seems) successfully demolished in 1996 by Richard Gameson, who showed that A5, along with two other manuscripts copied by the same scribe—Exeter, Cathedral Library, MS 3507, and Paris, Bibliothèque nationale, Lat. 943 (the ‘Dunstan’ or ‘Sherborne’ pontifical)—shared many features, especially their display script, with manuscripts copied at Christ Church Canterbury in the late tenth century. Gameson believes that a particularly strong case can be made for Paris 943 having been copied in Canterbury under Archbishop Dunstan, in which case it would follow that A5 and Exeter 3507 were probably

¹¹¹ Wormald, MEL, 218 n. 216; but cf. Kerff, Der Quadripartitus, 72 with n. 35, who notes that Coll.Wig. carries a Coll.quad. reading found in no other witness except A5.


¹¹⁴ See below, Appendix V n. 229.
copied in Canterbury too.\footnote{Gameson, ‘The origin of the Exeter book’, esp. 172–78.} Gameson’s arguments are compelling, though it must be stated that they are not watertight.\footnote{Gameson’s case for A5’s Canterbury origin hangs principally on the probability that Paris 943 is a Christ Church book; and the case for Paris 943’s Canterbury origin rests principally on the presence in that manuscript of letter of Pope John XII granting privileges directly to Dunstan. But there is any number of reasons one could imagine for such a privilege to have been introduced into a pontifical, besides that the pontifical belonged to the Dunstan himself. Moreover, as Gameson admits (p. 177), the scribe of Paris 943 may have moved around, back and forth between Sherborne and Canterbury for example. Thus, even if Paris 943 was copied at Canterbury, this need not mean that A5 must have been copied there as well. Gameson’s arguments for connecting A5 directly to the Christ Church scriptorium rest on what seems to me relatively thin evidence, namely the character of A5’s few display initials and a few scribbles added into its margins (pp. 177–78). It bears emphasizing that the script-type of A5, indeed the script-type of all the manuscripts in this group, is notoriously difficult to place; cf. Gameson, ‘The origin of the Exeter book’, 167: ‘What is, however, quite clear ... is that the mature form of Square minuscule which is found in the Exeter Book and the manuscripts which have been grouped around it [e.g. A5] was not localized to one centre or even to one shire. [...] Just as its antecedents are seen at several places, so the script practised by scribe I and scribe II [the scribe of A5, Paris 943 and Exeter 3507] can be paralleled at various writing centres, albeit not all of them certainly identified.’} An equally strong case has been made by Teresa Webber for Sherborne as a place of origin for A5 and its sister manuscripts Exeter 3507 and Paris 943. Scholars have long noticed that Exeter 3507 seems to share an exemplar with the late-eleventh-century MS Cotton Vitellius A. xii, which is, as mentioned above, one of the manuscripts that Leland saw at Salisbury. Webber was able to show that indeed several manuscripts copied at Salisbury Cathedral appear to have used pre-Conquest exemplars that were borrowed or obtained from surrounding libraries, especially Sherborne.\footnote{Webber, Scribes and scholars, 69–70; and cf. N.R. Ker, ‘The beginnings of Salisbury Cathedral library’, in Medieval learning and literature. Essays presented to Richard William Hunt, eds J.J.G. Alexander and M.T. Gibson (Oxford, 1976), 23–49, at 30.} Thus, if the exemplar of Exeter 3507 (also an exemplar of Vitellius A. xii) came from Sherborne, its seems likely that Exeter 3507 itself was copied in or around Sherborne as well. And if Exeter 3507 is a Sherborne book, then it seems that A5 and Paris 943 would be too (Paris 943 does in fact have a very early provenance at Sherborne).\footnote{Gameson (‘The origin of the Exeter book’, 175) explains Paris 943’s early Sherborne provenance by suggesting that this pontifical (which he considered to have been copied at Canterbury under Dunstan) might have migrated to Sherborne with Wulfsige, bishop of Sherborne (992–1001) and sometime protégé of Dunstan’s.} Webber herself considers A5 to have originated at Sherborne, a tantalizing suggestion when one considers that Salisbury might later have borrowed A5 from Sherborne (as per Salisbury’s custom) to use as an exemplar for the ‘poenitentiale Egberti’ that Leland recorded finding in the Salisbury cathedral library.
Another possibility is that the exemplar for Leland’s ‘poenitentiale’ came from Worcester, another library from which, as Webber has shown, Salisbury scribes seem to have drawn their exemplars. And here one meets again with A5, since A5 was, according to Wormald, probably at Worcester during Dunstan’s or (more likely) Oswald’s pontificate.119 Thus, post-Conquest Salisbury scribes might have borrowed A5 from either Worcester or Sherborne in order to produce their own copy of PECG.700(+Coll.quad. ?), a copy that Leland would then have seen in the second half of the sixteenth century but that has since gone missing.120

4.4 Collectio canonum Turonensis

MS: B1 — edition: see Appendix VIII.

The Collectio Turonensis (Coll.Tur.), found on pp. 11–105 of B1, is a collection of some 150 excerpts from Scripture and patristic authorities, compiled sometime between the middle of the seventh and the first quarter of the eighth century. Previously known to scholars as the ‘Cambridge’r Sammlung’,121 or ‘Dicta S. Augustini et aliorum patrum’,122 or simply as ‘Excerpts from the Fathers’,123 Coll.Tur. has never before been edited in full.124 Coll.Tur. has only ever before been discussed in connection with either Gildas125 or Coll.Hib., and most

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119 See Blair, ‘Estate memoranda’, 116 n. 1, citing personal correspondence with Wormald, who seems to have preferred a Canterbury or Sherborne origin for A5. Note that the only other witness to the Dialogus commonly attributed to Ecgberht besides Salisbury’s Vitellius A. xii is Coll.Wig. Could Salisbury have obtained its copy of the Dialogus from Worcester as well?

120 Leland’s ‘poenitentiale’ does not show up in the later catalogue of books at Salisbury made by Patrick Young in ca 1622. See Ker, ‘Salisbury Cathedral manuscripts’, 155–56. Note, however, that, according to Ker, ‘Salisbury Cathedral manuscripts’, 166, Young was wont to ignore manuscripts of a legal nature.

121 Wasserschleben, ed., Die irische Kanonensammlung, xxiv.


124 I have been unable to consult G. McHugh, ‘Corpus Christi College Cambridge 279, a partial edition and study’, (unpubl. MA diss., Dublin, 1983).

125 Unique fragments of whose writings it preserves. The only part of Coll.Tur. to have been edited multiple times before are its Gildasian chapters, namely Coll.Tur. 42, 82–94.
scholars have considered it a derivative of that better-known collection, though the relationship between the two actually proves to be the reverse. To date the best study of Coll.Tur. is Richard Sharpe’s, who not only demonstrated that is was not merely a collection of Coll.Hib. excerpts, but that it was in fact ‘one of the major sources’ of Coll.Hib. For this reason, if for no other, Coll.Tur. deserves more detailed study than it has hitherto received.

Unfortunately, the only extant witness to Coll.Tur., B1, preserves the text in a terribly corrupt form. B1’s rather poor copy of Coll.Tur. renders several features of the original collection obscure, including its organizational structure (on which see the discussion in Appendix VIII) and its original title. The original collection either never had a title, or has lost it in subsequent copyings. I have given the collection the title Collectio canonum Turonensis, or ‘the Tours collection of canons’, to reflect the origin (as opposed to the modern repository) of B1, a late ninth-century manuscript from the region around Tours. As mentioned above, scholars have proposed several names over the centuries, none of which seems adequate. As it currently stands in B1 the title of the collection appears to be ‘INCIPIUNT AGUSTINI DICTA’. But this cannot have been the original title of the work; rather, it is an inscription describing on whose authority come the first eight chapters of the text. There are therefore no good grounds for the modern title ‘Dicta S. Augustini’. Another title that has been used by scholars, ‘Excerpts of the Fathers’, should also be abandoned, for it does not adequately reflect the kinds of sources used in Coll.Tur., which include, besides patristic authorities, a great deal of Scripture, and several other miscellaneous works. Moreover, the label ‘excerpts’ masks both the deliberate topical structure and systematic arrangement that lie behind work, and the fact that each of the chapters

126 See, e.g., Flechner, ‘Libelli’, 7, and Reynolds, ‘Unity and diversity’, 105. Note however, that on pp. 162–87, B1 contains a series of excerpts from Coll.Hib. For this reason, in scholarly discussions of B1 it is sometimes difficult to tell whether it is these excerpts or Coll.Tur. itself that is being referred to.

127 Sharpe, ‘Gildas’, 196. This relationship between the Coll.Tur. and the Coll.Hib. was suggested, but never demonstrated, by a number of scholars before Sharpe, including Wasserschleben, Mommsen and Winterbottom; see Sharpe, ‘Gildas’, 194 n. 7. It was also suggested by Bieler, Irish penitentials, 22.

128 Wasserschleben, who referred to the collection as the ‘Cambridge’r Sammlung’, was not aware of B1’s Tours origin.

129 Compare the rubric after c. 8, ‘HUCUSQUE AUGUSTINUS’. Note, however, that cc. 5–8 are not taken from works attributed to Augustine, but rather from works by Isidore (c. 5) and Caesarius of Arles (cc. 6–8).

130 For the sources of Coll.Tur., see Table 18 in Appendix VIII.
has been selected specifically for its prescriptive force and regulatory character. These are canons, despite their predominantly scriptural and patristic (as opposed to conciliar, papal and penitential) extraction, and they were treated as canons by later compilers. Most of the chapters of *Coll.Tur.* were eventually taken up into *Coll.Hib.* Some even migrated thence to Gratian’s *Decretum*, by way of the collections of Burchard and others, and thus entered the classical corpus of Latin canon law.\(^\text{131}\)

The various sources used in *Coll.Tur.* are summarized in Table 18 in Appendix VIII. The compiler of *Coll.Tur.* was principally interested in pulling aphorisms and regulatory principles out of Scripture and patristic texts. While he organized his material into topical divisions, he also seems to have preferred to collect as much as he could on a given topic from a single source before moving on to another. The well-worn analogy of the compiler as a honey bee could not be more apt here. The result is that *Coll.Tur.* frequently strings together a series of chapters on a single topic from the works of a single author. This kind of collecting is known as the Quellenblock method because it arranges chapters by source as much as by topic.

The Bible is by far the most commonly quoted authority; it is a source for 70 of the collection’s 156 chapters. Biblical quotations in fact figure in many more chapters than this, because many of the collection’s patristic sources quote from Scripture. It has often been pointed out that in *Coll.Hib.* the Old Testament looms large as a source, and that this is symptomatic of a certain fascination in the Celtic church for the Old Law. In *Coll.Tur.*, however, quotations from the New Testament are as plentiful as those from the Old. The writings of the apostle Paul were an especially rich source, particularly Paul’s first letter to the Corinthians. The sayings of Jesus, perhaps surprisingly, were not commonly used by the compiler of *Coll.Tur.*

The works of Augustine and Jerome figure prominently among the patristic sources used by the compilers. The homilies and sermons of Gregory the Great and Caesarius of Arles also served as popular sources. Less commonplace sources were also used. For example, a number of works by the eastern Father Gregory of Nazianzus were used (in Rufinus’s Latin translation), as were

\(^{131}\) I have noted ten such chapters so far, though there may well be others: *Coll.Tur.* cc. 1, 99, 100, 121, 122, 123, 126, 142, 153, 154 (all of which have been taken up into *Coll.Hib.*) correspond to Gratian’s *Decretum* C. 30 q. 5 c. 4, C. 23 q. 8 c. 33, C. 23 q. 5 c. 31, D. 5 de cons. c. 18, D. 1 de pen. cc. 1–2, C. 11 q. 3 c. 88, C 14 q. 6 c. 4, C. 11 q. 1 c. 41, D. 5 de cons. c. 19, D. 5 de cons. c. 20
works by Origen and pseudo-Clement (also in Rufinian translation). The Latin poet Terence, of the second century BC, is also quoted once (Coll.Tur. 41). John Cassian, though drawn on for only four chapters, was an important source: in Coll.Tur. 124, the longest chapter in the entire collection, he is referred to as ‘Pinufius’, as also in the corresponding chapter of Coll.Hib. Only one conciliar canon is quoted, namely the first canon of CORL.511.

Coll.Tur. also contains an important series of chapters that purport to be excerpts from Gildas, the sixth-century British monastic. It has been argued that these excerpts come from a lost letter that Gildas wrote to Vinnian around the middle of the sixth century in response to Vinnian’s questions about how to discipline overly zealous monks who abandon their monastery in search of one governed by a stricter abbot. It should be noted that some of the Gildasian excerpts in Coll.Tur. do indeed treat this very subject.

Penitential sources feature almost not at all in Coll.Tur. Only one chapter, Coll.Tur. 123, seems to have been influenced by a penitential, that of Cummean (but perhaps also by that of Columbanus). The penitential of Cummean, who died in 662, appears to be the most recent authority quoted in Coll.Tur., and thus serves to help date the collection as a whole to the last half of the seventh century. One must be cautious here, however, as Coll.Tur. quotes from the epilogue of Cummean’s penitential, which may have circulated earlier and separately from the penitential itself.

Coll.Tur. is probably one of the smaller collections that the compiler(s) of Coll.Hib. claims to have drawn upon in the preface to that work. An exact analysis of the relationship between the

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132 Cf. Coll.Hib. 47.5.a. Pinufius was an Egyptian abbot depicted by Cassian in several places in his Collationes and De institutis. It was not uncommon for early medieval canonists to attribute to Pinufius excerpts from Cassian; this is in fact quite common in Coll.quad. and in certain versions of Coll.Hib.

133 In Coll.Tur. 106.

134 Such, anyway, is the report of Columbanus, writing ca 600; see Sharpe, ‘Gildas’, 196–97.

135 Cf. Coll.Tur. 87–8, where permission is in general granted the monk to seek out a more ascetic monastery.

136 Bieler, Irish penitentials, 6.

137 Cf. Howlett, ed., ‘The prologue’, 145 (Howlett’s punctuation and diacritics are not reproduced): ‘Sinodorum exemplarium in numerositatem conspiciens ... silua de ingenti scriptorum in unius uoluminis textum expositionem
two collections—one that takes into account both the A and B redactions of Coll.Hib.\textsuperscript{138}—must await the publication of Roy Flechner’s forthcoming edition of Coll.Hib.; however, a rough account of the correspondences has already been prepared by Richard Sharpe\textsuperscript{139} who was able to demonstrate thereby that Coll.Tur. was a source for Coll.Hib. (and not the other way round). This is proven in particular by the fact that several excerpts used in Coll.Hib. are found in fuller form in Coll.Tur., and also by the fact that a number of Coll.Tur. chapters are split up and used in separate chapters of Coll.Hib. It may be that Coll.Tur. was used by the compilers of Coll.Hib. in conjunction with another formal source, namely the small collection of canons found on fols 69v–80v of D4\textsuperscript{140} Rob Meens, who has examined closely the hypothesis that D4’s collection was a source for Coll.Hib., has pointed out the very important fact that the canons of Coll.Tur. and those in the relevant part of D4 ‘with only one exception ... do not overlap’.\textsuperscript{141} Meens quite reasonably concludes that the compilers of Coll.Hib. used the collection in D4 to supplement the larger fund of canons they found in Coll.Tur. Meens’s argument is compelling. It suggests that the compilers of Coll.Hib. did not need to rely upon an enormous library of canons and church fathers in order to carry out their task; rather, they needed only to stitch together several smaller pre-existing collections. This greatly diminishes the amount of labour and resources that would need to have been involved in Coll.Hib.’s creation. Moreover, the realization that the compilers of Coll.Hib. relied heavily upon formal as opposed to solely material sources (that is upon compendia and collections rather than original documents) increases greatly the possibility that the collection could have been compiled outside of Ireland, degessi ...’; ‘Gazing together on the numerousness of the model judgements of synods, ... I have set in order an exposition ... into a text of one volume, from an immense forest of writers’ (trans. Howlett).

\textsuperscript{138} Both Luned Mair Davies (‘Isidorian texts’, 211–12 and 217) and Michael Winterbottom (‘Notes on the text of Gildas’, JTS 27 [1976], 132–40, at 138–39) have claimed that the readings in Coll.Tur. approximate most closely the version of Coll.Hib. found in B6, that is Coll.Hib.B. So far, I have been able neither to confirm or deny this, but it does look as if Coll.Hib.B makes fuller use of the material in Coll.Tur.; cf., however, the remarks by Sharpe, ‘Gildas’, 197.

\textsuperscript{139} Sharpe, ‘Gildas’, 202–05.

\textsuperscript{140} See above, Chapter 4 n. 47. In light of what is discussed above (Chapter 4 n. 138), it is interesting that Rob Meens has suggested that the D4 canons show particular affinity with Coll.Hib.B: Meens, ‘Oldest manuscript’, 5.

\textsuperscript{141} Meens, ‘Oldest manuscript’, 5.
since formal sources—florilegia such as Coll.Tur. and the collection in D4—are more likely to range far outside of the regions whence the material they preserve originated. Coll.Hib. contains a considerable amount of material deriving from Irish councils, but the compilers of Coll.Hib. might just as well have obtained this material from florilegia circulating outside of Ireland, as from the original documents that were preserved in Irish cathedral and monastic archives. In light of this, it should be recalled that some scholars have suggested Coll.Hib. may have been compiled, not in Ireland, but on the Continent by a Breton canonist, or perhaps even by an Anglo-Saxon. More research is needed, but the fact that B1 (definitely) and D4 (probably) originate in northern Francia may bear importantly on the question of where Coll.Hib. was originally assembled.

4.5 Collectio canonum vetus Gallica

MSS: †C4, D1, D2, D17 — edition: Mordek, Kirchenrecht.

I discuss in detail the evidence for the transmission of Coll.vet.Gall. in an article forthcoming in The Journal of ecclesiastical history. In lieu of repeating those details here, I will simply summarize the thrust of that article’s argument.

There are two strong chronological points of contact between the Anglo-Saxons and Coll.vet.Gall.: the mid-eighth century, and the beginning of the eleventh century. To the eighth century first. Corbie Abbey in the second quarter of the eighth century was the locus for the last major redaction of Coll.vet.Gall. Part of the Corbie monks’ work in redacting Coll.vet.Gall. involved the incorporation of texts of Insular origin or association, like the Libellus responsionum, and some of these texts, including Coll.Hib. and PTHU.700.2, were only several decades old at the time. This suggests the influence, if not the direct input, of Insular personnel in the redacting process. That Anglo-Saxons had a hand in this process is, if not

142 For Meeder’s suggestion that it might have been an Anglo-Saxon who compiled Coll.Hib., see above, Chapter 4 n. 40.
143 Elliot, ‘New evidence’.
144 Mordek, Kirchenrecht, 52, 219–20, 235, 237; Reynolds, ‘Unity and diversity’, 108–9. Note, however, that, as is shown in Appendix I, the Libellus already enjoyed transmission on the Continent as early as the seventh century, and, it seems, independently of Anglo-Saxon activity.
certain, then very probable indeed. At the same time that *Coll.vet.Gall.* was being transformed in the scriptorium at Corbie, Anglo-Saxon scribes and ecclesiastics were at work in a number of centres throughout Germany. Foremost among these was St Boniface, whose reforming efforts were directed not only towards the nascent Church in the regions of Thuringia and Hesse, but also to the English, Bavarian and French (Austrasian) Churches. Scholars have long known that Boniface maintained direct contact with the Corbie community, and recent work by Ludger Körntgen has suggested that this contact may have influenced how the Corbie redaction of *Coll.vet.Gall.* took shape. It is of further significance that Grimo (or Grimoald), abbot of Corbie from 694 to 747 and the man in charge of the process of redacting the *Coll.vet.Gall.*, seems to have maintained a close relationship with Boniface, and even owed to Boniface his promotion in 744 to the newly-created see of Rouen. At all events, by 739 at the latest Boniface himself had obtained his own copy of *Coll.vet.Gall.*, which he used to aid in his efforts in reforming the Bavarian church.

Judging from the manuscript evidence, Anglo-Saxons played an important role in the dissemination of *Coll.vet.Gall.* on the Continent during the eighth and ninth centuries, as evidenced by D1, D2, and D17, the former being a manuscript probably owned (if not also assembled) by Alcuin. The collection probably entered Anglo-Saxon England during this time, though there is no direct manuscript evidence for its transmission in England until the eleventh century, when it is believed that C4 may have come to England. While C4 does not currently contain a copy of *Coll.vet.Gall.* itself, it does contain a version of the collection’s appendix and, because the manuscript is now imperfect at its beginning, may very well once

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149 See below, Appendix IV p. 428.
150 Gneuss, *Handlist*, no. 583.3, giving the provenance of C4 as ‘in England before 1100?’
have contained *Coll.vet.Gall.* in its entirety. In any case, by the eleventh century one can see signs of *Coll.vet.Gall.* being quoted in several Anglo-Saxon texts connected to Wulfstan of York. The first of these is *Coll.Wig.A*, a work probably not authored by Wulfstan himself, but one that was very well known to him. *Coll.Wig.A* 17–28 are all based on chapters from *Coll.vet.Gall.*

Moreover, in *Coll.Wig.B* too—Wulfstan’s revision of *Coll.Wig.A*—there are a couple of *Coll.vet.Gall.*-influenced canons. In addition, *Coll.vet.Gall.* was a source for several other hitherto unprinted *Coll.Wig.* canons, these canons are not found in either the A or B versions, but are rather part of the extended *Coll.Wig.* tradition, of which Wulfstan certainly was the author. It would seem, then, that *Coll.vet.Gall.* was used by at least two major eleventh-century Anglo-Saxon canonists, both of whom worked in or around the West Midlands.

There is further evidence for the use of *Coll.vet.Gall.* in Anglo-Latin texts, though it is less secure than the examples considered above. Caesarius of Arles’s encyclical letter of ca 534 is a text that was included in the Corbie appendix to *Coll.vet.Gall.* Long passages from Caesarius’s letter are quoted verbatim in several Wulfstanian texts, including *Admonitio spiritualis doctrinae*, *De ven.sacerd.*, *De improviso iudicio secularium*, *De excommunicatis qui inviti ad penitentiam provocantur*, and *De temperantia penitentum*. While one cannot be entirely certain whether Wulfstan encountered his copy of Caesarius’s letter separately from or within a *Coll.vet.Gall.*

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151 Elliot, ‘New evidence’. C4 begins (fol. 51r) partway into the *Excarpsus Cummeani*, a text that stands in the middle of the *Coll.vet.Gall.* appendix in manuscripts of Mordek’s ‘north-French’ and ‘south-German’ classes: Mordek, *Kirchenrecht*, 220.

152 With *Coll.Wig.A* 17–28 compare *Coll.vet.Gall.* 37.1, 41.3–4, 36.1, 17.12l, 13.5, 20.1, 27.8, 31.6, 32.1. Compare also *Coll.Wig.A* 33 with *Coll.vet.Gall.* 45.3, and *Coll.Wig.A* 74 with *Coll.vet.Gall.* 41.18. Further parallels with *Coll.vet.Gall.* also exist, but they are generally less than convincing than those listed here.

153 Cf. *Coll.Wig.B* 155, which seems to draw on *Coll.vet.Gall.* 55.5 (and which, interestingly, may have influenced LawVI14tr 9); and *Coll.Wig.B* 163, which is almost certainly based on *Coll.vet.Gall.* 41.10. Again, further parallels between *Coll.Wig.B* canons and *Coll.vet.Gall.* exist, but they are less convincing.

154 These are as follows: *Coll.Wig.O* 34 = *Coll.vet.Gall.* 11; *Coll.Wig.I* 37a = *Coll.vet.Gall.* 51.1; *Coll.Wig.I* 38b = *Coll.vet.Gall.* 51.2; *Coll.Wig.I* 38c = *Coll.vet.Gall.* 7.1; *Coll.Wig.I* 153/O 135 = *Coll.vet.Gall.* 55.5; and *Coll.Wig.C* 145/D 205 = *Coll.vet.Gall.* 49.3. Once again, further parallels between unprinted *Coll.Wig.* canons and *Coll.vet.Gall.* canons exist, but are less convincing.

155 The letter is edited by de Clercq, *Concilia*, 90–6, lines 106–272. Due to an historical accident (which I attempt to explain in ‘New evidence’), the letter has long been ascribed to Pope Hormisdas, and is often referred to in modern literature as ‘pseudo-Hormisdas, “Ecce manifestissime” (JK †868)”.

156 For details and references, see Elliot, ‘New evidence’. For the latter three text, cf. *Coll.Wig.O* 9 and 164–65.
manuscript, it is nevertheless suggestive that several readings in these Commonplace Book texts match exactly the readings of the version of Caesarius’s letter that circulated with Coll.vet.Gall.\textsuperscript{157} One might consider C\textsubscript{4} here again as a possible manuscript source for Wulfstan, for its copy of Caesarius’s letter reads ‘confessionem’ for ‘confusionem’ (fol. 80r), an error also shared by the version of Wulfstan’s Admonitio spiritualis doctrinae in A\textsubscript{6}.\textsuperscript{158} C\textsubscript{4} also contains a copy of the Scarapsus Pirmini that, as Cross and Hamer have shown, shares a number of readings in common with a chapter of Coll.Wig.\textsuperscript{159} The evidence based on C\textsubscript{4} and on Caesarius’s letter is of course less convincing than that based on direct borrowings from Coll.vet.Gall. into Coll.Wig. But whatever manuscripts Wulfstan and his aides might have used, it is clear that Coll.vet.Gall. was as important a source of canon law in early eleventh-century England as it was for Boniface in eighth-century Germany.

### 4.6 Collectio canonum Wigorniensis

**MSS: A\textsubscript{1}, A\textsubscript{2}, A\textsubscript{3}, A\textsubscript{6} — edition: Cross–Hamer, Canon law; see also Appendices X–XIII**

Much will be said in Appendix V about the controversies in early-modern scholarship surrounding this important yet mystifying Anglo-Saxon collection. The present chapter focuses largely on the collection’s authorship, structure and development. In the following discussion, the idea of multiple redactions of Coll.Wig. will be introduced, namely redactions C, D, I, O and R. References to individual redactions will be made in the following way: Coll.Wig.I and O, specifying the I and O redactions as edited in Appendices XII and XIII; Coll.Wig.C 114/D 177, specifying c. 114 in the edition of Coll.Wig.C in Appendix X, which also happens to be c. 177 of Coll.Wig.D as edited in Appendix XI; and so on. Occasionally, shorthand references will be made in the form of C114/D177, which designates (as above) the identical chapters Coll.Wig.C

\textsuperscript{157} In de Clercq’s *apparatus criticus*, readings for the Coll.vet.Gall. version of Caesarius’s letter are designated with the siglum ‘y’ (= *consensus codicum* for de Clercq’s MSS ‘d, e, f, g’). Variants peculiar to Coll.vet.Gall. that are also shared with the Anglo-Latin texts mentioned above include: ‘neglegenter’ instead of ‘leniter’; ‘capta’ instead of ‘in captiuitate ducta’; and the addition of ‘donec vivit’ after ‘parvo tempore’; de Clercq, *Concilia*, 93–4, lines 215, 218 and 224.

\textsuperscript{158} See textual note ‘x’ in Cross, ‘Newly-identified’, 80.

\textsuperscript{159} Cross–Hamer, *Canon law*, 31–2. The chapter is Coll.Wig.B 130. Note, however, that an instance of homoioteleuton in C\textsubscript{4}’s text of the Scarapsus makes it unlikely that this manuscript was the sole exemplar for Coll.Wig. at this point. On the Scarapsus see Hauswald, ed., *Pirmins Scarapsus*. 
These five redactions (CDIOR) collectively represent all the Latin canonical (and para-canonical) contents in the five extant manuscript witnesses of Wulfstan’s Commonplace Book: A2, Barlow 37, A3, A1 and A6. CDIOR thus encompass a far broader range of material than is represented in the two versions of Coll.Wig. identified by Cross and Hamer as A and B; nevertheless, Cross and Hamer’s designations will also be used in the following discussion, in part because theirs is still the standard published edition (and so the reader will likely be most familiar with their designations), but also because their A corresponds to what is (as will be shown) the most primitive version of the collection, and their B to what is probably the latest redaction. Since Cross and Hamer’s A is based upon a portion of the material found in Coll.Wig.C, D and R, whenever necessary references to Coll.Wig.A will be followed by references (in parentheses) to the corresponding C and D chapters (for several reasons, chapters from Coll.Wig.R will generally not be provided in this dissertation). Similarly, because Cross and Hamer’s B is based principally upon material found in Coll.Wig.I, and also on some found in Coll.Wig.O, references to B will usually be followed by references (in parentheses) to the corresponding I and O chapters (when there is no corresponding O chapter, this is indicated by ‘O–’).

Coll.Wig. has for centuries gone under the title Excerptiones Ecgberhti. Despite its traditional name, Coll.Wig. has no connection to Ecgberht, Archbishop of York from ca 732–766. Nevertheless, since Henry Spelman’s editio princeps in 1639, the collection has been edited or reprinted 11 times, and translated into modern English twice, and all but one of these has employed the title Excerptiones Ecgberhti. Nor does the collection have any connection to a supposed Cornish deacon named Hucarius, an erroneous attribution unfortunately endorsed by Lotte Kéry’s Bibliographical guide, which was published too early to benefit from the latest scholarship on the subject. The collection was rechristened twice at the end of the last century: once as Wulfstan’s canon law collection by James Cross and Andrew Hamer, a title that suggests

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160 Principally this is because I have yet to prepare an edition of Coll.Wig.R. But Coll.Wig.R is also very short, and (unlike CDIO) is essentially equivalent in contents and extent to one of the versions (A) already edited by Cross and Hamer. A separate edition of Coll.Wig.R would therefore be of little value.

161 On Hucarius as the author of Coll.Wig.—an old theory reanimated by Robin Aronstam in the 1970s—see Appendix V. The theory was refuted by Cross–Hamer, Canon law, 3–4, and by Wormald, MEL, 218 n. 217, both studies being published in 1999, the same year that saw the publication of Kéry’s Canonical collections ... a bibliographical guide.
more than is perhaps warranted about Wulfstan’s part in its creation; \(^{162}\) and as *Excerptiones de libris canonici* by Patrick Wormald, who noted that this is the title found in two manuscripts (A2 and Barlow 37) containing early versions of the collection. \(^{163}\) But given all that remains to be discovered about the collection, including the identity of the author of the original A version and the exact contours of the collection (that is, where it starts and ends in individual manuscripts), it seems best to introduce a new title here, namely ‘*Collectio canonum Wigorniensis*’, or ‘the Worcester Collection of canons’. This title has several advantages over previous ones, the most important of which is that it does not introduce prejudice into the question of authorship. Instead, it designates the collection according to the city with which its manuscript tradition is most strongly associated (Worcester), without necessarily implying that this city was the collection’s place of origin (though it may have been). \(^{164}\) Moreover, it brings the name of the collection into conformity with other early medieval collections, an accommodation that will hopefully encourage scholars to view *Coll.Wig.* as on par with other early medieval collections (at least in terms of taxonomy and genre, if not also historical importance), and thereby promote the study of *Coll.Wig.* within a European, rather than merely an Insular, context—something it seems the title ‘*Excerptiones*’ has always inhibited.

Despite the title they gave to their 1999 edition, Cross and Hamer were cautious about making claims about *Coll.Wig.*’s authorship. They showed that Wulfstan used the collection, and they argued convincingly that he or someone close to him was involved in subsequent revisions of it. They even suggested that Abbot Ælfric of Eynsham played a part in the creation and/or evolution of the collection, though they leave the exact nature of his contribution undefined. \(^{165}\) The currently widely accepted view that Wulfstan (perhaps with the aid of Ælfric) played a central role in the evolution of the collection is therefore not controversial. There are however still

\(^{162}\) They formally introduced this name in 1999, with their edition of the same title.

\(^{163}\) See P. Wormald, *Legal culture in the early medieval West: law as text, image and experience* (London, 1999), xix, and Wormald *MEL*, 213.

\(^{164}\) Similarly, the title ‘*Collectio canonum Turonensis*’ introduced above does not imply that that collection originated at Tours, only that the best (or in that case) only known manuscript did.

\(^{165}\) On Wulfstan’s use of the collection, see Cross–Hamer, *Canon law*, 23–9; for *Coll.Wig.B* ‘as a collection revised by Wulfstan’, see Cross–Hamer, *Canon law*, 16; on Ælfric’s possible role in the process see Cross–Hamer, *Canon law*, 17–22 and esp. 28–9, and further references cited below, Chapter 4 n. 167.
serious reasons to doubt that Wulfstan played a role in shaping the original material, not least of which is the fact that he seems to have had only a passing (perhaps even only indirect) familiarity with the chief source of that material, namely *Coll.quad*. The question of Wulfstan’s relationship to this original material will be returned to below. It is necessary first to address the possibility that Ælfric played a role in the compilation of the first (*A*) version of *Coll.Wig.*

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166 In my ‘Ghaerbald’s *First capitulary*, the *Exercitones pseudo-Ecgberti*, and the sources of Wulfstan’s *Canons of Edgar*, *Notes & queries* 57 (2010), 161–65, I presented several reasons for thinking that Wulfstan could not have written *Coll.Wig.A*. My point, in the main, was that by around 1002–1007 (the approximate date of *A*’s composition) Wulfstan’s canonical studies had not yet progressed to a level sufficient to account for his authorship of this collection. It seems to me now that the problems involved in dating Wulfstan’s works around this time (including the *Canons of Edgar*, *Coll.Wig.B* and the various versions of the 1008 Enham legislation) make deeply problematic any arguments for or against his authorship of *A* based on his developing knowledge of various canonical sources. Nevertheless, there is still the problem of his never having acquired adequate knowledge of *Coll.quad*. This needs stressing. Previously, scholars have noticed only two traces of *Coll.quad.* in Wulfstanian works that cannot be explained by mere dependence upon *Coll.Wig.A*. These are *Coll.quad*. 4.3 and 4.5, which are quoted repeatedly (in slightly modified form) in Wulfstanian works, namely: *Sermon 10b*, lines 86–90 and *Sermon 10c*, note to line 115; in *Coll.Wig.O* 26; and in the (probably) Wulfstanian tract *Qualiter penitentes in cena domini ecclesiam introducuntur*, edited by Fehr, *Die Hirtenbriefe*, 249, lines 7–11 (cf. *Coll.Wig.O* 171)—note that there is as yet no good reason, *pace* Wormald, ‘Holiness of society’, 193, and Bethurum, ed., *Homilies*, 325, to assume this *ordo* is by Ælfric, though it is preceded by texts that have been tentatively associated with him: on which see C.A. Jones, ‘Two composite texts from Archbishop Wulfstan’s “Commonplace Book”: the *De ecclesiastica consuetudine* and the *Institutio beati Amalarii de ecclesiasticis officiis*, *ASE* 27 (1998), 233–71, esp. 254, and Jones, ‘Wulfstan’s liturgical interests’, esp. 331–32 and 352 (no. 6.2). It should be noted too that *Coll.Wig.B* 47 is almost certainly not drawing on *Coll.quad.*, *contra* Cross–Hamer, *Canon law*, 129, nor is Wulfstan’s *De rapinis ecclesiasticarum rerum*, *contra* Mann, ‘Development of Wulfstan’s Alcuin manuscript’, 260–1; the source here is rather *Coll.Wig.A* 43, which drew on either *Coll.quad*. 4.120, PTHU.700.13.2, or PECUM.700.4.1. There are in fact two other instances of unambiguous quotations of *Coll.quad.* in *Coll.Wig.*, namely in *Coll.Wig.C* 146/D 206 (quoting *Coll.quad.* 4.78; this canon taken up into *Coll.Wig.B* 129), and in *Coll.Wig.C* 163/D 128 (quoting *Coll.quad.* 4.73). Probably (though not certainly) *Coll.quad.* was also cited in *Coll.Wig.C* 159–60/D 124–25 and *Coll.Wig.C* 162/D 127 (= *Coll.quad.* 4.70–2). Finally, it is entirely possible that both *Coll.quad.* 4.24 and 4.26 were sources for *Coll.Wig.C* 166/O 161, though the author of this canon may well have relied instead upon *Coll.quad.*’s source at this point (cc. 27–8 of Basil’s *Regula*). Significantly, in almost every one of these cases, the appearance of *Coll.quad.* chapters in Wulfstanian works and manuscripts can be explained by their presence in *Coll.Wig.C*, which (as will be shown below) represents the most primitive form of the Commonplace Book tradition and is thus the most likely to include dossiers of as yet un-worked-over source material compiled for or sent directly to him by aides like Ælfric (indeed, I see no reason why *Coll.Wig.C* could not, in its entirety, be an essentially Ælfrician creation). The exceptions, that is those *Coll.quad.* chapters whose appearance in Wulfstanian works cannot be explained by *Coll.Wig.C*—namely the quotation of *Coll.quad.* 4.3 and 4.5 in the works mentioned above, and the possible quotation of *Coll.quad.* 4.24 and 4.26 in *Coll.Wig.I* 166/O 161—are too few to inspire confidence that Wulfstan had anything like a thorough knowledge of *Coll.quad.*, leastwise not thorough enough to account for his having authored *Coll.Wig.A*. To be sure, making the argument against Wulfstan’s authorship of *Coll.Wig.A* based on his apparent ignorance of *Coll.quad.* involves the use of chiefly negative evidence; but it is the kind of negative evidence that carries weight: it is simply unthinkable that any canonist, having emerged from his work of patching together *Coll.Wig.A*, could go on composing texts of a legal nature for the next two decades without betraying in those texts any familiarity with *Coll.Wig.A*’s most important source (*Coll.quad.*).
Scholars have often remarked on the possible significance of Ælfric’s sending (upon request) two *Pastoral letters*—works of a predominantly regulatory nature—to Wulfstan over the course of several years in the first decade of the eleventh century. Taking this as suggestive of a deeper professional relationship between the two men, some scholars have speculated that during this period Ælfric may have sent much more to Wulfstan than just these letters. For example, it seems probable that around 1005 Ælfric sent Wulfstan a copy of Ghaerbald’s *Cap.I*, a work that Ælfric himself had been fond of using, and that Wulfstan very soon afterward began to incorporate into his own writings. It may also have been from Ælfric that Wulfstan acquired copies of several other canonical works, including *Coll.Hib.*, Ansegis, Theodulf’s *Cap.I*, Radulf’s *Cap.*, and possibly PECG.700, all of which Ælfric had been using at this time in his own works, and all of which Wulfstan would go on to use as well. Perhaps, too, included somewhere within the inventory of research materials that Ælfric was sending to Worcester was *Coll.Wig.A*. Indeed, what would be a more appropriate gift for the reform-minded Ælfric to send the new Archbishop on the occasion of his promotion than a canon law collection, newly and meticulously compiled from the sources available in Ælfric’s own library? Might Wulfstan even have commissioned such a work from Ælfric, a man whom in recent years the Archbishop had grown to trust on matters pertaining to church doctrine and discipline? Examples of archbishops contracting men of lesser office to compile canon law collections are common

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168 Elliot, ‘Ghaerbald’s *First capitulary*’, 163.

169 For Ælfric’s knowledge of Theodulf’s *Cap.I*, see Fehr, ed., *Die Hirtenbriefe*, 47, 59, 61. For his knowledge of Radulf and PECG.700, see Jones, ‘Ælfric’s pastoral letters’. For Ansegis see Fehr, ed., *Die Hirtenbriefe*, cxii n. 1, and for *Coll.Hib.* see Ambrose, ‘*Collectio canonum Hibernensis*’, 116–17.

170 Here it should be recalled that in at least one Anglo-Saxon manuscript [A5] Ghaerbald’s *Cap.I* and PECG.700 lay next to *Coll.quad.* Could Ælfric have sent a manuscript like A5 to Worcester around this time?

171 Cf. Wormald, ‘Holiness of society’, 202 (in a discussion of Ælfric as a source for *Coll.Wig.*): ‘It is hardly brash to attribute the *Excerptiones* to the same mind as created their contexts.’
enough in the Middle Ages. Abbot Abbo of Fleury—who in fact had ties to Anglo-Saxon England (especially Ramsey)—is an example of a monastic who compiled a canon law collection that he dedicated and sent to his superiors, and this at around the same time as Ælfric lived. This is all speculation of course. Nevertheless, as will be seen below, there are exceptionally good reasons to see Coll.Wig.A as a collection that originated not only from outside of Worcester, but from outside of Wulfstan’s control. If so, who other than Ælfric would have been so well-placed (in both learning, resources and inclination) to compile such a collection? If indeed it was Ælfric who compiled A, then one should expect to find signs that he was deeply involved in the study of its major canonical sources—Coll.Hib., Ansegis, Coll.vet.Gall. and Coll.quad.—around the time of Coll.Wig.A’s composition, that is roughly 1002×1007.

If one is to search for evidence of Ælfric’s canonical learning at this time, one should look first and foremost to his several Pastoral letters, written between 1002×1005. Unfortunately, the most recent edition of these letters is now very old (1914), and it is especially vitiated by outmoded discussion of the manuscripts and misleading sources notes. A new edition of Ælfric’s letters will not only take into account two new manuscript witnesses unknown

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172 To name only four: Collectio Anselmo dedicata, Coll.quad., R2L, and PHAL.800. These examples could easily be multiplied.

173 Abbo’s Collectio canonum was dedicated to kings Hugh Capet and Robert II. The text is printed in Vetera anaelecta sive collectio veterum aliquot operum et opusculorum omnis generis ... nova editio, ed. L.-F.-J. de la Barre (Paris, 1723), 133–48, reprinting the 1676 edition by Jean Mabillon. The text is reprinted in PL 139, cols 473–508A.

174 The most recent sources used in Coll.Wig.A are Ælfric’s own letters, themselves datable to 1002×1005 (see below, Chapter 4 n. 192). The terminus ante quem for Coll.Wig.A is difficult to determine, but it is at least before the composition of Wulfstan’s Canons of Edgar, the earliest (‘D’) version of which draws on Coll.Wig. Wormald, ‘Eleventh-century state-builder’, 16, dated the Canons roughly to 1006×1008, though this should not be taken too seriously. The dating of the Canons is itself actually quite problematic, chiefly because its terminus ante quem is established by Æthelred’s 1008 Enham legislation (see Fowler, ed., Wulfstan’s Canons of Edgar, xxvii), the surviving versions of which seem to have been authored somewhat later than council itself. On these these issues, see Jost, Wulfstanstudien, 13–44, C&S, 1.1, 341–43, M.K. Lawson, ‘Archbishop Wulfstan and the homiletic element in the laws of Æthelred II and Cnut’, in The reign of Cnut, ed. A.R. Rumble (London, 1994), 141–64, as well as the references cited below, Chapter 4 n. 193.

175 See below, Chapter 4 n. 192.

176 Fehr discusses Ælfric’s canonical sources in Die Hirtenbriefe, lxxxvi–cxi. Much of this discussion (pp. xcvi–cvi) is an attempt by Fehr to determine the tradition and sources of Coll.Wig., which at the time was believed to have been one of Ælfric’s chief sources (the reverse is actually true). Fehr’s arguments were quite sophisticated, and his knowledge of the subject quite learned for the time. His findings regarding Ælfric’s extensive use of Ghaerbald’s Cap.I (pp. xcvi–vii) remain important; however, his conclusions regarding Ælfric’s use of Coll.Wig. and pseudo-Isidore (pp. cxvi–vii) can no longer be accepted.
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to Fehr, but will update Fehr’s account of the canonical sources used by Ælfric. Until these sources are better known, the question of Ælfric’s role in the composition of Coll.Wig.A cannot be answered with certainty.

Returning to Wulfstan: his relationship to Coll.Wig. is difficult to determine in part because the structure, extent, development, and ultimately the purpose of the collection is still so poorly understood. Before delving further into the issue of authorship, therefore, it is necessary to examine the various forms that the collection takes in the manuscripts. This means looking more closely at an even larger and more complex textual entity known as ‘Wulfstan’s Commonplace Book’.

Wulfstan was a figure of immense importance in both the ecclesiastical and political landscapes of late Anglo-Saxon England. His writings on religion, law, and politics reveal a man of wide ranging interests and powerful socio-political vision. But while his corpus of vernacular work has been studied with assiduity by linguists and Anglo-Saxonists alike, his corpus of Latin writings remains relatively unexplored. The largest repository of Latin Wulfstanian works is a collection of sermonic, liturgical, and canonical material known as his Commonplace Book. Many of the texts in this eclectic collection were authored by Wulfstan himself; others were collected by him from the works of predominantly Carolingian authors, presumably because he found them convenient to his own work of preaching to, and legislating for, his English and Anglo-Danish constituents. This material is scattered across five extant manuscripts, all but one of which date from the eleventh century, and several of which even bear corrections and annotations by Wulfstan’s own hand. Coll.Wig. is found in these each of these Commonplace

177 Namely Barlow 37 and Copenhagen 1595; for the former, cf. Coll.Wig.D 272 and 278.

178 For now, I note what seems only an interesting coincidence. In Ælfric’s Pastoral letters he three times lists the church-books most necessary for ecclesiastics to have, each time emphasizing the importance of having a paenitentiale; see Jones, ‘Ælfric’s pastoral letters’, esp. 149–50. Never does Ælfric mention canonbec, libri canonum, or some equivalent thereof, though it is clear that he used at least one canon law collection in the composition of his letters. Given the marked penitential character of Coll.quad. (particularly its second and third books), and given that in A5 Coll.quad. is introduced by a penitential handbook (PECG.700), it is interesting that paenitentiale is the term Ælfric’s uses to designate the book from which a priest was expected to ‘learn his canons’. Could Ælfric have been thinking of a book like A5 when he recommeded that priests have access to a paenitentiale?

179 The discussion of the Commonplace Book that follows is a condensed form of a larger discussion found in my article ‘Wulfstan’s Commonplace Book revised’, wherein more detailed argumentation and bibliography can be found.
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Book manuscripts, namely A2, Barlow 37, A3, A1 and A6. One of the most remarkable features of these manuscripts is their similarity in content: they seem to draw on a common stock of textual material and they arrange that material in similar ways. Because of this, scholars once assumed that all Commonplace Book manuscripts descended from a common original, a single archetypal Commonplace Book that Wulfstan kept close to him at all times. More recent scholarship has explored and emphasized the differences between the Commonplace Book manuscripts, and this has led scholars to question the notion of a single original. The consensus among scholars today is that Wulfstan owned a number of Commonplace Books, perhaps four or more, each with a unique character and emphasis reflected in its particular selection and arrangement of texts.

The first attempt to systematically map the contents of the Commonplace Book manuscripts was made in 1980 by Hans Sauer, who compared the contents of Barlow 37 against those of other Commonplace Book manuscripts. Sauer developed a useful method for comparing the contents of the different manuscripts: he found that they can be viewed as being made up of ‘blocks’ of content, with each block containing several texts keyed to a general theme. Sauer showed that in particular A1, A2, A3 and Barlow 37 share a number of similarities both in the way they distribute and in the way they structure individual blocks. Sauer’s block-approach to studying the Commonplace Book has since been endorsed by Wormald and Drew Jones, both of whom have made important contributions in their own right to understanding how these manuscripts came to be in their present form. Of particular importance is the theory advanced by Jones, wherein he attempts to explain why certain blocks recur in certain arrangements throughout the tradition. Both Wormald and Jones had noticed that several Latin manuscripts produced in Worcester during Wulfstan’s tenure were actually composed of many smaller, separately-produced booklets. In fact, detailed codicological studies of three Wulfstanian

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manuscripts, namely A3, Copenhagen 1595 and Vespasian A. xiv—all three of which bear corrections and/or annotations in Wulfstan’s own hand—indicate that Wulfstan distributed the task of copying individual Commonplace Books to multiple scribes in his employ, scribes probably working at slightly different times and possibly even in different Wulfstanian scriptoria.\footnote{Jones, ed., Ælfric’s Letter, 79.} Jones has remarked how the piecemeal construction of these manuscripts sheds new light on the ‘commonplace book’ puzzle, for it allows that, at the source (perhaps in Wulfstan’s possession), several different ‘archetypes’ of the collection might have existed side by side. The arrangement by section [i.e. block] may represent the texts as they occurred in Wulfstan’s own copy or in a copy he ordered made; these sections would be variously distributed for copying, and the resulting copies then bound together in particular sequences and/or in combination with extraneous texts. Depending on the arrangement of these sections, the process could produce a number of different exemplars which, especially after further recopyings, omissions and interpolations, would explain the survival of the ‘commonplace book’ in such widely differing versions.\footnote{Wormald, MEL, 198–203; The Copenhagen Wulfstan collection: Copenhagen Kongelige Bibliotek Gl. Kgl. Sam. 1595, ed. J.M. Tunberg, with description of contents by J.E. Cross, Early English manuscripts in facsimile 25 (Copenhagen, 1993), 24–8; Mann, Development of Wulfstan’s Alcuin manuscript’, 239–41.}

In the arrangement and distribution of one block in particular, Sauer’s ‘Block VII’—containing texts on pastoral duty and privilege—there is indeed strong evidence that manuscripts produced at Worcester and York during Wulfstan’s pontificate were being assembled via such a process as Jones describes, that is by the binding together of smaller booklets, each of which existed in a variety of different forms.\footnote{See Elliot, ‘Wulstan’s Commonplace Book revised’.} A booklet in this context would be the physical equivalent of a block, that is an individual quire or group of quires containing material keyed to a specific literary theme. Such booklets would be convenient as stand-alone units for use in private study, or they could be combined or ‘stacked’\footnote{A term borrowed from Jones, ed., Ælfric’s Letter, 79 n. 35, who has used it to refer to the redistribution of blocks between the Commonplace Book manuscripts.} with other booklets to make composite volumes.
Composite volumes such as these would have greatly facilitated the needs of copyists, as individual booklets could be exchanged between scribes as they worked on copying several volumes at once—much like the later medieval *pecia* system.\(^{187}\) And such volumes would be inherently versatile; in order to fit the needs of the day, they could easily be reshuffled or recombined with other volumes, as component booklets were reordered, added, or removed. Unfortunately, only a small handful of these original volumes survive (*A3* is one such volume); the majority of witnesses to the Commonplace Book tradition are second, third, or possibly even fourth-generation copies. This of course makes detecting the component nature of the original volumes difficult, since the copies of such volumes will not betray any physical signs of the composite nature of their exemplars. Nevertheless, by paying close attention to the form and distribution of texts within even these later copies, it is often possible to discover the composite structure and piecemeal construction of Wulfstan’s original Commonplace Books.\(^{188}\)

That the original Commonplace Book manuscripts were assembled via booklets not only explains why one can speak of ‘blocks’ in the tradition; it also explains why the various blocks of canonical material that comprise *Coll.Wig.* are so multiform and complex. For, if *Coll.Wig.* evolved under Wulfstan’s control in the same way that the other blocks of the Commonplace Book did—that is, by way of the successive recombination of their component parts, which suffered along the way the textual alterations that are a hallmark of Wulfstan’s editorial process (on which more will be said below)—then one should expect the tradition of *Coll.Wig.* to be at least as convoluted as that of any other Commonplace Book text;\(^{189}\) indeed, given that *Coll.Wig.* is by far the longest and most granular of the Commonplace Book texts, it should be far more so. Coming to grips with a tradition as complex as *Coll.Wig.*’s is therefore difficult, but it is not impossible. For example, it is possible to determine which parts of the tradition are most primitive. These parts in turn serve as anchors, on the basis of which patterns of progressive

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188 This is the general conclusion of my ‘Wulstan’s Commonplace Book revised’, and is the premise upon which much of the following analysis of the *Coll.Wig.* tradition is based.

189 For examples of the types of convolution that can arise in the textual traditions of Commonplace Book texts, see Elliot, ‘Wulfstan’s Commonplace Book revised’.
textual developments can be charted and an overall view of how the collection evolved over time can be arrived at.

Establishing which of the various Coll.Wig. witnesses, or portions thereof, represents most closely the recensio primitiva is the first step towards charting the collection’s development over time. This is actually quite easily done; in fact, the identification of the recensio primitiva has already been accomplished by the collection’s most recent editors, though their reasons for identification were not as strong as they could have been. As mentioned above, Cross and Hamer identified two versions of the text, a shorter and earlier A version (= Coll.Wig.C 3–108 and D 1–111), and a slightly later, longer and seemingly much more disorganized B version (= Coll.Wig.I 2–164; ~ O 48–146). They were also able to deduce that B was a later Wulfstanian redaction of the primitive A version, and this on a number of grounds: 1) Coll.Wig.B occasionally adds extra information to canons originally found in A; 2) additional words that qualify A material are common in B, including the telling qualification ‘quod non laudo’ in Coll.Wig.B 129; and 3) multiple chapters from A become fused together in B, as in Coll.Wig.B 55. As mentioned above, Cross and Hamer did not speculate on the authorship of the primitive A version, though they were able to demonstrate that it was compiled no earlier than 1002, which is perhaps no more than six years before Wulfstan is supposed to have compiled B.

190 Note that Coll.Wig.C 106–08 are not found in Coll.Wig.D.

191 Cross–Hamer, Canon law, 6–12. The two examples adduced by Cross–Hamer (p. 12) where, they say, the reverse seems to be true—that is where B appears to present a more primitive text than A—are not convincing.


193 The terminus ante quem for Coll.Wig.B depends upon the dating of LawVIAtr(Lat), chapters 9 and 15.2 of which quote verbatim Coll.Wig.B 155 and 25: see Jost, Wulfstansstudien, 26–7. LawVIAtr(Lat) is one of several Wulfstanian versions (including also LawVAt, LawVIAtr, and LawXAt) of the laws enacted at Æthelred’s Enham council in 1008. Unfortunately, the dating of LawVIAtr(Lat)—not to mention the dating of the other versions of the Enham legislation—is notoriously problematic. Many scholars, including Jost, Sisam, Whitelock, and Wormald, believe that it was drawn up quite some time after the council, though how long after is still not known; see Wormald, ‘Æthelred the lawmaker’, 54–5, and Wormald, MEL, 333–35. My earlier claim (‘Ghaerbald’s First capitulary’, 162) that Coll.Wig.B is datable strictly to 1005×1008 was based on the assumption that LawVIAtr(Lat)
While it could be argued that this short period of turn-over is *prima facie* evidence that Wulfstan was the author of both versions, it may also simply mean that Wulfstan was close to, or working closely with, the individual who compiled the *recensio primitiva*.

Further evidence of the anteriority of *A* can be also adduced. For instance, it has been noticed by Martin Brett that ‘the A version follows the sequence of its sources more consistently than the B’. Moreover, while nearly every canon in *B* has as its source some text found elsewhere in the Commonplace Book, the sources for *A* cannot (with only one or two exceptions) be found elsewhere within that family of manuscripts. This suggests that *A* was not shaped under the same conditions and within the same context as the rest of the Commonplace Book material, most of which one can actually see taking shape and undergoing various stages of revision within the context of these manuscripts. Wormald was, on the whole, correct when he remarked that ‘To one degree or another, and for one reason or another, everything that is extant [in Wulfstan’s manuscripts] has been, or is being, adapted. The original lies submerged beneath the tides of its author’s further enterprises.’ The *A* version is a remarkable exception to this rule, however, since it stands out as uniform and textually stable throughout *A2, A6* and Barlow 37. This is highly significant. Wulfstan is known for subjecting works of his own invention to continual revision, deriving subsequent versions of sermons, canons, and lawcodes by adapting, augmenting and cross-contaminating texts he had previously composed. This is a hallmark of Wulfstanian composition, and scarcely a Wulfstaninan text survives—in either Latin or Old English—that does not exist in multiple versions in his manuscripts. That *A* is uniform in three Commonplace Book manuscripts therefore strongly suggests that Wulfstan considered it not his own, but someone else’s work. Moreover, his reluctance to tinker with *A* suggests that Wulfstan held in high regard the individual or source from whence he obtained this text. Here it

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seems apropos to mention once again Ælfric, a highly learned and orthodox man whom Wulfstan clearly regarded as an authority on Catholic doctrine and custom. As was mentioned above, it was from Ælfric that Wulfstan seems to have obtained a good deal of his canonical sources, and it was from him that Wulfstan commissioned two pastoral letters (addressed to the clerics under Wulfstan’s charge) on the subjects of priestly duty and discipline. Wulfstan prized these letters, and—though he would soon commission Ælfric to provide him with Old English versions of these letters, which Wulfstan himself proceeded to adapt and revise—he was careful to preserve multiple copies of Ælfric’s Latin originals, each of which can be found in toto in three Commonplace Book manuscripts. Such is the way that Wulfstan treated his Latin source material when it came from a respected source, in distinct contrast to the way he treated textual material of his own creation, the remnants of which appear to us today as positively protean.

Coll.Wig.A, the recensio primitiva, thus represents one of the original sections, or booklets, used in the production of the earliest Commonplace Book manuscripts; it was copied (but not changed) multiple times by Wulfstan’s scribes and inserted into various places in the exemplars of A2, A6 and Barlow 37. The A version served, moreover, as a major textual anchor upon which much of the development of the later Coll.Wig. tradition was built. Not all of the Coll.Wig. tradition was built upon A, however; much of the material in CDIO is based on sources located outside of A and elsewhere in the Commonplace Book manuscripts. Much of this material has

197 Ælfric, Epp.2 and 3.
198 Ælfric, Epp.II and III. On Wulfstan’s adaptations of these Old English letters, especially of Ep.II, see C&S, I.i, 256–60.
199 Ælfric, Ep.2 is preserved completely in A1, pp. 188–201, A2, pp. 160–73 and Copenhagen 1595, fol. 67r–74r; a long excerpt is also found in Barlow 37, fol. 41v–42v. Ælfric, Ep.3 is preserved completely in A1, pp. 151–59, A2, pp. 174–80, and Copenhagen 1595, fol. 74r–77v; excerpts are found in Barlow 37, fol. 44r–45v. Note that it has been plausibly suggested by Whitelock (C&S, I.i, 257–58) that, in their present form, Ælfric’s Latin Ep.2 and 3 might include some alterations made by Wulfstan. Even if this turns out to be true, it would not undermine the point made above: that one clear marker of Wulfstanian authorship is when a work appears in multiple forms across the Commonplace Book tradition—and, conversely, that any Commonplace Book text that does not admit of multiple forms is very probably not Wulfstanian. Whether or not he made any initial alterations to Epp.2 and 3, these letters were thereafter preserved uniformly throughout several Commonplace Book, in sharp contrast to how almost every other Wulfstanian work (Latin and Old English) is preserved.

200 Note that A6 may itself be an original (or first-generation) Commonplace manuscript. Its date allows it to have been a manuscript produced during Wulfstan’s lifetime; its exact origin, however, has still not been determined by scholars.
not been edited before. As mentioned above, the full contents of *Coll.Wig.C, D, I and O* (as edited in Appendices X–XIII) not only include Cross and Hamer’s *A* and *B* versions, but embrace much more material besides. Specifically, *Coll.Wig.I* and *O* (found in *A3* and *A1*) contain, in addition to Cross and Hamer’s *B* redaction, roughly 25 and 75 additional canonical or para-canonical chapters that were not included in their edition; and *Coll.Wig.C* and *D* (found in *A2* and Barlow 37) contain, in addition to the primitive *A* version, roughly 220 and 160 additional chapters that were overlooked by the editors. In each case, this additional material takes the form of sequences of canons keyed to general themes, like murder, marriage, or penance. Many of these sequences recur in different forms across the entire tradition. They do not remain static like the *recesio primitiva* does; rather, they shows signs of being progressively augmented, divided, updated, or otherwise revised. They show signs, that is, of being Wulfstan’s own creations.

Table 4 represents an attempt to identify the various sequences of canons in each of the four main *Coll.Wig.* redactions and represent them as, if not entirely discrete, then at as least relatively consolidated blocks. The Table makes no claims to being an authoritative representation of the thematic structure of the *Coll.Wig.* tradition; rather, it is intended only as a rough guide to the sorts of block structures that might lie behind the individual redactions. The working theory is that each block thus identified is a candidate for having originated as an individual booklet that was incorporated into one or many first-generation Commonplace Books. The major criteria used to distinguish these blocks are commonality of theme and shared source material. For example, the sequence C166–92 is considered a block not only because it contains canons that share the themes of church property and good government, but also because many of these canons are drawn from Ansegis’s *Collectio capitularium.* Also helpful are the many breaks in the series of canonical material in the Commonplace Book manuscripts. For example, though C316–18 and C319–29 both treat similar topics (priestly and episcopal duties

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201 Small adjustments to several series have also been made to bring the data of Table 4 into line with the patterns of borrowing suggested in Figure 2.

202 Located within this series is a smaller series, C170–73, which makes up the *Old English handbook* (or *Handbook for the use of a confessor*). Based not only on the fact that C170–73 treat entirely different subjects than the surrounding material (C166–69 and C174–92), but also on the fact that the *Handbook* is (with the exception of its first Part) an Old English text (whereas the rest of *A2* is in Latin), it seems clear that this series is an intrusion into the originally unified C166–92.
and responsibilities), since they are separated by some two-dozen folios in A2 they are clearly to be considered as two separate blocks. There is, moreover, one point in Coll.Wig.I where the very construction of the manuscript (A3)—one annotated by Wulfstan, and ostensibly assembled by means of stitching separate booklets together—indicates that one block stops and another starts.\(^{203}\)

### Table 4: Canon sequences in Collectio Wigorniensis manuscripts

<table>
<thead>
<tr>
<th>Coll.Wig.C</th>
<th>Coll.Wig.D</th>
<th>Coll.Wig.I</th>
<th>Coll.Wig.O</th>
</tr>
</thead>
<tbody>
<tr>
<td>C1–2: sacerdotal responsibilities</td>
<td>D1–111: <strong>Redactio A</strong></td>
<td>I1: clerical grades</td>
<td>O1–7: biblical precepts</td>
</tr>
<tr>
<td>C166–92: church property, good government(^{204})</td>
<td>D202–14: marriage</td>
<td></td>
<td>O156–72: penance</td>
</tr>
<tr>
<td>C260–305: Theodulf’s Cap.I</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C306–15: penance, kingship</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C316–18: sacerdotal responsibilities</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C319–29: clerical responsibilities</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C330–69: excerpts from an unknown canon law collection</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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\(^{203}\) See the note between I178 and I179 in Appendix XII.

\(^{204}\) See the brief note about the Old English handbook above, Chapter 4 n. 202.

\(^{205}\) D270–71 and D273–76b appear to be intrusions into this series.

\(^{206}\) See Appendix IV, p. 439.
It will be clear from Table 4 that Cross and Hamer’s B redaction is simply one of many coherent blocks in the tradition. It is found only in A3 (Coll.Wig.I 2–164), with some significant overlap with a long sequence of canons in A1 (cf. Coll.Wig.O 48–146). But B is special: besides its length, the B redaction is set apart from the other blocks by the wide variety of topics it treats, as well as its more ‘polished’ character. Indeed, as will be seen, it represents a relatively late stage in Wulfstan’s revisions of the Coll.Wig. material.

Between and within these various blocks there are obvious signs that the same stock of canonical material was being subjected to progressive adaptation and development. How might one go about tracing the direction(s) of this development? Which are earlier blocks and which are later? It was mentioned above that Wulfstan’s compositional method involved a high degree of revisionism, of adaptation-by-degrees, so that, throughout the Commonplace Books, Latin works authored by him typically exist in two three, sometimes even four or five different versions.\textsuperscript{207} Often, a cluster of different texts will share smaller, identical textual components. Such components represent favourite passages of Wulfstan’s, which he recycled over and over again, experimenting with them in different contexts, and creating a veritable fleet of filiated texts to suit different spiritual, political and disciplinary circumstances. The result is an extremely high degree of cross-contamination across Wulfstan’s corpus of canonical writings. One would expect that this sort of textual promiscuity would make it difficult to determine which version is an adaptation or expansion, and which an abbreviation or revision—to determine, that is, which version of a text came first, which second, which third, and so on. But priority in a series of Wulfstanian revisions is often not that difficult to determine, thanks in particular to the fact that Wulfstan very rarely wrote anything in Latin that was original: there are very few passages in his corpus of Latin writings (Coll.Wig. included) for which an immediate source cannot be found. Moreover, when writing in Latin, Wulfstan always quoted his sources verbatim, at least at first; only afterwards in subsequent revisions would he adjust syntax, and make abbreviations or additions. And when he made such revisions, he seems always to have based them on the most recently modified version of his text. This makes it rather easy to trace the path of Wulfstan’s revisions, from point A to B to C, and so on. It is thus often possible to deduce a relative

\textsuperscript{207} Such is the case with \textit{De ven.sacerd.} and several other texts found in Sauer’s ‘Block VII’; see Elliot, ‘Wulfstan’s Commonplace Book revised’.
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For example, the processes by which Wulfstan arrived at O9, D174 and I108 can each be reconstructed in relatively close detail. **O9** traces its ultimate origins to PECG.700, whose preface is one of the main sources for C132, which then served (along with Caesarius’s *Ep.encyclica*) as one of the principal sources for I165, which was then abbreviated to make O9. **D174** find its origins in the *Redemptionstexte* (or commutations) that were packaged with the eighth-century Frankish *Paenitentiale Remense* (PREM.700); these commutations formed the basis of an unidentified penitential tract found on p. 125 of the Wulfstanian manuscript Cambridge, Corpus Christi College, MS 201, a portion of which was abbreviated to form O19, which was then used (possibly in conjunction with further material from Corpus 201), to form C111, which was once again abbreviated to make D174. Finally, **I108** began with several chapters taken from the *recensio primitiva* (A12–15), all of which were combined (along with other, unidentified source material) to form an important text called *De ieiunio IIII* or *temporum*, now extant in a number of Anglo-Saxon manuscripts, including Barlow 37 where it stands as *Coll.Wig.D* 268; Wulfstan then adapted this text to make I184/O156, an excerpt of which was eventually used to make I108. **Coll.Wig.** is full of such series as these, and discovering them often only requires that one peruse the various redactions carefully and pay close attention to minor changes in recurring passages.

The editions of *Coll.Wig.C, D, I* and *O* in Appendices X–XIII are outfitted with source notes and cross-references that can be used to chart patterns of progressive adaptation such as those instanced just above. These patterns can be used to determine relationships and construct a matrix of dependencies between the various blocks identified above in Table 4. Thus, the block O8–25 is seen to be dependent upon material found in the block I165–78, which in turn is dependent upon material found in the block C116–33. Figure 2 (below) represents an attempt to

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208 For detailed information on the sources of these and following *Coll.Wig.* canons, see the notes to the relevant chapters in Appendices X–XIII.

209 Cf. the discussion of these canons in the context of Ecgberht’s *Dialogus* below, Appendix III n. 41.
It must be cautioned again that this diagram does not presume to be authoritative; much work remains to be done on the sourcing of the chapters of the various Coll. Wig. redactions and future discoveries may prove to invalidate some of the relationships depicted in Figure 2. Nevertheless, illustrate graphically as many of these dependencies as possible. Note that in this diagram, the direction of the arrows suggests the direction of progress; that is, the direction of the arrows is the reverse of the direction of dependency. Note too that not all of the blocks specified in Table 4 are found in Figure 2. This is because: a) some blocks, being merely copies of Wulfstan’s primary sources (like C260–305 = Theodulf’s Cap.I), were not themselves subjected to revisions and so cannot form part of a diagram concerned primarily with patterns of successive adaptations; and b) not every block contributed to the later development of Coll. Wig. — there were, in other words, many dead-ends in the tradition.
assuming that the block boundaries identified in Table 4 are more or less correct, and assuming that the source notes in the appended editions are so far accurate, then the relationships depicted above suggest that the Coll.Wig. tradition is indeed the product of successive authorial revisions to individual blocks of material, where each block represents an original stand-alone booklet. Given this, it is not surprising that each block of canons reveals a relative chronology that is (on the whole) independent of that of other blocks in the same manuscript. Put another way, it is not the case that, because the material in one part of Coll.Wig.C is antecedent to that in Coll.Wig.O, all of the material in Coll.Wig.C is also antecedent to that in Coll.Wig.O; rather, the data show that each manifestation of a sequence, block or booklet must be independently compared with other versions of the same across the tradition, without prejudging its position based on the manuscript it happens to be found in. Nevertheless, Figure 2 reveals some interesting trends. In addition to the recensio primitiva, it is primarily the texts of Coll.Wig.C that stands at the beginning of much of the tradition. Much of Coll.Wig.C 109–329 was simply rearranged and abridged to make Coll.Wig.D, but much too went on to influence the final B redaction of the collection (i.e. Coll.Wig.I 2–164). It is worth noting that this basic pattern, wherein material early in the tradition tends to be found in Coll.Wig.C (MS A2) while material later in the tradition tends to be found in Coll.Wig.I (MS A3) accords with what has been found in studies of the tradition of non-canonical works in the Commonplace Book. That in some places early material can be found in I and later material found in C is only to be expected of a tradition that arose under the special conditions of book production at Wulfstan’s Worcester—where multiple versions of the same booklet were in circulation at the same time, and scribes (or their overseers) were allowed to include their choice of an early, late, or intermediate version of each booklet in the particular volume on which they were working. Under such conditions, a booklet of relatively primitive textual material (like I179–84) could easily be inserted into a volume that otherwise contained relatively evolved material (like A3).

As Jones has pointed out, ‘Wulfstan’s [Commonplace Book] probably never had a fixed form’. The same must also be said of Coll.Wig., at least of Wulfstan’s subsequent adaptations of it. While Wulfstan was apparently careful not to tamper with his file copy of the recensio

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210 See Elliot, ‘Wulfstan’s Commonplace Book revised’.
primitiva, he was clearly interested in mining it and many other sources for material for his own use. In producing, reworking, and revising the subsequent and various blocks of canonical and para-canonical material, Wulfstan may have been driven by a desire to produce a new collection of his own. Perhaps he was working towards a final, official statement of canon law for the people of England, as Patrick Wormald once suggested. There are good reasons to be doubtful of this, however, for a close reading of Wulfstan’s manuscripts gives the very distinct impression that he did not think in terms of ‘final statements’. Rather, he seems to have viewed his own corpus as infinitely extensible. Everything he wrote was subject to reassessment, revision and overhaul. During the turbulent political events that engulfed England in the final decades of Wulfstan’s life, events of which he was often at the centre, it must have seemed as if moral corruption was mounting all around him. A natural response would have been to reprise yesterday’s spiritual and disciplinary discourses, intensifying their rhetorical impact and adapting their message to new political and spiritual crises. As Wulfstan set about producing ever more comprehensive statements of rules for good Christian conduct, his natural habits of composition led him to author and produce multiple versions of texts concerning law and discipline. As his output grew, so did the need to organize his works, along with his various research materials, into a useful format. Similar texts would naturally have been grouped together to form small dossiers or booklets. The extant Commonplace Book manuscripts are each collections (or copies of collections) of many such booklets, bundled together according to different (although now sometimes mystifying) organizational principles.

4.7 Collectio Cottoniana

MS: A4 — edition: none

While not a collection of canons per se, the Cottoniana is an important compendium of documents pertaining to ecclesiastical law and administration in mid eighth-century Mercia. The sole manuscript witness was badly burned in the fire at Ashburnham House in 1731, and now survives as the eight folios of A4, along with one folio fragment, Oxford, Bodleian Library,

\[212\] Wormald, MEL, 218–19.
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Arch. Selden B. 26 (SC 3340), f. 34v.213 These are all that remain of the sixty-four folios in the original manuscript. Fortunately, the contents of the original can be reconstructed fairly accurately based on information provided by early-modern descriptions of the manuscript before it was burned:214

1. An abridged version of Pope Gregory I’s *Regula pastoralis*.215

2. The letter of St Boniface to Archbishop Cuthberht, written 747,216 ‘apprising him of measures recently adopted for the reform of the Frankish church, urging him to pay heed to the guidance for bishops contained in Pope Gregory’s *Liber [i.e. Regula] pastoralis*, and drawing his attention (tactfully) to certain malpractices among the English which were in need of correction:217

3. The canons of CCLO.747, thirty in all, covering the areas of ‘pastoral care, liturgy and worship and the monastic life.’218

4. The ‘text of a charter of King Æthelbald issued at a council at *Godmundeslaech* (Gumley, in Leicestershire) in 749, extending privileges to (unspecified) *monasteria et ecclesiæ*, including exemption from worldly burdens though with reservation of work on bridges and fortifications.’219

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213 Keynes, ‘Reconstruction’, 117–25. Selden B. 26 was early on separated from A4 and so is the only portion of the original manuscript not damaged by fire.


216 Boniface, *Epistola 78*, ed. Tangl, 161–70. A4 transmits this letter with readings that differ significantly from that transmitted in Continental manuscripts, posing the possibility of separate Continental and English (or ‘sender’ and ‘receiver’) traditions: Keynes, ‘Reconstruction’, 146 n. 37.


218 Cubitt, *Councils*, 99. The canons of this council are summarized above, Chapter 2 n. 167.

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It is believed that the Cottoniana probably also once included Boniface’s admonitory letter to King Æthelbald of Mercia, written 746–747. This has been deduced largely on the basis of testimony by William of Malmesbury, who discusses this letter in the same context as three of the other four documents represented in A4. Indeed, it is even possible that William gained his knowledge of the Cottoniana through A4 itself.

Obviously, in the present context the most important portion of the Cottoniana is CCLO.747, over which council Cuthberht presided. The importance of the canons of CCLO.747 to the history of Anglo-Saxon ecclesiastical legislation has been discussed by Catherine Cubitt; they appear to have influenced canons of CENG.786, and also the legislation passed at CCHE.816. Cubitt sees the CCLO.747 canons as representing ‘a comprehensive programme of reform,’ a view that is in keeping with Keynes’s opinion of the entire Collectio Cottoniana as ‘the product of a programme of reform mounted by Archbishop Cuthberht and King Æthelbald in the late 740s.’ The collection itself, as Keynes and others have suggested, may have been assembled by the bishop of Lichfield (or possible Leicester) between 749 and 757. Keynes is careful to observe that ‘the collection ... is more specifically “Mercian” than “Kentish” or “Southumbrian”’ in terms of its specific concerns, and the putative origins and provenance of the only extant

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220 Boniface, Epistola 73, ed. Tangl, 146–55. For some further context on this letter, see below, Appendix III n. 31.

221 See Keynes, ‘Reconstruction’, 117–19. The first to suggest that William may have known the Cottoniana was Stubbs, CED, III, 376 n. ‘a’.

222 Henry Spelman (†1641) edited the canons of CCLO.747 and King Æthelbald’s charter from this manuscript, though not without emending the texts as he went. Spelman’s edition is now the only complete witness to these texts: Keynes, ‘Reconstruction’, 122. John Johnson and David Wilkins each made a comparison of Spelman’s text of CCLO.747 with the original manuscript; the text printed in CED, III, 362–76 is a reprint of Spelman’s text with a collation of the textual notes made by Johnson and Wilkins: Cubitt, Councils, 266–67.


224 See above, Chapter 2 n. 173.

225 Cubitt, Councils, 99.

226 Keynes, ‘Reconstruction’, 117.

227 Keynes, ‘Reconstruction’, 139; Glatthaar, Sakrileg, 65.

228 Keynes, ‘Reconstruction’, 139.
witness to the Cottoniana, A4, would seem to confirm this. Characterizing the significance of the collection as a whole, Keynes remarks that A4 was the product and is thus the enduring symbol of a concerted programme of secular and ecclesiastical reform, orchestrated by Cuthberht, Archbishop of Canterbury, and Æthelbald, king of the Mercians, both of whom were acting in response to appeals made from the continent by Boniface, Archbishop of Mainz. The context is the abiding concern of a successful missionary archbishop for the state of ecclesiastical and secular affairs in his homeland; the willingness of the established powers in England to understand that their respective houses needed to be set in order if both were to prosper; and in the inclination of the Archbishop of Canterbury, and the King of the Mercians, to set the standards for others to follow.

In the history of Anglo-Saxon canon law, the Collectio Cottoniana is significant as the only extant collection of ecclesiastical administrative documents to have been assembled by an Anglo-Saxon and to have included Anglo-Saxon canons.

4.8 Halitgar’s penitential

MS: B5 — edition: books 1–5 in PL 105, cols 651D–710A, reprinting the 1779 edition by A. Gallandius; Book 6 (the so-called Paenitentiale pseudo-Romanum) in Schmitz, Bussbücher I, 471–89

A detailed study of PHAL.800, which is really much more like a canon law collection than a penitential, can be found in Raymond Kottje’s monumental study of Die Bußbücher Halitgars von Cambrai und des Hrabanus Maurus. Further study of the significance of this important collection to Anglo-Saxon England is greatly needed. The extremely brief discussion provided by Josef Raith—who was not aware of B5—is now nearly fifty years old and in need of

\(^{229}\) P. Sims-Williams, *Religion and literature in western England 600–800*, CSASE 3 (Cambridge, 1990), 136, has suggested that A4 originated in the West Midlands, and Glatthaar, *Sakrileg*, 65–7, suggests that the manuscript may have suffered tampering at Worcester. Notwithstanding these scholars’ speculative remarks, the origin and medieval provenance of A4 remains unknown.

\(^{230}\) Keynes, ‘Reconstruction’, 135.
The discussion provided by Allen J. Frantzen on his Web site *The Anglo-Saxon penitentials: a cultural database,* while very helpful in discussing how PHAL.800 was used by the author of the *Old English penitential,* offers little in the way of comment on the significance of PHAL.800 to Anglo-Saxon canon law in general. Many questions thus remain to be asked, much less answered. No answers will be offered here; instead, some avenues for further research and areas of possible interest will be pointed out.

First, one would like to know when and how it was that PHAL.800 came to be known in England. PHAL.800 might have entered England any time after the first third of the ninth century. The date of the *Old English penitential* would provide a *terminus ante quem* for PHAL.800’s provenance in England; however, the *Old English penitential* cannot at present be dated with any precision: all that is known, as Frantzen notes, is that it is later than PHAL.800 and earlier than the *Old English handbook* (probably s. xi). Second, it is interesting to find that certain chapters of *Coll.Wig.* draw on PHAL.800, and it would be helpful to know how this compares to the use of PHAL.800 in the *Old English penitential.* Third, the relationship of PHAL.800 to the Old English translation of Pope Gregory II’s *Anathemata* (i.e. CROM.721) found at the end of two copies of the *Old English penitential* is particularly interesting in light of the ubiquity of the latter text in canon law collections of the eighth and ninth centuries. Could the author of that penitential have used a version or manuscript of PHAL.800 that included

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231 Raith, ed., *Die altenglische Version,* xxviii–xxxvii

232 Frantzen, *Penitentials* ([http://www.anglo-saxon.net/penance/txhdoep.html](http://www.anglo-saxon.net/penance/txhdoep.html)).

233 This work, which previously went under the title *Paenitentiale pseudo-Ecgberhtii,* is that which is edited by Raith in *Die altenglische Version.*

234 See Frantzen, *Penitentials* ([http://www.anglo-saxon.net/penance/txhdoep.html#date](http://www.anglo-saxon.net/penance/txhdoep.html#date)). Interestingly, Peter Clemoes once identified Byrhtferth of Ramsey († ca 1020) as the probable author of the *Old English penitential,* citing correspondences in wording and ‘just a touch ... of the attention to external apparatus which is so evident in [Byrhtferth’s] manual’: *The Old English illustrated Hexateuch: British Museum Cotton Claudius B. IV,* eds P. Clemoes and C.R. Dodwell, Early English manuscripts in facsimile 18 (Copenhagen, 1974), 52 (my thanks to Tristan Major for bringing this reference to my attention). In the same work (p. 52 n. 2) Clemoes also suggested that the *Scriftboc* might have been composed by Byrhtferth as well. To my knowledge, no one has since attempted to confirm or deny these identifications, though they were deemed unconvincing by a reviewer of the above volume: see G. Storms, Review of *Old English illustrated Hexateuch,* in *English studies* 56 (1976), 256–58, at 257–57.

235 Cf., e.g., *Coll.Wig.O* 13–14, 16, 162; *Coll.Wig.I* 167, 175; *Coll.Wig.C* 133, 195; *Coll.Wig.D* 201

CROM.721? Finally, an investigation into the significance of B5 to the history of Anglo-Saxon canon law is in order. This Continental manuscript, originating either in Francia or Italy at the end of the ninth century, migrated via Brittany or Wales in the tenth century to England, where it resided at an unknown location during the eleventh century. It was during this time that an Old English cryptogram was added to fol. 63v: ‘ææþlyflwmiænre’, a combination of two common Anglo-Saxon names, Æþylmær and Ælfwine. This cryptogram is recorded next to the phrase de periurio in Book 4 of Halitgar’s penitential. Whether B5 was the copy of PHAL.800 used by Wulfstan and the author of the Old English penitential is a question worth pursuing, and one that could theoretically be answered on the basis of shared variant readings. Should such a study be carried out, a conclusion showing that B5 was not the source for these Anglo-Saxon works would nevertheless be of significance, for it would demonstrate that at least one additional copy of PHAL.800 had circulated in England in the late Anglo-Saxon period.

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237 Hall-Norris, ‘Chrysostom text’, 163.
5 The chronological collections

As mentioned at the beginning of Chapter 4, in comparison to the systematic collections considered thus far, there is generally much more confusion surrounding the origin and dissemination of each of the following chronological collections. This is due both to their significantly greater age, to their recensional diversity and to their use of Greek materials in a variety of translations—all of which makes it difficult both to classify manuscripts taxonomically, and to trace precisely the influence of any one tradition on another. The historical importance of the three collections considered below is based not only on the fact that they have been around for a considerably longer time than the systematic collections discussed above, but also from the fact that they provided much of the basic material for those later collections. It is necessary therefore to consider the chronological collections in greater detail, beginning with an analysis of their contents, and a brief review of their early history, before proceeding to a consideration of their influence in Anglo-Saxon England.

5.1 The Collectiones Dionysianae


5.1.1 Contents

The following list of contents for the collectiones Dionysianae is divided into two sections: Table 5, for both recensions of Dionysius’s collections of conciliar canons; and Table 6, for his decretal collection. Chapter numbering follows that used by Dionysius himself (the councils
follow the numbering used in his second recension, which differs drastically from that in his first, on which see below. Contents that are found only in Dionysius’s first recension of conciliar canons (or only in that particular position in the first recension) are preceded by ‘†’, while contents found in his second recension but not his first (or only in that particular position in the second recension) are preceded by ‘‡’. Unless otherwise noted, all translations of Greek canons are in one of Dionysius’s two translations, that is either the versio Dionysiana I (of Coll.Dion.I) or the versio Dionysiana II (of Coll.Dion.II). Because contents specific to Coll.Dion.-Hadr. can vary so widely, no attempt has been made to include them in the list below.  

![Table 5: Contents of the collectiones Dionysianae conciliorum](image)

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1 For an attempt to describe the contents of Coll.Dion.-Hadr.—one that is not without its problems—see Maassen, Geschichte, 455–48.

2 A parallel-text edition of both versions has been printed by Glorie as ‘Praefatio Dionysii ad Stephanum episcopum’, in Scriptores Illyrici minores, 39–42, who simply reprints Maassen’s editions.

3 More precisely, Coll.Dion.II places the titles for Reg.eccl.Cart.exc. between the titles for the canons of CCAR.419 and the titles for the additional acta/letters of CCAR.419.

4 Coll.Dion.II c. XXXIII includes the final canon of CCAR.419 as well as the beginning of Reg.eccl.Cart.exc.

5 Munier, Africae, 89–96.

6 EOMIA, I, 2.i, pp. 302–04 (col. VI).
<table>
<thead>
<tr>
<th>Page Range</th>
<th>Notes</th>
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<tbody>
<tr>
<td>CXXVII – CXXXVII</td>
<td><em>CCAR.419</em> (¶30 May preamble, §25 May conclusion, §25 May subscriptions, §synodal letter to Pope Boniface I [<em>Quoniam domino</em>], §rescript of Cyril of Alexandria to the African church [<em>Scripta venerationis</em>])</td>
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<td>–</td>
<td><em>CCHA.451</em></td>
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Boniface I [*Quoniam domino*] + †rescript of Cyril of Alexandria to the African church [*Scripta venerationis*] + †rescript of Atticus of Constantinople to the African church [*Per filium nostrum*] + †Nicaean definition of faith [versio Attici] + †CNIC.325 [versio Attici] + †synodal letter from Carthage [424×425] to Pope Celestine I [*Optaremus si*]

Coll. Dion. I ends at this point

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8 Munier, *Africae*, 149.
13 *EOMIA*, I, 1.ii, pp. 104–08
15 *Coll. Dion. II* c. XXXIII includes the final canon of CCAR.419 as well as the beginning of *Reg.eccl.Cart.exc.*.
16 *Coll. Dion. II* c. CXXVII includes the final canon of *Reg.eccl.Cart.exc.* as well as the beginning of CCAR.419’s 30 May preamble.
17 *Coll. Dion. II* c. CXXVII includes the final canon of *Reg.eccl.Cart.exc.* as well as the beginning of CCAR.419’s 30 May preamble.
19 Munier, *Africae*, 149.

Table 6: Contents of the Collectio Dionysiana decretalium

<table>
<thead>
<tr>
<th>Chapters</th>
<th>Contents</th>
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<tbody>
<tr>
<td>–</td>
<td>Dionysian preface ('ad Iulianum')</td>
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<td>–</td>
<td>register of titles</td>
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<tr>
<td>I–XV</td>
<td>DSIR.384.255</td>
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<tr>
<td>I–IV</td>
<td>DZOS.417.339 + DZOS.417.345</td>
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<tr>
<td>I–IV</td>
<td>DBON.418.353 + rescript of Imp. Honorius to Pope Boniface I ('Scripta beatitudinis') + DBON.418.349 + DBON.418.362</td>
</tr>
<tr>
<td>I–XXII</td>
<td>DCEL.422.381 + Prosper of Aquitaine’s Praeteritorum sedis apostolicae episcoporum auctoritates de gratia Dei et libero voluntatis arbitrio + DCEL.422.369 + DCEL.422.371</td>
</tr>
</tbody>
</table>

24 *EOMIA*, I, 1.ii, pp. 104–08
25 *EOMIA*, I, 1.ii, p. 108 (coll. II): ‘Huic symbolo fidei etiam exemplaria statutorum ... necessarium non esse credidimus’.
28 According to Wurm, *Studien*, 70, DZOS.417.345 did not form part of the original *Collectio Dionysiana decretalium*.
30 *PL* 51, cols 205A–212A.
5.1.2 Origin, structure and context

The several collections of canons prepared by the Scythian monk Dionysius ‘exiguus’ are of the utmost importance to the development of the canon law tradition in the West. Shortly after the year 500, during the pontificate of Pope Symmachus (498–514), Dionysius collected and translated into Latin the canons of the major eastern councils, including the so-called Canones apostolorum, the decrees of the councils of Nicaea (325), Ancyra (314), Neocaesarea (314×319), Gangra (343/55), Antioch (ca 328), Laodicea (343×380), Constantinople (381), Sardica (343×347), Chalcedon (451), and the so-called Codex Apiarii (CCAR.419), the last being a collection of dossiers that includes the canons, epistolae and acta pertaining to the council held in Carthage on 25 May, 419. Dionysius did this at the request of Stephen, bishop of Salona, and a certain ‘carissimus frater Laurentius’ who (as we learn from Dionysius’s preface) had been ‘offended by the awkwardness of the older [priscae] translation’. It is not certain, but it may have been within the context of the Symmachan-Laurentian dispute that these requests were made of Dionysius (for an overview of this dispute, see the discussion of Coll.Sanb., below, as well as the introduction to Appendix IV). Eckhard Wirbelauer, reviving several older arguments, has recently argued that Dionysius’s collection was meant to stand in

31 According to Wurm, Studien, 75, DLEO.440.410 did not form part of the original Collectio Dionysiana decretalium. In some enlarged versions of Dionysius’s collection DLEO.440.410 is followed by decretals by popes Hilarius, Simplicius and Felix.

32 An excellent introduction to Dionysius’s collections can be found in Firey, ‘Collectio Dionysiana’. Contrary to popular opinion, Dionysius probably used the moniker exiguus as a mark of humility; ‘Denis the insignificant’ is thus preferable to ‘Denis the short’.

33 By this designation Dionysius meant the first fifty canons of the apocryphal Greek collection (containing eighty-five canons) of the same name. On the Canones apostolorum 85, see A. van Hove, Prolegomena ad codicem iuris canonici, first edition, Commentarium Lovaniense in codicem iuris canonis 1.i (Rome, 1928), 95–6.

34 On the Codex Apiarii, see Cross, ‘History and fiction’.

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direct opposition to the views of Pope Symmachus, and thus it was likely to have won neither the favour nor acceptance of that pope, nor possibly (at least at first) his immediate successor and strong supporter, Pope Hormisdas.\textsuperscript{36}

Shortly after preparing his collection of conciliar canons (\textit{Coll.Dion.I}) Dionysius prepared a second recension of the same (\textit{Coll.Dion.II}), to which he made important changes. He updated his translations, altered rubrics, and, perhaps most importantly, introduced a system of numbering the canons in sequence (whereas \textit{Coll.Dion.I} had numbered the canons of each council separately). In \textit{Coll.Dion.II, Can.apost.} were still numbered separately from 1 to 50, but now the canons of CNIC.325 to CCON.381 were numbered in sequence from I to CLXV, ‘just’, as Dionysius says, ‘as is found in the Greek authority [\textit{auctoritate}’], that is in Dionysius’s Greek exemplar.\textsuperscript{37} Dionysius also altered the position of CCHA.451, moving it from after CCAR.419 to before CSAR.347, and removed the \textit{versio Attici} of the canons of CNIC.325 from CCAR.419 (found there in \textit{Coll.Dion.I} appended to the rescript of Atticus of Constantinople).\textsuperscript{38} Finally, he added an important collection of African canons to his second recension. Known today as the \textit{Registri ecclesiae Carthaginensis excerpta}, this ‘large body of conciliar legislation from the earlier Aurelian councils’\textsuperscript{39} was inserted by Dionysius into the middle of the \textit{Codex Apiarii}—that is between the canons and the \textit{epistolae} of CCAR.419—with the fabricated prefatory statement: ‘and in that very synod [\textit{viz. CCAR.419}] were recited the various councils of the African province that had been celebrated in bygone days of Bishop Aurelius.’\textsuperscript{40} Thus, the 137 ‘African’ canons that make up \textit{Reg.eccl.Cart.exc.} in \textit{Coll.Dion.II} are actually a concoction of Dionysius’s, a conflation of two earlier canonical collections of the African church.

\textsuperscript{36} For further on Dionysius’s possible involvement in the Symmachan-Laurentian dispute, see below, p. 200, as well as Appendix IV nn. 18–19.

\textsuperscript{37} ‘Praefatio Dionysii exigui ad Stephanum’, in \textit{Scriptores Illyrici minores}, ed. Glorie, 41, lines 68–9. The Greek source used by Dionysius seems to have been that known as the \textit{Syntagma canonum}, on which see van Hove, \textit{Prolegomena}, 98–9.

\textsuperscript{38} See above, Chapter 5 n. 25.

\textsuperscript{39} Cross, ‘History and fiction’, 235.

\textsuperscript{40} Eds Justel–Voel, \textit{Bibliotheca}, 149 (col. a): ‘Recitata sunt etiam in ista Synodo diversa Concilia vniuersæ prouinciae Africæ, transactis temporibus Aurelii Carthaginensis Episcopi celebrata.’
The existence of a third bilingual (Greek-Latin) collection of conciliar canons, in which Dionysius removed the spurious Can.apost. along with the ‘African’ canons and the problematic canons of CSAR.347, can be deduced from a preface now extant in Novara, Biblioteca Capitolare, XXX (66) (s. ix\textsuperscript{ex}, northern Italy).\textsuperscript{41} Unfortunately, no copies of the text of this recension have survived. The fact that Pope Hormisdas, noted supporter of the previous pope Symmachus, commissioned this collection from Dionysius is significant for several of reasons. First, it indicate that Hormisdas was interested in commissioning something like an authoritative collection of Greek canons for use in the West. Second, it also poses a problem for the theory that Dionysius was a staunch supporter of Laurence’s camp in the Symmachan-Laurentian conflict several years previous. Wirbelauer has attempted to explain, however, how an initially sour relationship between Dionysius and Hormisdas could have improved over time through Dionysius’s eventual capitulation to the views of the victorious Symmachian faction.\textsuperscript{42}

Sometime after preparing his collections of conciliar canons (but still during the pontificate of Symmachus), Dionysius compiled a collection of papal decretals (Coll.Dion.decr.) that he dedicated to one Julianus presbyter.\textsuperscript{43} Whether Dionysius composed this collection at Julianus’s request or on his own initiative is not known, as his preface is ambiguous on this point.\textsuperscript{44} The collection included 38 decretals\textsuperscript{45} written by popes Siricius, Innocent I, Zosimus, Boniface I, Celestine I, Leo I, Gelasius, and Anastasius II. By far the greater number of decretals were from Innocent I; the reason for this is not certain, but it is possibly explained on the theory that

\textsuperscript{41} For an edition of the preface to this lost collection, see Maassen, Geschichte, 964–65, reprinted as ‘Praefatio Dionysii exigui ad Hormisdam papam’, in Scriptores illyrici minores, ed. Glorie, 51.

\textsuperscript{42} See below, Appendix IV n. 19.

\textsuperscript{43} On the origin of Dionysius’s decretal collection, see above all Wurm, Studien, esp. 30–80. See also Firey, ‘Collectio Dionysiana’, with a helpful summary of Wurm’s work.

\textsuperscript{44} ‘Praefatio Dionysii exigui ad Iulianum presbyterum’, in Scriptores illyrici minores, ed. Glorie, 45: ‘Domino venerabili mihi Iuliano presbytero, Dionisiis exiguus. Sanctitatis tuae sedulis excitatus officiis, quibus nihil prorsus eorum, quae ad ecclesiasticam disciplinam pertinent, omitit inquirere, praeteritorum sedis apostolicae praesulum Constituta, qua ului cura diligentiaque collegi, et in quendam redigens ordinem, titulis distinxi compositis: ita dumtaxat, ut, singularum pontificum, quotquot a me praecepta reperta sunt, sub una numerorum serie terminarem, omnesque titulos luice praefationi subnecterem—eo modo, quo dum, de graeco sermone patrum transferens Canones, ordinaram, quod uobis nullium placuisse cognoveram.’

\textsuperscript{45} DZOS.417.345 and DLEO.440.410 are thought not to have been included in Dionysius’s original collection; see above, Chapter 5 nn. 28 and 31.
Dionysius had access to a collection of Innocent’s letters that was not found in the papal archives and that had not been available to previous compilers of decretal collections. While Dionysius’s decretal collection would come to be the most important vehicle in the dissemination of late antique papal decretals throughout the early Middle Ages, by no means was it the first nor, at least in Dionysius’s lifetime, the most influential. Rather, in the earliest days of the development of decretal collections, several relatively mysterious collections known as the *Canones urbanici*, the *Epistolae decretales*, and a third unnamed collection—one that served as the common source for the *collectiones Corbeiensis* and *Pithouensis*—were in circulation. Dionysius would have been familiar with these collections, and indeed drew on some of them; but the very fact that he felt compelled to compile his own collection of papal decretals speaks to his being unhappy with the quality and coverage of other such collections that were available at the time.

So far as can be known, Dionysius did not package his conciliar and decretal collections together, nor is there any evidence that he intended them to combined. In fact, given the many differences between the collections in terms of genre, themes, tone, style, chronological and geographical coverage, and possibly even jurisdiction—his decretal collection was, after all, ‘less oecumenical in its conception than the collection of conciliar decrees’—in all likelihood he viewed their creation as entirely separate enterprises with entirely separate end products, intended for dissemination in separate contexts for entirely different uses. Nevertheless, the two collections were eventually joined together by Dionysius’s readers to form a combined collection of conciliar and papal decrees. This combined collection of conciliar and decretal canons went on to become widely popular and served as the bedrock for many subsequent variations on

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47 On these early decretal collections see Jasper, ‘Decretal tradition’, esp. 23–6; see also the comments on the sources for the Leonine component in *Coll.Quesn.*, below, Chapter 5 nn. 143 and 145.

48 Firey, ‘*Collectio Dionysiana*’, who notes a further distinction: ‘The [conciliar collection] represented a finite body of law, for the few councils after Chalcedon considered oecumenical did not issue disciplinary canons until the late eighth century; the [decretal collection], as the additions to the Dionysian collection show, was a more readily expanded and clearly continuing source of legal opinion.’

49 The precise time that this happened remains unknown; for discussion of this problem, see the concluding paragraphs of Firey, ‘*Collectio Dionysiana*’. 
Dionysius’s original collections; and it is to versions of such combined collections (rather than the three/four originally separate collections) that modern scholars typically refer when they use the title ‘Collectio Dionysiana’.

*Coll.Dion.* exerted considerable influence on the development of canon law both within Italy and in other parts of Western Europe. In fact, no other Italian collection achieved as much success outside of Italy than did *Coll.Dion.* As mentioned, the collection in its combined form was soon and continually supplemented and augmented, and by the eighth century numerous modified forms of *Coll.Dion.* could be found throughout the West. ⁵⁰

The mention in Dionysius’s preface of the existence of a previous translation (‘priscae translationis’) of the Greek conciliar canons is important. Several older and comparatively inept Latin translations of the eastern canons were in circulation in the West by the time Dionysius set to preparing his own translations—which are universally recognized as being of exceptional quality. Dionysius’s translations, and indeed his collections, were thus relatively late arrivals on the Latin canonical scene. Latin collections of conciliar canons and papal decretals had in fact been available in Rome for at least a century before the appearance of *Coll.Dion.¹*, and, as will be seen in the discussion of *Coll.Quesn.* and *Coll.Sanb.* below, such collections continued to be used in Italy well after the publication of *Coll.Dion.* Nevertheless, in part because of the semi-official support they enjoyed, Dionysius’s collections quickly rose in popularity, and appear to have acquired dominance in Rome relatively early on in the sixth century. Cassiodorus (Dionysius’s contemporary), from whom historians get almost all of their information regarding Dionysius’s life and character, remarked that ‘Today the Roman Church makes continual use of [Dionysius’s canonical collections]’ ⁵² Already in 534 Pope John II can be seen quoting from Dionysius’s conciliar and decretal collections in a letter (JK 888) written to Caesarius of Arles. ⁵³

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⁵⁰ Two of these—the *Collectio Dionyisana Bobiensis* and the *Collectio Mutinensis*—are discussed in Appendix I.


⁵² Firey, ‘Collectio Dionysiana’.

⁵³ On this letter see: Maassen, *Geschichte*, 297 and 437; Wurm, *Studien*, 44; and Jasper, ‘Decretal tradition’, 68 n. 288; and Elliot, ‘New evidence’. It is edited by de Clercq, *Galliae*, 87–89, lines 1–74. Pope John’s letter to Caesarius concerned the deposition of Contumeliosus from his office as bishop of Riez, and the canons he subjoins to his letter were selected by him because, taken together, they require anyone unanimously convicted of a serious
And in the eighth century, Dionysius’s collections were the standard canonical source used by Pope Zacharias. By this time, however, it was probably not from ‘pure’ Dionysian collections that Zacharias was quoting, but from one of the many expanded forms that were in common circulation.

The most famous example of an expanded form of the Dionysian collection arose in the eighth century: the Collectio canonum Dionysio-Hadriana (Coll.Dion.-Hadr.), so-called because it is supposed to have been presented to Charlemagne by Pope Hadrian I in 774—though there is in fact little evidence to support this legend. This greatly expanded form of Coll.Dion. included a number of updates and improvements over Dionysius’s original collection, including subscription lists for all councils as well as additional creeds, decrets and (usually occupying final position in the collection) Pope Gregory II’s Anathemata (CROM.721). Some versions of Coll.Dion.-Hadr. are prefaced with an acrostic poem that is addressed ‘To the most excellent son Lord Charles, the great king, from Pope Hadrian’. Hadrian’s authorship of this poem, however, has been called into question; moreover, the fact that the poem is not found in most manuscripts of Coll.Dion.-Hadr. raises doubts about its value as evidence for the context in which the collection was introduced into Francia. Traditional scholarly opinion has been that Coll.Dion.-

crime (fornication, in particular) to be expelled from holy orders with no hope of reinstatement. The canons quoted by Pope John are (de Clercq, Galliae, 88–9): ‘capitulo vii’ of DSIR.384.255; ‘titulo xxv’ and ‘xxviii’ of Can.apost.; ‘capitulo xlv’ (= c. 1) of CNEO.315; and ‘capitulo iii’ and ‘xxv’ of Antioch. The chapter numbering clearly indicates that John’s sources were the conciliar and decretal collections of Dionysius.


55 See Firey, ‘Mutating monsters’. On p. 1 Firey comments that ‘An embellishment of the story is that the Hadriana was delivered in response to a request from Charlemagne for an authoritative collection that he could promulgate in his realms as a part of a policy of reform, to counteract the legal disarray in his kingdoms.’ Firey then notes (p. 2 n. 3): ‘To the best of my knowledge, there is no record of such a request for an “authentic” collection of canon law, or for its recommendation, from Charlemagne.’

56 See Firey, ‘Mutating monsters’, whose findings are considered further below.
Hadr. was the only papally authorized collection of church law at the time, and that, by virtue of the symbolic presentation to the King of the Franks, it became the standard ‘code’ of canon law in Charlemagne’s empire. This older view must now give way to the findings of recent research, which has not only called into question the collection’s supposed imperial associations, but has emphasized the multiplicity of other canon law collections that continued to be copied and created in Francia after Coll.Dion.-Hadr.’s introduction. The fact that a number of other collections thrived during the height of the Carolingian empire, and the fact that these alternative collections offered important and widely-used canonical materials not available in the more old-fashioned Coll.Dion.-Hadr., makes it seem unlikely that early ninth-century canonical culture was dominated by a Coll.Dion.-Hadr. hegemony. As popular as Coll.Dion.-Hadr. became in sub-Carolingian Francia, it was probably not treated by ninth-century ecclesiastics and jurists as the single authorized codification of church law; rather it was only one among many collections utilized by an active juristic class working within a lively legal culture that was constantly reinterpreting the meaning and uses of law and legal authority.

5.1.3 Transmission and use in England

The collections of Dionysius were warmly received within the Anglo-Saxon church. Given Coll.Dion.’s popularity with the papacy, this is not surprising; it was, after all, a Roman bishop who sent Augustine to Kent, and it was Roman personnel who governed the church in Canterbury for much of the seventh century. Notwithstanding the evidence for the use of other Italian collections in England in the seventh and eighth centuries—namely Coll.Quesn. and Coll.Sanb., both to be considered below—it seems safe to assume that, as a direct result of Canterbury’s strong ties to the Roman see, several copies of Coll.Dion. (in one form or another) were introduced into the English church during the seventh century. This assumption is buttressed by the fact that Archbishop Theodore of Canterbury—whose reforms sought to

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58 Firey, ‘Toward a history’.
reinforce Roman institutional values—would later come to rely upon Coll.Dion. in matters of
court administration and to educate the burgeoning Anglo-Saxon ecclesiastical class.59

Besides its use by and popularity with Theodore and his school, however, there are indications of
a particular fondness for Coll.Dion. within the Anglo-Saxon church. It may be, for example, a
combination Dionysian conciliar and decretal collection that is alluded to in the profession of
obedience made by Bishop Deneberht of Worcester to Archbishop Æthelheard in 798, in which
Deneberht affirms, ‘I take up [suscipio] the decrees of the pontiffs, and six ecumenical
[catholicas] synods of those ancient and heroic men, and I observe with sincere devotion the law
[regulam] set out by them’. 60 If so, and if this can be taken as exemplary of episcopal professions
at the time, then one could infer that a thorough familiarization with Coll.Dion. was a
prerequisite to episcopal ordination in eighth- and ninth-century England.61 To be sure, this is
rather ambiguous evidence; there is no reason that Deneberht could not have been referring
instead to Coll.Sanb., for example, or any other chronological collection that includes both
conciliar canons and decreals. But there are yet other indications of the popularity of Coll.Dion.
among Anglo-Saxons. Specifically, they come from Archbishop Ecgberht of York and from St
Boniface’s of Germany. The evidence for Ecgberht’s knowledge of Coll.Dion.decr. is discussed
in detail in Appendix III and so will not be considered here;62 the present chapter focuses instead
on the evidence for Coll.Dion.’s use in the Bonifatian mission—or, more precisely, in Boniface’s
Kreis.

59 On Theodore’s use of an enlarged Coll.Dion.II, see the discussion of Coll.Sanb., below.
60 CED, III, 526: ‘Suscipio etiam decreta Pontificum, et sex synodos catholicas antiquorum heroicorum virorum, et
praefixam ab eis regulam sincera devotione conservo’. Cf. Helmholz, Canon law, 12. The phrasing clearly indicates
a ‘chronological’ collection comprised of both decreals and conciliar canons. It is interesting, however, that in
Deneberht’s profession decreals are mentioned before conciliar canons, whereas in most combination conciliar-
decrethal collections, decreals follow conciliar canons. Could this mean that he had in mind two separate collections,
perhaps Coll.Dion.II and Coll.Dion.decr.?
61 Cf. Wulfstan’s Be gehadedum mammum, a text detailing the method of examination for a cleric before he enters
major orders. In c.13 (ed. Jost, Die ‘Institutes of Polity’, 220) Wulfstan writes that the incumbent is to be examined
on ‘whether he knows the canons to any extent’ (‘hwæder he canon cunne be ænigum dæle’).
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*Coll.Dion.* exerted a marked influence on St Boniface reforms on the Continent, whose frequent use of this collection (among others) has been documented by Michael Glatthaar.\(^{63}\) **D10** and **D6**, moreover—which are in fact the only surviving complete copies of *Coll.Dion.1*\(^{64}\)—were both copied in the Main River region, possibly at Fulda, the centre of Boniface’s cult in the eighth and ninth centuries. **D10** in particular has been considered a ‘Bonifatian’ manuscript,\(^{65}\) and may be a copy of a canonical manual actually used by him. In addition to *Coll.Dion.1*, personnel in Boniface’s circle seem also to have had access to *Coll.Dion.decr.* In about 742, Boniface consecrated three Anglo-Saxon men as bishops of dioceses east of the Rhine. One of these, Burghard, left behind an inventory of books from his library at Würzburg.\(^{66}\) The inventory survives in Oxford, Bodleian Library, Laud. Misc. 126, a Frankish copy of Augustine’s *De trinitate*, to whose final folio (260r) a catalogue of the Würzburg library has been added, written *ca* 800 in Anglo-Saxon minuscule.\(^{67}\) The catalogue lists ‘decreta pontificum’ as the fifteenth item. Scholars have attempted to identify several Würzburg books with this description, with the main candidates being **D13**, **D14**, and **D15**.\(^{68}\) The former two can be ruled out, for **D13** contains only conciliar canons—and so is not likely to have been described as ‘decreta pontificum’—and **D14** (which also contains only conciliar canons, though may once have contained decretales as well) is simply not old enough to have been described by the catalogue in question. Only **D15**—which is, as far as can be told, a *Collectio decretalium* and no more\(^ {69}\)—both fits the


\(^{64}\) Another nearly complete copy survives that is older than both of these manuscripts, on which see below, Chapter 5 n. 88.


\(^{66}\) On Burghard and other of Boniface’s Anglo-Saxon appointees in Bavaria, see Levison, *England and the Continent*, 80–1; for Boniface’s consecrations, see Wallace-Hadrill, *Frankish church*, 157.


\(^{69}\) It has often been claimed, without warrant, that **D15** is a copy either of *Coll.Dion.-Hadr.* or of the Dionysian councils.
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description found in the inventory and is old enough to have been included in the catalogue.\(^{70}\) Note that while \textbf{D15}, copied \textit{ca} 800, is itself too young to have been a book used by Burghard, it is very probable that Burghard was able to avail himself of \textbf{D15}’s exemplar.\(^{71}\)

There may in fact be further connections between Anglo-Saxons, Würzburg, and Dionysian collections. \textbf{D13} and \textbf{D14} are very closely related collections, and that they both happen to have Anglo-Saxon connections is certainly of significance. Some scholars have treated these manuscripts as copies of \textit{Coll.Dion.-Hadr.}; nevertheless, they will here be considered as copies of \textit{Coll.Dion.II}, on the grounds that they lack many of the features that have traditionally been used to define a \textit{Coll.Dion.-Hadr.}, most importantly Hadrian’s dedicatory poem and CROM.721.\(^{72}\) It is true that they share some features believed to be common to \textit{Coll.Dion.-Hadr.}. For example, they include episcopal lists for CNIC.325, CANC.314, CNEO.315, CGAN.355, CANT.328, CCON.381 and CCHA.451. While it is true that, as mentioned above, subscription lists were not part of Dionysius’s original collections,\(^{73}\) and that they are a common feature of most versions of \textit{Coll.Dion.-Hadr.},\(^{74}\) there nevertheless did circulate some versions of \textit{Coll.Dion.II} that included subscription lists.\(^{75}\) Moreover, \textbf{D13} and \textbf{D14} both contain, following

\(^{70}\) This is also the conclusion drawn by Josef Hofmann, ‘Würzburger Dombibliothek’, 145. It is nonsensical to suppose that the use here of ‘pontificum’ to describe a collection of canons could refer to anything but a collection of papal decrets. If conciliar canons had been meant, the entry would doubtless have read ‘libri canonum’ or ‘canones conciliorum’, or some such description. The principal candidate for this entry, therefore, is unavoidably Dionysius’s collection of papal decrets.

\(^{71}\) Michael Lapidge, \textit{Library}, 148, argues that the original composition of the Laud. Misc. 126 library catalogue dates to ‘soon after the founding of the see of Würzburg in 742’; if this is true, then the identification of item fifteen with \textbf{D15} would have to be changed to an identification with \textbf{D15}’s exemplar, which would definitely put a copy of \textit{Coll.Dion.decr.} in Würzburg under Burghard’s pontificate.

\(^{72}\) It must be acknowledged, however, that \textbf{D14} is incomplete at its end. It is possible that it may have once contained CROM.721, along with any number of other texts (including papal decrets).

\(^{73}\) C.H. Turner, ‘Chapters in the history of Latin MSS. I’, \textit{JTS} 1 (1900), 435–441, at 441.

\(^{74}\) Note, however, that in \textbf{B6}’s copy of \textit{Coll.Dion.-Hadr.}, subscription lists have been removed from all councils except CROM.721. Subscription notices, however (e.g., ‘Et suscripserunt XXX episcopi qui in eodem concilio conuenuerunt’), have been retained.

\(^{75}\) Cf., e.g., Turner’s sigla ‘A’ and ‘s’ in \textit{EOMIA}. For CNIC.325, CANC.314, CNEO.315, see \textit{EOMIA}, I, 1.ii, p. 273, and II, 1, pp. 51, 53, where the siglum used for \textbf{D13} is ζ. For CCHA.451, see \textit{ACO}, II, 2.ii, pp. 155–69, where the siglum used for \textbf{D13} is ‘π’. Neither Schwartz nor Turner considers \textbf{D14}, nor does Turner collate \textbf{D13} for CGAN.355, CANT.328 or CCON.381. Thurn, \textit{Handschriften}, III.1, 4–5, however, notes that \textbf{D13}, fols 15r, 18v and 23r–24v contain episcopal lists for these councils, respectively (Thurn also notes that \textbf{D13}’s list for CGAN.355
CGAN.355, that council’s synodal letter, but in ‘Isidori antiqua’ translation.\textsuperscript{76} This is important because, as Turner notes, \textit{Coll.Dion.-Hadr.} includes this synodal letter in ‘Isidori vulgata’ translation.\textsuperscript{77} If there are other canon law collections from the Dionysian tradition that contain the Gangran synodal letter in ‘Isidori antiqua’ translation, as \textbf{D13} and \textbf{D14} do, then I am not aware of them. \textbf{D14} also contains the Antiochene synodal letter in ‘Isidori’ translation, which is a document that is not included in other versions of the Dionysian collections.\textsuperscript{78} Further, between the register of titles and canons of CSAR.347, both \textbf{D13} and \textbf{D14} contain the rather lengthy preface (or ‘Erörterung’) to what is known as the \textit{Brevatio canonum Sardicensium}.\textsuperscript{79} While this preface—which is proper to the \textit{collectiones Maassenianae}—is not unknown in copies of \textit{Coll.Dion.-Hadr.}, it is only rarely found in them.\textsuperscript{80} Finally, and perhaps most importantly, \textbf{D13} ‘differs strikingly’ from Turner’s edition. The contents of \textbf{D14}—which can be assembled by comparing Thurn’s description of this manuscript against that of Würzburg, Universitätsbibliothek, M.p.th.f. 70 (Thurn, \textit{Handschriften, III.1, 57–58 and 60})—include lists for all seven councils; however, Thurn, \textit{Handschriften, III.1, 57}, notes that \textbf{D14}’s list for CANT.328 ‘deviates considerably’ from Turner’s edition. Note that \textbf{D13} also includes an episcopal list for CSAR.347, another feature common to \textit{Coll.Dion.-Hadr.}. Very probably \textbf{D14} did as well, though this is not certain because its copy of CSAR.347 ends incompletely.

\textsuperscript{76} For \textbf{D13}, see Thurn, \textit{Handschriften, III.1, 4}, noting ‘Haec autem scripsimus non qui in ecclesia ... Ed.: TURNER 2, 2, S. 212–214 (jeweils link Spalte).’ For \textbf{D14}, see Thurn, \textit{Handschriften, III.1, 60}, noting ‘(29°–30°:) TURNER, 2, 2, S. 212–214, und zwar nach dem Schlüß Sp. III.’ In both instances, Thurn is referring to the ‘Isidori antiqua’ translation of the Gangran synodal letter.\textsuperscript{77} Turner, \textit{EOMIA}, II, 2, p. 162.\textsuperscript{78} Thurn, \textit{Handschriften, III.1, 60}, noting ‘(30°–31°:) TURNER, 2, 2, S. 228–230, Sp. III.’\textsuperscript{79} The \textit{Brevatio}’s preface, which begins ‘Sunt etiam regulae ecclesiasticae’, is edited in \textit{EOMIA}, I, 2.iii, pp. 540–42. According to Thurn, \textit{Handschriften}, 5 and 60, the preface is found in \textbf{D13}, fol. 33r–v, and in \textbf{D14}, fol. 66v–68r.\textsuperscript{80} So far as I can gather, it is known in only eleven other manuscripts. For discussion of the \textit{Brevatio}, including a list of several manuscripts/collections in which it can be found, see E. Seckel, ‘Studien zu Benedictus Levita VII’, \textit{Neues Archiv der Gesellschaft für ältere deutsche Geschichtskunde} 34 (1909), 319–81, at 376–81. The \textit{Brevatio} first appears in the \textit{collectiones Frisingensis prima} and \textit{Wirceburgensis} (Munich, Bayerische Staatsbibliothek, Clm 6243 [s. viii\textsuperscript{a}], Bodensee region) and Würzburg, Universitätsbibliothek, M.p.th.f. 146 [s. ix\textsuperscript{13}, Main River region], respectively), collections that are sometimes grouped together under the title \textit{Collectio Maasseniana} (on which see below, Chapter 5 n. 135). In both collections the \textit{Brevatio} is accompanied by the preface in question. The \textit{Brevatio} (with preface) is included as part of \textit{Coll.Dion.-Hadr.} in Vatican, Biblioteca Apostolica Vaticana, Lat. 1337 (s. ix\textsuperscript{a}, upper Rhine region) and in two manuscripts that contain additions taken from \textit{Coll.Dion.-Hadr.}, namely Rome, Biblioteca nazionale centrale, Sessor. LXIII (s. ix\textsuperscript{4}, Nonantola) and Munich, Bayerische Staatsbibliothek, Clm 3860 (s. ix\textsuperscript{a}, northern Italy): see the Ballerinis, \textit{Disquisitiones}, part 3, c. 2, § 6 (PL 56, cols 209C–211A); \textit{EOMIA}, I, 2.iii, p. 535; and Seckel, ‘Studien zu Benedictus Levita VII’, 378 n. 2. The preface can also be found, without the \textit{Brevatio}, in the enlarged \textit{Coll.Dion.II} in Rome, Biblioteca Vallicelliana, A. 5 (s. ix\textsuperscript{20}, Rome) (see the Ballerinis, \textit{Disquisitiones}, part 3, c. 3, § 5 [PL, col. 214C]), and (according to Maassen, ‘Bibliotheca Latina juris canonici
and D14 lack a critical ‘Hadrianic’ passage, located between the end of the register for Can.apost. and the beginning of the text of Can.apost. itself. For the sake of comparison, here is how the transition runs in B6’s copy of Coll.Dion.-Hadr.: 81

[final title in the register:] Quod non debeat una mersio in baptisme quasi in morte domini prouenire.

EXPLICIUNT TITULI CANONUM APOSTOLORUM.

INCIPIUNT ECCLESIASTICE REGULE SANCTORUM APOSTOLORUM prolatę per Clementem ecclesiae Romanae pontificem, quae ex gregis [sic pro graecis] exemplaribus in ordine primo ponuntur. Quibus quamplurimi quidem consensum non praebuere facile, et tamen postea quaedam constituta pontificum ex ipsis canonibus adsumpta esse uidentur.

INCIPIUNT CANONES APOSTOLORUM.

[rubric for the first canon:] De ordinatione episcopi.

In D13 and D14, however, the transition is greatly simplified. 82

[final title in the register:] Quod non debeat una mersio in baptisme quasi in morte domini prouenire.

INCIPIUNT CANONES APOSTOLORUM.

[rubric for the first canon:] De ordinatione episcopi.

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81 B6, fols 143v–144r.

82 Based on the description of D13 by Thurn, Handschriften, 4, and of D14 by Firey, ‘Mutating monsters’, 10.
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**D13** and **D14** thus lack not only the passage (‘quae ex graecis ... esse uidentur’) that impugns the authority of *Can.apost.*—a passage that, according to Turner, ‘in solis codd [scil. Hadrianis] inventur’—but also the title that attributes the promulgation of *Can.apost.* to ‘Clementem ecclesie romane pontificem’. The absence of these features in **D13** and **D14** is significant, for their presence in other manuscripts has been considered an important diagnostic of the *Coll.Dion.-Hadr.* tradition. The only other manuscript recorded by Turner that makes the same abrupt transition within *Can.apost.* that **D13** and **D14** do is Vatican, Biblioteca Apostolica Vaticana, Pal. Lat. 485 (s. ix², Lorsch), a manuscript with some connection to Würzburg and possibly, judging from its contents, the eighth-century Anglo-Saxon mission.

It may be, therefore, that **D13** and **D14** represent a special Anglo-Saxon recension of Dionysius’s conciliar collection, one that included episcopal lists for most councils, the Gangran synodal letter in ‘Isidori vulgata’ translation, and the preface to the Sardican *Brevatio*. This recension of *Coll.Dion.* is also noticeable for either having never received, or else having purged after it had received, the transitional material between the titles and canons of *Can.apost.* If it can be presumed on the basis of **D13** and **D14**’s connections to the Anglo-Saxon mission that this special recension was indeed one that was in use by Anglo-Saxons working on the Continent, then a natural inference would be that it had been exported from England to the area of the Anglo-Saxon mission sometime during the eighth century. The fact that **D13** and **D14**, two collections so alike to one another, both ended up in Würzburg despite their having putative origins in different places in the Main River region seems a strange coincidence, and is difficult to explain. Indeed, it leads one to suspect that perhaps the place of their putative origin has been misjudged. It would be far simpler to explain their similarity in content and early provenance if

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84 Emphasis added. The importance of the last three words is that they are found only in *Coll.Dion.II* and *Coll.Dion.-Hadr.*


86 Turner’s ‘p’, which, as he notes (*EOMIA*, I, 1.i, p. 8), follows ‘expliciunt capitula’ with ‘incipiunt canones apostolorum’. On this manuscript see Haggenmüller, *Die Überlieferung*, 106–08. In addition to a number of capitularies by Theodulf, Ghaerbal and Walcaud, Pal. Lat. 485 contains several canonical/penitential texts of Insular origin, including PCUM.600, PTHU.700.1–2, PECG.700, and a ‘Sonderrezension’ of PBEV.800. It also contains excerpts from PECU.700 and the *Collectio Sangermanensis* (cc. 12.1–5, chapters drawing on Isidore’s *Etymologiae*).
both books originated in the same place, where they would have been copied from the same exemplar. Might this place have been Würzburg itself? Bischoff assigned the origin of these manuscripts to ‘Germany’ rather than to Würzburg (and one expects that Bischoff could recognize a Würzburg book when he saw one). But even Bischoff’s palaeographical identifications were at best merely guesses (albeit highly educated ones). It remains a tantalizing possibility that both D13 and D14 were copied at Würzburg from an exemplar deposited there during the Anglo-Saxon foundation of the Dombibliothek in the middle of the eighth century.

One further aspect of D14 must be mentioned. The feature of D14 that points most strongly to its belonging to the Coll.Dion.-Hadr. tradition is the unique inscription that one of D14’s scribes has added to fol. 1v: ‘ISTE CODEX EST SCRIPTUS DE ILLO AVTHENTICO QVEM DOMNUS ADRIANUS APOSTOLICUS DEDIT GLORIOSISSIMO CAROLO REGI FRANCORUM ET LANGOBARDORVM AC PATRICIO ROMANORVM QVANDO FUIT ROMAE’. This ‘striking, even aggressive’ inscription—which, it must be emphasized, is not found in any other canon law collection from the early Middle Ages—has recently been discussed by Abigail Firey. She comments that

The declaration that the manuscript is taken from an authentic copy of that sent by Hadrian to Charles is especially interesting in light of the fact that the transcribed collection seems not to display the additions to the Dionysiana that Maaschen proposed as features distinguishing the Hadriana from the Dionysiana. It is impossible to assess whether there were decretals following the councils, and whether they included Hadrianic additions to the Dionysian decretal collection cannot be determined. The surviving conciliar collection of the manuscript, however, does not include the ‘Hadrianic’ rubric about the history and status of the Apostolic Canons [as also with D13, discussed above]: the text simply begins, ‘Incipiunt tituli canonum apostolorum’ and, after the tituli, ‘Incipiunt canones apostolorum.’ The same simplicity characterizes the subsequent transcriptions of councils; as the catalogue notes, they are ‘ohne gesonderte Titelangabe.’

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87 Firey, ‘Mutating monsters’, 10.
The general historical value of manuscripts like D13 and D14 is that they complicate what is quite probably an oversimplified picture of the recensional history of Coll.Dion. in general and of Coll.Dion.-Hadr. in particular. It has been recognized for some time that even among the earliest witnesses of the ‘pure’ Coll.Dion., some of which predate Hadrian’s pontificate by a century or more, one can find features that historians have long considered diagnostic of the Coll.Dion.-Hadr. tradition. Clearly, then, something is wrong with scholars’ current recensional categories. The most likely explanation is the existence of many points of contamination within the tradition. It seems that D13 and D14 represent one such point, where Anglo-Saxon ecclesiastics, for whatever reason, combined features of their own English copies of Coll.Dion.II with features of the emerging Coll.Dion.-Hadr. tradition to create a collection specific to their needs and preferences.

The final Coll.Dion. manuscript to consider brings the discussion forward to Wulfstan and the late Anglo-Saxon period, when it seems that Anglo-Saxon predilection for this collection had all but faded. B6 is the only extant copy of Coll.Dion. actually known to have circulated in England. B6 is a composite volume, put together in northern Francia, and containing a highly abbreviated copy of Coll.Dion.-Hadr. This copy contains conciliar canons only, and omits subscription lists and papal decretals altogether. The manuscript is known to have spent some time in Canterbury during the tenth century, for it was there that B6’s first quire was replaced. From Canterbury it came, probably with Wulfstan and probably before 1007, to Worcester (or possibly York). It was in Worcester (or, again, possibly York) that Wulfstan used B6 in his work editing and revising Coll.Wig. It was seen above in Chapter 4 how Wulfstan, an avid corrector and reviser of texts, was wont to correct B6 against other manuscripts, as he did with B6’s copy of Ansegis. It is probably significant, therefore, that Wulfstan chose not to correct B6’s copy of Coll.Dion.-Hadr., even though the text is quite corrupt and disjointed in places. On the one hand, this could suggest that Wulfstan did not have a model against which to correct B6’s text, which would

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88 See, e.g., Turner, ‘Chapters on the history of Latin MSS. III’, 433, who notes the presence of the Nicaean, Constantinopolitan and Chalcedonian creeds and several subscription lists—all thought to be features of the Hadriana—in St Petersburg, Rossiyskaya Natsional’naya Biblioteka, F.v.II.3 (s. vii, Burgundy), containing the Collectio Lugdunensis, which incorporates Coll.Dion.II in full and so stands as the earliest near complete copy of any of the Dionysiana collections.

89 For details, see the catalogue of contents in Appendix VI (item no. 13).
mean that \textbf{B6} was his only copy of the ancient conciliar canons of the church. This, if true, would be remarkable; for, it would imply something significant about the state of canon law learning in late Anglo-Saxon England if the head of the churches of both Northumbria and Worcester were not easily able to get his hands on a second, uncorrupted copy of the ancient councils. On the other hand, it might only mean that Wulfstan was simply not very interested in \textbf{B6}’s copy of \textit{Coll.Dion.-Hadr}. Indeed, based on the kinds of sources used for \textit{Coll.Wig.}, it seems safe to assume that systematic collections like \textit{Coll.Hib.} and \textit{Coll.vet.Gall.} were more favoured in Wulfstan’s circle than old-fashioned chronological ones like \textit{Coll.Dion.-Hadr.}; these, being far more ancient and possibly less in vogue, might have been allowed to collect dust on the shelves. This inference is supported by the fact that \textbf{B6} contains two systematic collections (Ansegis and \textit{Coll.Hib.}) that \textit{are} corrected by Wulfstan. On balance, this latter possibility seems the more likely: Wulfstan was simply much less interested in \textbf{B6}’s \textit{Coll.Dion.-Hadr.} than he was in its more up-to-date and systematic canonical offerings.

In the context of the history of Anglo-Saxon canon law, \textit{Coll.Dion.} is unusual in that evidence for its use is relatively common. Evidence for other kinds of chronological collections is comparatively difficult to come by; yet, the possibility that Anglo-Saxons used alternative collections should never be ruled out. \textit{Coll.Dion.} was not, after all, without its competitors. Two of these competitors—\textit{Coll.Quesn.} and \textit{Coll.Sanb.}—also appear to have made strong inroads into the early Anglo-Saxon church.

\section*{5.2 Collectio canonum Quesnelliana}

\textbf{MSS} \textbf{C1, C3, D5, D11, D12} — edition: \textit{PL} 56, cols 359A–746C, reprinting the 1757 edition by the Ballerini brothers. Conciliar canons are also collated in \textit{EOMIA} (as ‘Q’) from all eight extant manuscripts; CCHA.451 and CEPH.431 components are collated in \textit{ACO} (as ‘Q’) from five manuscripts. The \textit{Symmachiana} component (SK1, in two manuscripts only) is collated by Wirbelauer, \textit{Zwei Päpste}, 228–46, from Paris, Bibliothèque nationale, Lat. 1454 and Lat. 3842A (\textit{= Wirbelauer sigla ‘P8’ and ‘P7’}).
5.2.1 Contents

The contents of *Coll.Quesn.* have been fully catalogued by Maassen. The components of this collection are numbered (bold Roman numerals) in Table 7 in accordance with the chapter divisions found in the manuscripts. Corresponding columns in the edition by Quesnel and the Ballerinis (reprinted in *PL* 56) are given in parentheses.

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92 Ed. by Goldbacher as Augustine’s *Epistola 175*, CSEL 44, 652–62.

93 Ed. by Goldbacher as Augustine’s *Epistola 176*, CSEL 44, 663–68.

94 Ed. by Goldbacher as Augustine’s *Epistola 177*, CSEL 44, 669–88. This letter now extant only as part of *Coll.Quesn.*

95 The acts of this council are preserved only incompletely, and in three recensions, all of which have been edited by Munier, *Africæ*, 69–77 and 220–32. *Coll.Quesn.* transmits the first (pp. 69–73) of the three recensions printed by Munier.

96 Ed. G.F. Hänel, *Corpus legum ab imperatoribus Romanis ante Iustinianum latarum ...* (Leipsig, 1857), 238b–39a. This letter now extant only as part of *Coll.Quesn.*
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| XV     | edict of Palladius, p.p. (‘In Pelagium’) 97 (492C–493A) |
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| XXV    | constitutio of Imp. Valentinian and Marcianus (‘Omnibus negotiis’) to Anatolius of Constantinople 103 + Chalcedonian ordo gestorum 104 + Chalcedonian definition of faith 105 + CCHA.451 (versio prisca) 106 (527A–547B) |
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97 Ed. Hänel, Corpus legum, 239a. This letter now extant only as part of Coll.Quesn.

98 Ed. Hänel, Corpus legum, 239b. Coll.Quesn. is the principal source for this letter, which has been taken up into several other medieval collections (see Maassen, Geschichte, 319 no. 318.33).

99 Coll.Quesn. is the principal source for this letter, which has been taken up into several other medieval collections (see Maassen, Geschichte, 355 no. 376).

100 Ed. by Goldbacher as Augustine’s Epistola 186, CSEL 57, 45–80, at p. 70 line 13–p. 73 line 23.

101 Ed. Hänel, Corpus legum, 240b–41a. Coll.Quesn. is the principal source for this letter, which has been taken up into several other medieval collections (see Maassen, Geschichte, 320 no. 318.37).

102 Ed. Hänel, Corpus legum, 241a. Coll.Quesn. is the principal source for this text, which has been taken up into several other medieval collections (see Maassen, Geschichte, 320 no. 318.38).

103 ACO, II, 2.ii, no. 1, p. 95; also in Corpus legum, ed. Hänel, 251b.

104 ACO, II, 2.ii, no. 4.1–2, pp. 97–8. Cf. Coll.Quesn. c. LIV.

105 ACO, II, 2.ii, no. 5, pp. 103–06; however, a better edition of the creed can be found in Stürner, ‘Quellen der Fides’, 90, with discussion on pp. 71–4 and 92–3.

106 ACO, II, 2.ii, pp. 125–32.

107 ACO, II, 2.ii, no. 8, pp. 113–14; also in Corpus legum, ed. Hänel, 255a–b.

108 ACO, II, 2.ii, no. 9, pp. 115–16; also in Corpus legum, ed. Hänel, 256a–b.

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111 This text now extant only as part of *Coll.Quesn*.


113 This text now extant only as part of *Coll.Quesn*.

114 The full version of Leo’s letter, directed to Emperor Leo and beginning ‘Promisisset me’ (as in *Coll.Quesn.* c. LXVII), contains an appended collection of *testimonia* from church fathers (Hilary of Poitiers, Ambrose, Chrysostom, Gregory of Nazianzus, Theophilus, Augustine, Basil, Cyril, Athanasius) concerning the two natures of Christ. On the various forms in which this letter was transmitted in early medieval canon law collections, see Maassen, *Geschichte*, 270–71. The full letter from which the Cyrilline *testimonia* is taken is found in *Coll.Quesn.* c. LXVI.


117 This letter now extant only as part of *Coll.Quesn*.
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118 On the two versions of this letter see Maassen, *Geschichte*, 359 no. 381.3.

119 This text now extant only as part of *Coll.Quesn*.


121 On the various versions this letter takes in medieval canon law collections, see Maassen, *Geschichte*, 232–39 no. 274.2.

122 *PL* 54, cols 945B–950B. This letter now extant only as part of *Coll.Quesn*.

123 *PL* 54, cols 966A–970B; reprinted in Munier, *Galliae*, 107–10. This letter now extant only as part of *Coll.Quesn*.


125 *Coll.Quesn.* is the principal source for the Latin version of this text (a Rufinian translation of a spurious Greek original), which has been taken up into several other medieval collections (see Maassen, *Geschichte*, 410 no. 536.1).

126 *PL* 54, cols 887B–890A. This letter now extant only as part of *Coll.Quesn*.

127 On the various versions this letter takes in medieval canon law collections, see Maassen, *Geschichte*, 358–59 no. 381.2. An excerpt from this letter (‘Ait igitur carnaliter natum esse dicitur’) is quoted among the *testimonia* in DLEO.440.542 (*Coll.Quesn.* c. **XLI**).

128 The appendix to this letter is found in *Coll.Quesn.* c. **XLI**.
5.2.2 Purpose, origin and organization

*Coll. Quesn.* was first identified by Pierre Pithou (†1596)\(^{129}\) and first edited by Pasquier Quesnel in 1675, whence it takes its modern name. It is a vast collection of canonical and doctrinal documents, divided into ninety-eight chapters. In all extant manuscript witnesses (none of which dates from before the eighth century) the collection is preceded by a comprehensive index or register that numbers each chapter (I–XCVIII), with sub-chapters occasionally provided as well. The collection can be divided broadly into three sections according to the nature of its contents: cc. I–V, containing conciliar canons from the major fourth-century eastern and African councils; cc. VI–LVII, being a long series of documents (mostly letters) pertaining to doctrinal disputes that arose from the teachings of Pelagius and Celestius and of Nestorius and Eutyches—at the

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\(^{129}\) See the Ballerinis, preface to *Coll. Quesn.*, §1, *PL* 56, col. 353.
centre of which series is a dossier (c. XXV) of material pertaining to the council of Chalcedon (451) (CCHA.451); and cc. LVIII–XCVIII, a collection of dogmatic and disciplinary letters written by Pope Leo I, many of which (most notably Leo’s Tomus [DLEO.440.423]) were directed to eastern figures in Leo’s contests with the Eutychian and Monophysite heresies.\textsuperscript{130} The entire collection, with its focus on Chalcedon and the letters of Leo, is quite obviously meant as a manifesto against the Acacian schism, in which eastern Bishops led by Acacius, patriarch of Constantinople, challenged the decisions of CCHA.451 and the Christology set down in Pope Leo’s Tomus.\textsuperscript{131} The compiler’s principal of selection thus seems to have been any and all documents that support doctrinal unity in general and Leonine Christology in particular.

Interestingly, the compiler of Coll.Quesn. has avoided inclusion of doubtful or spurious documents, like the so-called Symmachian forgeries and the Decretum Gelasianum de libris recipiendis.\textsuperscript{132} But this would seem to be the extent of discrimination exercised in the compilation of Coll.Quesn.; previous scholars have in fact spoken rather disparagingly of the overall organization of Coll.Quesn., characterizing it as something of a hotchpotch, a patchwork of several older and smaller collections that were available to the compiler.\textsuperscript{133} Despite its organizational flaws, however, Coll.Quesn. enjoyed some popularity in the Gallic church during the eighth century, and much of the ninth as well, until it was superseded by the more comprehensive historical collections (notably the Dionysio-Hadriana and pseudo-Isidorian collections) that arose in the later Carolingian period.\textsuperscript{134}

\begin{footnotesize}
\begin{itemize}
  \item[132] Wurm, Studien, 84.
  \item[133] See Maassen, Geschichte, 491: ‘Das Ganze is eine planlose Verbindung einzelner Stücke und kleinerer Sammlungen zu einer grösseren Sammlung’; and Wurm, Studien, 84–5: ‘Leitender Grundsatz des Sammlers scheint gewesen zu sein, die vorhandenen kleineren Sammlungen einfach so einzufügen, wie sie ihm in die Hände kamen.’
\end{itemize}
\end{footnotesize}
Of the large chronological collections to have come out of the early Middle Ages, Coll.Quesn. is perhaps the earliest and, after Coll.Dion. and Coll.Hisp., probably the most influential. It contains Latin translations of the eastern councils that are (with the exception of CCHA.451) taken from a now lost collection of Latin canons made ca 420. This earliest Latin collection of fourth- and fifth-century conciliar canons was previously known to scholars as either the ‘versio Isidori’ or the Collectio Maasseniana, but is today referred to as the Corpus canonum Africano-Romanum; however, since the older nomenclature is more well known, it will be used throughout this chapter. The ‘Isidori’ collection/translation predates the competing fifth-century Latin translation that Dionysius referred to as the ‘prisca’ (upon which Coll.Sanb. is based). Both the ‘Isidori’ and ‘prisca’ translations were largely superseded by the arrival, shortly after 500, of the superior translations in the collectiones Dionysianae. The exact date of Coll.Quesn.’s creation is not yet established, but it could not have been earlier than the appearance of the ‘versio Isidori’ in the first half of the fifth century; nor could it have been earlier than the date of Coll.Quesn.’s most recent document, Gelasius’s Generale decretum (DGEL.492.636), which dates to 494. Most historians have accepted the Ballerinis’ dating of Coll.Quesn. to just before the end of the fifth century, probably during the pontificate of Gelasius I (492–496).

Older scholarship, beginning with the Ballerinis, argued that Coll.Quesn. was a Gallic collection, though one with an admittedly ‘Roman colour’. French historians developed the theory that the collection originated at Arles, which was thought to have been something of a clearing house

135 For the title ‘Corpus canonum Africanum-Romanum’, see Kéry, Collections, 1–5. Turner gives a lucid account of the development and character of this collection in his ‘Chapters in the history of Latin MSS. of canons. V’, 338–39. Schwartz and Mordek have since made important modifications to Turner’s account, for which see Fowler-Magerl, Clavis canonum, 24–7. Although now lost, portions of the collection are transmitted indirectly in several extant medieval canon law collections, including the collectiones Frisingensis prima, Diessensis, Wirceburgensis, Weingartenensis and the latter half of Coll.Quesn. as found in D11. Turner collated the conciliar canons from all these collections under the siglum ‘M’, to which he added Berlin, Staatsbibliothek Preußischer Kulturbesitz, Phillipps 84.

136 See above, Chapter 5 n. 35.

137 The Ballerinis, preface to Coll.Quesn., §4, PL 56, col. 355; Maassen, Geschichte, 490; EOMIA, I, 2.i, p. xii.

138 See the Ballerinis, ‘Observationes in dissertationem XII Paschasii Quesnelli’, PL 56, cols 947B–960C; Maassen, Geschichte, 491–93; EOMIA, I, 2.i, p. xii (with quotation). Cf. also Maassen, Geschichte, 501, where he notes that unlike all other Italian collections from the ninth century (yet, just like several sixth-century Gallic collections), Coll.Quesn. does not include CCAR.419. This interesting point has not, to my knowledge, been explained by any recent proponents of a Roman origin for Coll.Quesn.
for canonical materials in the early sixth century.\textsuperscript{139} However, recent scholarship, making much more of \textit{Coll. Quesn.}'s 'Roman colour' (it is a prominent colour indeed), has argued for an Italian, possibly even Roman origin.\textsuperscript{140} Relatively recent work (in 1985) by Joseph Van der Speeten has shown that \textit{Coll. Quesn.}, or at least one of its constituent parts (the 'dossier de Nicée et de Sardique'), may have been used as a source for Dionysius’s collection;\textsuperscript{141} if true, this places \textit{Coll. Quesn.} definitively at Rome during the first decade of the sixth century.\textsuperscript{142} Further research is needed, however, in order to determine more exactly the time and circumstances under which \textit{Coll. Quesn.} was assembled.

\subsection*{5.2.3 Importance and dissemination}

\textit{Coll. Quesn.} has been especially valued by historians for its large complement of correspondence by Pope Leo I (\textit{Coll. Quesn.} cc. LXVII–XC VIII). While the exact nature of the compiler’s source material for the Leonine letters is still a subject of debate, it seems that at least some of it depended upon a very old tradition.\textsuperscript{143} Detlev Jasper remarks that

\begin{itemize}
  \item \textsuperscript{140} Wurm, \textit{Studien}, 85–7, 221–23; Stürner, ‘Quellen der Fides’, 78–9; Mordek, \textit{Kirchenrecht}, 239; Jasper, ‘Decretal tradition’, 32–3. The theory of a Roman origin is in some ways a return to the opinion of Pasquier Quesnel; however, Quesnel’s main thesis—that \textit{Coll. Quesn.} represented the official code of canon law for the Roman church (\textit{PL} 56, cols 899A–935C)—was fundamentally misguided, and has been universally rejected by modern scholarship. For a review of scholarly opinions (up to 1985) on the origin of \textit{Coll. Quesn.}, see J. Gaudemet, \textit{Les sources du droit de l’église en occident du IIe au VIIe siècle} (Paris, 1985), 133.
  \item \textsuperscript{141} J. van der Speeten, ‘Le dossier de Nicée dans la Quesnelliana’, \textit{Sacris erudiri} 28 (1985), 383–450, esp. 449–50, where he concludes, ‘l’utilisation de Q[uesnelliana] par Denys le Petit ... est tellement évidente pour les canons de Nicée, que C. H. Turner a pu écrire que Denys a pris la traduction des canons de Nicée comme fondement de son travail, que Denys n’a rien de fait d’autre que corriger le texte de Q d’après le grec. Mais ces affirmations sont tout aussi vraies pour le texte des canons de Sardique.’
  \item \textsuperscript{142} For Wirbelauer’s suggestion that \textit{Coll. Dion.I} was composed 502×506, see below, Appendix IV n. 19.
  \item \textsuperscript{143} Jasper, in considering (‘Decretal tradition’, 43) how ‘various collections of Leo’s letters and decrets were in circulation’ from a very early time, observes (‘Decretal tradition’, 44) that ‘The oldest collection of Leo’s letters that has been discovered is a group of seven letters and a few other documents from the Eutychian controversy in an appendix to the \textit{Collectio Corbeiensis}’; he then remarks (p. 46) ‘A few chapters of the \textit{Quesnelliana} may have come from a related but older Roman tradition’. See further Jasper, ‘Decretal tradition’, 49–51.
\end{itemize}
The compiler of the *Quesnelliana* seems to have been especially interested in Pope Leo’s writings. He gathered the letters that were available and put them at the end of his collection as numbers LXVII to XCVIII, although without any recognizable order or organization. ... The compiler’s main goal seems to have been to maximize the number of Leonine letters in the collection and consequently he placed less stress on order or on the literary shape of his material.  

Leo’s letters represent one of the most important historical sources for the doctrinal controversies that troubled the mid fifth-century church, especially the Eutychian controversy, which centered on a Christological debate that eventually led to the separation of the eastern and western churches. Because its collection of Leonine letters is more extensive than almost any other early medieval collection, *Coll.Quesn.* stands as something of a textbook on this particularly important doctrinal dispute. Moreover, it also contains a significant complement of documents pertaining to the heresies of Pelagius, Celestius and Acacius (*Coll.Quesn. cc. VI–LVII*), making it somewhat of an unusual canonical collection in that it focuses about as much on doctrinal issues as on disciplinary ones.  

Insofar as *Coll.Quesn.* is a textbook on the controversies that beset the early Latin church, one would expect that it would not have been of much use to bishops after the seventh century, when the last vestiges of Eutychianism and Monophysitism were suppressed in West. Yet, *Coll.Quesn.* remained a popular work well into the ninth century, particularly in Francia. Most likely this was because of the numerous papal letters it contained that dealt with discilinary matters, which

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145 The only other collections that compare to *Coll.Quesn.* in terms of the extent of their Leonine correspondence are the sixth-century *Collectio Ratisbonensis* (in Munich, Bayerische Staatsbibliothek, Clm 14540, dating from s. viii) and the *Collectio Grimanica* (in Paris, Bibliothèque Mazarine, 1645, dating from s. ix), whose date of origin is disputed but may be as early as the sixth century or as late as the ninth: Jasper, ‘Decretal tradition’, 43 and 46–9.
146 Cf. Wurm, *Studien*, 84, and Jasper, ‘Decretal tradition’, 42–3, who explains that of the 143 letters of Leo edited by the Ballerinis, the vast majority (112 of them) are classified as ‘dogmatic’, in contrast to a mere seventeen letters that touch on more mundane issues of discipline and administration in the churches in the western provinces.
147 For the influence of *Coll.Quesn.* on early southern Gallic canon law collections, see Firey, ‘Toward a history’, 92–105.
retained ecclesiastical importance throughout the Middle Ages. *Coll.Quesn.* played a particularly important role in the spread of Leo’s letters in Western canonistic literature, and was notably instrumental in the compilations of pseudo-Isidore for just this reason.\(^{148}\) Manuscript evidence alone indicates that *Coll.Quesn.* had a fairly wide dissemination in Gaul during the eighth and ninth centuries;\(^{149}\) though it had perhaps already found a welcome audience with Gallic or Frankish bishops in the sixth century, when it may have been used as a source (along with *Coll.Sanb.*) for the *collectiones Colbertina* and *Sancti Mauri*.\(^{150}\) By the mid-eighth century, *Coll.Quesn.* had secured its place as an important lawbook within the Frankish episcopate, for whom it served as the primary source-book during the influential council of *Verneuil* (755), over which Pippin presided.\(^ {151}\) It is perhaps significant that the *Verneuil* capitulary is the final document found in the *Coll.Dion.* MS D10, a manuscript with strong Bonifatian connections. Thus, despite its probably being generally perceived as an archaic document that had much to say about doctrinal controversies that were no longer relevant, *Coll.Quesn.* continued to exert considerable influence on canonical activities in Francia throughout the eighth and ninth centuries.

### 5.2.4 Use in England

That *Coll.Quesn.* may have passed into Anglo-Saxon England has scarcely even been suggested before, much less considered seriously by historians.\(^ {152}\) Yet of all the canon law collections that have unfairly been written off by historians as irrelevant to the early English church, *Coll.Quesn.* has perhaps the strongest claim on having been known to, used and disseminated by Anglo-Saxon ecclesiastics. Indeed, there is possible evidence of its use by Anglo-Saxons even as late as

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\(^{150}\) Kéry, *Collections*, 31, 45, listing Italy next to Gaul and Northern France as possible places of origin for the *Colbertina*, and southern Gaul for the *Collectio Sancti Mauri*.


\(^{152}\) Fuhrmann, *Einfluß*, I, 229 with n. 121, notes a small handful of studies that have suggested *Coll.Quesn.* manuscripts might have had provenance in Anglo-Saxon England. To my knowledge, no historian or Anglo-Saxonist has yet followed up on these suggestions.
the eleventh century, when two chapters of Coll.Quesn. were added (perhaps by St Wulfstan?) to the copy of Coll.Wig. in A2. The following summary remarks on MSS C1, C3, D5, D11, D12—all of which show signs of an Anglo-Saxon connection—will hopefully serve as a catalyst for future considerations of the possible relevance of this important collection to the Anglo-Saxon church.

Coll.Quesn. is currently extant in a total of nine manuscripts (one of which, C3, is fragmentary), all but one of which dates from either the eighth or the ninth century. These include C1, C3, D5, D11 and D12, as well as Paris, Bibliothèque national, Lat. 1454 (s. ix

\[3/4\], northern Francia; prov. Beauvais), Paris, Bibliothèque national, Lat. 3842A (s. ix

\[med\], northern Francia); Paris, Bibliothèque national, Lat. 3848A (s. ix

\[1/4\], Metz region; prov. Troyes), and Oxford, Oriel College, MS 42 (s. xii/xiii, Malmesbury). In addition to these, several manuscript that are known to have contained Coll.Quesn. are now lost; and another that is still extant, Paris, College, MS 42 (s. xii/xiii, Malmesbury).

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153 See Coll.Wig.C 149–50/D 208–09 in Apendices X–XI, which bear several readings that identify them unmistakably as excerpts from Coll.Quesn.—specifically from two early ninth-century northern Frankish witnesses of that collection, namely Paris, Bibliothèque national, Lat. 1454 and Paris, Bibliothèque national, Lat. 3842A. It is important to note that Coll.Wig.C 149–50/D 208–09 stand out as unusual within their context. They were not used by Wulfstan of York in the making of Coll.Wig.B, nor do they bear any connection to (i.e. they are not a source for) any other canonical texts found in the Commonplace Book manuscripts; moreover, no other Commonplace Book text can be shown to have drawn on Coll.Quesn. as a source. All of this strongly suggests that Coll.Wig.C 149–50/D 208–09 were not part of the original Coll.Wig. tradition as developed by Wulfstan of York. They were therefore most likely added to A2 (thence copied into Barlow 37) by A2’s scribe, possibly at the direction of his overseer, who may or may not have been St Wulfstan. On the possibility of a connection between A2 and St Wulfstan, see the discussion of this manuscript in Chapter 3, as well as the discussion of the composition of Corpus 265 in Appendix IV, p. 440. It is of course entirely possible that A2’s scribe copied Coll.Wig.C 149–50 from a florilegium or compendium of canonical sentences drawn from Coll.Quesn., rather than from Coll.Quesn. directly; PPTH.800.14.14, for example, excerpts from Coll.Quesn. the same canon that makes Coll.Wig.C 149. I am unaware, however, of the existence of any florilegium that excerpts from Coll.Quesn. both of the relevant canons (CNEO.315.2 and CANC.314.2/4/5) needed to explain both Coll.Wig.C 149 and 150.

154 Kéry, Collections, 27–8. Several of these manuscripts share further links with each other; for example: in two manuscripts—Paris 1454 and Paris 3842A—the Constitutum Silvestri immediately precedes Coll.Quesn. (see Wirbelauer, Zwei Päpste, 193, 196); in three manuscripts—D11, Paris 1454, and Paris 3842A—Coll.Quesn. is followed immediately by the Isidorian Epistula ad Massonam (see Reynolds, “Isidorian” Epistula ad Massonam’, 89 with n. 85); and Paris 3842A contains a copy of PTHU.700.2, as does another manuscript that may once have contained Coll.Quesn., namely Paris 1458 (see M.M. Woesthus, ‘A note on two manuscripts of the “Penitentiale Thodori” from the library of De Thou’, Sacris erudiri 34 [1994], 175–84, esp. 181). Such similarities in content are probably indicative of close textual and historical relationships between the extant Coll.Quesn. manuscripts.

155 For an account of manuscripts that are now known to be lost see EOMIA, I, 2.i, p. xi. I have also found two stray references to further witnesses of Coll.Quesn., though I have not yet been able to corroborate these: Turner, EOMIA, I, 2.i, p. 154 and I, 2.33, p. 444, lists Einsiedeln, Stiftsbibliothek, Codex 205 (s. ix

\[2/4\]), and St Gallen, Stiftsbibliothek, Codex 682 (s. ix) as ‘syllogae’ of Coll.Quesn., and collates them for CNIC.325 and CSAR.347; and Firey, ‘Toward
Bibliothèque nationale, Lat. 1458, fols 64–87 (s. ix\(^1\), northern Francia)—a close relative of Paris 3842A—almost certainly once also contained the collection but no longer does.\(^{156}\) To the list of witnesses of *Coll.Quesn.* should also be added Vatican, Vat. Lat. 4982 (s. xvi\(^2\), Francia?), which contains an excerpt from the collection on fols 185r–196v.\(^{157}\) The Oriel manuscript, by far the latest of the bunch, is that upon which Quesnel based his edition.\(^{158}\) Oriel 42, ‘the latest and worst surviving copy’ of *Coll.Quesn.*,\(^{159}\) in fact contains a modified version of the collection that was copied out in William of Malmesbury’s own hand.\(^{160}\) The edition most commonly used today, that prepared by the Ballerinis, is based on the much better, though still somewhat problematic, D11.

Rosamond McKitterick appears to have been the first to note in print that the ‘earliest manuscripts of the Quesnelliana ... all bear insular symptoms of one kind or another.’ This by itself seems indicative of the important role the Anglo-Saxons played in the dissemination of the collection in eighth-century Francia. Two of the five manuscripts now known to have possible

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\(^{156}\) Woesthuis, ‘Two manuscripts’, esp. 181.


\(^{158}\) He also collated readings from Paris 3842A. See Maassen, *Geschichte*, 488, 490. According to Maassen, Quesnel used a transcript (‘Abschrift’) of the Oriel manuscript.


\(^{160}\) R.M. Thomson, *William of Malmesbury* (Woodbridge, 1987), 64–6, 131–33. Thomson demonstrates (pp. 131–32) that William corrected portions of his copy of *Coll.Quesn.* against the *Collectio Lanfranci*. He further speculates (p. 65) that William’s exemplar was an eighth or ninth century copy of *Coll.Quesn.*, possibly Carolingian in origin, possibly housed in Canterbury during William’s lifetime. Could this exemplar have been in England before 1066?
Anglo-Saxon connections—C1 and C3—may have actually been in England at one time. C1, which (like D5) dates from northern Francia ca 800, might have been in the possession of Abbot Saewold of Bath shortly before the Conquest.\(^{161}\) And the fragmentary C3, written in Anglo-Saxon minuscule, has been considered by most scholars as a book originating in Werden; E.A. Lowe, however, speculated on more than one occasion about the possibility of it having been copied in England, perhaps in Northumbria or Kent.\(^{162}\) The remaining three Coll.Quesn. manuscripts with possible Anglo-Saxon connections—D5, D11 and D12—while most certainly never in England, were either made and/or used by Anglo-Saxons working on the Continent, or were produced in Continental scriptoria that had been strongly influenced by Anglo-Saxon scribal culture. D5, probably originating in the same scriptorium as C1, was corrected and annotated by several Insular hands, one of which wrote Anglo-Saxon script.\(^{163}\) D11 and D12, too, are from an identical Continental scriptorium (possibly Fulda), and both show Insular features in script and abbreviations, the latter also in parchment preparation.\(^{164}\)

C3 may be the oldest extant witness to Coll.Quesn., and it is truly unfortunate that more of the manuscript does not survive. Textually, C3 has been described as ‘closely related’ to D5.\(^{165}\) If this is indeed true (and it still needs to be corroborated by further study), then it would also put

\(^{161}\) But see the cautionary remarks on the provenance of C1 in Chapter 3. Based on similarities between them, and especially on a notice found on fol. 134r of C1, Turner conjectured that C1 and D5 go back to an archetype dating no later than 603 and originating in the region around Saint-Vaast Abbey: see below, Chapter 5 n. 166. If this is true, it complicates Philip Grierson’s claim (‘Les livres de l’abbé Seiwold’, 109) that C1 was donated to Saint-Vaast in the eleventh century by Saewold, since, to maintain both Turner’s and Grierson’s propositions would require one believe that C1 was copied in Saint-Vaast, was at some point taken to England, but then later returned by Saewold to its place of origin, along with a number of other Anglo-Saxon books he had acquired in England. Such a scenario is not, of course, impossible, but it does seem unlikely.

\(^{162}\) See the discussion of C3 in Chapter 3.

\(^{163}\) On C1 and D5 originating in the same scriptorium, see below, Chapter 5 n. 166. An Irish hand has made corrections and additions to fol. 8v., while an Anglo-Saxon hand has made corrections to a few folios and has added ‘non inmerito et queri potest’ in the margin of fol. 37v, glossing ‘tamen quoniam inmerito debere potest’ (from chapter 15 of the letter written to Pope Innocent I by bishops Aurelius, Alypius, Augustine, Evodius and Possidius in 417 following the condemnation of Pelagius and Coelestius at the council of Carthage the previous year [= Coll.Quesn. c. X]).

\(^{164}\) See the discussions of these manuscripts in Chapter 3.

\(^{165}\) Wurm, Studien, 83: ‘Sie muß mit der Hs [D5] auß engste verwandt sein’. In support of this claim, however, Wurm adduces but one example, namely the shared error ‘ex religione’ (for ‘ex relatione’): Wurm, Studien, 246 n. to item 33.
C3 in close relationship with C1; for C1 and D5 not only seem to originate from the same scriptorium, but are themselves textually ‘simillimum’. Bischoff believed D5 belonged to the library of Charlemagne’s court, within which moved a number of Irish and Anglo-Saxon luminaries. It was possibly within the court that D5 acquired several corrections by Insular hands. Zechiel-Eckes has suggested that the possible relationship between C1, C3 and D5 may demonstrate direct contact between Charlemagne’s court and the scriptorium at Werden. The same scholar has also suggested that the three copies of Coll.Quesn showing ‘Insular symptoms’, namely C3, D11 and D12, may evidence an intellectual exchange that took place between the Anglo-Saxon centres at Lorsch and Werden. Obviously, such relationships remain speculative and await the kind of close textual research that is necessary to confirm or deny their existence. A full collation of all nine extant witnesses of Coll.Quesn. is therefore called for, and of course will be a necessary step in the process of producing a critical edition of this extremely important canon law collection.

Finally, it should be mentioned that, as an anti-Eutychian document, Coll.Quesn. may have proved useful during the Christological disputes occasioned by the rise of Monothelitism—a modification of Eutychian Monophysitism—in the seventh century. Monothelitism was put

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166 Wurm, Studien, 83 and 250 n. to item 58; EOMIA, I, 2.i, xi–xii: ‘plurima sunt quae docent Atrebatensem cum Einsiedensi ... arce cognatum esse, nonnulla quae suadent etiam ab Einsiedensi deriuari. scriptus esse uidetur uergente octauo saeculo vel ineunte non

167 See above, Chapter 5 n. 163.

168 Zechiel-Eckes, Katalog, 32.

169 Zechiel-Eckes, Katalog, 32.
down in the West by the Lateran council of 649 (CROM.649) and again by the council of Constantinople (681). It is worth noting here that as part of Pope Agatho’s initiative to bring all Western churches into line with Rome on this issue, he sent the decrees of CROM.649 to England in 679, that these decrees might be confirmed by the English church. These decrees served as a pattern for the profession of faith and for the canons issued at CHAT.679. Given the Anglo-Saxon connections to Coll.Quesn. noted above, it seems eminently possible that Coll.Quesn. played a role here. Perhaps the collection served as a supporting document to the Pope’s initiatives, brought from Rome to England by John the Archcantor along with other documents pertinent to Agatho’s doctrinal stance. In this connection, it is important to recall that in the same year that CHAT.679 was held, Pope Agatho convened his own council in Rome; among the participants was Wilfrid, who claimed to represent England. Given the climate at the time, and given Wilfrid’s known canonical preoccupations as well as his fondness for Roman institutional models (especially when they conflicted with ‘Insular’ ones), it is reasonable to assume that Wilfrid acquired in Rome a canonico-doctrinal dossier pertaining to the current Christological controversy. Coll.Quesn. is such a dossier. Could this collection have been bestowed upon Wilfrid with instructions to bring it back to the Anglo-Saxon church? If so, then it would contribute to a growing picture of Wilfrid as a collector and distributor of Roman canon law collections in England.

5.3 Collectio canonum Sanblasiana

MSS C2, D3, D8 — edition: none. Conciliar canons are collated in EOMIA (‘S’) from five of the seven major witnesses; the CCHA.451 component is collated in ACO (as ‘B’) from five manuscripts. The Symmachiana component (SD1) is collated by Wirbelauer, Zwei Päpste, 228–300, from all manuscripts (as ‘K’, ‘L1’, ‘Ma’, ‘P1’, ‘P2’, ‘P3’, ‘S’)


171 See below, Chapter 5 p. 249 and nn. 386–388.

172 See below, p. 272, where it is suggested that Wilfrid may also have been involved in the dissemination of Coll.Sanb. in England in the late seventh and early eighth centuries.
5.3.1 Contents

The list of contents for Coll.Sanb. in Table 8 is based on C2. Corresponding folios in C2 are given in parentheses. Neither C2 nor any other witness of Coll.Sanb. is outfitted with chapter numbers; nevertheless, chapter numbers are given in Table 8 (in **bold**) for the sake of convenience. It is important to notice that the contents of this collection differ slightly from witness to witness.\(^{173}\) Contents that are also found in other, but not all, Coll.Sanb. witnesses, and contents whose order differs in other witnesses,\(^{174}\) are preceded by ‘*’. Contents that are unique to C2 are not numbered and are preceded by ‘†’. For identification and discussion of the various manuscript witnesses, see the ‘Textual tradition’ section, below.

Table 8: Contents of the Collectio Sanblasiana

<table>
<thead>
<tr>
<th>Chapters</th>
<th>Contents</th>
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<tr>
<td>I</td>
<td>*Dionysian preface (versio II)(^{175}) (1r–2v)</td>
</tr>
<tr>
<td>II</td>
<td>*Can.apost. (^{176}) (2v–10r)</td>
</tr>
<tr>
<td>III</td>
<td>Nicaean metrical preface + shorter Nicaean preface + CNIC.325 (versio Isidori) + subscription list (10r–18v)</td>
</tr>
<tr>
<td>IV</td>
<td>CANC.314 (versio Isid.vulg.) (19r–25r)</td>
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<tr>
<td>V</td>
<td>CNEO.315 (versio Isid.vulg.) (25r–27r)</td>
</tr>
<tr>
<td>VI</td>
<td>synodal letter (versio Isid.vulg.) + CGAN.355 (versio Isid.vulg.) (^{177}) (27r–31r)</td>
</tr>
<tr>
<td>VII</td>
<td>CCAR.419 (25 May preamble (^{178}) + canons [recension B] + 25 May conclusion (^{179}) + 25 May subscriptions (^{180}) + synodal letter to Pope Boniface I [‘Quoniam domino’]) + <em>Regula formatarum</em> (^{181}) + synodal letter of Carthage (424×425) to Pope Celestine I (31r–51r)</td>
</tr>
</tbody>
</table>

\(^{173}\) On which see Maassen, *Geschichte*, 505–09.

\(^{174}\) I make no attempt to report the different order of material as found in the MS Lucca 490, whose exemplar was apparently dishevelled. For a complete description of the contents of Coll.Sanb. in this manuscript, see ACO, II, 2.ii, pp. vi–viii.

\(^{175}\) ‘Praefatio Dionysii ad Stephanum episcopum’, in *Scriptores Illyrici minores*, ed. Glorie, 39–42. Also found in the MS Paris 4279. C2’s version of Dionysius’s preface agrees for the most part with Glorie’s *Recensio B*, but also includes some readings from *Recensio A*. On the possible significance of this, see below, p. 274.

\(^{176}\) Also found in the MS Paris 4279. After Can.apost. in Paris 4279 there follow CLAO.300 (versio Dion.), SEA, c. 7 and CORL.511.16—all of which are clearly late additions to the tradition. Then follows the rubric ‘In nomine sanctae trinitatis incipiunt canones de universis provinciis’, which introduces Coll.Sanb. proper: Maassen, *Geschichte*, 509.

\(^{177}\) Note that C2, along with one other Coll.Sanb. witness (see below, Chapter 5 n. 226), contains an index for this council in the so-called versio prisca translation.

| VIII | CCHA.451 (*versio prisca*) + subscription list (51r–59r) |
| IX  | Constantinopolitan preface (*versio prisca*) + CCON.381 (*versio prisca*) + subscription list (59r–62r) |
| X   | CSAR.347 + subscription list (62r–69v) |
| XI  | *synodal letter (*versio prisca*) + CANT.328 (*versio prisca*) + subscription list (69v–76r) |
| XII | Symmachiana SD1–SK1 (76r–81r) |
| XIII| Symmachiana SD1–SL (81r–84r) |
| XIV | Symmachiana SD1–SX (84r–85v) |
| XV  | Symmachiana SD1–SP (85v–88v) |
| XVI | Symmachiana SD1–SM (88v–94v) |
| XVII| DSIR.384.255 (94v–101r) |
| XVIII| DBON.418.353 (101r–102r) |
| XIX | rescript of Imp. Honorius to Pope Boniface I (‘Scripta beatitudinis’; 102r–v) |
| XX  | DZOS.417.339 (102v–104r) |
| XI  | DCEL.422.371 (104v–105r) |
| XXII| DCEL.422.369 (105r–108v) |
| XXIII| DINN.401.286 (108v–113r) |
| XXIV| DINN.401.293 (114v–118r) |
| XXV | DINN.401.303 (118r–123r) |
| XXVI| DLEO.440.544 (123v–128v) |
| XXVII| DLEO.440.410 (shorter version) (128v–132r) |
| XXVIII| DLEO.440.398 (132v–134r) |
| XXIX| DLEO.440.399 (134r–135r) |
| XXX | Chalcedonian definition of faith (135r–137v) |

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179 Munier, *Africae*, 149.
181 The text, which here purports to be a letter by Atticus of Constantinople to Pope Boniface I, is edited as part of *Coll.Quesn.* in PL 56, cols 730A–731A (c. LXIII in Table 7 on p. 214). See Maassen, *Geschichte*, 399–402.
182 This letter is not found in the MS Saint Paul 7/1.
183 Paris 4279 breaks off part way through this letter.
185 Only part of this decretal is transmitted in MS D8.
186 D3 breaks off part way through this letter.
187 Cf. Jasper, ‘Decretal tradition’, 35 n. 144: ‘The text of [DSIR.384.260 in] the codex Cologne, Dombibl. 213 ... is certainly very old, but also exceptionally faulty.’
Chapter 5

<table>
<thead>
<tr>
<th>XXXI</th>
<th>Nicaean definition of faith + CROM.378 (first recension)(^{(189)}) (137v–140r)</th>
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<tbody>
<tr>
<td>XXXII</td>
<td><em>De fide Nicena/Alter libellus fidei</em>(^{(190)}) (140r–141r)</td>
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<td>XXXIII</td>
<td>the Anti-Arian formula ‘Nos patrem et filium’(^{(191)}) (141r)</td>
</tr>
<tr>
<td>XXXIV</td>
<td>synodal letter of CSAR.347 to Pope Julius I (with ‘nomina hereticorum’)(^{(192)}) (141r–143r)</td>
</tr>
</tbody>
</table>

\(^{188}\) ACO, II, 2.ii, no. 5, pp. 103–06; however, a better edition can be found in Stürner, ‘Quellen der Fides’, 90. Following this document in D8 is a partial version of the Athanasian creed (‘Est ergo fides recta’): Maassen, *Geschichte*, 508.

\(^{189}\) That is, the appendix to the *Tomus Damasi* (DDAM.366.235), but without the papal letter itself. Cf. *Coll.Quesn.* c. LV, and see above, Chapter 5 n. 121.

\(^{190}\) Ed. Stürner, ‘Quellen der Fides’, 162–63.

\(^{191}\) Ed. Stürner, ‘Quellen der Fides’, 126.


\(^{193}\) Due to the loss of an unknown number of quires, these manuscripts end incompletely: Paris 4279 ends in the middle of DSIR.384.255 (= *Coll.Sanb*. c. XVII); D3 in the middle of DINN.401.286 (= *Coll.Sanb*. c. XXIII). It can reasonably be assumed that both manuscripts once included the material common to the rest of *Coll.Sanb*. in the other extant witnesses, namely (for Paris 4279) DBON.418.353, Honorius’s rescript, DZOS.417.339, DCEL.422.371, DCEL.422.369, DINN.401.286, and (for both D3 and Paris 4279) DINN.401.293, DINN.401.303, DLEO.440.544, DLEO.440.410, DLEO.440.398, DLEO.440.399, and the several concluding dogmatic documents. Whether they also once contained further documents (like decrets by Pope Gelasius I) cannot now be known.

\(^{194}\) Between chapters 9 and 10 of this decretal, D8 inserts the apocryphal *Decretum Gelasianum de libris recipiendis et non recipiendis* (DGEL.492.†700).

\(^{195}\) Found only in D8, where it is added by a slightly later hand: Wirbelauer, *Zwei Päpste*, 196. See also Wurm, *Studien*, 264 n. to item 15.

**C2 ends with c. XXXIV.** The documents listed in Table 9 are not found in C2 but can be found in other *Coll.Sanb.* witnesses (except D3 and Paris 4279),\(^{(193)}\) unless otherwise noted in footnotes. Page numbers in parentheses refer to Maassen’s description of *Coll.Sanb.* in his *Geschichte*. A ‘†’ means that the document is found in only one manuscript witness, while a ‘*’ means that the document is found in several, though not all, witnesses.

**Table 9: Contents of the *Collectio Sanblasiana* not found in C2**

<table>
<thead>
<tr>
<th>Chapters</th>
<th>Contents</th>
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<tbody>
<tr>
<td>XXXV</td>
<td>DGEL.492.636(^{(194)}) (pp. 507–08)</td>
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<tr>
<td>XXXVI</td>
<td>DGEL.492.675 (pp. 507–08)</td>
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<tr>
<td></td>
<td>†DINN.401.311(^{(195)}) (p. 509)</td>
</tr>
</tbody>
</table>
5.3.2 Date, origin and organization

According to one scholar’s recent assessment, Coll.Sanb. ‘occupies ... a leading position among the pre-Carolingian chronological canon law collections.’ Unfortunately, relatively little research has been done on this collection in the last hundred years, and much remains to be learned about its origins, design and development. The scholar who has worked most recently on the collection is Eckhard Wirbelauer. His research on Coll.Sanb., particularly on its Symmachiana component, throws interesting light on the possible political and ideological conditions under which Coll.Sanb. may have been produced. Wirbelauer’s findings will be considered in detail below. It must be signalled at the outset, however, that the present study departs from Wirbelauer’s decision to refer to the Coll.Sanb. tradition as the ‘Collectio canonum Italica’, a designation that is unhelpful at best, and at worst needlessly confusing; apart from the fact that, given the number of early medieval canon law collections arising in Italy, ‘Italica’

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196 Found in both the MS Lucca 490 and D8 (see above, Chapter 5 n. 194), but in this position only in Lucca 490. According to Maassen, Geschichte, 510, the versions of this text in Lucca 490 and D8 are different, and derive from different formal sources.

197 This text extant uniquely in MS Lucca 490: Maassen, Geschichte, 285. It is edited by Thiel, Epistolae, 509–10.

198 Found only in MS Lucca 490. It is edited by F. Glorie in Maxentii aliorumque Scytharum monachorum necnon Ioannis Tomitanae urbis episcopi opuscula, CCSL 85A (Turnhout, 1978), 251–73. The work is a collection of quotations drawn from Augustine’s writings, and was perhaps referred to by Pope Hormisdas in a letter to Possessor. Scholars have proposed John Maxentius and Prosper of Aquitaine as possible authors of the Capitula, but current opinion favours an anonymous Gallican origin: A.Y. Hwang, Intrepid lover of perfect grace: the life and thought of Prosper of Aquitaine (Washington, DC, 2009), 25–6, 179–82.

199 Wirbelauer, Zwei Päpste, 122: ‘nimmt ... einen Spitzenplatz unter den historisch geordneten vorkarolingischen Kirchenrechtsbüchern ein.’ Wirbelauer bases this evaluation chiefly on ‘ihrer nachweislichen Verbreitung’.


201 I find no real evidence for Wirbelauer’s repeated claim that ‘Sanblasiana’ is ‘una dicitura che ha sempre creato confusione fra i canonisti’ (Wirbelauer, ‘Laurenzo e Simmaco’, 45; cf. Wirbelauer, Zwei Päpste, 123 n. 49, citing Gaudemet); the older term is in fact one that canonists have used quite comfortably and without confusion for the last 150 years.
is a much less distinctive title than (the admittedly arbitrary) ‘Sanblasiana’, Wirbelauer’s terminology creates confusion when discussing the four collections that form Maassen’s Italian/priscan group (discussed below).  

Coll.Sanb. is not quite so ancient as either Coll.Quesn. or Coll.Dion. Large parts of Coll.Sanb. are, as will be seen, based on translations of the Greek canons that come from the Collectio prisca, which was made sometime after the ‘Isidori’ collection (upon which Coll.Quesn. is based). Moreover, and again as will be seen, several passages in Coll.Sanb. have been lifted from Dionysius’s collection, and so Coll.Sanb. cannot antedate that work. Finally, since Coll.Sanb. contains a full complement of the famous forgeries from Pope Symmachus’s pontificate (498–514), at least in its present form Coll.Sanb. cannot have been compiled earlier

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202 In rejecting the title ‘Collectio Italica’ I believe I stand with Lester J. Field, jr., who, in his On the communion of Damasus and Meletius: fourth-century synodal formulae in the Codex Veronensis LX, Studies and texts 145 (Toronto, 2004), repeatedly uses the older title ‘Sanblasiana’. It is not always entirely clear whether Wirbelauer intended the term ‘Italica’ to replace ‘Sanblasiana’, or merely to qualify it. In his earlier study, Zwei Päpste, Wirbelauer expressly uses the title ‘Italica’ to refer to a group of three collections of Italian origin, of which Coll.Sanb. is the original and the other two—the Collectio Colbertina, and the first of the collections in the Diessensis manuscript—are derivatives; Wirbelauer recognized the ‘redaktionell’ differences between the three collections, ‘Da aber fast ausschließlich ein kumulatives ... Interesse verliegt, d.h. das Bestreben vorherrscht, das (erweiterte) Italica-Überlieferungen bezeichnen’ (Wirbelauer, Zwei Päpste, 122 n. 48). In other words, for the purposes of studying the Symmachiana (and certain other texts, like DGEL.492.675), Wirbelauer found it convenient to class the similar textual traditions found in these three collections under the collective title ‘Italica’. Notwithstanding his criticisms in Zwei Päpste (p. 123 n. 49) of the choice of the name ‘Sanblasiana’ by Maassen, it does not seem that at this early stage Wirbelauer intended the title ‘Italica’ to supplant entirely that of ‘Sanblasiana’—which would be tantamount to rejecting the distinctiveness of Coll.Sanb. from the other two collections in Wirbelauer’s Italica group. However, in his later paper ‘Laurenzo e Simmaco’, in discussing Coll.Sanb. (and Coll.Sanb. alone) Wirbelauer mentions how ‘Ho proposto ... di chiamarla d’ora in poi Collectio Italica per equipararla ad altre raccolte di portata regionale.’ In this later work, then, it seems that Wirbelauer has jettisoned the subtle distinctions of his earlier research in favour of wholesale replacement of the term ‘Sanblasiana’ with ‘Italica’.

203 On these two ancient collections/translations, see above, p. 220 and below, p. 238.

204 This is proven by the fact that the Dionysian translation of all of CGAN.355.4 and of the conclusion to CGAN.355.6 were already part of the exemplar of Coll.Sanb. and the Collectio Vaticana: EOMIA, II, 2, pp. 188–91. Moreover, three passages in Coll.Sanb.’s version of CCHA.451.6, 8 and 16 are taken from Coll.Dion.: ACO, II, 2.ii, p. 35 lines 1–3 and 7–9, and p. 37 lines 18–19; see also Maassen, Geschichte, 505; and Wirbelauer, Zwei Päpste, 127–28 with n. 66. The possibility will be considered below that these three Dionysian borrowings in CCHA.451 only entered the Coll.Sanb. tradition in the eighth century. Beyond the influence of specific Dionysian readings on those of Coll.Sanb., Wirbelauer, Zwei Päpste, 125, notes that Coll.Sanb. was influenced by Dionysius’s division of conciliar and decretal material into separate blocks, the former preceding the latter. However, Coll.Quesn., which predates Coll.Dion. and which seems to have influenced Coll.Sanb. in a number of ways, had already been arranged in roughly the same way. Furthermore, one of Coll.Sanb.’s major sources, the now lost Collectio prisca, seems also to have been arranged in this way (on which see below, Chapter 5 n. 231).
than that period. So much for *termini post quem*. A *terminus ante quem* is much more difficult to establish, since the earliest extant manuscripts of *Coll.Sanb.* date from the early eighth century. Two collections derivative of *Coll.Sanb.*, the *Colbertina* and the *Diessensis prima* (on which see below), date to before the eighth century, but it is difficult to say by how much: the *Diessensis prima* seems to have originated in the seventh century, while the *Colbertina* may be as early as the middle of the sixth or as late as the eighth century.²⁰⁵ At present, therefore, it seems impossible to establish on textual grounds a firm date before which *Coll.Sanb.* must have been composed. Previous attempts to date the collection have rather depended on speculation based on its contents. Earlier research was content simply to date *Coll.Sanb.* to a time shortly after and a place near the origin of the most recent document contained therein, namely the *Symmachiana*. Accordingly, it has long been assumed that *Coll.Sanb.* was compiled, like so many other early medieval collections, in Italy, probably in Rome, sometime during the pontificate of Pope Hormisidas (514–523). Recent research by Eckhard Wirbelauer has generally supported this date,²⁰⁶ and has at the same time deepened scholars’ understanding of the connection of *Coll.Sanb.* to the controversy (498–507) surrounding Pope Symmachus’s pontificate.

The details of this controversy—which involved competing claims to the papal throne by Laurence, supported principally by the East, and by Symmachus, supported mainly by the West—are of little concern here, though it is important to note that the conflict was in large part occasioned during the last decades of the fifth century by the different attitudes held by popes Felix III and Gelasius I (who might be described as hardliners) and Pope Anastasius II (who was generally conciliatory) towards the Acacian schism, which itself turned on Constantinople’s rejection of the *Tomus Leonis* and the decisions of CCHA.⁴⁵¹ Wirbelauer, noticing the predominance of Leonine and Chalcedonian material in *Coll.Sanb.*, has suggested that the


²⁰⁶ Wirbelauer, *Zwei Päpste*, 125–26, where he suggests that the ‘final redaction’ was assembled under Hormisdas, but that the ‘core’ of the collection (the conciliar canons and decretals) had been completed during the pontificate of Symmachus. Though Wirbelauer does not discuss it directly, the similarities here between his proposed development of a *Coll.Sanb.* ‘core’ and the emergence of the *Collectio prisca*—one of *Coll.Sanb.*’s principal sources—is intriguing. Might they have been one and the same thing? See the discussion below, p. 239.

²⁰⁷ In addition to Wirbelauer’s discussion of this controversy in *Zwei Päpste*, useful accounts in English can be found in W.T. Townsend, ‘The so-called Symmachian forgeries’, *The journal of religion* 13 (1933), 165–74, and W.T. Townsend, ‘Councils held under Pope Symmachus’, *Church history* 6 (1937), 233–59.
compiler of *Coll.Sanb.* was a supporter of the Gelasian tack, and generally against reconciliation with the unrepentant Constantinopolitan church. On the other hand, the eschewal in *Coll.Sanb.* of all material relating to the Acacian schism (in direct contrast to other contemporary Italian collections, like *Coll.Quesn.* and the *Collectio Vaticana*) would seem significantly to undermine this theory; this has been explained by Wirbelauer, however, as a deliberate decision on the part of the *Coll.Sanb.* compiler in order to prevent ‘ungewolltem Nachdenken’ on the schism in the collection’s episcopal audience.\(^{208}\) If true, this points strongly to the period immediately following the Acacian schism and the settlement of the conflict between Symmachus and Laurence as the most likely time for *Coll.Sanb.*’s compilation. Wirbelauer concludes his analysis of *Coll.Sanb.* by characterizing it as a ‘klug ausbalanciertes Werk eines gemäßigten Symmachus-Anhängers ... (wie Hormisdas einer war).'\(^{209}\) Wirbelauer thus suggests that *Coll.Sanb.* was a product of Pope Symmachus’s faction, who, following Symmachus’s pontificate, sought to be reconciled to their political opponents in part by suppressing the controversial issues that had given rise to recent conflicts. Wirbelauer’s assessment of the origins of *Coll.Sanb.* seems to have found favour with historians like Kate Blair-Dixon, who has described *Coll.Sanb.* as ‘a full-blown Symmachan production’, and Lester L. Field, jr., who has called *Coll.Sanb.* a ‘Symmachan recension’ of the fifth century *Collectio prisca* (on which see below).\(^{210}\)

In addition to its origins, Wirbelauer has also studied the structure of *Coll.Sanb.*, which he believes is based on very definite organizational principles—in marked contrast to the opinion of Maassen who, over a century ago, remarked that ‘ist die Anordnung der Sammlung ziemlich

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\(^{208}\) Wirbelauer, *Zwei Päpste*, 126: ‘die betont pro-chalkedonische Ausrichtung läßt den Verzicht auf die Texte zum Akakianischen Schisma als bewußte Entscheidung erscheinen. Hier sollten die Adressaten (viz. newly elected bishops; see below) nicht mit Dingen “beunruhigt” werden, deren Kenntnis ihnen kaum hilfreich sein, sie aber möglicherweise zu ungewolltem Nachdenken und in Verwirrung bringen konnte. Eine solche Sicht ermöglicht freilich keine nähere Datierung des Sammlungsgrundstocks, allenfalls wird man ihn sich gut im Kontext der Pontifikate eines Symmachus (unter dem das offizielle Rom an einer Auseinandersetzung mit dem Osten schließlich überhaupt kein Interesse mehr zeigte) oder Hormisdas vorstellen können.’


planlos.\textsuperscript{211} \textit{Coll.Sanb.} as a whole is divided neatly into four parts: conciliar canons (\textit{Coll.Sanb.} cc. \textit{III}–\textit{XI}); \textit{Symmachiana} (cc. \textit{XII}–\textit{XVI}); decretals (cc. \textit{XVII}–\textit{XXIX}); and dogmatic statements (cc. \textit{XXX}–\textit{XXXIII}).\textsuperscript{212} The series of decretals may not be chronological,\textsuperscript{213} but this probably only indicates that there is some as yet unknown principle of organization behind their arrangement. Wirbelauer believes he may have discovered this principle: \textit{Coll.Sanb.} was, he suggests, compiled as a sort of endowment gifted by the papacy to newly ordained bishops.\textsuperscript{214} It is, he says, ‘non è nient’altro ... che il manuale di diritto canonico ad uso di un neoeletto vescovo italo,\textsuperscript{215} and one which particularly emphasizes the primacy of the pope in all matters spiritual.\textsuperscript{216} Wirbelauer arrives at this conclusion by considering the form and significance for newly consecrated bishops of the final text of \textit{Coll.Sanb.}, namely Pope Gelasius’s \textit{Formula constitutionis} (GEL.492.675), the earliest witness for which is \textit{Coll.Sanb.}\textsuperscript{217} Wirbelauer’s theory

\begin{itemize}
\item \textsuperscript{211} Maassen, \textit{Geschichte}, 510, adding that ‘Der Verfasser scheint die Stücke in der Ordnung gelassen zu haben, in der er sie in seinem Quellen fand.’
\item \textsuperscript{212} Cf. Wirbelauer, \textit{Zwei Päpste}, 123.
\item \textsuperscript{213} Maassen, \textit{Geschichte}, 510: ‘Aber die Reihenfolge der Päpste ist ganz willkürlich.’
\item \textsuperscript{214} Wirbelauer, \textit{Zwei Päpste}, 125: ‘Die Collectio Italica [i.e. \textit{Coll.Sanb.} and its derivative collections] war in der ermittelten Gestalt zur Übergabe an eben ordinierte Bischofe erarbeitet.’
\item \textsuperscript{215} Wirbelauer, ‘Laurenzo e Simmaco’, 45.
\item \textsuperscript{216} Wirbelauer, ‘Laurenzo e Simmaco’, 46: ‘Tutti e tre i testi (the letter Pope Julius I, D Gel.492.636, and D Gel.492.675; = \textit{Coll.Sanb.} cc. \textit{XXXIV}–\textit{VI}) non sono tanto formulazioni del primato romano, quanto del suo riconoscimento e quindi del suo \textit{Sitz im Leben}. Colui che in qualità di vescovo è fornito di questa raccolta non può comunque fare a meno di accettare il primato romano sotto ogni aspetto: l’hanno riconosciuto concili greci, lo testimoniano in circostanze critiche documenti romani, le lettere dei papi lo rinvigoriscono e gli altri vescovi lo riconoscono, in quanto esso — così interpreterei il contesto della \textit{Necessaria rerum} — è indispensabile per l’organizzazione della Chiesa italica. Tutto ciò raccomanda la formula di intronizzazione alla fine della raccolta.’
\item \textsuperscript{217} It is not immediately clear from Wirbelauer’s argument, but his thesis seems to rest essentially on two premises. First, he implies (\textit{Zwei Päpste}, 125) that the concluding sentence of D Gel.492.675 in \textit{Coll.Sanb.} is intended not only as a conclusion of the text itself, but of the collection as a whole; this is interesting yet ultimately unprovable speculation. Wirbelauer’s second premise is more substantial: the earliest occurrence of D Gel.492.675’s introductory rubric ‘Incipiunt constituta sancti Gelasi pape quas [sic] episcopi in ordinatione sua accipiunt’ seems to be in \textit{Coll.Sanb.} (this is the gist of the information rather cryptically supplied by Wirbelauer, \textit{Zwei Päpste}, 123 n. 52, which needs to be compared with the discussion in Thiel, \textit{Epistolae}, 32). If this is indeed correct (and it may be; according to Maassen, \textit{Geschichte}, 284 no. 285.20, no collection earlier than \textit{Coll.Sanb.} contains D Gel.492.675), then it supports Wirbelauer’s claim (p. 125) that ‘wußte der Autor der Coll.Italica bei der Verfertigung seiner Sammlung noch Näheres über Entstehung und Verwendungszweck des Textes, was er seinen Lesern nicht verheimlichen wollte.’ The possibility cannot be ruled out, however, that the compiler of \textit{Coll.Sanb.} merely copied his rubric and conclusion from an earlier yet now-lost version of D Gel.492.675, in which case Wirbelauer’s theory would no longer be valid.
\end{itemize}
has important implications for the early history of canon law in the West; it suggests that during (and possibly even after) the so-called Gelasian renaissance, the papacy overlooked competing collections like Coll. Quesn. and Coll. Dion., and explicitly endorsed Coll. Sanb. as the code to which it desired Western bishops to adhere.\footnote{Perhaps not so difficult a proposition to accept, considering that Wirbelauer argues convincingly (Zwei Päpste, 132–34) that Dionysius’s collection stood in direct opposition to the views of Pope Symmachus, and thus it was likely to have won neither the favour nor acceptance of that pope, nor possibly (at first) his immediate successor and strong supporter, Hormisdas. On the other hand, Pope Hormisdas did eventually commission Dionysius to produce a revised, bilingual edition of his canon law collection. For a suggestion as to how it was that an initially sour relationship between Dionysius and Hormisdas might have improved over time, see below, Appendix IV n. 19.} Unfortunately, Wirbelauer’s theory as currently formulated has its weaknesses, the most serious of which is that it rests upon the position and wording of a single document in the collection, namely DGEL.492.675, which is found in only some of the witnesses of Coll. Sanb., and then invariably holds a precarious position at the collection’s end, after all other canonical and dogmatic material.\footnote{For reasons to doubt those arguments of Wirbelauer’s that are based on the wording of DGEL.492.675 in Coll. Sanb., see above, Chapter 5 n. 217. His arguments based on placement are perhaps somewhat stronger. DGEL.492.675 is absent from C2, nor can its presence in D3 or Paris 4279 be confirmed since these witnesses are incomplete; however, the fact that DGEL.492.675 is found in both witnesses from the \( \alpha \) family of manuscripts (Saint Paul 7/1 and Lucca 490) and in one from the \( \beta \) family (D8), is strong evidence that the document formed an original part of Coll. Sanb. (see below for discussion of the manuscript tradition of Coll. Sanb.). And that DGEL.492.675 is found in two sixth-century derivatives of Coll. Sanb.—the Colbertina and the Diessensis (on which more will be said below)—also argues in favour of DGEL.492.675 having been included in Coll. Sanb. very early on in the tradition.} That DGEL.492.675 is found at the end of Coll. Sanb., almost as if it were added as an afterthought, does not inspire much confidence that it formed part of, let alone the most important part of, the original compiler’s plan.\footnote{According to Wurm, Studien, 264, DGEL.492.675 is the final document of Coll. Sanb. in Saint Paul 7/1, Lucca 490 and D8 (though in the latter it is followed by DINN.401.311, which has been added by a later hand: see above, Chapter 5 n. 195).} At the moment, therefore, it seems best to reserve judgement on the theory that Coll. Sanb. was issued as the papacy’s official handbook of canon law.\footnote{As Wirbelauer himself acknowledges (Zwei Päpste, 125): ‘Diese These soll durch die folgenden Überlegungen weiter expliziert werden, obgleich die Grundlage für eine eingehende Untersuchung der Sammlung, eine kritische Edition, nur in einzelnen Texten geschaffen ist.’} 

5.3.3 Source, affiliate, and derivative collections

Maassen classed Coll. Sanb. with three other chronological collections—the collectiones Vaticana, Iustelliana, and Teatina (or ‘the Chieti collection’)—which arose in Italy at about the
same time. While each collection in Maassen’s Italian group is quite different from the other in contents and organization, all four have a number of important features in common. For example: each contains CCAR.419; three (excepting the Teatina) contain a version of CSAR.347 that is peculiar to these collections alone, and three (excepting the Iustelliana) contain elements of the Symmachiana. Most importantly, however, all four collections contain eastern canons in their so-called ‘priscan’ translation. By this feature more than any other are the four collections of the Italian group to be distinguished from the two other major collections that arose in Italy around this time, namely Coll.Quesn. (which, as was mentioned above, contains eastern canons in the so-called ‘Isidorian’ translation) and Coll.Dion. (which, of course, uses Dionysius’s own translations). The origins of the versio prisca—which, like the versio Isidori, is in fact a primitive Latin canon law collection, now lost—are mysterious, but it seems to have appeared sometime in the second half of the fifth century, and almost certainly in Italy, though the poor style of the Latin translations (which, Turner says, borders on ‘entire incompetence’) may indicate an origin outside of Rome. Turner showed that the Teatina is the closest of Maassen’s Italian group to the original lost versio (or Collectio) prisca, while

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222 Maassen, Geschichte, 500–01. See also Turner, ‘Chapters in the history of Latin MSS. of canons. V’, and Turner, ‘Chapters in the history of Latin MSS. of canons. VI’.

223 This feature is apparently diagnostic of collections produced in Italy in the sixth century. Cf. above, Chapter 5 n. 138.

224 Maassen, Geschichte, 52 no. 54, 506, 510.

225 Coll.Sanb. and the Vaticana are principal witnesses to the Symmachiana; the Teatina, on the other hand, contains only an excerpt from one of the constituent documents, namely Const.Silv. (SK1); see Wirbelauer, Zwei Päpste, 115–18. The collections from Maassen’s Italian group show several other similarities beyond those listed here, for which see Maassen, Geschichte, 501–04 and 510–11.

226 Specifically: the Iustelliana and Vaticana contain the versio prisca of CNIC.325 (but see below, Chapter 5 n. 231); the Iustelliana further shares with the Teatina the versiones priscae of CANC.314, CNEO.315, CGAN.355, CANT.328, CCON.381 and CCHA.451. Coll.Sanb. and the Vaticana share only CANT.328, CCON.381 and CCHA.451 in ‘priscan’ translation, but CANC.314, CNEO.315, and CGAN.355 in the so-called versio Isidori (vulgata). Note, however, that both C2 and Saint Paul 7/1 contain a versio prisca index for CGAN.355.

227 The origins of the versio prisca are discussed in Turner, ‘Chapters in the history of Latin MSS. of canons. V’, and Turner, ‘Chapters in the history of Latin MSS. of canons. VI’. See also Field, On the communion of Damasus and Meletius, 67 n. 60, 68 n. 63, 98 n. 177, 99. For the versio prisca’s dependence upon Coll.Quesn. for chapter titles to CNIC.325 and CSAR.347, see Turner, ‘Chapters in the history of Latin MSS. of canons. VI’, 19–20; for Turner’s assessment of the style of the translations, see pp. 17–18 of the same article.

228 For a complete description of the contents of the Teatina, see Wirbelauer, Zwei Päpste, 211–13.
Coll.Sanb. and the Vaticana are further removed from it by modification and accretion, specifically, in the case of Coll.Sanb., by the inclusion of several passages from Coll.Dion. and by the addition of entire councils from the versio Isidori tradition.\textsuperscript{229} But despite their differences, the four collections in Maassen’s Italian group—perhaps better referred to as the ‘priscan’ group\textsuperscript{230}—collectively preserve features of the lost Collectio prisca.\textsuperscript{231} Interestingly, Wirbelauer has argued that the exemplar of the Collectio Teatina, the best surviving representative of the Collectio prisca, also arose as a direct result of the controversy between Laurentius and Symmachus.\textsuperscript{232} Wirbelauer does not identify the Teatina’s exemplar with the Prisca itself; indeed, he scarcely mentions the Prisca. But might this be the implication? That is to say, could the Collectio prisca itself have had its origins in this conflict? Such a hypothesis might explain why the ‘priscan’ translations are so appallingly poor, for the propagandists that worked in support of Symmachus are known to have been poor stylists.\textsuperscript{233} It would also go towards explaining why certain materials forged during the dispute—the so-called Symmachiana—make up an important segment of two derivatives of the Prisca, namely the Vaticana and Coll.Sanb.\textsuperscript{234} These are interesting possibilities, though unfortunately it will probably be impossible to confirm or deny them until such time as critical editions of Maassen’s Italian/‘priscan’ group have been prepared.

\textsuperscript{229} See Turner, ‘Chapters in the history of Latin MSS. of canons. VI’, with the contamination of the Vaticana discussed on p. 18. As will be discussed below, it is possible that these Coll.Dion. passages only entered Coll.Sanb.’s tradition in the eighth century.

\textsuperscript{230} As they are by Field, On the communion of Damasus and Meletius.

\textsuperscript{231} According to Turner, ‘Chapters in the history of Latin MSS. of canons. VI’, 11, the lost Collectio prisca contained the councils of CANC.314, CNEO.315, CGAN.355, CANT.328, CCAR.419, CCHA.451, and CCON.381, and in this order. Turner argues (pp. 11–12) that the original collection omitted CNIC.325; thus, what has been printed as the versio prisca of CNIC.325 (common to Iustelliana and Vaticana) ever since Justel’s editio princeps of the Iustelliana is in fact nothing of the sort; it is rather a combination of the version of CNIC.325 found in the interpretationes Attici and Ingilramni (the latter = Teatina). Turner further speculates (p. 16) that the Prisca may have also contained a series of papal letters; however, there is insufficient evidence to deduce which letters might have been included. On the possibility that the Prisca also included the Symmachiana, see below.

\textsuperscript{232} Wirbelauer, Zwei Päpste, 115–18.

\textsuperscript{233} Cf. Townsend, ‘The so-called Symmachian forgeries’, 171.

\textsuperscript{234} Note, however, that the Vaticana and Coll.Sanb. contain different versions of the Symmachiana; i.e., Coll.Sanb. presents a collection of contemporary Symmachian forgeries, which Wirbelauer designates ‘SD1’, while the Vaticana presents a later and much smaller collection of documents, which Wirbelauer designates ‘SD2’.
Unlike the other collections from the Italian/’priscan’ group, Coll.Sanb. very early on spread out from Italy to influence several compilations that took shape in Gaul. The first of these is the Collectio Colbertina (Paris, Bibliothèque nationale, Lat. 1455 [s. ix 3/4–4/4, Reims region]), compiled no earlier than the mid sixth century by combining the entirety of Coll.Sanb. with material from other collections, including Coll.Quesn. The second is the first of several collections found in the Diessensis manuscript (Munich, Bayerische Saatsbibliothek, Clm 5508 [s. viii ex, Salzburg], fols 1–130), whose seventh-century exemplar was, or was dependent upon, Coll.Sanb. A third is a collection found in The Hague, Museum Meermanno-Westreenianum, 10.B.4 (s. vii2, Bourges?). This manuscript, which is the earliest copy of the sixth-century Gallic Collectio Sancti Mauri—a collection with strong ties to Coll.Quesn.—contains an insert (fols 31–53, copied ca 800) that is alien to the original manuscript and to the Sancti Mauri itself. The insert contains a dossier of canonical materials, two of which have been drawn from the Coll.Sanb. The exact nature of the relationship of this insert to Coll.Sanb. has yet to be investigated in detail.

235 Maassen, Geschichte, 511–12; Turner, ‘Chapters in the history of Latin MSS. of canons. VI’, 9; Wirbelauer, Zwei Päpste, 123 n. 49.
236 Wurm, Studien, 90.
237 Wirbelauer, Zwei Päpste, 186; Wurm, Studien, 91.
238 And in fact the only copy of any real value, since the two other extant witnesses are merely apographs: C.H. Turner, ‘Chapters in the history of Latin MSS. of canons. VII’, JTS 32 (1930), 1–11, at 3–4, 7.
239 Despite common claims to the contrary, e.g. in Kéry, Collections, 45. The matter is fully explained by Turner, ‘Chapters in the history of Latin MSS. of canons. VII’, 4–6. The offending folios are inserted so as to appear integral to the whole, beginning where the Hague Sancti Mauri breaks off (CNIC.325.20) and ending where the Sancti Mauri picks up again (at CSAR.347.3). On the relationship of the Sancti Mauri to Coll.Quesn. see Turner, ‘Chapters in the history of Latin MSS. of canons. VII’, 6–7.
240 EOMIA, I, 2.iii, p. ix. By comparing the discussion in Turner, ‘Chapters in the history of Latin MSS. of canons. VII’, 5, against Maassen, Geschichte, 617, one can deduce the contents of the insert as follows: CNIC.325.20–end (versio Isidori) + subscription list (cf. Coll.Sanb. c. III); Gennadius of Marseilles’s Liber ecclesiasticorum dogmatum; the constitutio of Impp. Valentinian and Marcianus (‘Omnibus negotiis’) to Anatolius of Constantinople (cf. Coll.Quesn. c. XXV); Chalcedonian ordo gestorum (cf. Coll.Quesn. c. XXV); synodal letter of CSAR.347 to Pope Julius I (cf. Coll.Sanb. c. XXXIV); CROM.595; and CSAR.347.1–3 (cf. Coll.Quesn. c. I).
5.3.4 Textual tradition

Though they are derivative, both the Diessensis and Colbertina have been considered by scholars as witnesses of the Coll.Sanb. tradition because they contain so much of the material of their parent collection. The primary witnesses of Coll.Sanb. are six, however: these include Lucca, Biblioteca Capitolare Feliniana, 490 (s. viiex–ixin, Lucca), Paris, Bibliothèque nationale, Lat. 4279 (s. ixmed, western Francia), Saint Paul’s Abbey in Lavanttal, Stiftsbibliothek, Codex 7/1 (s. viii:med-2, [northern?] Italy), and MSS C2, D3 and D8. Two of these witnesses, D3 and Paris 4279, are now incomplete and want a great part of the series of decretals and all of the dogmatic material found at the end of the collection. Coll.Sanb. was named by Maassen after the manuscript he believed most closely represented the collection in its original state, namely Saint Paul 7/1, called codex Sanblasianus because it had rested until 1809 in the library of St Blaise’s Abbey in the Black Forest. Whether or not Saint Paul 7/1 does in fact ‘der ursprünglichen Gestalt der Sammlung am nächsten kommt’ remains unproven, however. Indeed, one manuscript (D3) has come to light since Maassen’s day that may have a stronger claim to this distinction.

Based on a collation of its conciliar canons, Turner distinguished two families in the tradition of Coll.Sanb., each of which goes back to an archetype, call them α and β: to the first family (α) belong Saint Paul 7/1 and Lucca 490; to the second (β) belong C2 and D8. Essentially the

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241 Wirbelauer, Zwei Päpste, 122 with n. 48.
242 See above, Chapter 5 n. 193.
243 Maassen, Geschichte, 505, 509–10.
244 That Saint Paul 7/1 and Lucca 490 share a close relationship has been confirmed by the discovery that these manuscripts shared an exemplar that was defective in its arrangement. This was first pointed out by Wurm, Studien, 265–66 n. (‘Schlußbemerkung’) to item 14, who observed that both manuscripts share common defects in their organization of certain decretals; cf. also ACO, II, 2.ii, p. viii. It should be noted, however, that Lucca 490 and St Paul 7/1 are not first generation apographs of the same exemplar, for Lucca 490 has a far greater degree of disorganization in its decretal series (Wurm, Studien, 256–66 n.), and also evidences a peculiar tradition in its text of Const.Silv. (Wirbelauer, Zwei Päpste, 183).
245 EOMIA, I, 2.i, p. viii and II, 1, p. 34. That C2 and D8 share a common exemplar is proven by the fact that they both contain the same marginal note set next to the Chalcedonian definition of faith (= Coll.Sanb. c. XXX). In D8 this reads: ‘ista epistola iam scripsi in codice presbiteri Tribuni’ (ACO, II, 2.ii, p. 11). The note is completely garbled in C2, which reads (fol. 135r): ‘istam episcopus iam scius sym [scius sym possibly corr. to scripsi in] codice
same division in *Coll.Sanb.*’s tradition (α vs. β) has also been shown to exist for one of *Coll.Sanb.*’s decretals, as well as for *Coll.Sanb.*’s Symmachiana components (= *Coll.Sanb.* cc. XII–XVI). The place of Paris 1455 and Paris 4279 in the tradition is not yet known (Turner did not collate them), but on present evidence it seems safe to assume that the same basic stemmatic division (α vs. β) holds true throughout the collection. Determining with certainty which (if any) of the two families preserves the more ancient form of the text will not be possible until all witnesses have been collated and their respective texts fully evaluated. At present, clues as to which family may prove to be more ancient are ambiguous. On the one hand,

praesipteri tribuni'. C2 and D8 may share at least one other marginalium in common, on which see below, Chapter 5 n. 275.

246 Namely DINN.401.293 (= *Coll.Sanb.* c. XXIV); see H. Wurm, ‘Decretales selectae ex antiquissimis Romanorum pontificum epistulis decretalibus’, *Apollinaris* 12 (1939), 40–93, at 53. Note that Wurm observed that C2’s readings occasionally departed from those of all other *Coll.Sanb.* witnesses, a pattern also observed by other scholars studying other sections of the collection (see next note).

247 See Wirbelauer, *Zwei Päpste*, 224 (quoted below, Appendix IV n. 8), as well as his grouping of sigla at the beginning of his edition of SD1 (*Zwei Päpste*, 228, 248, 262, 272, 284), where the following affiliations are advertised: KP2P1 (= C2, D8 and Paris 4279) — P3 (= Collectio Colbertina) — Ma (= D3) — SM1L1/L4 (= Saint Paul 7/1, Collectio Diessensis prima and Luca 490). Note the middling position of the Collectio Colbertina, which implies that a branch of the *Coll.Sanb.* tradition (the Colbertina’s exemplar) has gone missing. The critical apparatus for Wirbelauer’s edition of the Symmachiana is not complete, and for more detailed textual data one must await his forthcoming edition in the MGH; however, from the information Wirbelauer does provide, it is obvious that C2 presents numerous egregious readings, some of which are the result of later corrections against other (and recensionally very different) copies of the Symmachiana, while others appear, at least at first glance, to be the result of scribal error. However, given the apparent primitiveness of C2 in the textual tradition of the Symmachiana and of *Coll.Sanb.* generally, it may well be the case that many of these apparent scribal corruptions are rather ‘pure’ readings from an originally poorly composed text. Indeed, scholars have long noted that the ghastly style of the Symmachian forgeries (on which see Townsend, ‘The so-called Symmachian forgeries’, 171) is probably not the result of scribal corruption but rather of the fact that they arose as ‘popular pamphlets’ disseminated among the partly Gothic population of Rome: Townsend, ‘The so-called Symmachian forgeries’, 166–67; Townsend, ‘Councils’, 233–34; and cf. Wirbelauer, *Zwei Päpste*, 166, who characterizes the language of the Symmachiana as that of ‘(freilich stilisierter) Umgangsprache’. It has already been seen that the Latin translation of Greek canons with which the Symmachiana was associated (the Prisca) is of exceptionally poor quality. It is not too difficult to believe, then, that the original Symmachian documents were themselves full of syntactical, grammatical and orthographical abnormalities, abnormalities that have in large part been preserved by C2.

248 Paris 4279 may belong to the second (β) family; cf. Wirbelauer, ‘Zum Umgang mit kanonistischer Tradition’, 217, and above, Chapter 5 n. 247.

249 This has not stopped many historians from basing their discussions of *Coll.Sanb.* on manuscripts from the α family, as if Maassen’s opinion of the value of Saint Paul 7/1 were a foregone conclusion.
according to Turner, the ‘true reading’ is found more often in the second (β) family.\textsuperscript{250} On the other hand, the readings of the \textit{Vaticanam}—a similar collection roughly coeval with \textit{Coll.Sanb.}—are closest to those of the first (α) family, which may argue in favour of that family’s precedence.\textsuperscript{251}

Of great importance is the fact that, as Turner noted, D\textsubscript{3} shares readings with both families.\textsuperscript{252} This may indicate one of two things: that it represents a contaminated tradition; or that it represents a purer state in the tradition, one that existed before it split into two families. While (again) it is impossible without further research to tell for certain,\textsuperscript{253} the following observation suggests that the latter possibility may indeed prove true. In all witnesses of \textit{Coll.Sanb.} the \textit{versio prisca} of CCHA.451 has in three places been contaminated with readings from the Dionysian version.\textsuperscript{254} But von Euw and Plotzek have noted that in D\textsubscript{3} one, possibly even all three (von Euw-Plotzek’s report is ambiguous), of these Dionysian substitutions have been ‘inserted by another hand’.\textsuperscript{255} If this is true, then (depending on the date of the hand making the insertions) D\textsubscript{3} is either an early copy from which all other extant Coll.Sanb. witnesses derive, or a member

\begin{itemize}
  \item \textit{EOMIA}, II, 1, p. 34: ‘\textit{uera sylloges} $S$ lectio nonnumquam apud \textit{SZ} [α] ..., saepius apud \textit{XY} [β] inuenitur’. And cf. \textit{EOMIA}, I, 2.i, p. vii, where Turner notes that ‘fidem autem neque uni [familiae] neque alteri semper adhibendam.’ Cf. Wirbelauer, \textit{Zwei Päpste}, 224 (quoted below, Appendix IV n. 8), who gives full weight to \textit{Symmachiana} readings found in both C\textsubscript{2} and D\textsubscript{8}.

  \item \textit{EOMIA}, I, 2.i, p. viii: ‘SZ [α], cui adsentiunt codices sylloges $v$ [\textit{Vaticana}].’

  \item \textit{EOMIA}, II, 1, p. 34. Note, moreover, the position of D\textsubscript{3} in Wirbelauer’s grouping as discussed above, in Chapter 5 n. 247.

  \item At present one could, in theory, sift through the textual data provided by Turner and Schwartz for the conciliar canons of Coll.Sanb., and evaluate each case in which D\textsubscript{3} agrees with either family α or β. If D\textsubscript{3} represents a purer state in the tradition, then it should only agree with α (as against β) when α has the better reading, and with β (as against α) when β has the better reading. This could also be done with the \textit{Symmachiana} component of Coll.Sanb. using Wirbelauer’s forthcoming MGH edition, which will include more detailed information about textual variants than is currently available in his 1993 edition. Unfortunately, the same evaluation of textual variants can at present not be done for any of Coll.Sanb.’s decretals (DINN.401.293 was edited critically by Hubert Wurm, but he did not collate D\textsubscript{3}).

  \item See above, Chapter 5 n. 204.

  \item Von Euw–Plotzek, \textit{Die Handschriften}, IV, 36: ‘Der Prisca-Text ist an zwei entscheidenden Stellen durch den des Dionysius ersetzt ... : 37r zu Beginn von Can. VIII Z. 3: \textit{qui in unaquaque civitate} etc. ist nach der Versio Dionysiana offensichtlich von anderer Hand eingesetzt ..., ebenso stammt 39r der Schluß von Can. XVII [sic pro XVI]: \textit{ut habeat autoritatem eiusdem loci episcopus misericordiam humanitatem quae largiri} ... aus der Dionysiana.’
\end{itemize}
of an entirely different recension of *Coll.Sanb.* that had *prisca* readings for CCHA.451 throughout, and was later corrected against a copy of the ‘vulgate’ recension of *Coll.Sanb.* Though not impossible, the latter scenario seems extremely unlikely. Assuming, therefore, that von Euw and Plotzek’s report is accurate, one can justifiably hypothesize: 1) that the Dionysian readings now seen in *Coll.Sanb.* are merely an eighth-century augmentation; and 2) that D3 is the exemplar from which all extant witnesses of *Coll.Sanb.* derive. Here it seems significant that three of the four earliest witnesses, namely D3, Lucca 490 and Saint Paul 7/1, originated in northern Italy,\(^{256}\) and that of these two, namely D3 and Saint Paul 7/1, also have an early Reichenau provenance, and therefore very probably share a similar early history\(^{257}\) (indeed, perhaps D3 and Saint Paul 7/1 even emerged from the same scribal area). That D3 has probable connections to Anglo-Saxon activities on the Continent makes its likely place at the head of the *Coll.Sanb.* tradition a possibility of great importance to students of Anglo-Saxon history. Obviously, von Euw and Plotzek’s report needs to be confirmed as soon as possible.

5.3.5 The Cologne manuscript (C2): text

C2 is a manuscript well known to palaeographers and historians alike, who have long questioned its origin and its place within the *Coll.Sanb.* tradition.\(^{258}\) With regard to textual tradition, the first question that needs answering is whether or not C2’s Dionysian preface and copy of *Can.apost.* are part of the original collection or are merely later interpolations. Besides serving as the introductory material to *Coll.Sanb.* in C2, these two documents are also found at the beginning of Paris 4279, where they are followed by the Dionysian version of CLAO.300, then SEA c. 7, then CORL.511.16, and then by the rubric ‘In nomine sanctae trinitatis incipiunt canones de

\(^{256}\) Von Euw–Plotzek, *Die Handschriften*, IV, 39: ‘In welchen mittelbaren oder unmittelbaren Verhältnis unsere Handschrift zu Cod. St. Paul 7/1 oder zu dem ... Lucceser Codex steht, kann hier nicht untersucht werden, doch scheinen Inhalt und Form beider Handschriften die These von der oberitalienischen Entstehung des [D3] zu festigen.’


\(^{258}\) Relevant literature will be cited below; see also the references cited above, Chapter 3 n. 52. It should be noted that C2 is complete, and does not ‘break off prematurely’, as claimed by Wirbelauer, *Zwei Päpste*, 123 n. 50.
universis provinciis’, which introduces Coll.Sanb. proper.\textsuperscript{259} If not for a similar (though far from same) arrangement in C2, these introductory documents in Paris 4279 (a mid ninth-century manuscript) could easily be discounted as later accretions to the tradition.\textsuperscript{260} One may still perhaps discount Paris 4279’s CLAO.300 (and certainly its SEA and CORL.511 chapters) as an eighth- or ninth-century accretion, but together C2 and Paris 4279 reveal that the Dionysian preface and Can.apost. were, since the early eighth century at least, part of one branch of the Coll.Sanb. tradition. On current evidence it is impossible to tell whether these Dionysian additions go back further in the tradition than this. Current assumptions about the attitude of the original compiler of Coll.Sanb. towards Dionysius’s work are of no help with respect to this question. For, on the one hand, the compiler did not shy away from poaching phrases, and even in one case an entire canon, from Dionysius’s collection;\textsuperscript{261} yet, on the other, he deliberately avoided using Dionysius’s translation of CLAO.300 (note that this text was not available in the Prisca)—as Wirbelauer has suggested, this reluctance on the part of the pro-Symmachus compiler of Coll.Sanb. to embrace openly the work of Dionysius may have been due to the anti-Symmachan stance that Dionysius seems to have adopted during that pope’s conflict with Laurence.\textsuperscript{262} So, it is possible that the Dionysian preface and Can.apost. are in fact original to the tradition;\textsuperscript{263} nevertheless, given that (as will be seen below) C2 appears to represent a

\textsuperscript{259} See above, Chapter 5 nn. 175–176.

\textsuperscript{260} Cf. Maassen, Geschichte, 509–10: ‘Freilich finden sich die Vorrede des Dionysius und die Canonen der Apostel in zwei Handschriften, der kölner und der pariser 4279. Die Eigenschaft des Zusatzes wird aber in der letzteren selbst hervorgehoben. Es folgt nämlich erst nach den Canonen von Laodicea, die hier noch an die Canonen der Apostel sich anschliessen, der Titel der Sammlung in nomine sanctae trinitate etc.’

\textsuperscript{261} See above, Chapter 5 n. 204.

\textsuperscript{262} Wirbelauer, Zwei Päpste, 127–28 and 133–34.

\textsuperscript{263} An argument for their originality would be greatly strengthened if it could be proven that the Dionysian preface and Can.apost. once also introduced Coll.Sanb. in D3. This manuscript, which currently wants its entire first quire (of eight folios, or sixteen pages), begins abruptly in the middle of CNIC.325.8. By comparison with C2, it can be determined that the Nicaean index and first 8.5 canons of CNIC.325 should have taken up roughly the same number of pages as the final 12.5 canons of CNIC.325 (in C2 the Nicaean index + CNIC.325.1–8\textsuperscript{1/2} fill six pages, while CNIC.325.8\textsuperscript{2/2}–21 also fill six pages, for a total of twelve pages). Since CNIC.325.8\textsuperscript{2/2}–21 fill five pages in D3 (fol 1r–3r; the Nicaean subscription list begins at the top of fol. 3v), one can assume that no more than one-third of its now missing first quire contained Nicaean material. This leaves at least ten pages in that quire that would have been free to contain material prefatory to CNIC.325. Now, in C2, the Dionysian preface + Can.apost. fill (not counting C2’s initial, decorative page on fol. 1r) eighteen pages, which is exactly 50% more space than is taken up by CNIC.325 (canons plus index) in that manuscript. Incidentally, one arrives at this same ratio (3:2) when one compares the space used for these materials in Oxford, Bodleian Library, e Musaeo 103 (where the Dionysian
tradition that has undergone considerable correction and contamination, it seems more likely that this material was introduced into the C2-branch of the Coll.Sanb. tradition sometime between the sixth and eighth centuries.

Turner observed that, in addition to the conspicuous Dionysian material at its beginning, C2 exhibits many peculiar readings not found in other Coll.Sanb. witnesses. Specifically, he noted that for CANT.328, C2 agrees more closely with the Collectio Teatina (that is to say with a ‘purer’ prisa tradition of this council), and that for CNIC.325, C2 agrees more closely with Coll.Quesn. and the collectiones Maassenianae, chiefly the Wirceburgensis representative of that group (that is to say with a ‘purer’ Isidori tradition of this council). Klaus Zechiel-Eckes, too, found C2 to be ‘contaminated’ with readings from other canon law collections, noting in particular that a phrase in C2’s CNIC.325.10 is taken from the Interpretatio Caeciliani. And, for the Symmachiana component, Wirbelauer observed that C2’s exemplar seems to have been compared against a precursor to the Vaticana/Coll.Dion.-Hadr.-aucta tradition. To the list of C2’s apparent contaminations and deviations can also be added the following: 1) C2’s version of CANC.314.10 (canon number 9 in C2) is unique among Coll.Sanb. witnesses in that it incorporates a phrase otherwise found only in Coll.Quesn. and the Corbeiensis; and 2) C2’s version of CCON.381 contains several passages of substantial length that are unique to this

preface+Can.apost. fill ten pages, and CNIC.325 fills approx. 6.5 pages). Assuming the same ratio holds for D3, then something on the order of fifteen pages would have been required in D3’s missing quire to contain the Dionysian preface + Can.apost. (i.e. 1.5 times as many pages as were used in D3 for CNIC.325, which, as has been seen, would have filled around ten pages). This is slightly more than was calculated above as being available in the missing quire after accounting for all its Nicaean material; however, if one assumes that the missing quire devoted only a modest amount of space to rubrication and decoration, then it is entirely possible—indeed, on the evidence of C2 and Paris 4279, I would suggest even probable—that this quire included the Dionysian preface and Can.apost.

264 EOMIA, I, 2.i, p. vii.
265 EOMIA, I, 2.i, p. vii. On the collectiones Maassenianae, see above, Chapter 5 n. 135.
266 Zechiel-Eckes, ed., Concordia canonum des Cresconius, II, 176 n. 15.
267 That is, C2 exhibits contamination with the SD2 tradition of the Symmachiana: Wirbelauer, Zwei Päpste, 180–81.
268 See EOMIA, II, 1, p. 80, textual note to line 12.
witness, including (in CCON.381.5) additional material translated from the Greek. C2’s high incidence of ‘recensional rupture’ (‘Versionsbrüchen’)―along with the fact that many readings unique to C2’s text (especially its copy of the Symmachiana) appear originally to have been glosses―led Wirbelauer to suggest that the tradition represented by C2 must have been continually revised by comparison with other collections, and ultimately to conclude that the exemplar of C2 itself had been ‘schon mit Glossen übersät’. It seems, therefore, that C2 represents a tradition that has undergone a considerable degree of contamination from a variety of different competing collections, and that many of its ‘invasive’ readings seem to be taken from collections that originated and circulated primarily in Italy and southern Gaul. Given that this same degree of contamination is not also found in other Coll.Sanb. witnesses, it is probable that the tradition represented by C2 evolved in an environment that was significantly distinct from those in which other copies arose. This environment need not have been geographically very different, but it must at least have included: a) a number of competing collections circulating at the same time; and b) ecclesiastics who were keen to study, and in the process cross-fertilize, these several traditions. That one of these competing collections was Coll.Quesn. seems a certainty. That another was the Teatina is suggested by C2’s version of CANT.328. Moreover, C2’s susceptibility to contamination from other collections implies, as mentioned above, that C2’s Dionysian preface and Can.apost. are later additions to this particular traditional branch rather than components of the original Coll.Sanb.

On the one hand, it is probable that many of the distinctive aspects of the C2-tradition arose in Italy or Southern Gaul. It was here that there circulated during the sixth and seventh centuries many of the collections thought to have influenced C2’s archetype. Indeed, it has been suggested on more than one occasion that C2’s exemplar was the product of an Italian

Moreover, it was in Southern Gaul in the eighth century that a C2-type manuscript was used by the compiler of the *Collectio 400 capitularum*. On the other hand, if C2 itself originated in Northumbria (as it almost certainly did; see below), then the possibility arises that part of the C2-tradition also evolved in an Anglo-Saxon context. This hypothesis is supported by the fact, already demonstrated above, that *Coll. Quesn.*—one of the collections with which C2’s exemplar was contaminated—was highly favoured by early Anglo-Saxon ecclesiastics. And there can be no doubt that, ca 700, Northumbria possessed both the canonistic resources and the intellectual atmosphere required to account for the textual cross-fertilization seen in C2; for these things are plainly evidenced by the *Dialogus* of Archbishop Ecgberht of York, and by the many summary glosses added to the margins of C2 by the main scribe. The summary glosses in C2 are written in the same pointed Insular minuscule used for copying out the last three lines of each page, and are typically added in the left margin at the beginning of the relevant chapter. All instances of summary glosses in C2 are listed here, and are numbered for ease of reference: 1. ‘de non cito uris excommuniconandis’, glossing CNIC.325.5 (fol. 12r); 2. ‘deuites [pro diuties] fideles blasfemando accussat [scil. Eustathius]’, glossing the preface to CGAN.355 (fol. 28v); 3. ‘ut non sit eclesias nec offerrit [scil. eucharistia] sines [pro sine] iusione episcopi’, glossing CGAN.355.6 (fol. 29v); 4. ‘ut episcopi praespiiteri diaconi et subdiaconi se abstinent’, glossing CCAR.419.3 (fol. 36v); 5. ‘ut clerici non ad ussum fenerent’ glossing CCAR.419.5 (fol. 37r); 6. ‘ut episcori in spectaculis ueniet nec se negotis saecularibus misceant’, glossing CCAR.419.15 (fol. 39v); 7. ‘nullum excommonicandum ante audiencia’, glossing CCAR.419.24 (fol. 40v); 8. ‘qui libro [pro libri] in ecclesia leguntur’ and 9. ‘placeat etiam legi omnium martirum passiones cum anniersaria omnium episcoporum’, both glossing CCAR.419.29 (fols 41v–42r); 10. ‘episcopi alienam sedem precipiti temeritate [scil. appetientes]’, glossing CSAR.347.2 (fol. 63r); 11. ‘inter duos episcopos si litis orta fuerit’, glossing CSAR.347.3 (fol. 63r); 12. ‘episcopus in modicas ciuitates non fiant’, glossing CSAR.347.4 (canon 5 in C2; fol. 64r); 13. ‘de appellatione episcoporum’, glossing CSAR.347.4(3b) (canon 6 in C2; fol. 64v); 14. ‘ut episcopi ad comitatum [scil. imperatorium] non uadant’, glossing CSAR.347.5 (canon 7 in C2; fol. 64v); 15. ‘priuari honore euntes ad comitatum si non ulla causa’, glossing CSAR.347.7 (canon 10 [though unnumbered] in C2; fol. 66r); 16. ‘quomodo laici promoueantur [scil. ad episcopatum]’, glossing CSAR.347.8 (canon 12 in C2; fol. 66v); 17. ‘ut episcopus in aliena XXI dies non amplius resedeat’, glossing CSAR.347.9 (canon 13 in C2; fol. 67r); 18. ‘de capua beneueniet [pro beneuenet] et neapolum legati romanorum’, glossing CSAR.347 (fol. 69r); 19. ‘ut episcopatum ordinem non contemnat’, glossing CANT.328.18 (canon 17 in C2; fol. 74r); 20. ‘neque a populo uim passus’, glossing CANT.328.21 (canon 20 in C2; fol. 74v); 21. ‘ut nulli episcoporum liceat successorem sibi facere’, glossing CANT.328.23 (canon 22 in C2; fol. 75r); 22. ‘non est sapientia nisi in patientia fuerit st’, glossing DSIR.384.255, c. 7 (fol. 96v); 23. ‘de monachis et de monachas’, glossing DSIR.384.255, c. 7 (fol. 96v); 24. ‘ut laici non imponantur clericis in honore ecclesiae’ and 25. ‘de laici non cito faciendis episcopis’, glossing DCEL.422.371, c. 2 (ad loca ‘si qui his praefuturi’ and ‘unde et illum decipiati’) (fols 104v–105r); 26. ‘sacerdotes falleis utentibus [pro pallii usentes] repraehestit’, glossing ...
canonical sophistication of the *Dialogus* (including its intensive use of papal decretals) is nothing short of impressive, and is discussed in detail in Appendix III; while the *C2* glosses, which appear to be unique to this manuscript,\(^{275}\) show a level of textual engagement beyond the merely superficial. Someone, probably Anglo-Saxon and certainly—given the incredibly luxurious construction of the manuscript—of some ecclesiastical distinction and reputation, took a deep interest in the content and meaning of the canons transmitted in this collection. The glossator reveals a general interest in canons that place restrictions on the clergy’s *conversatio* (glosses nos 3, 4, 5, 6, 26, 27, 29); however, he shows particular interest in canons that limit episcopal privileges, including regulating episcopal elections (nos 12, 16, 19, 21, 24, 25), restricting their right of appeal (nos 11, 13, 14, 15), and prohibiting their ability to visit/transfer to other sees (nos 10, 17, 20). It is striking how well the glossator’s preoccupations overlap with the disputes that arose as a result of Wilfrid’s appointment and subsequent deposition as bishop of Northumbria. Wilfrid’s litigiousness led him frequently to appeal (successfully) to Rome the judgements made against him by the Anglo-Saxon church.\(^{276}\) That Wilfrid was exceedingly wealthy (a fact that may have helped provoke some of his conflicts) could explain glosses 2, 5 and 6; and procedural and jurisdictional questions that may have arisen as a result of Wilfrid’s conflict with Theodore and frequent appeals to Rome might be reflected in glosses 1, 7, 11, 12, 13, 14, 15. Judging from the nature of these glosses, then, it seems entirely possible that the glossator had an abiding interest, perhaps even some degree of involvement, in the controversies surrounding Bishop

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\(^{275}\) At least one of these glosses—that found on fol. 135r, a sort of bibliographical note glossing the Chalcedonian definition of faith—was copied by the scribe from his exemplar; see above, Chapter 5 n. 245. Accordingly, I have not included this gloss in the list on Chapter 5 n. 274. I also note that Munier, *Africæ*, 118, reports that gloss no. 5 occurs in *D8*; could he be in error here, reporting *D8* instead of *C2*? Notwithstanding these facts, and the suggestion by Wirbelauer (noted above) that *C2*’s exemplar was ‘already littered with glosses’, I see no reason to believe that the thirty examples listed above in n. 274 were added early, as opposed to late, in the *C2*-tradition; in fact, they probably originated with *C2* itself.

Wilfrid in the last decades of the seventh century. Indeed, it will be argued below that it was perhaps Wilfrid himself who introduced *Coll.Sanb.* to northern England, and he who commissioned the copying *C2*.277

5.3.6 The Cologne manuscript (*C2*): origin

The scribe of *C2* wrote a heavy, round half-uncial characteristic of that in use in Insular centres of the early eighth century—‘Insular half-uncial phase II’.278 This script was practised with perfection at the Irish-influenced monastic centres of Iona, Lindisfarne and Echternach.279 Both the script and exquisite decoration of *C2* have led art historians to associate it with the Lindisfarne, Durham, Durrow, Echternach and Cambridge-London Gospel-books; the similarity between the decorative initials and zoomorphic ornamentation in these Gospel-books and those in *C2* has been noted in particular.280 Unfortunately, the exact origin(s) of these Gospel-books is a matter of contention among scholars; the possibilities range from Northumbria to Echternach to Ireland, with various monasteries in each as candidates.281 These books therefore cannot be used to determine a definitive origin for *C2*, except to place it in an Insular-influenced centre in the North during the early eighth century. It has been pointed out, however, that the rich zoomorphic decoration in *C2* contrasts with the absence of such decoration in the ‘Echternach group’,282 a fact that helps to localize *C2* to a centre in England or Ireland, rather than on the Continent.

277 See below, p. 272.

278 The text has been occasionally glossed and corrected, both by the scribe and by later hands: Wirbelauer, ‘Zum Umgang mit kanonistischer Tradition’, 214. The claim by some scholars (Lowe, *CLA*, VIII, no. 1163; Bergmann–Stricker, *Katalog*, II, no. 355) that there are ‘several scribes’ appears to be mistaken.


Further in support of an Insular origin is \(C_2\)’s arrangement into quires of ten folios, a feature it shares with certain seventh-century Irish and Northumbrian manuscripts.\(^{283}\) One peculiar feature of \(C_2\)’s script may indicate a Northumbrian origin: the scribe used an elegant pointed (verging on cursive) Insular minuscule for the last three (sometimes one or two) lines of each page. This scribal phenomenon is apparently unique to \(C_2\).\(^{284}\) The same minuscule script is also used in \(C_2\) to copy out names in the catalogues of bishops present at the councils of Nicaea, Constantinople, Sardica, etc., and also, occasionally, for rubrics. Once, on folio 83r, it is used to copy out the text of the entire page. Both types of script—half-uncial and insular minuscule—are known to have been used at Jarrow in the late seventh-century.\(^{285}\) Moreover, the combination of Insular minuscule with higher grades of Insular script (like ‘hybrid minuscule’ and half-uncial) within the same codex also occurs in a number of seventh- and eighth-century manuscripts linked to Lindisfarne and Northumbria.\(^{286}\) The presence of an eighth-century Old English scratched gloss—‘hroemgum’ on fol. 122v, glossing ‘conpotis uotis’ from DINN.401.303, c. 7 (= Coll.Sanb. c. XXV)—along with the famously misleading entry ‘SIGIBERTUS SCRIPSIT’ (on which see below) at the bottom of the last folio (fol. 143r), strongly suggest that the immediate context was Anglo-Saxon, as opposed to Irish.

Wherever it originated, \(C_2\) was in Germany within a century after its creation, for it bears at least one Old High German scratched gloss datable to the middle of the eighth century.\(^{287}\) If indeed \(C_2\) had been copied in Northumbria instead of at Echternach or Ireland, then its journey across the Channel to the Rhineland should probably be seen as a consequence of English missionary activity in and around the area throughout the eighth century. Attempts to place the manuscript in

\(^{283}\) T.J. Brown, ‘Palaeography of the manuscript’, 16.

\(^{284}\) Wirbelauer, ‘Zum Umgang mit kanonistischer Tradition’, 214 n. 21 argues very persuasively, based on the suggestion of P.G. Schmidt, that the scribe of \(C_2\) ‘bemüht war, den Seitenumbuch seiner Vorlage zu erhalten. In der Tat bestünde mit dem Wechsel in die Kursive eine größere Flexibilität, dieses Ziel zu erreichen. Auch optisch-ästhetische Überlegungen könnten eine Rolle gespielt haben. Die drei kursiven Zeilen am Seitenende wirken durch ihre größere Buchstabendichte wie ein Fundament, auf dem die übrigen Zeilen ruhen.’


\(^{286}\) See T.J. Brown, ‘Palaeography of the manuscript’, 26–7.

Cologne by Archbishop Hildebald’s time (ca 785–818) based on the ‘SIGIBERTUS’ entry found both in this manuscript as well as in Cologne, Erzbischöfliche Diözesan- und Dombibliothek, Codex 212 (the Collectio canonum Coloniensis) ultimately fail due to scholars’ ignorance of the identity of the Sigeberht in question and of when and where it was that his name was added to these manuscripts. Some scholars have suggested that Sigeberht was a Northumbrian working in Cologne’s scriptorium under Archbishop Hildebald, but there is simply no evidence to support this. What Sigeberht’s annotations do show is that both Cologne 212 and C2 share a common yet unknown early history, and that they came to one and the same place possibly even before they reached Cologne, whenever that may have been. Heinrich Tiefenbach has made the compelling suggestion that the Sigeberht in question was the same whom Angilramn (bishop of Metz [768–791] and Charlemagne’s palace chaplain) commissioned to produce a copy of the Collectio Teatina (mentioned above); Tiefenbach, then, would see Vatican, Reg. Lat. 1997—the only extant witness of the Teatina—is an apograph of the manuscript thus commissioned. If all three Sigeberhts (the one who added his name to C2; the one who added his name to Cologne 212; and the one who was commissioned to copy the Teatina) are indeed the same person, then this strongly suggests that all three lawbooks—C2, Cologne 212, and the exemplar of Vatican, Reg. Lat. 1997—were in the vicinity of Metz during Angilramn’s episcopacy. In fact, the Old High German gloss in C2 can be linked, on relatively strong linguistic grounds, to the area around Metz. Tiefenbach has further suggested, again compellingly, that after Angilramn’s death in 791, all three manuscripts passed into the possession of Hildebald, bishop (and later archbishop) of Cologne and successor to Angilramn as the royal chaplain.

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288 Bullough, Alcuin, 231 n. 309. It should be noted that Wirbelauer’s claim (Zwei Päpste, 180) that the Regula formatarum (cf. Coll.Quesn. c. LXIII, Coll.Sanb. c. VII) written on the extraneous fols. 169v of Cologne 212 by a hand of s. vii/viii (cf. Maassen, Geschichte, 575–76) was copied from C2, fols 47v–48v, cannot be true, as a comparison of the two texts reveals significant differences between their copies.

289 The more so since the flyleaf of Cologne 212 containing the ninth-century entry ‘In dei nomen Hildibaldus’ is not original to that codex: Doane, ASMMF 9, 37–8.

290 Tiefenbach, Xanten–Essen–Köln, 306–08.


292 Tiefenbach, Xanten–Essen–Köln, 306–07. Thus does Cologne 212 bear the ninth-century addition ‘In dei nomen hildebaldus’ on its first flyleaf; cf above, Chapter 5 n. 289.
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Tiefenbach’s suggestions about the provenance of C2 are compelling:293 should they be accepted as true, then one would like to know how it was that C2, produced in an Insular scriptorium, came to be in Metz in the second half of eighth century, at most only a few decades after its creation. It will be suggested below that C2 may have arrived in Metz via a rather circuitous route from York, thence to Frisia, and thence to Mainz, following the movements of several Anglo-Saxon missionary figures along the way.294

5.3.7 Use in England

Besides Coll.Dion., Coll.Sanb. is the only collection whose transmission in England before the tenth century can be proven with certainty, and for whose use in Anglo-Saxon England there is substantial evidence that is not entirely manuscript-based. Exactly how Coll.Sanb. came to England is, unfortunately, not known, nor is it clear to exactly what extent Coll.Sanb. was known to Anglo-Saxon ecclesiastics or used by Anglo-Saxon councils. Nevertheless, sporadic yet tell-tale signs of its influence can be observed in Anglo-Saxon documents dating from as early as the seventh century to as late as the eleventh. The remainder of this chapter will lay out the evidence for the use of Coll.Sanb. in seventh- and eighth-century England; for evidence of the use of Coll.Sanb. in later Anglo-Saxon England, see Appendix IV.

5.3.7.1 The Leiden gloss tradition

At least one copy of Coll.Sanb. may already have been in Canterbury by the end of the seventh century, where it would have formed part of the library of Theodore and Hadrian’s school. The evidence for this comes from medieval collections of Latin glosses, or glossaries. In 1986, Michael Lapidge demonstrated that Leiden, Bibliotheek der Rijksuniversiteit, Voss. Lat. Q. 69 (s. viii/ix, St Gall) transmits a glossary tradition that originated at Theodore and Hadrian’s Canterbury school.295 This discovery is of great importance to the study of Anglo-Saxon canon

293 It is interesting, though perhaps only a coincidence, that the earliest known witness to the Collectio 400 capitulorum—which drew directly upon C2’s exemplar (see above, Chapter 5 n. 273)—was a Metz manuscript, Bibliothèque municipale, 236 (olim E.29), which had been dated to the Rhineland, s. viii/ix, before it was lost in the Second World War.


295 Lapidge, ‘School of Theodore’, 149–68.
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law, for Leiden 69 begins with over 100 alphabetized lemmata keyed to conciliar canons and papal decretals. The Leiden glossary therefore contains a set of glosses indicating something of the nature of the study of canon law at Canterbury at the end of the seventh century; for this reason it is necessary to consider this gloss tradition in some detail.

The Leiden 69 glossary is only one from a family of glossaries—now all found in Continental manuscripts—which derive (directly or indirectly) from teaching texts produced at the Canterbury school in the seventh century.296 This family or tradition of glossaries is known as the ‘Leiden-family’, after the Leiden 69 manuscript, which is at present the only glossary from this tradition to have been printed in full.297 According to Lapidge, besides Leiden 69, four other manuscripts from this tradition contain canonical glosses: Fulda, Hessische Landesbibliothek, A.2 (s. x, Bodensee region); Saint-Omer, Bibliothèque municipale, MS 150 (s.x, Saint-Bertin); Sélestat, Bibliothèque humaniste, MS 7 (100) (s. x\textsuperscript{in}, Reichenau?); and Paris, Bibliothèque nationale, Lat. 2685 (s. ix\textsuperscript{2}, Belgium or Holland).298 No edition of the glossaries in these four manuscripts is yet available; I have, however, been able to examine a facsimile of the relevant folios (47v–48r) of the Paris 2685 glossary,299 which will serve as a basis for the comparison offered below.

The entire ‘Leiden-family’ tradition is a muddle. As Lapidge notes, ‘of all texts, glossaries are the most prone to scribal interference: to selective copying, interpolation, omission, and so on.’300 As a result, traces of the ‘Leiden-family’ glossaries ‘appear in countless manuscripts in forms so altered as to be beyond recognition.’301 The wide diffusion of this gloss tradition throughout the medieval West, combined with the mutable nature of the genre itself, means that

\begin{flushleft}
296 See Lapidge, ‘School of Theodore’, 154 et passim.


299 By the kind offices of the editors of the Dictionary of Old English.

300 Lapidge, ‘School of Theodore’, 150.

301 Lapidge, ‘School of Theodore’, 153.
\end{flushleft}
an as yet undetermined amount of material found in the extant manuscript witnesses is likely to bear little relationship to the original Canterbury glossae collectae that took shape under Theodore; this material will rather represent accretions and additions by later scribes working at other schools, many of which will have been Continental. For the purposes of determining which canon law collections were being used in Theodore and Hadrian’s school, these later glossarial accretions to the tradition are irrelevant. In theory, it should be possible to isolate the original collection from the layers of later additions by following a recensionist method of analysis, that is by collating the canonical glosses from each of the five relevant glossaries in order to determine which glosses they share in common: their commonalities would, theoretically, represent the core of the tradition, and the original Canterbury glossae collectae. In practice, however, things are not so simple. As Lapidge notes, the original Canterbury text itself may well have been issued in ‘various instalments’ such that ‘it may be misleading to think of a single archetype of the collection.’

The complex nature of the ‘Leiden-family’ tradition is therefore probably such as would defy conventional recensionist analysis—a method that by its very nature is generally incapable of dealing with scribal interference (or ‘contamination’) and with textual traditions whose archetypal form is not uniform. Nevertheless, the recensionist approach may be of some value in helping at least to pare away from the original text some of the more obvious later accretions. The following observations on the Canterbury canonical gloss tradition, based as they are on a collation of only two of the five surviving witnesses (Leiden 69 and Paris 2685), are therefore offered with all due cautions and caveats in place.

Lapidge was the first to propose that Coll.Sanb. was the main source for the canonical lemmata in the Leiden glossary. Ten years after Lapidge’s study, however, in an important article on the canonical sources available to Theodore in England, Martin Brett considered the canonical glosses of Leiden 69 and Paris 2685 in greater detail, and rejected Coll.Sanb. as a significant source for both glossaries. Brett examined both the Leiden and Paris glossaries separately, and analysed the probable sources of each glossary as they currently stand. Brett deduced that the

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303 Lapidge, ‘School of Theodore’, 161–62. As will be seen, the evidence for the influence of Coll.Sanb. on the glosses is not as strong as Lapidge initially believed. It should be noted that Lapidge himself admitted to allowing the evidence of PTHU.700 (on which see below) to influence his opinion here.
canonical lemmata in the Leiden 69 glossary could be best explained as coming from a single collection, namely an enlarged *Coll.Dion.II* (or early *Coll.Dion.-Hadr.*), specifically one that had been provided with a text of the Chalcedonian creed as found in the *Collectio Novariensis concilii Chalcedonensis* (Novara, Biblioteca Capitolare, XXX [66]). The Paris glossary, too, according to Brett, was influenced predominantly by an enlarged *Coll.Dion.II* (or, again, early *Coll.Dion.-Hadr.*), though here he postulated that the source collection had been contaminated in several places by the *versio Isidori*. Brett concluded that ‘In Theodore’s circle, as the glossaries reflect it, an enlarged version of the second *Dionysiana* was indeed a central text’.

While Brett was able to demonstrate the sources of the Leiden and Paris glossaries as they currently stand, he failed to take sufficient account of the likelihood that these glossaries

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304 Brett, ‘Theodore and the Latin canon law’, 132, admits that ‘Strictly, there is no decisive method of excluding the *Hadriana* itself as a source for Leiden, for the manuscript of the glossary is almost certainly later than 774, and the differences between the “pure” *Dionysiana* and the later version which can be shown to be relevant to the glossary are all also found in the *Hadriana*. Nevertheless, it is far more probable that Leiden depends on a *Dionysiana* which had received some of the additions and alterations later found in the *Hadriana* than on the *Hadriana* itself. No other source as late as 774 has yet been identified in Leiden, and the latest element in the *Hadriana* proper, Gregory II’s council of 721, cannot be shown to have been used by the glossator’. This final qualification seems unwarranted, since not only is the text of CROM.721 very short and expressed in a very simplified Latin (and therefore would be less deserving of gloss), but it is by far the latest text typically found in *Coll.Dion.-Hadr.*, most other components of that collection originating no later than the sixth century. The absence of readings from CROM.721 in the Leiden glossary, or in any glossary, for that matter, is therefore not diagnostic of the absence of influence from *Coll.Dion.-Hadr.* Moreover, Brett himself provides a clue to the possibility that Leiden was influenced by CROM.721 when he notes (p. 130 n. 37) that Leiden’s lemma ‘presbytera’ (Hessel no. I.104) is glossed not according to its original context—in CLAO.300.11, where the meaning is roughly ‘priestess’—but rather as ‘uxor presbyter’. Brett interprets this is evidence of the influence of Gregory’s *Dialogues* on this gloss, but perhaps a more likely source is the first canon of CROM.721, which reads ‘Si quis presbyteram duxerit in coniugium, anathema sit. Et responderunt omnes tertio: Anathema sit.’ Note that Brett’s reference to the lemma ‘genuini’ as comprising possible evidence for the presence of CROM.721 in the Paris glossary’s source is an error that seems to be based on the misplacement of Brett’s footnote 53 on p. 135; as the footnote itself makes clear, the lemma in question comes not from CROM.721 but from the synodal letter that prefaces CGAN.355 in some collections.

305 Brett, ‘Theodore and the Latin canon law’, 130–33, noting in particular (p. 132) that a modified Dionysian collection like the one that stands behind Rome, Biblioteca nazionale centrale, Sessor. LXIII (s. ix 24°, Nonantola), ‘would provide 129 of the 133 words glossed in the Leiden [69] *glossae collectae* from councils.’ Brett refers to the Novara collection as the ‘Vaticana’, which is the name used by Schwartz, who edited the collection in *ACO*, II. The Novara collection, which is primarily a collection of conciliar and creedal documents pertaining to CCHA.451, is not to be confused with the *Collectio canonum Vaticana*; see Kéry, *Collections*, 25–6 and 39.

306 Brett, ‘Theodore and the Latin canon law’, 133–36, specifying (p. 136) ‘the *Quesnelliana*, Freising or Saint-Maur collections, which alone have the “Isidorean” [sic] forms of both Nicaea and Antioch.’ Note that *Coll.Quesn.* cannot account for at least one of the non-Dionysian readings Brett found in the Paris glossary, namely ‘thia’ (on which see below).

represent later devolutions of the original Canterbury *glossae collectae*. Brett’s study thus avoids addressing the real crux of the textual problems by giving equal and full weight to both Leiden 69 and Paris 2685 as witnesses to the texts studied at Theodore and Hadrian’s school. But as has been seen, the entire question of which canon law collections are at the source of the Canterbury gloss tradition is vexed by the fact the glossaries extant today present vastly different texts representing vastly different paths of textual transmission and contamination. The corpora of canonical glosses in the Paris and Leiden glossaries serve as a case in point. Paris 2685 contains far fewer glosses than Leiden 69—the former has 51, the latter more than 160—and arranges its canonical lemmata in roughly sequential order (that is, they follow roughly the same sequence in which one would encounter them in a chronological collection), whereas Leiden 69 has its canonical lemmata arranged into alphabetical groups. Moreover, each contains a considerable number of lemmata not shared by the other, and for those that are shared, the corresponding glosses often differ. Finally, Paris draws a significantly greater percentage of lemmata from papal decretals than does Leiden. It was on the basis of differences such as these that Lapidge concluded that the Leiden 69 and Paris 2685 glossaries had ‘been copied independently from the same collection of materials.’ Brett’s research has identified what sorts of canonical sources might have been available to the scribes who augmented subsequent copies of the Canterbury *glossae collectae*, but does not necessarily indicate what source(s) the compiler(s) of the original *glossae* might have drawn upon. Brett’s conclusion that an enlarged *Coll.Dion.II* was a central text in the curriculum Canterbury school’s curriculum therefore needs to be reconsidered based

308 Brett, ‘Theodore and the Latin canon law’, 130, does acknowledge that, ‘though both manuscripts show clear signs of a connection with Theodore, they are of the late eighth or ninth century, allowing in principle for a good deal of contamination.’ He also notes (p. 130) that ‘There may be some contamination of the text’ found in Leiden 69.

309 Cf. Brett, ‘Theodore and the Latin canon law’, 134: ‘The early elements of the [Paris] glossary are arranged in part in the order of the councils of the source, each with its own rubric, though the later section, especially that part taken from the decretals, disintegrates into disorder.’ In fact, there are multiple groups of canonical glosses in Leiden 69, and only the first group (Hessel’s section I) is alphabetized; the two later groups (Hessel’s sections XXXIX.53–73 and XLI.1–6), are not alphabetized. On the different groups of canonical glosses in the Leiden glossary, see Brett, ‘Theodore and the Latin canon law’, 130 nn. 36, 38. Lapidge argued, no doubt correctly, that Leiden’s alphabetical arrangement was a more recent innovation, which in turn argues in favour of the Paris glossary’s arrangement as representing the more primitive text, at least for the canonical glosses: Lapidge, ‘School of Theodore’, 152.

310 As noted by Brett, ‘Theodore and the Latin canon law’, 134.

311 Lapidge, ‘School of Theodore’, 152.
on an evaluation of the *common core* of all canonical lemmata found in the five extant ‘Leiden-family’ glossaries.

As mentioned above, the ‘Leiden-family’ glossaries present a host of textual difficulties that make it unlikely that scholars will ever know for certain exactly which canonical sources were used for the original Canterbury *glossae collectae*. One can nevertheless reasonably expect that profitable results will come from a complete collation and analysis of the canonical glosses found in all five of the manuscripts identified by Lapidge.\(^{312}\) This study cannot offer such an analysis; but it is hoped that the following observations, in combination with Brett’s findings, will serve as an indicator of where more detailed investigations may lead.

From a comparison of the 51 lemmata in the Paris glossary against the over 160 lemmata printed from Leiden 69 by John H. Hessel, only 17 are found to be in common. They are listed in Table 10 according to the order they occur in the Paris glossary. Glosses of individual lemmata are dispensed with unless they help identify the source. The numbering in parentheses in the first column corresponds to Hessel’s edition. The ‘material’ sources listed in the fourth column indicate ultimate, or indirect, sources whence the corresponding lemma has come; ‘formal’ sources in the fifth column indicate canon law collections that transmit the relevant material source and therefore are possible intermediate, or direct, sources for the glossaries.

<table>
<thead>
<tr>
<th>No.</th>
<th>Leiden 69 (Hessel no.)</th>
<th>Paris 2685 (fols 47v–48r)</th>
<th>Material source</th>
<th>Possible formal sources</th>
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<tbody>
<tr>
<td>1.</td>
<td>catalocum (XXXIX.68)</td>
<td>catalogus</td>
<td><em>Can.apost.</em> 9(^{313}) (this text available in Latin only in Dionysius’s translations).</td>
<td>Found principally in <em>Coll.Dion.II</em> and <em>Coll.Dion.-Hadr.</em>, but also in numerous other collections (Maassen lists 14).(^{314}) Note that <em>Can.apost.</em> is</td>
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\(^{312}\) Lapidge, ‘School of Theodore’, 160. In the course of analyzing all of the canonical glosses in the ‘Leiden-family’, one could—in addition to learning about the Canterbury *glossae collectae*—expect to discover a great deal about what sorts of canon law collections were being used by glossators who added subsequently to the tradition; that is, one could hope to further the important work already begun by Brett. One particularly important reason this should be done is to follow up on Brett’s suggestion that the ‘Leiden-family’ may represent the earliest witness to the enlarged *Coll.Dion.II* tradition: Brett, ‘Theodore and the Latin canon law’, 133.

\(^{313}\) *EOMIA*, I, 1, p. 11, line 3.

\(^{314}\) Maassen, *Geschichte*, 409.
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<tr>
<th></th>
<th>obtentu (I.79)</th>
<th>sub optentu</th>
<th>Can.apost. 6, 39/40.</th>
<th>As above, no. 1.</th>
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<td>2.</td>
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<th></th>
<th>aleator (I.1)</th>
<th>aleatur</th>
<th>Can.apost. 42 (rubric), versio Dion.II.</th>
<th>As above, no. 1. Note that this rubric is not found in collections that transmit the Dion.I version of Can.apost.; however, in these collections ‘aleator’ can be found in title 41 of Can.apost.’s register.</th>
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<th>mancipantur (I.70)</th>
<th>mancipantur</th>
<th>Can.apost. 18.</th>
<th>As above, no. 1.</th>
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<th></th>
<th>genuinum decus (I.57)</th>
<th>genuini</th>
<th>Synodal letter of CGAN.355, versio Isidori (both antiqua and vulgata).</th>
<th>Found in most collections (Turner lists 10) that transmit the versio Isidori of CGAN.355; also in several versions of Coll.Dion.-Hadr. (with Gangran canons in the versio Dion.II).</th>
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<th>byrrus (I.17)</th>
<th>birris</th>
<th>CGAN.355.12, versiones Isidori (both antiqua and vulgata) and Dion.I/II.</th>
<th>Found in all collections (Turner lists 14) that transmit the versiones Isidori and Dion.I/II of CGAN.355.12.</th>
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<th></th>
<th>arcimandritis (I.14)</th>
<th>archimannica</th>
<th>Perhaps from the salutation in DHOR.514.800.</th>
<th>The salutation for DHOR.514.800 is found in the collectiones Avellana, Dionysiana-Bobiensis, and</th>
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<td>9.</td>
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315 Appears as two glosses in Paris 2685, but is really just one. The full gloss reads: ‘Sub optentu . id est sub detentione uel sub districto rigore . Obtinens enim dicitur . qui strictim tenet’.


317 Cf. Hessel nos I.2 and XXXIX.60, ‘alea’ and ‘alae’, from the rubric of Can.apost. 43 (Dion.II), and text of Can.apost. 41/2, respectively.

318 *EOMIA*, I, 1, p. 29.

319 Where the reading in C2, fol. 4r is ‘alatur’.

320 *EOMIA*, I, 1, p. 16, line 4.

321 *EOMIA*, II, 2, p. 59, line 8.


323 *EOMIA*, II, 2, pp. 198–99, lines 5–6.

324 *EOMIA*, II, 2, p. 293, line 18.

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| 10. | thia (XXXV.46) | THIA | CNIC.325.3 in Attici, prisca, Gallo-Hispana, Rufini, and Isidori versiones. | Found in essentially all collections (Turner lists over 15) that transmit CNIC.325 in the versiones listed to the left (with the notable exception of Coll.Quesn.). Note that the versio Attici is found in Coll.Hisp. and Coll.Dion.I as part of CCAR.419. |
| 11. | ptochiis (I.91); pitoicis (XXXIX.58) | ptocus | CCHA.451.8, in versiones Isidori (or Hispana) and Dion.I/II. | Found in all collections (Schwartz lists 11) that transmit CCHA.451 in the versiones Isidori and Dion.I/II. |
| 12. | stipulatio (I.124) | stipulatio | Perhaps from the acta of CCAR.419, in which the phrase ‘sub adstipulatione litterarum’ occurs twice. | The acta of CCAR.419 are found in numerous collections (Turner lists 11); but note that only the enlarged Coll.Dion.II and Coll.Dion.- |

326 See Maassen, Geschichte, 290–91.

327 DSIM.468.574 is found only in the Avellana (see Maassen, Geschichte, 275); DFEL.483.608 is found only in the collection of Berlin, Staatsbibliothek Preußischer Kulturbesitz, Phillipps 1776 (Maassen, Geschichte, 764–65); DLEO.440.426 and 444 are found only in the collection of Chalcedonian documents prepared by Rusticus (Maassen, Geschichte, 745–51); DLEO.440.449 and 454 are found only in Coll.Hisp. and in D12 (Maassen, Geschichte, 264–65); and DLEO.440.457 appears to be found only in the collectiones Grimanica and Ratisbonensis (ACO, II, 4, p. 33).


330 See Die Canonenssammlung, ed. Strewe, 90–6. Strewe needlessly emends the MS reading ‘thiam’ (p. 91, line 17) to ‘amitam’. The series of Nicaean canons attached to Atticus’s letter was removed by Dionysius from subsequent versions of his collection (it is also absent from Coll.Dion.-Hadr.) and replaced with the following: ‘Huic symbolo fidei [viz. Nicaean creed] etiam exemplaria statutorum eiusdem concilii Niceni a memoratis pontificibus adnexa sunt sicut superius per omnia continentur quae nos hic ea iterum conscribi necessarium non esse credidimus’ (EOMIA, I, 1.ii, p. 108 [col. II]).

331 ACO, II, 2.ii, p. 148, line 5, p. 180, line 37, and p. 199, line 22.

332 EOMIA, I, 2.iii, p. 574, line 123, and p. 582, lines 275–76; see also Munier, Africae, p. 91, lines 83–4, and p. 94, line 171.

333 At least one witness of the enlarged Coll.Dion.II does, namely Rome, Biblioteca Vallicelliana, A.5 (s. ix 3/4, Rome).
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<td>13.</td>
<td><em>absidam</em> (I.6); <em>ante absida</em> (XXXIX.56)</td>
<td><em>absidam</em> [ante praem. in mg.]</td>
<td>Perhaps from C2’s version of the <em>Gesta Liberii</em> (SD1–SL); all other versions of this text read ‘abis’. Cf. also ‘ante absidam’ in CCAR.397.30c (= Brev.Hipp.).</td>
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<td>The relevant reading in the <em>Gesta Liberii</em> found only in C2 (Coll.Sanb. c. XIII). CCAR.397.30c transmitted as canon 43(c) of Reg.eccl.Cart.exc. in Coll.Dion.II and Coll.Dion.-Hadr., and as canon 32b of Carthage III in Coll.Hisp.</td>
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<td></td>
<td>CROM.465 is found in Coll.Hisp., the Collectio Dionysiana-Bobiensis, and Coll.Dion.-Hadr. DLEO.440 is found in numerous collections (Maassen lists 11); note, however, that Coll.Sanb., Coll.Quesn. and several other collections contain the shorter version of DLEO.440.410, which does not contain the relevant section. The Dionysian translation of CNIC.325 is found principally in Coll.Dion.I/II and its derivatives, including Coll.Dion.-Hadr.</td>
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<td>15.</td>
<td><em>philacternia</em> (I.90); <em>filacternia</em> (XXXIX.62)</td>
<td><em>filacternia</em></td>
<td>A common word, but perhaps from either CLAO.300.36, <em>versiones</em></td>
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|   | CLAO.300 found in numerous collections (Turner lists over 15). Note that the *versio Dion.I/II* of

334 The reading ‘stipulatione’ is also found (but only once) in the *collectiones Vaticana* and *Dionysiana-Bobiensis*.  
335 See Maassen, *Geschichte*, 220.  
339 Thiel, *Epistolarum*, 163, where the text quotes a letter from the bishops of Tarragona, printed by Thiel, *Epistolarum*, 157–58. The phrase ‘praesertim quum ecclesia illius mancipii’ can be found on p. 158.  
340 *PL* 54, col. 654C.  
341 *EOMIA*, I, 2, p. 262, line 17.  
342 See Maassen, *Geschichte*, 274.  
343 Maassen, *Geschichte*, 258.  
344 It is found, for instance, in a number of works by or concerning St Boniface, and in several early Carolingian capitularies.
Chapter 5

<p>| | | | |</p>
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<tr>
<td>16.</td>
<td><em>inula</em> (XX.10); <em>inula</em> (XXXIX.65)</td>
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<td></td>
<td></td>
<td><em>inula</em></td>
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<td>17.</td>
<td><em>typum</em> (XXXIX.71)</td>
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<td><em>thifus</em></td>
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|Isidori and Dion.I/II (i.e. all versions), |   | CLA.O.300.36 is found in *Coll.Sanb.* in Paris 4279. Note also that the *versio Isidori* of CLA.O.300.36 is also transmitted as c. 68 of CAG.D.506 in *Coll.Hisp.* DGE.L.492.†700 is found in numerous collections (Maassen lists 9), including *Coll.Sanb.* in D8 and Lucca 490. CRO.M.721 is found principally in *Coll.Dion.-Hadr.*, but also in *Coll.vet.Gall.* |

**Notes:**


346 Ed. von Dobschütz, *Das Decretum Gelasianum*, 57, line 333.


348 See Munier, *Galliae*, 228.


350 Maassen, *Geschichte*, 306–07, also lists the *collectiones Dionysiana-Bobiensis* and *Sancti Amandi*.

351 Appears as two glosses in Paris 2685, but is really just one. The full gloss reads: ‘*Infule* . signum dignitatis pontificum . *Infule* enim dignitates dicuntur’.


356 EOMIA, I, 2.iii, p. 605, line 161; see also Munier, *Africae*, p. 160, line 96.

357 EOMIA, I, 2.iii, p. 621, line 146; see also Munier, *Africae*, p. 172, line 91.
Lapidge estimated that approximately two-thirds of all the lemmata found in the Paris 2685 glossary are also shared by Leiden 69; this ratio clearly does not hold true for the canonical components of these glossaries, however, for only 17 of the 51 canonical lemmata in Paris 2685 are also found in Leiden 69. Conventional recensionist methodology would interpret this as indicating that more than 60% of Paris’s canonical glosses constitute material added to the tradition by later glossators. This—combined with what appears to be evidence that, somewhere along the way, the tradition represented by the Paris manuscript was subject to abbreviation and normalization—would further suggest to a Recensionist that the Paris glossary is a relatively poor witness to the Canterbury glossae collectae (at least to its canonical component anyway).

Alternatively, a non-recensionist interpretation of the data allows for the possibility that Paris 2685’s corpus of canonical glosses, though smaller than that in Leiden 69, is nevertheless essentially an original Canterbury text: all one needs to posit is that Paris 2685’s text issued forth from the Canterbury school at a slightly earlier time than did Leiden 69’s. One could thus view both glossaries as representing different stages in the development of the original Canterbury glossae, wherein Leiden 69 represents a later, more fully developed and sophisticated stage in a tradition, of which Paris 2685 represents only the beginnings. Unfortunately, no conclusions in these matters can be reached until the three remaining canonical glossaries have been collated.

All that can be done here is to comment on that portion of both the Leiden and Paris glossaries that is most likely to go back to Canterbury, that is the 17 lemmata that they share in common. Incidentally, of these 17 lemmata, only 10 share the same or similar glosses, which indicates

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358 Lapidge, ‘School of Theodore’, 153.

359 A few features of the Paris glossary, including a degree of abbreviation, suggest that it preserves a tradition that has been worked over: cf. below, Chapter 5 n. 360, particularly the glosses to lemmata nos 5 and 7. Note also, however, that several glosses in Paris appear to be expansions upon the Canterbury original: see glosses to lemmata nos 15–17, given in the next note.

360 Lemmata nos 4, 10, 13, 14 are either identical or nearly identical in both glossaries. Lemmata nos 5 (‘funestis’) and 7 (‘byrrus’) are glossed similarly though not equally in each glossary (‘funestis : mortiferis . uel scelestis’ and ‘byrrus : cuculla breuis’ in Leiden; ‘funestis . sclerati’ and ‘birris . breuis’ in Paris). Similarly, the glosses to lemma no. 11 are comparable, though not identical (‘ptochis in dispensationibus pauperum : uel negotia’ and ‘pitocis : dispensatio pauperum’ in Leiden [nos I.91 and XXXIX.58]; ‘ptocus . dispositio quae pauperibus datur’ in Paris). Three lemmata, nos 15–17, share similar glosses in each glossary, though Paris apparently added additional explanation: for lemma no. 15 (‘philactera’) Paris adds ‘custodia reliiquiarum sicut fiunt parua retes in quibus alii ponunt reliquias sanctorum’; for lemma no. 16 (‘infula’) Paris adds ‘signum dignitatis pontificum’; and for lemma no. 17 (‘typum’) Paris adds ‘uel superbia’. This would seem to suggest that the 17 glosses identified in Table 10 have undergone modification in the Paris glossary. This hypothesis is supported by the fact that many lemmata
that even the common textual core shared by the two glossaries has undergone considerable alteration. This inspires even less confidence that the recensionist methodology used to arrive at the data in Table 10 is the best approach for isolating the original Canterbury *glossae collectae*. Nevertheless, in the absence of a more trustworthy data set, the following analysis proceeds on the assumption that the 17 lemmata listed in Table 10 represent glosses originating at Canterbury under Theodore’s archiepiscopate.

Based on the arrangement of the lemmata in the Paris glossary, it can be assumed that chronological (not systematic) canon law collections are the most likely sources. Further, based on the supposed age of the *glossae* tradition (seventh century), and the apparent lack of any lemmata taken from indigenous Anglo-Saxon canons, it is highly probable the source collection(s) will be either Italian in origin, or Gallican/Iberian modifications of Italian collections. Even so, the range of possible source collections is great. Perhaps the most important conclusion to be drawn from the data in Table 10 is that *no one collection suffices as a source* for all 17 lemmata. However, as will be seen, one does come close. Lemmata nos 1–4 (*Can.apost.*) could not have come from either *Coll.Quesn.* or from *Coll.Sanb.*, unless from the latter’s C2 and Paris 4279 witnesses; lemma no. 3, however, would seem to indicate that the source for these four lemmata followed the *Dion.II* translation, which leaves *Coll.Dion.II*, *Coll.Dion.-Hadr.*, and the *collectiones Dionysiana-Bobiensis, Wirceburgensis, Theodosii and Vaticana* as likely candidates. Since lemma no. 5, another drawn from the Dionysian group of collections, cannot be found in any collections but *Coll.Dion.II* and *Coll.Dion.-Hadr.*, one can conclude that either *Coll.Dion.II* or *Coll.Dion.-Hadr.*—or some enlarged versions thereof—are the most likely sources for lemmata nos 1–5. This evidence squares rather well with what is known about the probable source of Ecgberht’s *Dialogus*, compiled in York shortly after the composition of the Canterbury *glossae* (on which see Appendix III), as well as with several manuscripts from Chapter 3’s category ‘Continental manuscripts with possible Anglo-Saxon connections’, three of

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361 The *Collectio Dionysiana-Bobiensis*, which follows *Dion.I* at this point, happens to omit the word ‘funestis’ from CANC.314.3.
which are worth recalling in this connection: D13 and D14 are copies of Coll.Dion.II (perhaps, as argued above, in a special Anglo-Saxon recension), but without any decretals; and D15, currently fragmentary, now contains only decretals but may once have been paired with a copy of the councils of Coll.Dion.II. While none of these manuscripts can itself have served as the source for the Canterbury glosses, collectively they indicate a knowledge of the necessary texts among Anglo-Saxons less than a century after the Canterbury gloss tradition began.

Looking at the remaining lemmata from Table 10, one finds that all but lemma no. 10 could possibly have been taken from an (enlarged) Coll.Dion.II or Coll.Dion.-Hadr. This, however, need not have been the case. One wonders why, for example, if a Dionysian collection were the only source for the Canterbury glosses, no lemmata (at least none found in common between the Leiden and Paris glossaries) were taken from the Dionysian preface, which contains some relatively difficult words. In his study Brett only adduces one lemma (‘machomenus’) that comes from Coll.Dion.II and no other collections; this single lemma, however, is found only in Leiden 69 and so is probably a later addition to the gloss tradition. Moreover, as Brett himself acknowledges, far too little is yet known about the process of expansion and development that the Dionysian collections underwent during the sixth to eighth centuries, and particularly about the part of the tradition that would eventually become known to historians as the ‘Hadriana’, to assume that Coll.Dion.II alone was used for the Canterbury glossae collectae. That so much of the evidence for Coll.Dion.II is equivocal is enough reason in itself to explore the possibility that further collections may have influenced the Canterbury glossae collectae.

One reason to believe that multiple collections were drawn upon by the glossators at Canterbury is that such a picture accords with the reality seen in other major scholarly centres in the West at this time or earlier—Carthage, Rome, Arles and Lyon, for example—where at any one time not one but several canon law collections typically were available (or dominant, to use the

362 The preface contains, for example, the relatively rare words condecoro, interemeratus, iutus, pronius, inconvulsus, capesso and sparsim.

363 According to Brett, ‘Theodore and the Latin canon law’, p. 131 n. 41, ‘machomenus’ (Hessel no. I.72) is found only in CCHA.451 in the enlarged Coll.Dion.II and Coll.Dion.-Hadr. Brett also adduces (p. 131 n. 42) Leiden’s ‘olografia’ (Hessel no. XXXIX.72) as evidence of an enlarged Coll.Dion.II as a source; but the passage that contains this word originated in all four collections from Maassen’s Italian group (i.e. collections deriving from the Collectio Prisca, on which see above), where it immediately precedes the so-called Regula formatarum; see Maassen, Geschichte, 400–01. It is therefore also found in Coll.Sanb. c. VII (C2, fol. 48r reads ‘olografa’).
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terminology introduced in Chapter 1). By settling upon *Coll.Dion.II* as the base collection from which all the Canterbury glosses were drawn—and by explaining away all discrepancies between the (original) contents of this collection and the glosses observed in the Leiden and Paris manuscripts as the result of either later additions to *Coll.Dion.II* or of contamination of *Coll.Dion.II* by other collections (like *Coll.Quesn.* or the *Novariensis Chalcedonensis*)—one essentially collapses and flattens into one dimension what was, on the contrary, very probably a rich and complex canonistic culture at Canterbury. Instead of assuming that the single source was a *Coll.Dion.II* enlarged and augmented with, say, readings from *Coll.Quesn.*, it seems better to assume that representative collections from both traditions were available to students at Canterbury, as part of a pool of canonistic literature that had been assembled there by Theodore and others since Augustine’s time. While the approach Brett takes—to imagine the sort of enlarged *Coll.Dion.II* that would have needed to exist to explain all the lemmata in these glossaries, and then to posit its existence for that very reason—does have a certain economy and satisfying simplicity, it is hardly the most rigorous way to interpret the evidence, and even involves a degree of circularity. A more compelling interpretation would involve positing multiple source collections, both for the original Canterbury *glossae collectae* and for the later additions to the tradition.364

The following collections are thus offered as possible candidates, in conjunction with *Coll.Dion.II*, for sources of the Canterbury *glossae collectae*. (Because, for reasons stated above, it is relatively certain that the lemmata taken from *Can.apost.*, namely lemmata nos 1–4, have been drawn from *Coll.Dion.II*, it will be specified whether or not these four lemmata are included in the tallies that follow.) Most notable would be the *Collectio Vaticana*, which alone contains 9 of the lemmata in Table 10, or 13 including those taken from the *Can.apost.*365 *Coll.Hisp.* (which does not include *Can.apost.*) alone contains 8 out of the total 17 lemmata.366

An honourable mention goes to the *collectiones Theodosii diaconi, Wirceburgensis*, and

364 A diversity instead of a uniformity of canonistic literature is certainly behind the later additions to the Canterbury gloss tradition; that is, the great number of accretions to the ‘Leiden-family’ of glosses were the result of subsequent glossators in a variety of locales using a variety of canon law collections to make incremental augmentations to the original Canterbury text.

365 Namely lemmata nos 1–4, 6–7, 9–11 and 14–17.

366 Namely lemmata nos 6–7, 10–11 and 13–16.
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_Corbeiensis_, each of which contains 6 out of 17 lemmata, or 10 in the case of the former two if one counts those taken from _Can.apost_. Perhaps surprisingly, most witnesses of _Coll.Sanb._ contain only 6 out of 17 lemmata;\(^{367}\) this number jumps from 6 to 11, however, for _C2_, which, as was noted above, contains _Can.apost._ as well as a unique reading for lemma no. 13.\(^{368}\) Thus, the initial suggestion by Lapidge that _Coll.Sanb._ was the main source for the canonical glosses is not entirely unsubstantiated. Indeed, one might revise Lapidge’s suggestion and say that, in combination with a version of _Coll.Dion.II_, a special version of _Coll.Sanb._ such as that found in _C2_ was very probably drawn on for a portion of the Canterbury glosses. One should also allow for the possibility that the _Vaticana_ and _Coll.Hisp._ were in use in Canterbury as well. Notably, all three collections would account for the presence of lemma no. 10 (the only that could not have come from _Coll.Dion.II_).

If these conclusions regarding what sorts of canon law collections may have been in use at Canterbury during Theodore’s archiepiscopate seem unsatisfying, that is because so much work still remains to be done. Canonical glosses from three more manuscripts from the ‘Leiden-family’ of glossaries have yet to be collated. Once completed, a full edition of the Canterbury canonical glosses will shed much clearer light on the currently murky picture of the sorts of collections being studied in England under Theodore and Hadrian’s tutelage. Moreover, there may be further and as yet untapped evidence to be gleaned from the writings of Aldhelm, bishop of Sherborne (ca 705–709) and the only known student of Theodore’s whose works have survived. It is well known that Aldhelm studied Roman legal texts (perhaps even the _Codex Justinianus_ itself) at Canterbury.\(^{369}\) It is therefore highly unlikely that in the course of his studies Aldhelm did not also become thoroughly acquainted with at least one if not several different

\(^{367}\) Namely lemmata nos 6, 7, 10, 12, 16 and 17. Note that lemma no. 15 can also be found in _Coll.Sanb._ in _D8_ and Lucca 490 (within DGEL.492.†700) and in Paris 4279 (within CLAO.300).


\(^{369}\) Lapidge, ‘School of Theodore’, 149.
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canon law collections.\textsuperscript{370} It remains to be seen whether any of the vocabulary from the collections discussed above litters his prose (perhaps even his poetry), and a study of just this sort of thing might reap interesting results. Lapidge has in fact suggested that Aldhelm both studied and helped compile some of the glossaries compiled at Canterbury; and in this connection it is worth noting that Wirbelauer has speculated that it was Aldhelm himself who introduced into England the exemplar of C2.\textsuperscript{371} Finally, there is perhaps more that can yet be learned about the canonical sources of the mysterious collection of penitential and canonical sentences that go under the title \textit{Iudicia Theodori}. The most recent editor of the \textit{Iudicia}, Paul Finsterwalder—whose work (severely criticized in its time) is now nearly a century old—never completed his proposed companion volume detailing the sources of these sentences, and source work on the \textit{Iudicia}, and on PTHU.700 in particular (on which more will be said below), has not proceeded very far in the interval.\textsuperscript{372} Though the \textit{Iudicia} are themselves perhaps not directly connected with Theodore himself, they certainly contain valuable evidence of the kind of canonistic knowledge the Archbishop possessed and passed on to his students.\textsuperscript{373} Unfortunately, as has been noted by Brett, Theodore seems to have had a habit of paraphrasing the law rather than quoting it verbatim, which makes it notoriously difficult to identify the sources of the \textit{Iudicia}, not to mention the canons of his councils CHER.672 and CHAT.679.\textsuperscript{374} This is not to say, however, that further examples of canonical quotations in Theodorian texts, and in early Anglo-Saxon literature generally, will not be discovered if scholars today—whose tools for


\textsuperscript{372} See Stancliffe, \textit{Bede, Wilfrid, and the Irish}, esp. 12–32, who argues (p. 15) that an important source for Theodore was the sixth-century Greek \textit{Syntagma XIV titulorum}, and Flechner, ‘Making of the Canons of Theodore’, 135–38, who discusses Theodore’s use of the \textit{Libellus responsionum} (DGRE.590.1843). Two other major discoveries made in this area since the publication of P.W. Finsterwalder’s edition in 1929 are discussed below, one of which is the fact that \textit{Coll.Sanb.} was a source for PTHU.700. Finsterwalder, ed., \textit{Die Canones Theodori}, 204–05, suggested the following canonical sources for PTHU.700: \textit{Can.apost.}, CANC.314, CNEO.315, CLAO.300, CANT.328 and Dionysius’s ‘African’ canons. Note that, if it is indeed the case that the \textit{Iudicia} drew upon CLAO.300, this would mean that another collection in addition to \textit{Coll.Sanb.} was behind Theodore’s sentences.

\textsuperscript{373} So far as I know, nothing has yet been done with the intriguing discovery by Lapidge, ‘School of Theodore’, 143 and 145, of a Theodorian poem about divorce that shares phraseology with PTHU.700.

studying early medieval canon law have improved astronomically over the last one-hundred years—invest in efforts to find them.\textsuperscript{375}

In conclusion, glossary evidence indicates that there were at least two Italian collections—including a copy of an enlarged \textit{Coll.Dion.II}, and very probably a copy of \textit{Coll.Sanb.}—in Canterbury during Theodore’s day. One might infer from this that Theodore and Hadrian themselves had been responsible for bringing such collections with them from the South in 669; indeed, Pope Vitalian may well have insisted that they take an Italian collection with them in order to ensure the English church was in accordance with Roman canonical tradition. Nevertheless, there is nothing that prevents the possibility that \textit{Coll.Sanb.}, or indeed any number of alternative Italian collections, had been available in England even before Theodore and Hadrian’s arrival. It is, for example, entirely possible that an Italian collection was in use in Canterbury as early as the episcopacies of Pope Gregory’s \textit{discipuli}—Augustine, Justus, Laurence, or Honorius. Indeed, it seems highly unlikely that the earliest Roman bishops of Anglo-Saxon England would have attempted to administer their church without the aid of a reasonably comprehensive collection of canon law. And given the nationality of these early

\textsuperscript{375} This much is certain at present, however: whatever books Theodore introduced to England, they would have been entirely in keeping with Catholic orthodoxy at the time. Despite Theodore’s Eastern pedigree, it cannot be accepted that any ideas propounded by him at Canterbury would have been far out of step with the doctrine then supported by the papacy. Pope Vitalian would never have sent Theodore to head the entire English church if he did not have the utmost confidence in the orthodoxy of his beliefs; and he certainly would not have sent him without first ensuring that the creed Theodore would take with him accorded with western, as opposed to eastern, doctrine. That Theodore included in the creedal statement in the \textit{acta} of CHAT.679 the phrase ‘procedentem ex patre et filio’ (see above, Chapter 2 n. 156), a western dogmatic expression antagonistic to the Christianities of the contemporary East, is therefore not ‘highly surprising’, as Lapidge suggests (‘School of Theodore’, 147), but rather entirely to be expected. Similarly, it is far more probable that ‘et filio’ was included in CHAT.679 as a matter of course, rather than as the result of any controversy over contemporary perceptions of Theodore’s orthodoxy, as has been suggested by Chadwick, ‘Theodore, the English church and the Monothelite controversy’, esp. 94–5. Chadwick’s general argument seems particularly problematic to me: quite apart from the fact that I do see Bede placing anything like ‘remarkable emphasis’ on the phrase ‘et filio’ in CHAT.679, there is no reason to assume that the inclusion of this phrase in CHAT.679’s \textit{acta} would have caused any difficulty for Pope Agatho in his dealings with the East, since the pope was under no obligation to reproduce \textit{in toto} CHAT.679’s \textit{acta} (or any council’s \textit{acta}, for that matter) when sending word to Constantinople of the English church’s leanings on the Monothelite heresy; the only information Agatho needed to convey to the East was whether or not CHAT.679 stood by Pope Martin I’s condemnation of Monothelitism at CROM.649. Incidentally, \textit{Coll.Sanb.} omits the ‘et filio/filioque’ clause: both in the Chalcedonian definition of faith (= \textit{Coll.Sanb.} c. XXX), which has ‘et in spiritu sancto, dominum et uiuificatorem, a patre procedentem, qui cum patre et filio adoratur’ (\textit{ACO}, II, 2.ii, no. 5, p. 104, lines 9–10); and in the \textit{Gesta Liberii} (SD1–SL) component of the \textit{Symmachiana} (= \textit{Coll.Sanb.} c. XIII), where Liberius says ‘spiritum uero sanctum deum nostrum, non ingenitum neque factum, sed de patre procedentem, patris et filii, semper cum patre et filio coaeternum ueneramur’ (Wirbelauer, \textit{Zwei Päpste}, 248, lines 13–16). Both these examples are of course also found in other collections; e.g., the former is in \textit{Coll.Quesn.} c. XXV.
bishops, the collection(s) in question would most likely have been of Italian origin. If Pope Gregory I, himself well versed in the canon law, had not sent a book of canons with Augustine, then surely he must have done so when, in 601, Gregory dispatched Laurence, Mellitus, Justus, Paulinus and Rufinian from Rome to Canterbury with ‘codices plurimos’ and other objects useful to the fledgling church.\textsuperscript{376} Doubtless a copy of either \textit{Coll.Sanb.}, \textit{Coll.Dion.II} or \textit{Coll.Quesn.} figured among these \textit{codices}.

5.3.7.2 The Northumbrian redaction of the \textit{Iudicia Theodori}

\textit{Coll.Sanb.} is quoted in the ‘U’ or Northumbrian redaction of the \textit{Iudicia Theodori}, otherwise (though somewhat misleadingly) known as the Theodorian penitential. Turner first noticed that PTHU.700.1,15.4 quotes the \textit{versio Isidori vulgata} version of CANC.314.24 (canon 23 in \textit{Coll.Sanb.}), but with variants that align it unmistakably with the unique phrasing this canon has in \textit{C2}.\textsuperscript{377} The data are tabulated in Table 11 (italicized words indicate readings found in all three texts; \textbf{bold} words indicate readings shared only between \textit{C2} and PTHU.700.1,15.4):

\begin{center}
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PTHU.700.1,15.4 & CANC.314.23/24 (versio Isid.vulg.) & \textit{C2}, fol. 24v \\
\hline
Si mulier incantationes vel divinationes diabolicas fecerit I annum vel III . XLmas vel XL iuxta qualitatem culpae peniteat. De hoc in canone dictur: \textit{qui auguria auspicia sive somnia vel divinationes quaslibet secundum mores gentilium observant aut in domos suas huiusmodi homines introducunt in exquerrendis aliquam artem maleficiorum penitentes isti si de clero sunt abiciantur. Si vero saeculares quinquennio peniteant.} & \textit{Qui auguria auspicia sive somnia uel diuinatones quaslibet secundum more gentilium observant, aut in domos suas huissmodi homines introducunt in exquereandis aliquus arte maleficia at aut domos suas lustrent, confessi quinquennio paeniteant agant secundum antiquas regulas constitutas.} & \textit{Qui auguria auspiciaque sive somnia uel diuinatones quaslibet secundum mores gentium obsorbar aut in domus suas huissmodi homines introducunt in exquereandis aliquam artem maleficiorum aut ut domos suas lustrent confessi quinquennio ansent agant secundum antiquas regulas constitutas.} \\
\hline
\end{tabular}
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The pertinent section of PTHU.700.1,15.4 (‘De hoc in canone ... quinquennio peniteant’) is not found in any of the several other redactions of the \textit{Iudicia}, and so was probably introduced by the


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compiler of this Northumbrian redaction himself, the *discipulus Umbrensium*,\(^{378}\) who made his collection sometime in the first three decades of the eighth century.\(^{379}\) The possibility that it was in fact PTHU.700 that influenced the C2-tradition in this instance can be discounted, on the basis of evidence assembled below, in note 399, and also on the basis that elsewhere PTHU.700 (and no other redaction) draws again on *Coll.Sanb.*, though this time no direct relationship to C2 is apparent:\(^{380}\)

**Table 12: The *Collectio Sanblasiana* as a source for *Iudicia Theodori* (U), Book 1, c. 5.4**

<table>
<thead>
<tr>
<th>PTHU.700.1.5.4</th>
<th>CNIC.325.11 (<em>versio Isidori</em>), lines 5–14</th>
<th><em>Coll.Sanb.</em> (following siglum ‘S’ in EOMIA, I, 1.ii, p. 213)</th>
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<tr>
<td><em>Si quis</em> a fide dei discesserit sine ulla necessitate et postea ex toto animo penitentiam acceptit inter audientes iuxta Nicene concilium III annos extra ecclesiam et VII annos peniteat in ecclesia inter penitentes et II annos adhuc extra communionem.*</td>
<td>placuit sancto concilio, licet indigni sint misericordia, tamen aliquid circa eos humanitatis ostendi. <em>Si quis</em> ergo <em>ex animo paenitent, tribus annis inter audientes constituantur si fideles sunt</em> et <em>septem annis inter paenitentes, duobus uero annis extra communionem</em> in oratione sola participes fiant populo.</td>
<td>placuit sancto concilio, licet indigni sint misericordia, tamen aliquid circa eos humanitatis ostendi. <em>Si qui</em> ergo <em>ex animo paenitent, tribus annis inter audientes</em> habeantur si tamen fideles sunt et septem annis alis inter paenitentes sint, <em>duobus item annis extra communionem</em> in oratone sola participant populo.</td>
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Thus, one can conclude on the evidence of the Northumbrian (‘U’) redaction of the *Iudicia Theodori* that a copy of *Coll.Sanb.* was available to the author of that redaction, whoever he might have been. Here then is concrete evidence that a version of *Coll.Sanb.* from the C2-tradition was available in Northumbria, *ca* 700 or shortly thereafter according to the estimated date of the completion of PTHU.700.\(^{381}\) It is important to stress that the relevant chapters are

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\(^{378}\) For discussion of the term ‘umbrensis’ see Lapidge, ‘School of Theodore’, 144–45.

\(^{379}\) Cf. the remarks by Flechner, ‘Making of the *Canons of Theodore*’, 125: ‘despite being compiled relatively late, and perhaps in England, some of its [viz. PTHU.700] contents may have been deliberately archaized. As a result, the testimony of [PTHU.700] presents a double hazard: [PTHU.700] may be contaminated with later material, and there is always the risk of mistaking archaisms for genuine early material.’ For further on the work of the *discipulus*, see Charles-Edwards, ‘Penitential of Theodore’, and Flechner, ‘Making of the *Canons of Theodore*’, 126–30.


\(^{381}\) A *terminus post quem* of *ca* 700 is based on the following data. The *discipulus* could not have compiled his penitential before, or much before, 700, since Theodore died in 690 and, while alive, presumably would not have suffered a penitential to circulate in his name that was not compiled directly by him. Furthermore, it seems that the *discipulus* was working from Theodorian penitential material that had been in circulation for some time already (see Flechner, ‘Making of the *Canons of Theodore*’, 126), which pushes the date of PTHU.700 forward even further towards (or possibly even after) 700. A *terminus ante quem* of *ca* 730 is based on the fact that PTHU.700.2 was appended to the Corbie redaction of *Coll.vet.Gall.*, compiled in the second quarter of the eighth century. PTHU.700 was also used as a source for *Coll.Hib.*; however, due to the redactional complexities and the difficulty in dating that collection in general, *Coll.Hib.* does not provide a solid means by which to date PTHU.700.
additions found only in the Northumbrian redaction of this penitential, and as such do not constitute evidence that Theodore drew on *Coll.Sanb.* when he issued his original judgements—though, of course, it is entirely possible that he knew the collection, especially given the likelihood that *Coll.Sanb.* was a source text for the Canterbury *glossae collectae.*

The exact identity of the *discipulus* is probably beyond recovery, but he seems to have been a direct participant in the intellectual culture that flourished in England at the end of the seventh and beginning of the eighth centuries, especially in Canterbury and York. His moniker suggests he considered himself a student, but of whom is not known. He might have received training at Canterbury, possibly by Theodore and Hadrian themselves, possibly by one of their students; he perhaps received instruction from or was otherwise acquainted with Aldhelm, for PTHU.700 contains some diction reminiscent of Aldhelm’s prose.\(^{382}\) In any case, his familiarity with the *Judicia* tradition implies that, wherever he was schooled, he maintained some connection to the goings on in Theodore’s school. Lapidge has speculated that the *discipulus* received his training not in Canterbury but in Deira, specifically ‘at Whitby, Hartlepool or York’.\(^{383}\) This is of course interesting because York, as will be shown in Appendix IV, is quite probably the place where Ecgberht and Alcuin would later encounter a copy of the *Constitutum Silvestri* (= *Coll.Sanb.* c. XII). York is, moreover, the most likely place of origin for C2. York seems as likely a candidate as any, therefore, for the place where the *discipulus* carried out his work of sorting through the *Judicia Theodori* and creating his widely successful PTHU.700.

Given the concentration of evidence for the use of *Coll.Sanb.* at York, one is encouraged to search for English personalities who may have acted as conduits through which *Coll.Sanb.* arrived in the North of England.\(^ {384}\) Perhaps no better candidate for this can be found than Bishop

\(^{382}\) Lapidge, ‘School of Theodore’, 145.

\(^{383}\) Lapidge, ‘School of Theodore’, 144–45.

\(^{384}\) Discussing the means by which *Coll.Sanb.* could have been introduced from Italy into the North, Rosamond McKitterick speculates that ‘it could have been over the Alps through Reichenau and St. Gall, as is suggested by Phillipps 17849 [D3], conceivably from south-west Germany, and St. Paul in Carinthia 7. 1, the Italian codex at Reichenau by the eighth century. But an alternative could be that *Coll.Sanb.* was one of the texts brought from Italy by Northumbrian or Irish pilgrims and introduced to the Continent from thence by the Anglo-Saxon missionaries’; McKitterick, ‘Knowledge of canon law’, 117. On Italian manuscripts imported into England as early as the seventh century, see Levison, *England and the Continent*, 135, and Ganz, ‘Roman manuscripts’.
Wilfrid (†709/10). Born of a noble Northumbrian family, Wilfrid enjoyed wealth and the patronage of royalty in his early years. Following the Synod of Whitby in 664, at which he performed a central role, Wilfrid received the honour of appointment as bishop of Northumbria, an office he exercised while based out of York until 678, when the province was divided by Theodore and King Ecgfrith. Wilfrid had, according to Clare Stancliffe, ‘a thorough grasp of canon law’ as a result of his training at both Lyon and Rome during the 650s, where he would have encountered a wide range of canonical literature. Given Wilfrid’s strong papalist stance, it is not only conceivable but highly probable that he promoted the dissemination throughout Northumbria of Roman or Italian collections such as Coll.Sanb., particularly as this collection contains a dossier (the Symmachiana) that strongly supports the idea of papal primacy. Moreover, as was noted above, several glosses in the lavishly ornate C2 copy of Coll.Sanb. suggest a connection with the controversies surrounding Wilfrid’s turbulent episcopal career.

It would in fact be in keeping with what is known about Wilfrid’s litigiousness and ostentatious lifestyle if C2, one of the most exquisite and expensive copies of an early medieval canon law collection now extant, had emanated from Wilfrid’s circle. It is a further, tantalizing

385 For Wilfrid’s biography see A. Thacker, ‘Wilfrid [St Wilfrid] (c.634–709/10)’, in ODNB. See also Cubitt, ‘Wilfrid’s “usurping bishops”’, 18–19. Though his overall thesis has been largely criticized by scholars, Goffart’s chapter ‘Bede and the ghost of Bishop Wilfrid’ in his Narrators of barbarian history (pp. 235–328), remains a very useful study of Wilfrid’s ecclesiastical career.

386 Stancliffe, Bede, Wilfrid, and the Irish, 18, and see also p. 9. See also Goffart, Narrators of barbarian history, 280: ‘Wilfrid and Benedict Biscop were unique in their generation for the intensity of their continental and Roman experiences.’ Note that it was only a few decades previous to Wilfrid’s stay in Lyon that the original version of Coll.vet.Gall. had been compiled there: see Mordek, Kirchenrecht, 62–82.

387 See above, p. 249. For the politics of English episcopal succession during Wilfrid’s career, see Cubitt, ‘Wilfrid’s “usurping bishops”’.

388 Cf. P.H. Blair, The world of Bede, second edition (Cambridge, 1990), 152: ‘[Wilfrid] was not a humble man ... perhaps he would have been more at home as a member of the Gallo-Roman episcopate where the wealth that gave him enemies in England would have passed unnoticed and where his interference in matters of state would have been less likely to take him to prison.’ See also J. Campbell, ‘Bede I’, in Essays in Anglo-Saxon history, ed. J.E. Campbell, (London, 1986), 1–28, at 16–17.

389 Roger Reynolds informs me that, in general, similarly lavish productions of canon law manuscripts before s. xi are rare, but for the sake of comparison one could point to two tenth-century Spanish copies of Coll.Hisp., El Escorial, Real Biblioteca de San Lorenzo, D.I.1 and D.I.2. One could also compare the tenth-century Canterbury manuscript A5, though, as fine as this volume is, it is far from the magnificence of C2. A closer parallel than all of these may be seen in Toulouse, Bibliothèque municipale, MS 364 (L.63) (s. viimed, Albi), on which Turner (who was thoroughly acquainted with C2) remarked: ‘The merest glance at the Toulouse MS excites one’s interest. Even now, when its margins have been cut down, it is of more than usual size, and among pre-Carolingian MSS of Canons I do
possibility that Wilfrid bestowed C2 upon his student and spiritual ‘son’ Willibrord, perhaps in ca 703, some ten years after Willibrord had begun his missionary venture in Frisia, when his old teacher stayed for a visit on his way to Rome. Such speculation cannot be proven, of course, but it helps to explain how C2 might have arrived on the Continent so soon after its production.

5.3.7.3 Boniface’s circle

To find further evidence of Anglo-Saxon encounters with Coll.Sanb. during the eighth century it is necessary to venture farther afield, specifically to St Boniface and the area of his mission in the regions East of the Rhine. Willibald of Mainz’s Vita Bonifatii describes how at Boniface’s episcopal consecration in Rome in 722 Pope Gregory II provided him with a collection of canons, as a tool to help him promote Roman discipline within the Frankish church. Due to obvious verbal parallels between Willibald’s description of this collection and the preface of Coll.Dion., it has been suggested that the collection the pope gave to Boniface must have been a Dionysian one. The passage from Willibald’s Vita reads as follows (italicized words are also found in the prefaces to the first and second recensions of Coll.Dion.; bold words are in the first recension only; underlined words in the second recension only):

... eique libellum, in quo sacratissima ecclesiasticae constitutionis iura pontificalibus sunt digesta conventibus, accommodavit et, ut ex hoc inconvulsa apud se pontificalis haec disciplinatae institutionis ordo permaneret populi subiecti his inbuantur exemplis, imperavit.

not think I have ever seen one which so clearly proclaimed itself as written for an important person or Church’: C.H. Turner, ‘Chapters in the history of Latin MSS. II’, JTS 2 (1901), 266–73, at 266.

390 On the relationship between Wilfrid and his student Willibrord, see Levison, England and the Continent, 51, and Stancliffe, Bede, Wilfrid, and the Irish, 2 with n. 5. In this light one should recall the suggestion by McKitterick, ‘Knowledge of canon law’, 113, that the Sigeberht who signed C2 and Cologne 212 was a member of Willibrord’s familia at Echternach.

391 See, e.g., Fournier–le Bras, Histoire, 95.

392 Willibald, ‘Vita Bonifatii’, in Vitae sancti Bonifatii archiepiscopi Moguntini, ed. W. Levison, MGH SS rer. Germ. 57 (Hanover, 1905), 1–58, at 30, lines 1–6: ‘and [Pope Gregory] provided him with a little book, in which were arranged the most holy laws of ecclesiastical ordinance [collected] from episcopal councils, and he instructed that on the authority of this [book] he shall see that the episcopal order of learned institution remains inviolate, and
Willibald clearly drew his language for this passage directly from the prefaces of *Coll.Dion.I* and *Coll.Dion.II*. However, his wording points to both recensions, which raises the question, was he quoting from the preface of *Coll.Dion.I* or from that of *Coll.Dion.II*? The answer to this question (and a related question of whether the Dionysian collection Willibald here quotes from included decretales or not) has been disputed. On the one hand, it is *Coll.Dion.I* that has been associated most closely with Boniface and his circle, namely through the Bonifatian manuscript D10. On the other hand, the presence of ‘inconvulsa’ in the *Vita* passage seems a clear indicator that Willibald at least knew of *Coll.Dion.II*; perhaps, as Michael Glatthaar has suggested, Willibald had both the first and second recension prefaces in front of him when he composed this passage.\(^{393}\) But, while there is evidence that *Coll.Dion.* was the preferred book of canons in the papal curia at this time\(^{394}\)—which would suggest that Pope Gregory II’s gift to Boniface was indeed a copy of *Coll.Dion.*—one should not rule out the possibility that Willibald’s language here alludes to some other collection preceded by a Dionysian preface, several of which existed at this time. One of these is the version of *Coll.Sanb.* found in C2. As mentioned above, unlike other copies of *Coll.Sanb.* (except Paris 4279), C2 begins with a Dionysian preface and *Can.a*post. C2 in fact contains a special version of the Dionysian preface, one that mixes readings from *Coll.Dion.I* and *Coll.Dion.II*.\(^ {395}\) Significantly, it includes all of the words highlighted in bold and underline in the passage quoted above. In other words, C2’s preface alone serves to explain the presence in Willibald’s *Vita* of readings from both the first and second-recension Dionysian prefaces.

Could Willibald have been quoting from a C2-like copy of *Coll.Sanb.*, or perhaps from C2 itself, and might this mean that the collection presented to Boniface upon his consecration was

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393 Glatthaar, *Sakrileg*, 248, argues that Willibald was familiar with both forms of the preface (though his words are closer to the second), but either could not, or did not see the need, to distinguish between them in this instance.

394 See above, Chapter 5 n. 54.

395 See Appendix VII. Neither Maassen nor Glorie used C2 in their editions of the Dionysian prefaces.
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a Coll.Sanb. of the C2-tradition, rather than a Coll.Dion.? Possibly, though it would be unwise to insist on this hypothesis merely on the basis of Willibald’s wording in the Vita. It is well known, for example, that throughout his career Boniface encountered and used several canon law collections. To attempt to pin down the exact identity of the collection he received from the Pope at the beginning of his legatine commission merely on the basis of the testimony of Willibald—who was not present at the ceremony, and was moreover writing some years, possibly even decades, after Boniface’s death—would be hazardous indeed. A far safer and more satisfying interpretation of the Vita evidence would be that at least one copy of the C2-tradition of Coll.Sanb. was floating through the ranks of Boniface’s missionary circle, and that Willibald had become familiar with it. As was seen in the discussion above of the ‘SIGIBERTUS’ entry, C2 was probably in Metz during the episcopate of Angilramn, which began in 768. The whereabouts of C2 before this time is unknown, but it is entirely possible that C2 had already been brought to the Continent by the early eighth century (perhaps by Willibrord, as was speculated above) and was housed somewhere within the area of the Anglo-Saxon mission.

Indeed, evidence from PECU.700 suggests that a copy of the C2-tradition of Coll.Sanb. was available at Corbie in the second quarter of the eighth century, during the time when Coll.vet.Gall. was being redacted, a process towards which Bonifatian personnel are thought to have contributed. Willibald was commissioned by Lull to write his Vita Bonifatii sometime

396 Scholars (mainly Glatthaar) have determined that Boniface had frequent recourse to Coll.Dion., Coll.Hib., and Coll.vet.Gall. For Coll.Dion., see Glatthaar, Sakrileg, 248–52 and 493–502; for Coll.Hib., see Glatthaar, Sakrileg, 84–6, 457–60 et passim (adducting the evidence of MS D16 and the Sententiae Bonifatianae Wirceburgenses/Palatinæ), and Davies, “Mouth of gold”, 25 (adducting the evidence of Boniface’s letters); and for Coll.vet.Gall., see Glatthaar, Sakrileg, 372–92.

397 See above, p. 251.

398 Henderson, Durrow to Kells, 96, has suggested that C2 was brought south of the Channel in connection with the Frisian mission.

399 The evidence is slight yet tantalizing. It consists of the quotation in PECU.700.7.16 of C2’s version of CANC.314.23/24, the very canon that had been quoted by the discipulus in PTHU.700.1.15.4 (see Table 11, above). However, PTHU.700 lacks the crucial phrase ‘aut ut domos suas inlustrent’, which is found elsewhere in this canon only in PECU.700 and C2 (other collections transmitting CANC.314 in the versio Isidori vulgata read ‘lustrent’ instead of ‘inlustrent’). To be sure, there is a disconcerting lack of economy to the hypothesis that the compiler of PECU.700 put aside at this point his copy of PTHU.700 (of which he made extensive use elsewhere) to consult in full the text of CANC.314.23/24 as found in C2; nevertheless, since no copy of PTHU.700 is now known that includes the crucial phrase ‘aut ut domos suas inlustrent’, this remains the best explanation of the data. Cf. Asbach, ed., Poenitentiale Remense, 122: ‘Die textlichen Eigenarten des Konzilskanons weisen darauf hin, daß [PREM.700, a derivative of PECU.700] und [PTHU.700] von einer gemeinsamen Vorlage abhängig sind, der [PREM.700]
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between the years 755 and 768.\textsuperscript{400} There is therefore nothing to prevent, and indeed good
evidence to suggest, the possibility that \textit{C2} was housed in Mainz around the time Willibald set to
writing his \textit{Vita}, and that it was from Mainz that \textit{C2} travelled to Metz, during or just before the
eyepiscopate of Angilramn.

Whatever the identity of the original collection bestowed upon Boniface by Pope Gregory II, the
gift of that collection by the bishop of Rome to the new bishop of ‘Germany’ was not only
offered as an object of practical value, but also as a symbol, both of the papacy’s legitimizing
support for its new legate’s mission, and of the canonical spirit and respect for Roman tradition
that the Pope hoped would inform Boniface’s work. This legal symbolism invested in Boniface’s
consecration goes a long way to explaining the manifestly juridical tone adopted in
correspondence between Boniface and the papacy: references to ‘the canons’ or ‘the precepts of
the Fathers’ are uncommonly frequent in his letters. That Willibald should later record this papal
gift in such calculated language, seems also to say something about the significance he perceived
the act as having for Boniface’s future project. Moreover, that Willibald resorted to quoting
directly from a canon law collection for the pertinent passage in his \textit{Vita} implies the enduring
success of Boniface’s efforts to instil a spirit of canonicity and discipline within the ranks of the
English and Frankish clergy.

\textsuperscript{400} See Levison, ed., \textit{Vitae sancti Bonifatii}, x.
Conclusions

In his brief survey of the history of Anglo-Saxon canon law, Richard Helmholz remarked thus on the production of canon law collections:

It cannot be said that Anglo-Saxon England was a centre of canonistic activity of even the modest level of production attained elsewhere. By comparison, there was much more activity in the Gallic or Spanish churches. However, paucity in production does not preclude widespread use of the collections in any country, and for a history of the canon law in England, probably that is the more important question.¹

In essence, this dissertation has attempted to do nothing more than prove Helmholz’s remark correct. In the preceding chapters it has indeed been shown that, even if the Anglo-Saxon church was not in the habit of producing collections of its own, it nevertheless drew on a wide variety of collections produced in other regions. In the first centuries of its existence, the English church seems to have made heavy use of several chronological Italian collections, namely Coll.Dion., Coll.Quesn. and Coll.Sanb. These collections seem for the most part to have been sufficient for Anglo-Saxon purposes, for there is almost no evidence of efforts to create a collection specific to the English church. While the Collectio Cottoniana might be seen as an attempt on the part of the Mercian church to produce a collection of ecclesiastical documents for the purposes of reform, and while it may be that by the eighth century the Anglo-Saxons had produced their own tailored recension of Coll.Dion.II for use in missionary circles (D13 and D14),² it was not until the eleventh century that the first Anglo-Saxon canon law collection, Coll.Wig., was produced, and it is significant that this collection relied almost entirely upon Continental (especially Carolingian) sources.

¹ Helmholz, Laws of England, 27.
² Note too that PTHU.700.2 has been considered a canon law collection by some scholars.
Conclusions

Coll. Wig. is by far the most important source of information about the state of canonical learning in late Anglo-Saxon England. Yet this is largely because it is one of the only such sources for this period. It is precisely because it stands in relative isolation that assessing the overall significance of this collection to the history Anglo-Saxon canon law is so difficult. The manuscript copies of Coll. Wig. are entirely (or nearly entirely) connected to the West Midlands, so that the tradition shows few signs of having ever strayed very far from its tight Worcester orbit. One should therefore be wary of relying too heavily upon Coll. Wig. in forming one’s idea about general canonistic trends in Benedictine Reform England. The strong preference in Coll. Wig. for systematic canonical sources as against chronological ones may indicate a general eleventh-century English reality (and one that would represent a striking shift from seventh- and eighth-century realities), or it may instead reflect only a localized Worcestrian trend. Taking into account, however, the evidence for the use of other collections in late Anglo-Saxon England, it does begin to seem as if systematic collections were becoming increasingly popular, and probably at the expense of chronological ones. One no longer sees in the tenth and eleventh centuries signs of the use of older collections; instead, multiple copies of Coll. Hib. and Ansegis’s Collectio capitularium, and possibly also of Coll. vet. Gall., Coll. quad., and Halitgar’s penitential, were circulated in England. This shift in the kinds of canonical resources favoured by the Anglo-Saxons should be viewed as a reflection of a grander historical trend. While the early Anglo-Saxon church looked largely to Rome for its institutional models, in later centuries, following the period of the Carolingian ascendancy, it began to pattern its reforms off those of the Frankish churches. During this time Emperor and Church engaged in intense legislative and

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3 Recall (see above, Chapter 5 p. 213) that the only extant copy of a chronological collection known to have been available in late Anglo-Saxon England—the abbreviated Coll. Dion.-Hadr. in B6—seems to have been essentially ignored by its sometime owner Wulfstan. However, for a counterpoint, namely on the possibility that an as yet unidentified chronological collection was used by St Wulfstan of Worcester around the time of the conquest, see the section ‘Revival under St Wulfstan’ in Appendix IV.

Conclusions

compilatorial activity, producing an impressive quantity of canonical literature in the form of royal and episcopal capitularies, monastic and secular *regulae*, penitential handbooks, and canon law collections.\(^5\) Much of this burgeoning crop of new canonical material drifted into the ambit of the Anglo-Saxon church. Thus, many of the canonical texts and influences current in the late Anglo-Saxon church can be seen to originate in the Carolingian period. Yet for much of the tenth and eleventh centuries the development of canon law in England seems to have stalled, and remained petrified around early eighth-century Carolingian texts and ideas. No Continental canonical text authored after the ninth century is known to have circulated in Anglo-Saxon England, and even some of the most groundbreaking canonical productions of the ninth century (most notably the collections of pseudo-Isidore) seem never to have been popular among Anglo-Saxon ecclesiastics.

The history of Anglo-Saxon canon law is therefore somewhat paradoxical. In its beginnings, the Anglo-Saxon church cultivated strong ties to Roman canonical traditions, and for its part was instrumental in the dissemination of several Italian collections throughout northern Europe. But for the last two centuries of its existence, the Anglo-Saxon church was either only partially interested in, or only partially aware of, the canonical texts that elsewhere in Europe had began to redefine how the canon law was read and used.

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(alphabetically by named author, when applicable)

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Appendix I: The earliest extant version of the *Libellus responsionum* (DGRE.590.1843)

In his *Epistola 33* (datable to a. 735×739), Boniface requests Nothelm of Canterbury to send him the *exemplar* of that letter ‘in which is contained, as they say, the questions of Augustine, bishop and first evangelist to the English, and the responses of the holy Pope Gregory.’ The letter to which Boniface here refers is of course the papal decretal DGRE.590.1843, better known as the *Libellus responsionum* or ‘Little book of answers’, a title Bede gave it. This decretal is a crucial historical document. For it is not only of considerable importance for understanding early medieval ecclesiastical attitudes towards such important concepts as the distribution of church revenue, ritual unity and purification, and marriage and sexuality, but it is also one of the foundational documents of the English church. The *Libellus* purports to have been sent by Pope Gregory I to Augustine, the first bishop of Canterbury, in answer to certain jurisprudential, administrative, jurisdictional, liturgical and ritual questions he was confronted with as leader of the fledgling English church. In *Epistola 33* Boniface expresses his concern with an implication of the *Libellus*, ‘in which, among other chapters, there is one that says that Christians are

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1 A version of this chapter was presented at ‘Rethinking the “Christian Foundations of Europe”: an International Workshop on the Letters of Boniface (d. 754) and Lull (d. 785)’, a conference that took place at the University of Toronto 22–4 September, 2011.


3 Bede, *HE* 2.1, ed. Plummer, I, 76. In the same chapter (ed. Plummer, 77) Bede says Gregory also wrote a *Libellus synodicus*, by which he meant the small corpus of canons from CROM.595, over which Gregory I presided and whose canons were published in his first-person voice; see P. Meyvaert, ‘Bede and the *Libellus synodicus* of Gregory the Great’, *JTS* 12 (1961), 298–302. While the *Libellus synodicus* itself circulated widely in the seventh century in collections of canons and homilies (Meyvaert, ‘Libellus Synodicus’, 302; Maassen, *Geschichte*, 302), it was not until the eighth century that the *Libellus synodicus* and *Libellus responsionum* began to circulate together in the same medieval canon law collections, beginning with the *Collectio Dionysiana Bobiensis, Coll.vet.Gall.* (northern French class) and the *Collectio Sancti Amandi*: Mordek, *Kirchenrecht*, 219, 221 and 228–29 nn. 63–4. The importance of the *Bobiensis* and *Coll.vet.Gall.* to the questions of how and in what version Boniface and Bede became acquainted with the *Libellus responsionum* will be considered further below.

4 For literature on the *Libellus* see J. Machielsen, *Clavis patristica pseudepigrapha medii aevi*, 2 vols, CCSL 2A–B (Turnhout, 1994), II, 221–22, and further references given throughout this Appendix.
Appendix I

permitted to marry in the third degree of kinship’.\(^5\) Boniface refers here to the *Libellus*’s notorious incest chapter, whose endorsement of marriage within the third *generatio* so offended Boniface’s sense of canonical propriety that he was led to question the Gregorian authorship of the entire papal letter. Thus he asked Nothelm ‘that you try with utmost care to find out whether or not that document was written by our aforementioned holy Pope Gregory’.\(^6\) Unfortunately, Nothelm’s reply does not survive. Had it survived, it might have saved modern historians a lot of head scratching; for it is Boniface’s *Epistola 33*, and the unresolved doubt this letter cast on the *Libellus* in general and on the incest chapter in particular, that has been the essential catalyst of attacks on its authenticity since the eighteenth century.\(^7\)

Not everyone who encountered the *Libellus* in the Middle Ages was as doubtful as Boniface about its authenticity. No less learned and orthodox a man than Bede included the *Libellus*, along with its incest chapter, in his *Historia ecclesiastica* with no indication that he doubted its authenticity.\(^8\) Gregory I’s ninth-century biographer John the Deacon also included in his *Vita* excerpts from the *Libellus*, including some from the passage on incest that had so troubled

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\(^5\) Boniface, *Epistola 33*, ed. Tangl, 57: ‘in qua inter cetera capitula continetur, quod in tertia generatione propinquitatis fidelibus liceat matrimonia copulare’.

\(^6\) Boniface, *Epistola 33*, ed. Tangl, 57: ‘et ut scrupulosa cautella diligentier investigare studeatis, si illa conscriptio supradiicti patris nostri sancti Gregorii esse conprobetur an non’. To this Boniface famously adds ‘quia in scrinio Romane ecclesiae, ut adfirmant scriiniarii, cum ceteris exemplaribus supradiicti pontificis quesita non inveniebatur’, a remark that some scholars have taken as arguing against the *Libellus*’s authenticity; but the *Libellus*’s absence from the papal archives can be explained without challenging its authenticity, on which see next note.

\(^7\) K. Ubl, *Inzestverbot und Gesetzgebung: die Konstruktion eines Verbrechens (300–1100)*, Millennium-Studien 20 (Berlin, 2008), 221. It could be argued that the fact that the *Libellus* was not included in Gregory’s register of letters has been equally influential in persuading scholars of its inauthenticity; however, perfectly acceptable explanations for this fact were put forward by scholars early in the twentieth century, namely that several of Gregory’s letters seem not to have made it into his register (on which see Deanesly–Grosjean, ‘Canterbury edition’, 2, 38–9), and that, in dealing with legal problems, the *Libellus* is less a letter and more of a canonical document, and so may not have been included in the register for that reason: E. Posner, ‘Das Register Gregors I’, *Neues Archiv* 43 (1922), 243–315, at 285–87; D. Norberg, *In Registrum Gregorii Magni studia critica* (Upsala, 1937), 30 n. 3; Jasper, ‘Decretal tradition’, 72. The *Libellus*’s absence from Gregory’s register is therefore hardly enough, by itself, to impugn its authenticity. Boniface’s doubt, based on his own misunderstanding of the *Libellus*’s method of calculating degrees of kinship, has always been the principal reason that modern scholars have hesitated to accept the document’s authenticity.

\(^8\) Though it must be acknowledged that, notwithstanding his doubtful authorship of the penitential attributed to him, Bede was not a man much concerned with canon law—perhaps the only subject he never bothered to master.
Boniface. For other ecclesiastics both in and long after the eighth century the Libellus’s definition of incest was indeed a source of great embarrassment; nevertheless, far from dismissing it as spurious, the highest authorities considered it—incest chapter and all—to be authentic. Pope Zacharias, for instance, with whom Boniface had corresponded frequently on matters touching the canon law, felt obliged to provide (in CROM.743) an official explanation of what appeared to him to be Gregory I’s excessively permissive definition of incest in the Libellus. Later, in the ninth century, there arose from within the circle of pseudo-Isidore forged letters purporting to have been exchanged between Gregory I and Bishop Felix of Messina. In them pseudo-Gregory answers pseudo-Felix’s misgivings about the Libellus’s lax definition of incest, and in so doing rationalizes the incest chapter in much the same way as Pope Zacharias.

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9 John the Deacon, *Vita Gregorii* 2.37 (*PL* 75, col. 101B–C). This passage from John’s *Vita* has been excerpted in *Coll.Wig.C* 153/D 213 (= B 141).


11 CROM.743.15 (ed. Werminghoff, 19–21 [emphasis added]): ‘Scripsimus de gradus cognationum [sic] vel quomodo debant quilibet amodo et deinceps legitimo coniugio copulari, et quia divina elementia nos omnes congregavit in unum, ut ea, quae necessaria sunt pro salute animarum, capitula vobis ea, quae superius scripta sunt, enarrare studui, ad memoriam vobis quippe reduci, quod beatae memoriae praedecessor noster Gregorius, huius apostolicæ sedis iunior papa, pro aliquas inlicitas coniunctiones, quae fiecunt per hanc Italiam seu Langubardorum provinciæ vel in aliis locis, adgregato sacerdotali collegio, promulgata sententia, anathematis vinculo obligavit. Sed dum cerno adhuc populus in eodem errore persistere—quod ingemescens dico—magnó cordis percellor, quoniam, Christianorum animae dum diabolica fraud e decipiuntur, timeo, ne nos, qui rectores animarum vocamus, si eorum salute providere neglexerimus, a iusto iudice pro illis extorqueamus. Sed neque hoc silendum est, quod in Germaniae partibus ita divulgatum est, quod quidem in archibo [sic] sanctae nostre ecclesiae scriptum minime repperimus, ipsis tamen asserentibus hominibus de Germaniae partibus didicimus, quod beatae recordationis sanctus Gregorius papa, dum eos ad religionem christianitatis divina gratia inlustraret, licentiam illis dedisset in qua rtem se copulare generationem. Quod quidem licitum Christianis non est, dum usque se generatio cognoverit; sed, dum rudes erant et invitandi ad fidem, quamquam minime scriptum, ut dictum est, repperimus, credere non ambigimus. Deo autem largiente, qui in luminat omnem hominem venientem in mundum, praeterito anno litteras ad nos miserunt archiepiscopi et reges provinciae illius, petentes apostolica praecepta, qualiter liceat eis coniugia copulare et quomodo debant observare; quibus, quantum Dominus dare dignatus est, admonitionis praecepta direximus.’

12 These two letters are not known to have been in circulation before 860, and may have first been concocted by pseudo-Isidore, as they are found in later versions (C-class) of that collection. They are edited by Hinschius, *Decretales*, 747–53, but can be found also in *PL* 77, cols 1320B–1328C (reprinting the edition of the Maurists). On these forgeries generally, see L. Machielsen, ‘Les spuri de S. Grégoire le Grand en matière matrimoniale, dans les collections canoniques jusqu’au Décret de Gratien’, *Sacris erudiri* 14 (1963), 251–70, at 260–62. Horst Fuhrmann (‘Pseudo-Isidorian forgeries’, 169) is skeptical about these letters originating with pseudo-Isidore; his skepticism, however, in so far as it depends on the existence of these letters in the tenth-century manuscript Paris 3182 (on which see below, Appendix IV n. 129), seems unwarranted, since it is entirely possible (indeed likely) that the collection this manuscript contains (the *Collectio Fiscani*) is older than the manuscript itself.
had done before: in the incest chapter (the reasoning of these letters goes), Gregory had not meant to set down a general rule, but was rather making a special dispensation for the newly converted Anglo-Saxons. In rationalizing the Libellus in this way, both Zacharias and the pseudo-Isidorian forgers implicitly accepted the authenticity of the incest chapter. And they were neither the only nor the last authorities to do so. These instances of tacit support for the Libellus’s authenticity by medieval authorities are rarely mentioned in modern accounts of the subject. On the contrary, it is the salient—and apparently unique—incredulity of Boniface that historians have focused on and, in some cases, channeled.

To be sure, not all modern scholars have impugned the authenticity of the Libellus as a whole, as Boniface seemed to do; twentieth-century scholarship rather focused the brunt of its criticism.

13 DGRE.590.†1334 (ed. Hinschius, Decretales, 749 [emphasis added]): ‘Ex tribus enim apostolicam sedem, in qua altus es et edoctus, capitulis consulendam, praedecessorum tuorum sequens exempla, credidisti, id est de consanguinitatis coniunctione et de vexatione episcoporum a subditis et de ecclesiarum dubitatione consecrationum. Quod autem scripsi Augustino, Anglorum genti episcopo, alumno videlicet es tuo, de consanguinitatis coniunctione, ipsi et Anglorum genti quae nuper ad fidem venerat, ne a bono quod coeperat, metuendo austeriora recederet, specialiter et non generaliter ceteris me scripsisse cognoscas: unde et mihi omnis Romana civitas testis existit. Nec ea intentione haec illis scripta mandavi, ut postquam firma radice in fide fuerint solidati, si infra propriam consanguinatatem inventi fuerint non separantur aut infra affinitatis lineam, id est usque ad septimam generationem coniungantur; sed adhuc illos neophitos existentes sep sistisse eos prius illicita edocere et verbis ac exemplis instruere, et que post de talibus egerunt, rationabiliter et fideliter excludere oportet.’ This passage was also incorporated into John the Deacon’s Vita (c. 2.38; PL 75, cols 101C–102A), whence it was excerpted in Coll.Wig.C 154/D 214, and thence abbreviated as Coll.Wig.B 142. The compiler of Coll.Wig.B, Archbishop Wulfstan of York, seems to have shared some of Boniface’s frustrations regarding the conflicting canonical pronouncements on consanguinity, for he wrote to his compatriot Ælfric and queried him on this very issue. Wulfstan’s letter is now lost, but Ælfric’s reply, which still survives, strongly suggests that Wulfstan had asked him to corroborate the authority of the Libellus’s incest chapter: see Ælfric, Ep.2a, c. 1 (ed. Fehr, 222).

14 Pope John VIII (r. 872–882) also did. In a letter (JE 2993) preserved in excerpt form in the Collectio Britannica (compiled in northern France ca 1100), John chastises King Burghed of the Mercians because ‘in vobis maxime regnat, eo quod ... de propria consanguinatatem homines regni vestri ultra sancti Gregorii statutum novello tunc populari necessario mandatum uxores ducere presumant’ (C&S, I, i, 1). John revisited the same issue again in a decretal letter (JE 3125) written probably in 878 to Æthelred, archbishop of Canterbury (r. 870–888), in which can be found the following direction: ‘Sed neque de propria cognatione secundum sancti precessoris nostri Gregorii doctoris gentis vestræ, decreatae statutum cuiquam ducere permittas’ (C&S, I, i, 5). In both letters, the Pope is clearly referring to the interpretation of the Libellus’s incest chapter as provided by either Zacharias or pseudo-Isidore.

15 Most scholarship from the twentieth century—especially its latter half—accepted the Libellus’s authenticity in general: see, e.g., Levison, England and the Continent, 17 n. 1; Meyvaert, ‘Bede’s text’; Chadwick, ‘Gregory the Great and the mission to the Anglo-Saxons’, in Gregorio Magno e il suo tempo, 2 vols, Studia ephemeris ‘Augustinianum’ 33–4 (Rome, 1991), I, 199–212, at 207–11; and references provided above, Appendix I n. 7. Deanesly–Grosjean, ‘Canterbury edition’, notably argued for a middle-ground position between authenticity and forgery, in response to S. Brechter’s now famous rejection of the Libellus’s authenticity in his Die Quellen zur Angelsachsenmission Gregors des Großen: Eine historiographische Studie, Beiträge zur Geschichte des alten Mönchtums und des Benediktinerordens 22 (Munster, 1941), 13–111. Others have also impugned the document’s authenticity, including M. Müller, ‘Zur Frage nach der Echtheit und Abfassungszeit des “Responsum b. Gregorii ad
on the incest chapter alone, concluding (with near perfect consensus, following the important researches of Paul Meyvaert) that the chapter was a seventh or eighth-century interpolation. Modern arguments against the incest chapter have been frequently repeated over the last century, and the line of attack has almost always been the same: the author of the incest chapter followed a ‘Germanic’ system of reckoning kinship; but Gregory was not ‘Germanic’; therefore the author of the incest chapter could not have been Gregory.\(^{16}\) The author (at least one argument goes) of this interpolated chapter (or at least the offending part thereof) was probably an Anglo-Saxon or Lombard attempting to enshrine barbaric customs in an otherwise sound and upright papal rescript.\(^{17}\) The Libellus, it seems, has not entirely escaped from the lingering doubt first cast upon it by Boniface so long ago.

In fact, there is no reason—not moral, historical, stylistic, or even textual—to doubt the authenticity of either the incest chapter or the Libellus as a whole. The cause of Boniface’s skepticism vis-à-vis the incest chapter can be shown to be the result of his own misunderstanding of the text.\(^{18}\) Moreover, the ‘Germanic’ system of reckoning kinship, at least in the early medieval period, has been shown to be a figment of modern historical imagination; the method of reckoning kinship used in the Libellus is not ‘Germanic’ at all, but is rather in accordance with Augustinum episcopum”\(^{\text{19}}\), Theologische Quartalschrift 113 (1932), 94–118, and R. von Scherer, Handbuch des Kirchenrechtes, 2 vols (Graz, 1886–1898), II, 297 n. 27, who believed the Libellus to be the work of pseudo-Isidore. Modern debate on the document’s authenticity dates back to as early as the eighteenth century, when C.S. Berardi rejected it outright in his Gratiani canones genuini ab apocryphis discreti, pars II, vol. ii (Turin, 1755), 117–20. This however did not prevent the Ballerinis from pronouncing the Libellus as authentic several years later, although they did express some concern over its absent dating clause: Disquisitiones, PL 56, col. 271D–272C).


\(^{17}\) This is the upshot of several articles written by Paul Meyvaert on the subject. Meyvaert’s work will be considered in further detail below.

\(^{18}\) This will be demonstrated below. See now Ubl, Inzestverbot, 219–51. I arrived at this conclusion—that Boniface misunderstood Gregory’s method of reckoning consanguinity in the incest chapter—several years ago, independently of Ubl’s arguments, and the findings presented below are based principally on my own research. But the interested reader should refer to Ubl’s vastly more learned and exhaustive account, which is now the standard study on the subject, and on early medieval incest prohibitions in general.
Scripture, and is perfectly consistent with Gregory’s usage elsewhere. Even the language and habit of mind evidenced in the Libellus has been shown to be characteristically Gregorian. All these things have been demonstrated in recent years. Today, the only argument that remain to challenge the authenticity of the incest chapter is textual in nature; but, as will be seen, even the textual evidence has hitherto been either misrepresented or misinterpreted, apparently in order to support the very modern conceptions about medieval kinship reckoning that are now known to be erroneous. Before coming to the question of the textual evidence, however, it will be useful to review how it was that Boniface came in the first place to misunderstand the Libellus and thereby to question its authenticity.

To see how this happened requires a brief digression. It is from another of Boniface’s letters, Epistola 50, that we glean the source of his confusion regarding the Libellus’s incest chapter. Epistola 50 was written in a. 742, several years after Epistola 33, by which time Boniface had been an acting Roman legate for upwards of twenty-five years, and for ten years an archbishop, ordained by the pope but without a fixed see. His work—his ‘Roman mission’ as he himself styled it—principally entailed efforts to reform churches and found monasteries and bishoprics in the regions of Austrasia, Thuringia and Bavaria, and to promote the conversion of pagans in Frisia and Saxony. This work was, not surprisingly, thankless and difficult, and he frequently shared with his colleagues in England and his superiors at Rome his concerns about the obstacles he faced in his labours to establish right doctrine, ritual and law within his particular jurisdiction. Epistola 50 outlines such an obstacle. It is addressed to Zacharias, just recently installed as pope. In it Boniface describes a certain scandal, that

recently coming to our attention, has both disturbed myself and been a source of embarrassment to the priests [sacerdotibus] of [our] churches. A certain nobleman [laicus quidam magne persone] came to us claiming that he had been given permission [licentia] by Pope Gregory, of holy memory, to marry the widow of

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19 This has been demonstrated by Ubl, Inzestverbot, 14–27.
21 Boniface refers to his mission as ‘Roman’ in his letter to Pope Stepehen, his fourth and final pope since 718; Epistola 108, ed. Tangl, 234: ‘Nam si quid in ista legatione Romana, qua per XXX et sex annos fungebar, utilitatis ecclesiae prefate peregi, adhuc implere et augere desidero’.
his uncle. This woman was the wife of a cousin [uxor consobrini sui], whom she abandoned while he yet lived. She is known to be related in the third degree [in tertio ienuculo] to the nobleman who, desiring her, now claims to have been given permission to take her. Moreover, she had previously made a vow of chastity to God and received the veil; but, having abandoned the veil, she was married a second time. Such is the marriage for which this nobleman claims [to have obtained permission] from the apostolic see. Now, in no way do we consider this to be true, for the synod and church in which I was born and raised, that is the synod of London in transmarine Saxony, was first established and governed by disciples of Saint Gregory, namely archbishops Augustine, Laurence, Justus and Milletus. They judged such a union and marriage, on the authority of holy Scripture, to be a great and incestuous crime [scelus incestum], an abominable disgrace and a damnable sin. For which reason, may your Paternity not disdain to determine for us the truth of this matter, so that hereafter scandals and schisms and new errors may not arise and intensify among the Christian people and the priests [sacerdotibus] of [our] church.

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22 On the use of the word *synodus* here, see Appendix II.

23 For a discussion of the broad sense the term ‘incestum’ could have in the early Middle Ages, particularly in Gaul, see J.H. Lynch, *Godparents and kinship in early medieval Europe* (Princeton, 1986), 276–77; and M. de Jong, ‘To the limits of kinship: anti-incest legislation in the early medieval West (500–900)’, in *From Sappho to De Sade: moments in the history of sexuality*, ed. J. Bremmer (London, 1989), 36–59. Clearly, Boniface understands that sexual acts can be incestuous if they are committed between individuals related not only through blood (consanguinity) but also through the marital bond (affinity). For further on consanguinity and affinity, see below Appendix I n. 29.

24 Taking ‘synodus et ecclesia ... iudicabant’ as two sentences instead of one avoids the anacoluthon implied by Tangl’s punctuation after ‘ordinata fuit’. I see no good reason, contra Vollrath and Tangl, for taking ‘synodus et ecclesia’ as the subject of ‘iudicabant’.

25 Boniface, *Epistola* 50, ed. Tangl, 83–4: ‘Interea quaerere et interrogare paternitatis vestrae consilium debeo de quadam confusione et scandalo predicationis, quae nuper ad nos veniens mentem nostram conturbavit et sacerdotibus aeclesiarum vvereicundiam incutiebat. Quia laicus quidam magne personæ ad nos veniens dicet sibi ab apostolicae sedis pontifice sanctæ memoriae Gregorio datam fuisse licentiam, ut in matrimonium acciperet viduam avunculi sui. Quae et ipsa fuit uxor consobrini sui et ipsa illo vivente discessit ab eo; et isti viri, qui nunc eam acciperere desiderans affirmat sibi licentiam datam, in tertio ienuculo propinqua illius esse dinoctetur et votum vovit Deo castitatis et velata fuit et iterum abiecst velamine maritata. Tale enim matrimonium supradictus homo sibi ab apostolica sede affirmant esse. Quod non estimamus esse verum; quia synodus et ecclesia, in quæ natus et nutritus fui, id est in transmarina Saxonia Lundunensis synodus, inprimis a discipulis sancti Gregorii, id est Augustino, Laurentio, Iusto, Milleto archiepiscopis, constituta et ordinata fuit, talem copulam et matrimonium maximum scelus et incestum et horribile flagitiium et damnabile piaculum fieri ex auctoritate sanctæ scripturæ iudicabant. Quapropter
The passage is of considerable historical interest because it outlines a scandalous marriage proposal between what must have been two noble (possibly even royal) individuals in (likely) Franica or Bavaria. Boniface leaves the chronology of events vague and the identities anonymous, probably a deliberate decision given the high status of the persons involved; however, the legal particulars of the affair can be summarized as follows: a certain nobleman claimed that he had been given a dispensation or privilege (licentia) by a pope Gregorius to marry the widow of his deceased maternal uncle. Boniface says that such a marriage would be in the third degree of consanguinity, which makes the nobleman and widow close enough relatives for their union to be objectionable on canonical, scriptural, and moral grounds. Boniface

26 Interestingly, it seems that Pope Zacharias knew the identity of the man to whom Boniface had only alluded anonymously; for in his answer to Boniface’s letter the Pope claims to have ‘sent him a word of warning in this case’ (Epistola 51, ed. Tangl, 90: ‘Nam et nos ei pro hoc commonitoria scripta direximus’).

27 The phrase ‘ipsa fuit uxor consobrini sui’ is not only chronologically unclear with respect to the other events in the widow’s life, but leaves it impossible to determine whether ‘consobrini’ refers here to the nobleman’s first cousin (that is the widow’s nephew-in-law through her marriage to his uncle—barring the possibility that she had married her own son) or to her own first cousin. Both E. Emerton, trans., The letters of Saint Boniface, Records of civilization: sources and studies 31 (New York, 1940), 81, and Vollrath, Die Synoden, 156, prefer the latter possibility, while I am inclined to read the former as more likely. If it were the nobleman’s first cousin whom she married, then this would reveal something more about the structure of the nobleman’s immediate family, namely that his uncle had at least two siblings, one being the nobleman’s parent, the other being the parent of the consobrinus.

28 That the ‘avunculum ducis Francorum’ mentioned by Boniface in the same letter—as the man who was murdered by the brother of Boniface’s hopeful successor (Epistola 50, ed. Tangl, 83, lines 17–20)—may refer to the deceased uncle of the nobleman in question, is a tantalizing but ultimately un-provable possibility.

29 Although I will use the general term ‘consanguinity’ throughout this paper, the reader should note that, technically, the widow and the nobleman were not related through consanguinity, but rather through affinity. The distinction is as follows: ‘consanguinity’ is relationship by ‘blood’ (genes) via common stock; ‘affinity’ likewise traces relationship through a familial matrix, but here the line traced from common stock passes through at least one bond of marriage. Thus, the widow and the nobleman are ‘affines’, related by affinity through the marriage of the widow to the nobleman’s uncle. Note, however, that the difference between consanguinity and affinity—which goes back to Roman law—was not always recognized in the Middle Ages; in his Epistola 50, for example, Boniface gives no indication that he was aware of this distinction, and effectively treats the nobleman and the widow as consanguineous.
provides further details about (what he sees as) the woman’s sordid past, but these details are irrelevant to the central controversy.  

Of paramount importance is, of course, the identity of the Gregorius referred to here by Boniface. Unfortunately, like other persons mentioned in this passage the identity of this Gregorius is difficult to pin down. By the time Boniface penned Epistola 50, there had been three popes by this name, Gregory III (†741), Gregory II (†731), and Gregory I ‘the Great’ (†604), each of whom had made decrees about incest and the limits of consanguinity.

Presumably the nobleman had a specific Gregorius in mind when he claimed to have received papal licentia for the marriage to his widowed aunt; and indeed in all likelihood Boniface himself was also fully aware of to which Gregorius the nobleman was referring, even though his

30 After the death of her first husband, the widow had made a formal vow of chastity (or, more specifically in her case, of widowhood), which she later broke to marry one of her close relatives. She abandoned this second marriage (‘illo vivente discissit ab eo’) to marry the nobleman in question. That the woman’s vow of chastity and subsequent marriage to the unnamed consobrinus were subsequent to her marriage to the nobleman’s uncle can be inferred from Boniface’s words ‘votum vovit Deo castitatis et velata fuit et iterum abice velamine maritata’: that she broke her vow by marrying iterum, ‘a second time’, implies that her vow had been made after her first marriage; this suggests that hers was a vow of widowhood (as opposed to one of virginity), and in turn indicates that her first marriage had ended as a result of her husband’s death. Thus, her first marriage must have been to the nobleman’s uncle, her second to the consobrinus.

31 Gregory I treat incest in the Libellus. Gregory II dealt with the subject at length in CROM.721, which was held explicitly in order to deal with those who ‘Deo sacratas feminas ducere præsumant mulieres, et propinquas in conjugio socient’ (ed., Mansi, col. 262). This synod issued several canons that prohibited entering illicit conjugal unions, including decreeing that anathema would strike ‘Si quis de propria cognatione, vel quam cognatus habuit, duxerit uxorem’ or ‘Si quis monacham, quam Dei ancillam appellamus, in conjugium duxerit’ (CROM.721, cc. 9, 3, ed. Mansi, col. 263). Additionally, in 726 Gregory II wrote to Boniface, stating that ‘oportuerat quidem, quamdiu se agnoscunt affinitate propinquos, ad huius copule non accedere societatem; sed quia tempereantia magis et praesertim in tam barbaram gentem placet plus quam districtione censure, concedendum est, ut post quartam generationem iungantur’ —this in answer to Boniface’s (now lost) question ‘quota progenies propinquorum matrimonio copuletur?’ (Epistola 26, ed. Tangl, 45). Gregory III treated the subject of incest in a letter written to Boniface around 732. In it the pope decreed that ‘Progeniem vero suam quemque usque ad septimam observare ... generationem’ (Epistola 28, ed. Tangl, 51). The source for this statement is not certain, though it may be loosely based on the Pauli sententiae, which the Pope might have read as part of Alaric’s Breviary. Gregory III’s pronouncement had important repercussions for medieval marriage law. In the ninth-century, pseudo-Isidore inserted it into a lengthy forged decretal attributed to Gregory I, thereby increasing the stature of the pronouncement immensely. From pseudo-Isidore this forged canon came to Burchard, Ivo, and thence to Gratian: BD 7.11; ID 9.26*46A; IP 7.77; Gratian, Decretum, C. 35 q. 2/3 c. 16. At some point, probably in the ninth century, there also arose a false canon (JE †1977) from an unknown council of Meaux that defines ‘affinitas sanguinis per gradus cognationis’ as reaching to the ‘septem generationem’: cf. BD 7.16; ID 9.51; IP 7.82. The canon was also cited by Peter Damian in his influential letter on consanguinity and prohibited degrees in the eleventh century: see D.L. d’Avray, ‘Peter Damian, consanguinity and church property’, in Intellectual life in the Middle Ages: essays presented to Margaret Gibson, eds L. Smith and B. Ward (London, 1992), 71–80, at 77. This canon is attributed to a ‘Papa Gregorius’ in Gratian, Decretum, C. 35 q. 2/3 c. 1 (‘De affinitate consanguinitatis’) and in the twelfth-century Polycarpus, as well as in Peter Lombard’s Libri IV sententiarum; see L. Machielsen, ‘Les spurii’, 263–64.
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language (‘ab apostolicae sedis pontificē sanctae memoriae Gregorio’) seems opaque to us now. It is my contention that Boniface’s language here actually leaves no doubt as to the identity of the Gregorius referred to, who must have been no other than Gregory I.

On the one hand, Epistola 50 was written to congratulate Zacharias on his accession to the papacy in the previous year, when he had succeeded Gregory III; it is possible therefore that the Gregorius in question was left unspecified by Boniface because he felt that the greater context of his letter would leave it clear that Gregory III was implied. Moreover, Boniface’s wording—‘dicebat sibi ab apostolicae sedis pontificē sanctae memoriae Gregorio datam fuisse licentiam’—would seem to imply that the nobleman had claimed to have obtained a special dispensation from a living pope, again making Gregory III the obvious candidate. On the other hand, the Gregorius in the above passage is referred to by Boniface with the epithets sanctus and sanctae memoriae; sanctus is a word that Boniface only ever used to describe Gregory I, as in fact he does later on in Epistola 50 when he mentions the ‘discipuli Sancti Gregorii’. It would therefore be inconsistent with Boniface’s usage if by ‘ab ... sanctae memoriae Gregorio datam’ he meant to refer to anyone other than Gregory I. Furthermore, Boniface had previously corresponded with both Gregory II and Gregory III on the subject of incest and was in possession of letters of theirs that prohibit marriage between those related within the fourth and the seventh degrees.

[32] Excluding the two instances in question in Epistola 50, Boniface applies the term sanctus to Pope Gregory I three times in Epistola 33 (ed. Tangl, 57–8), and once each in Epistola 59 (ed. Tangl, 112; Gregory I named a sanctus pater beside Jerome and Augustine) and Epistulae 73, 75, 78 (ed. Tangl, 152, 158 and 169 respectively). Gemmulus, deacon of Rome, also refers to Gregory I as sanctus when writing to Boniface (Epistola 54, ed. Tangl, 96). Popes Zacharias and Leo III also used sanctus when referring to Gregory I (Meyvaert, ‘Bede’s text’, 16 n. 1), though note that Gregory I is beatus in Zacharias’s letter to Boniface in 745 (Epistola 60, ed. Tangl, 120). In contrast, Boniface refers to Pope Gregory II either as venerandae memoriae (three times, in Epistola 50, 59, 86 [ed. Tangl, 80, 111 and 192 respectively]) or else with no epithet at all (Epistulae 63, ed. Tangl, p. 130: ‘iuxta preceptum Gregorii papī[I] iurasse ...’). Boniface’s extant correspondence only once names Gregory III and only obliquely when, upon congratulating Pope Stephen II on his election in 752, he mentions ‘tribus precessoribus vestris ... venerabilis memoriae duobus Gregoriis et Zacharia’ (Epistola 108, ed. Tangl, 234). That Boniface reserved the word sanctus to distinguish Gregory I from the other two Gregories has also been noticed by Meyvaert, ‘Bede’s text’, 16 n. 1. See also W. Kelly, Pope Gregory II on divorce and remarriage: a canonical-historical investigation of the letter Desiderabilem mihi, with special reference to the response Quod proposuisti, Analecta Gregoriana 203; Series facultatis iuris canonici B.37 (Rome, 1976), 16–8, who discusses the problems surrounding the ambiguous epithet iunior as applied to popes Gregory II and III, as well as the more general difficulties medieval readers faced in distinguishing the writings of these popes. Detlev Jasper, ‘Decretal tradition’, 79–80, treats briefly the problems medieval canonists had in handling attributions to the Gregories. Later forgers certainly played on the difficulty of distinguishing one Gregory from another, even as they relied upon the vaunted authority of these early popes to prop up their concoctions; on this see Machielsen, ‘Les spurii’, as well as the previous note.
degrees, respectively. Thus, if by Gregorius Boniface here meant either of these two popes, one would expect him also to make some appeal to the content of these letters, as their rulings directly contradict the nobleman’s claim. Yet Boniface says nothing about these letters in Epistola 50, which suggests that the Gregorius in question is a pope about whose stance on the issue of incest Boniface is not entirely sure. For these reasons, the Gregorius in question could only have been Pope Gregory I.

This conclusion—one that has been independently reached by William Stubbs, Mayke de Jong, and Karl Ubl—is important, for it leads to the obvious inference that the source of the nobleman’s claim for papal dispensation was none other than the Libellus itself. And as Epistola 50’s earnest request for papal clarification in this matter makes clear, by 742 Boniface had still not been able to resolve his doubts about the significance and authenticity of the Libellus, and its incest chapter in particular. As was seen above, several years earlier, in Epistola 33, Boniface had expressed to Nothelm some rather academic suspicions about the Libellus’s claim that ‘Christians are permitted to marry in the third degree of kinship’, which Boniface had obviously interpreted as sanctioning unions he believed to be incestuous. But by 742 this claim was no longer of merely academic concern to Boniface; for, as Epistola 50 demonstrates, others of high station had learned of the Libellus and were interpreting it as providing licentia for nephews to marry their aunts. But, as will be shown, this interpretation was based on a misunderstanding of the meaning of the incest chapter.

To understand why the nobleman’s claim of papal dispensation to contract marriage within the third degree so troubled Boniface, one must understand something of early medieval incest legislation and, in particular, the ways in which kinship was calculated. The western church’s method of calculating degrees of kinship evolved somewhat haphazardly, and it took the greater part of the early Middle Ages to develop anything like a consensus on the issue. Originally a

33 See above, Appendix I n. 31.
34 Stubbs, CED III, 51 n. a; de Jong, ‘Limits of kinship’, 42 with n. 22; Ubl, Inzestverbot, 248–9.
35 Much has been written on early medieval methods of calculating degrees of kinship. By far the most important is Ubl’s Inzestverbot, where he provides a useful summary (pp. 14–27) of the various medieval methods of calculating kinship. The following works in English are also helpful: W. Burge, The comparative law of marriage and divorce, eds A.W. Renton and G.G. Phillimore (London, 1910; repr. from vol. 3 of Burge’s commentaries on colonial and
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method in Roman civil law for determining rights of inheritance, kinship calculation had by the sixth century become the method for determining which kin were too closely related to marry. By the sixth century the limit beyond which one could marry a relative had been set as far as the sixth degree, a calculation apparently popularized by Isidore. However, things were more complicated than this. First, there was disagreement between authorities on how many degrees were permitted. Isidore’s calculation was only one among several; Pope Gregory II, for example, prohibited marriage only within the fourth degree; Pope Gregory III, on the other hand, prohibited marriage within the seventh degree. Second, two entirely different methods of reckoning degrees of kinship were in use at the same time. The first was the method recommended by Roman law, wherein kinship was counted by adding together the number of generations that separated two individuals from their common stock. This was the method followed by Boniface. Thus, in the case of the nobleman and his widowed aunt, the degree of relationship is, as Boniface states, three: the common stock is the grandparent, from whom the nobleman is removed by two generations and the widow by one (by virtue of her marriage to the nobleman’s uncle). Competing with the Roman method was the so-called ‘canonical’ (or ‘scriptural’) method, which reckons degrees by counting only the generations from the common stock of one of the individuals in question, specifically the individual who is farthest removed from that stock. So, by this mode of reckoning the nobleman and his aunt-in-law are related in the second degree, as this method counts only the number of generations by which the nobleman (not the aunt) is removed from his grandfather (the father of the widow through marriage). The canonical method, which tends to count degrees by numbers of generationes, rather than by numbers of gradus as the Roman method does, has its origin in the language and concepts of Scripture. The notion that this method is based on an ancient Teutonic system of comparing lines of descent to joints on the body is no longer accepted by scholars; the terms ‘Germanic’ and

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foreign laws, 1910), 21–2; C.B. Bouchard, ‘Consanguinity and noble marriages in the tenth and eleventh centuries’, Speculum 56 (1981), 268–87, at 269–71; J. Goody, The development of the family and marriage in Europe (Cambridge, 1983; repr. 1990), 136–46; Brundage, Law, sex, and Christian society, 36, 140–41 and 193–94; and de Jong, ‘Limits of kinship’. Similarly, many articles have tackled the subject of the historical development of kinship and marriage law; unfortunately, many of these are marred by misconceptions about ‘Germanic’ traditions of reckoning kinship; Ubl’s Inzestverbot is, again, the best review of both the literature on and the history of this subject.
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‘Germanico-canonical’ in reference to this system are therefore to be avoided. The canonical method of reckoning was first used by Gregory I as an alternative to the Roman method, and it eventually came to be the dominant way of calculating consanguinity in the Middle Ages. However, during the eighth century and perhaps up to as late as the eleventh, both methods of calculation were in use in the West, with apparently no consensus on which system was to be followed. Needless to say, the existence of two different methods of calculation caused considerable confusion for rigid interpreters of the law like Boniface, who wanted to know exactly what the church had decided about who could marry whom.

It is important to note that during the Middle Ages, whatever method of calculation one used, one thing was clear to all who were concerned with the law on consanguinity: there was no valid precedent, not in Scripture, not in Roman law, and certainly not in western canon law, for the marriage of a man to his uncle’s widow, that is, a marriage contracted between people related in the third degree according to the Roman calculation, or in the second degree according to the canonical. All the learned legal systems explicitly prohibited marriage between nephews and aunts, whether they were related by blood or by marriage (many legal systems singled out the latter specifically). This Boniface surely knew, and it was doubtless at the front of his mind.

36 Ubl, Inzestverbot, 17–21.

37 Bouchard, ‘Consanguinity’, 270, explains how the Roman method was used by the church until the ninth century, at which point ‘both the number of forbidden degrees was increased—from four to seven—and the method of calculating degrees was changed.’

38 L. Machielsen, ‘L’origine anglo-saxonne du supplément canonique à l’Histoire ecclésiastique de Bède’, Revue Bénédictine 73 (1963), 33–47 and 314–16, has said of the canon law on marriage during the eighth-century (p. 44): ‘n’était pas uniforme pour toute la chrétienté. Sur le point précis ... des degrés de parenté qui rendaient le mariage invalide, Rome préconisait une législation moins libérale et moins accommodante que celle qu’on voit appliquée à la même époque en Germanie et en Angleterre.’

39 This sort of union is explicitly prohibited in Leviticus 18:14: ‘turpitudinem patrui tui non revelabis nec accedes ad uxorim eius quae tibi adfinitate coniungitur’.

40 Late Roman imperial law had categorically declaimed marriage between aunt and nephew (or uncle and niece): see A. Berger, Encyclopedic dictionary of Roman law, Transactions of the American Philosophical Society n.s. 43.2 (Philadelphia, 1953), 497, s.v. ‘Incestus (Incestum)’, and cf. Cod.Theod. 3.12.1 and 3.12.3—note, however, that Goody, Development of the family, 50–1, discusses a case described in Tacitus’s Annales in which Emperor Claudius attempts to marry Agrippina, his brother’s daughter, which (Goody says) may sometimes have been used later in support of unions between uncles and nieces. This prohibition was eventually disseminated throughout western Europe via the Visigothic abridgement of the imperial laws known as Lex Romana Visigothorum, or the Breviary of King Alaric II (ed. Hänel, 88–91, §§ 3.12.1 and 3.12.3); see P.L. Reynolds, Marriage and the western church: the Christianization of marriage during the patristic and early medieval periods (Leiden, 1994), 75, who
when he questioned Zacharias about the nobleman’s claim to be able to contract just such a union.

Returning to the *Libellus* and to the incest chapter in particular—where Gregory I provides his answer to Augustine’s question about the restrictions that kinship places on marriage—in most versions of the text, this chapter contains a clause that reveals Gregory’s opinion on consanguineous marriages and his definition thereof. The following is a quotation from a version of the *Libellus* commonly known as the ‘Capitula’ version:

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further notes that the *Brevarium* ‘treats as incest the marriage of a man to a nun, to a consecrated virgin, to a widow who has taken a vow of continence, and to a penitent’—definitions of interest given that, according to Boniface, the nobleman’s aunt had previously made vows of chastity. By the early sixth century, anti-incest legislation had crept into the agenda of major councils held in the Merovingian kingdoms. CEPA.517 was the first Merovingian council to include in its canons (c. 30) a prohibition on marriages between a nephew and a widowed aunt (though it explicitly does not dissolve such marriages if they had been previously contracted). Fifty years later, the second council of Tours (CTOU.567) issued a series of unusually long and grandiloquent canons, the twenty-second and longest of which deals extensively with sexual mores, marriage and incest. This canon incorporates the entirety of CEPA.517.30, and much more besides, including a provision from CCLE.535.12, which also prohibited unions between a nephew and widowed aunt. On the significance of the anti-incest laws enacted by CTOU.567, see Ubl, *Inzestverbot*, 156–59, and I. Wood, ‘Incest, law and the Bible in sixth-century Gaul’, *Early medieval Europe* 7 (1998), 291–304. Roughly fifty years later, another Merovingian council would pair together legislation on these same two subjects: CPAR.614, held under King Clothar II and attended by an unprecedented number of bishops (including the Bishop of Rochester and an abbot from Canterbury), concludes with two canons (cc. 15–16) that made it illicit both for avowed widows to remarry, and for a nephew and widowed aunt to contract marriage, on pain of excommunication. Without a doubt the most important early medieval contribution to the history of anti-incest law was made by Isidore of Seville (+653) in his *Origines* (*Etymologiae*), where he set the limit of consanguinity ‘usque ad sextum generis gradum’; *Sancti Isidori Hispalensis Etymologicarum sive originum libri XX*, ed. W. M. Lindsay, Oxford classical texts (Oxford, 1911), 9.6.29. In the manuscripts of Isidore’s *Etymologiae*, this passage is typically surrounded by tables and trees of consanguinity; on these diagrams, especially as they are found in medieval copies of Isidore’s work, see H. Schadt, *Die Darstellungen der Arbores Consanguinitatis und der Arbores Affinitatis. Bildschemata in juristischen Handschriften* (Tübingen, 1982), 61–108. Isidore was here reckoning degrees according to the Roman method, and as such was perhaps under the influence of CEPA.517, or possibly even Alaric’s *Brevariium*, which—in a section known as the *Pauli sententiae*—establishes propinquity and affinity as existing within the seventh grade: cf. *Pauli sententiae* 4.10, ‘De gradibus’, in *Lex Romana Visigothorum*, ed. Hänel, 408–09. Isidore’s treatment of consanguinity spread widely on account of the popularity of the *Etymologiae*. Even so, it was not until the early eleventh century that this chapter from the *Etymologiae* began to be included in canon law collections, though almost always in modified form. The first collections to do so seem to be *BD* (c. 7.10), and *Coll.Wig.B* (c. 149), both compiled shortly after the year 1000. Burchard also drew, however, on the synodal letter for CDOU.874 (ed. Hartmann, *Die Konzilien*, 583, line 35), which includes the relevant passage from the *Etymologiae*, but introduced with additional phrases and material suggesting (wrongly) that Isidore had prohibited marriage within the seventh (canonical) degree. Burchard’s adoption of Douzy’s modification (*Decretum*, 7.9 and the beginning of 7.10) is probably principally responsible for subsequently pervading the idea that Isidore defined consanguinity within seven canonical degrees (see, e.g., *ID* 9.45–6). For discussion of these chapters in *BD*, see P. Corbet, *Autour de Burchard de Worms: l’Église allemande et les interdits de parenté (IXème–XIIème siècle)*, Lus commune Sonderheft, Studien zur Europäischen Rechtsgeschichte 142 (Frankfurt, 2001), 93–4. In fact, Isidore was very clear that the lines of *consanguinitas* do not extend back further than a common *tritavus*, or great-great-great-great-grandparent.
And in your seventh question [septimo capitulo] you asked to what degree the faithful can be joined to their kindred in marriage, adding that among the English they freely mix [misceantur] with their stepmothers and [other] relations. In truth, an earthly law of the Roman republic allows the children of siblings [i.e. first-cousins] to mix. But from experience we have learned that the offspring from such a union are not able to flourish; moreover, sacred law forbids uncovering the nakedness of a relation (cf. Lv 18:7). Whence it is lawful that now, among the faithful, the third and fourth degrees [generatio] may freely join together, but from [a relation in] the second degree, as we have said, one ought wholly to abstain.  

Gregory here prohibits Christians from contracting marriages between first cousins, which (as he clarifies at the end of the passage) he counts as being related in the second degree; but he permits marriages within the third degree, that is (by clear implication) between second cousins. It is therefore clear from the Libellus itself that Gregory reckoned degrees according to the ‘canonical’ or ‘scriptural’ method. The reason for Boniface’s alarm at the Libellus’s permitting couples to marry ‘within the third degree [generatione]’ will now be clear. As was seen from Epistola 50, Boniface measured generationes according to the Roman method. To allow marriage within the third degree by Roman reckoning would be tantamount to allowing a nephew to marry his aunt, which, as mentioned, was universally declaimed by all lex scripta in the West. But Boniface, missing entirely the intrinsic signs that the Libellus counted degrees differently than he did, mistakenly assumed that by allowing marriages within the third degree Gregory was condoning marriage between nephews and aunts. Thus was it that, through his own error—an
error in which the entire modern debate over the authenticity of the *Libellus* has its origin—Boniface was led into distrusting what he read in the *Libellus*. Thanks now primarily to Karl Ubl, the scholar who can be credited with explaining most thoroughly the origins of Boniface’s mistake, the specter of Boniface’s doubt can finally be put to rest and study of the *Libellus*, particularly its textual tradition, can proceed on a firmer footing.

The scholar who has done the most to popularize the view that the *Libellus* is an authentic Gregorian document is Paul Meyvaert. In a series of French and English articles published between 1959 and 1986, Meyvaert demonstrated that the style of the *Libellus* and the habit of thought exhibited therein are consistently Gregorian, and he showed moreover that the textual tradition shows the document to have been old even by the beginning of the eighth century.\(^44\)

The upshot of Meyvaert’s collective research is that on the whole the *Libellus* is authentically Gregorian, and that, if the *Libellus* contained any passages that were not authentic (that is, interpolations), these had to be very old indeed—datable probably to no more than a century after Pope Gregory I’s pontificate.\(^45\) Meyvaert’s work marks a milestone in modern scholarship’s progress towards understanding the origins of this important document. However, like many scholars then as now, and like Boniface long before him, Meyvaert considered the incest chapter uniquely suspect. Following on work done by Margaret Deanesly and Paul Grosjean, Meyvaert developed the idea that the incest chapter contained an interpolation, one probably added in Lombard Italy sometime in the seventh century.\(^46\) Here he was led by a combination of factors—Boniface’s own suspicions that the chapter was uncanonical; claims by twentieth-century historians that the chapter’s ‘Germanic’ reckoning was not possibly Gregorian; and his own interpretation of the textual data—to dismiss the offending portion of the incest chapter as a uniquely un-authentic part of an otherwise authentic Gregorian document.\(^47\) In his own words,

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\(^{45}\) Meyvaert was thus able to refute previous claims that the *Libellus* was a Nothelmian fabrication, concocted sometime in the 720s.

\(^{46}\) Deanesly–Grosjean, ‘Canterbury edition’, esp. 2 and 25–7, had also determined that the incest chapter was (or contained) an interpolation by comparing it to the ‘Letter’ version in *D4*.

Appendix I

‘This interpolated passage accounts for all the doubts expressed in early times about the authenticity of the *Libellus*.48 In fact, as has already been seen, there had never really been any doubt concerning the authenticity of the incest chapter ‘in early times’, Boniface’s incredulity being the one great exception, and this because he had misunderstood its meaning. Furthermore, and again as has been seen, modern arguments that prop the *Libellus*’s use of a ‘Germanic’ method of calculating kinship as evidence against Gregorian authorship are invalid.49 Only Meyvaert’s textual arguments remain as a possible basis on which to impugn the authenticity of the incest chapter. However, upon closer examination, these turn out to be unconvincing.

Meyvaert argued that the *Libellus* exists in three major recensions,50 which he named the *Letter* version, the *Capitula* version and the *Q/A* (or *Question and Answer*) version. Apart from distinguishing themselves from each other by common errors and variants, these versions, Meyvaert noticed, use different devices to introduce chapters and to separate questions from responses.51 The *Letter* version tends to begin each chapter ‘ex abrupto’, casting both Augustine’s question and Gregory’s response in the first person with no syntactical device to demarcate between the two voices; the resulting enjambment is sometimes disorienting to read.52 The *Q/A* version—perhaps better named the *Vulgate* version since it is the more famous for having been transmitted by Bede and *Coll. vet. Gall.*—improves on the *Letter* version by adding the names of the interlocutors at appropriate points, thus rendering the *Libellus* more a dialogue

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49 Ubl, *Inzestverbot*, 16–21 and 221–24, refutes the notion that in counting as he did Gregory was participating in something inherently Germanic, and furthermore shows that the method of reckoning kinship used in the *Libellus*’s (full) incest chapter is perfectly consistent with Gregory’s thinking and usage elsewhere.

50 In fact, the Ballerinis had already shown this in 1757: *Disquisitiones*, *PL* 56, col. 271D–272A.


52 Cf. DGRE.590.1843 (‘Letter’ version), cc. 3 and 5 (= cc. 3, 7 in Ewald–Hartmann) and the *Obsecro* from *D4*, fols 90v–95v:

III. CAPITULO; Obsecro quid pati debeat si quis aliquid de ecclesia furto abstulerit hoc tua fraternitas ex persona furis pensare potest qualiter ualeant corregi; Sunt enim qvidam qui habentes subsidia furto perpetrant. Et sunt alii qvi ...

V. CAPITULO. Qualiter debemus cum galliarum atque brittanorum episcopis agere. In galliarum episcopis unam tibi auctoritatem tribuimus ...

Obsecro ut reliquiæ sancti syxti nobis transmittantur. Fecimus que petisti ...
than a letter.\footnote{53} Needless to say, this device could not have been present in the original (assuming the original was a letter, and not a dialogue);\footnote{54} thus Q/A version must be the product of a later editor. The \textit{Capitula} version, on the other hand, is the only version to present the text consistently in the form of a letter: unlike in the other two versions, Gregory’s voice is the only one the reader encounters because questions are introduced via indirect speech, usually \textit{via} phrasing like ‘capitulo septimo requisisti’.\footnote{55} From all this Meyvaert deduced that the \textit{Libellus} tradition exhibits differing levels of ‘editorial intervention’,\footnote{56} and on these grounds he attempted to date them relative to each other. He concluded that the text as presented in the \textit{Letter} version is the ‘more primitive form’, while the \textit{Capitula} and Q/A texts ‘present themselves as edited versions’.\footnote{57} All subsequent scholarship on the \textit{Libellus} has followed Meyvaert on this point, so that the \textit{Letter} version has come to be considered the most authentic of the three versions. This in turn has helped to enforce the old notion about the incest chapter containing an interpolation, since the \textit{Letter} version is the only one of the three versions to lack the passage allowing those related in the third degree to marry.

\footnote{53}{DGRE.590.1843 (‘Q/A’ version), cc. 3 and 7 (= cc. 3, 7 in Ewald–Hartmann) and c. 8 (= the \textit{Obsecro}) from Stuttgart, Württembergische Landesbibliothek, HB VI 113 (s. viii\footnote{59}, Rhaetia), fols 167v–170r, where the \textit{Libellus} has been folded into \textit{Coll.vet.Gall.} as titles 79–85:

III. INTERROGATIO; Obsecro quid pati debeat si quis aliquid de ecclesia furto abstulerit; RESPONDIT GREGORIUS. Hoc tua fraternitas ex persona furis pensare potest quorum ualeat corrigi; Sunt enim quidam ...

INTERROGATIO; Quaiter debemus cum gallearum atque brittanorum episcupis agere; RESPONDIT GREGORIUS; In gallearum episcupis. unam tibi auctoritatem tribuimus ...

INTERROGATIO. Obsecro ut reliquia sancti syxti martyr is nobis transmittantur; RESPONDIT GREGORIUS; Fecimus quae petisti ...}

\footnote{54}{The very interesting idea that Gregory might have deliberately composed the \textit{Libellus} not as a letter but in a manner similar to his \textit{Dialogues} and \textit{Moralia in Iob} has been suggested to me by Richard Shaw of the Centre for Medieval Studies in Toronto, to whom I am very grateful for a number of insightful suggestions about the \textit{Libellus} and its relationship to other Gregorian works.}

\footnote{55}{DGRE.590.1843 (‘Capitula’ version), cc. 3, 9 and 10 (= cc. 3, 7 in Ewald–Hartmann) and c. 10 (= the \textit{Obsecro}) from Milan, Biblioteca Ambrosiana, S.33 sup. (s. ix\footnote{44}, Bobbio), fols 277v–285r:

III. Tertio quippe capitulo requiris. quid pati debeat Si quis aliquid de ecclesia furto abstulerit: sed hoc tua fraternitas ex persona furis pensare potest. qualiter ualeat corrigi: Sunt enim quidam ...

Nono quoque capitulo requisisti. qualiter debas cum galliarum \textit{homoio teleuton} tibi auctoritatem tribuimus ...

Decimo quoque capitulo petisti. ut reliquia sancti syxti martyris transmittantur. Fecimus quae petisti ...}

\footnote{56}{Meyvaert, ‘Le \textit{Libellus responsionum}’, 543.}

\footnote{57}{Meyvaert, ‘Bede’s text’, 24.}
While it is no doubt true that the Q/A version represents a later, edited form, it is by no means clear why the Letter version should be considered more primitive than the Capitula version. Indeed, all available evidence seems to indicate that the opposite is true. First, the Capitula version is the only version that is presented consistently in the author’s voice; it is difficult to believe that this is an ‘editorial device’ inserted after the fact. Second, framing a respondent’s questions in the first person, as happens in the Letter and Q/A versions, does not occur in other papal rescripts, and indeed seems out of place in the genre of letter writing generally. Third, Meyvaert’s claim that the Capitula version makes use of another ‘editorial device’, namely the introduction of each chapter with ‘Secundo capitulo’, ‘Tertio capitulo’, etc. (hence his designation ‘Capitula version’), is dubious. It is not necessarily true that chapter references such as these must be an editorial device inserted by a later editor; in fact, it is not uncommon in papal decretals for popes to refer to their correspondent’s questions as capitula. In any case, it is not in the Capitula version alone that Augustine’s questions are referred to as capitula: in at least one manuscript of the Letter version (Lucca, Biblioteca Capitolare Feliniana, MS 490 [s. viii–ix in, Lucca]), the Libellus begins its first chapter with ‘Primo capitulo de episcopis ...’ Indeed, the Letter version is hardly consistent in the way that it introduces chapters; despite what Meyvaert’s articles imply about the distinctive stylistics of the Letter version, this version actually shows a mixture of all three types of his ‘editorial’ devices. For example, in the earliest manuscript witness of Meyvaert’s Letter version, D4, each chapter is introduced by a Roman numeral and the word ‘CAPITULO’—the latter being, according to Meyvaert, a Capitula-version feature. Another early witness of the Letter version, Lucca 490, even begins


59 Cf. DZAC.741.2286, Pope Zacharias to Boniface in 748 (Epistola 80, ed. Tangl, 173): ‘Primum capitulum pro synodo, in qua natus et nutritus es ...’ See also DZAC.741.2306, Pope Zacharias to Theodore of Pavia in 745×752 (ed. Dümmler, 711): ‘De illo vero capitulo, quod nobis insinuasti ...’

60 See Gregory, Epistola 11.56a, eds Ewald–Hartmann, II, 333, line 3 n. h.

61 Cf. Meyvaert, ‘Le Libellus responsionum’, 543: ‘La version Lettre paraît être la plus ancienne, car on n’y discerne aucune intervention éditoriale. Une simple numérotation ... est la seule indication pour avertir le lecteur où une réponse finit et où la question suivante commence.’ As the following examples will show, this is simply not the case, at least not in the manuscripts I and Ewald/Hartmann have examined.
several questions with ‘Interrogatio’—according to Meyvaert a Q/A-version feature. Moreover, far from rendering all questions in the first person—which is supposed to be the main stylistic feature of the Letter version—the Letter version in fact expresses only three questions in this way; the rest are cast either impersonally or in the second person using requisisti—the latter again being, according to Meyvaert, a Capitula-version feature. Thus it would seem that the features that to Meyvaert’s mind make the Letter version distinctively ‘primitive’ in form are not only of doubtful significance, but are also inconsistently deployed in that version. Meanwhile, there is nothing in any of the articles Meyvaert wrote on this subject that demonstrates that the Capitula version must be derived from or in some way subsequent to the Letter version. In fact, in one case, the Capitula and the Q/A versions have the lectio difficilior as against the Letter version—strong evidence that, at one point at least, the Letter version is a devolved form of the Capitula version, and not the other way round. All signs therefore point to the Capitula version as being the most primitive version of the Libellus.

Why then might Meyvaert have concluded, despite clear evidence to the contrary, that the Letter version was the most primitive of the three versions? One can only suppose that he was

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62 Lucca 490 is Ewald–Hartmann’s siglum ‘L’. Meyvaert, ‘Bede’s text’, 25 n. 1, notes that ‘half-way through responsum VII [Lucca 490] brusquely switches over, completely, to the insular penitential branch’ i.e. to the text of the Q/A version used by Bede. This means that questions 4 and 5 (= cc. 8, 9 in Ewald–Hartmann) begin ‘Interrogatio Augustini’. The manuscript is important as being an early witness to Coll.Sanb., and also (like D4) to the Epitome Hispana.

63 DGRE.590.1843 (‘Letter’ version), cc. 1, 2 and 4 (= cc. 1, 2, 6 in Ewald–Hartmann) from D4, fols 87r–93r:

I. CAPITULUM De episcopis. qualiter cum suis clericis conuersentur ...

II. CAPITULO; Cum una sit fides. sunt ecclesiarum diuersae consuetudines ...

III. CAPITULO. Si loquinquitas itineres [sic] magna interiacet. ut episcopi. non facile ualeant conuenire. an debeant [deueant a. corr.] sine aliorum episcoporum presence episcopum ordinare.

64 DGRE.590.1843 (‘Letter’ version), cc. 6, 7 and 8 (= cc. 4–5, 8, 9 in Ewald–Hartmann) from D4, fols 96v–113v:

VI. CAPITULO Requisisti. si debent duo germani fratres ...

VII. CAPITULO Requisisti. si pregnans mulier debeat baptizari ... Requisisti ut si menstrua consuetudine tenetur ...

VIII CAPITULO Requisisti. si post inlusionem que per somnium solet accidere ...

65 See example no. 3 in Meyvaert’s list of textual errors in ‘Bede’s text’, 27–8.

66 This was also the opinion of the Ballerinis, Disquisitiones, PL 56, col. 272B: ‘Haec [viz. the Capitula version] verior ejusdem epistolae forma fuisse videtur, ex qua interrogationes vulgatae a Beda fortassis excerptae fuerunt’.
prejudiced by the fact that the *Letter* version is the only of the three that omits the passage on incest that historians have so long decried as counterfeit. But, as was argued above, there is no longer any reason to view this passage as an interpolation. Indeed, close examination of the text of the *Letter* version itself reveals that its version of the incest chapter is manifestly not original. Far from representing a more primitive form of the incest chapter, the *Letter* version presents a text that has undergone abridgement, and quite clumsy abridgement at that. One need only pay attention to how poorly the passage in question reads in the *Letter* version to see this:

[regarding the joining of two brothers with two unrelated sisters] there is nothing in Scripture that would seem to contradict this, adding (*addens*) that in England they freely mix with their stepmothers and relatives. But holy law prohibits revealing the nakedness of a relative. Since it is a grave sin to mix with one’s stepmother, because in the law it is written, ‘you shall not reveal the nakedness of your father.’

This is simply not prose worthy of the eloquent Pope Gregory I; it could scarcely have been constructed more poorly in terms of style and syntax. The final two sentences in particular are marred by awkward repetition and by what appears to be a stray *cum* (nearly impossible to translate in this context—‘since’?). Most importantly, the passage contains a striking instance of anacoluthon: *uideatur, addens quia.* It is difficult to believe that *addens* was part of the original text, as the syntactical impossibility of this word could not have been ignored by an experienced author and stylist like Gregory. A possible explanation of the presence of *addens* is that it is in error for *addes*, which certainly renders the syntax intelligible. But this explanation must give way to a far more plausible explanation: the *addens* is nothing more than the ungrammatical remains of a hasty excision. The merits of this explanation can be seen by comparing the text of the *Capitula* version, which here includes material Meyvaert believed had been interpolated, but

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Appendix I

which is actually needed in order for the passage to make good sense (words in **bold** are not found in the *Letter* version):

VI. And in the sixth chapter, you asked if two brothers ought to take two unrelated sisters. But this is entirely permitted; nothing is found in Scripture that is seen to contradict this question.69

VII. In your seventh question you asked to what degree the faithful can be joined to their kindred in marriage, adding that among the English they freely mix with their stepmothers and other relations. In truth, an earthly law of the Roman republic allows the children of siblings [i.e. first-cousins] to mix.70 But from experience we have learned that the offspring from such a union are not able to flourish; moreover, sacred law forbids uncovering the nakedness of a relation. Whence it is lawful that now, among the faithful, the third and fourth degrees may freely join together, but from a relation in the second degree, as we have said, one ought wholly to abstain. But it is a grave sin to mix with one’s stepmother, because in the law it is written, ‘you shall not reveal the nakedness of your father.’71

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69 Despite Gregory’s curt response, Augustine’s question should not be interpreted as foolish, for it has a basis in CNEO.315.2. The canon itself focuses on the question of what shall happen when a ‘Mulier ... duobus fratribus nupserit’. However, in several later collections the canon was given titles that read as either ‘De his quae duobus fratribus nupserint [*var.* nuptae fuerint] uel qui duas sorores uxores acceperint’ (as in *Coll.Dion.* and Cresconius, *Conc.can.* 112) or ‘De mulieribus qui duobus fratribus nupserunt’ (as in *collectiones Corbeiensis, Coloniensis* and *Albigensis*); see Turner, *EOMIA*, II, 1, pp. 44–5 and 121. It was perhaps one or other of these titles for CNEO.315.2 that prompted Augustine to ask Gregory ‘si debent duo germani fratres singulas sorores accipere’.

70 A reference to the case described in the *Annales* of Tacitus? Cf. above, Appendix I n. 40.

71 DGRE.590.1843 (‘Letter’ version), incest chapter, from Milan, Bibl. Ambrose, S.33 sup., fols 283v–284r (words not also found in D4 are here given in **bold**): ‘VI. Sexto quoque. capitulo requisisti si debent duo germani fratres singulas sorores accipere quaе sunt ab illis longa progenie [*progeni se a. corr.?*] generate: sed hoc fieri modis omnibus licet. ne quicquam in sacris eloquis inuenitur quod huic capitulo contradixisse uideatur. VII. Septimo quoque capitulo requisisti usque ad quod tam generationem fideles debeant cum propinquis sibi coniugio copulari: addens quia in anglorum gente nouercis et cognatis libere misceantur: et quidem terrena lex in romana republica concedit. ut sibi fratris. aut sororis. seu duorum fratrums germanorum. uel. duarum sororum. filii et filiae misceantur. sed experimento didicimus ex tali coniugio subolem non posse succrescere. et sancta lex prohibet cognationis turpitudinem revelari. [cf. Lv 18:7] Unde nescesse. est. ut iam [quaedam verba hic ras.; tertia vel codd. alii] quarta generatio fidelium sibi licenter iungi debeat. [debeant a. corr.] Nam a secunda quam praediximus omni modo debeat abstineri. Cum nouerca autem misceri graue. est. facinus. quia [qua a. corr.] in lege scriptum. est. turpitudinem patris tui non reuelabis. [Lv 18:7] Neque enim patris turpitudinis filius reuelare potest ...’
Here the addens makes perfect sense, and the author avoids making in the same breath a double reference to the same passage in Scripture. Moreover, the ‘interpolated’ material just plain sounds like Gregory, particularly in its reference to Roman law and in its arguing from experience why incest can be dangerous. From purely textual and stylistic considerations, therefore, the unavoidable conclusion is that the Letter version represents an abridgement and rearrangement of the original document, an original to which the Capitula version seems to come closest.  

Meyvaert speculated that the ‘interpolation’ in the incest chapter was introduced in the seventh century by a lax clergyman in charge of evangelizing the Lombards, whom Meyvaert described as ‘germanique et païen’. Obviously this hypothesis needs revising: one is now instead encouraged to imagine a fastidious cleric who removed the offending passage from the Capitula version of the Libellus, thus giving rise to the Letter version. Where and when did this occur? Here there seems no reason to dissent from Meyvaert’s opinion: the excision probably occurred in northern Italy, and probably in the later seventh century (certainly not after the beginning of the eighth). A pair of North Italian canon law collections can be adduced in support of this theory.

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72 Meyvaert himself left clues to this conclusion in his discussion of the phrase ‘inter cetera et ad locum’, found at the head of the Letter version: Meyvaert, ‘Bede’s text’, 24, n. 1; Meyvaert, ‘Le Libellus responsionum’, 546. He presumed that this phrase refers to a longer original document of which the Letter version is an abridgement, and lamented that he had been unable to find this unabridged original. This interpretation of the meaning of ‘inter cetera et ad locum’ is surely correct; indeed, the same expression is elsewhere used to indicate that just such an abridgement has been made. See, e.g.: DJOH.532.888 (de Clercq, Galliae, 88, line 25); the council of Monte Cassino/Rome (869) (ed. Hartmann, Die Konzilien der karolingischen Teilreiche 860–874, 368, line 1); and DHAD.772.2483–85 (ed. K. Hampe, 26 line 5). It now seems to be the case that what Meyvaert was searching for was right in front of him all along: the original document of which the Letter version is an abridgement is, in all likelihood, the Capitula version— which (like the Continental Q/A version) also contains a preface, but which notably lacks the phrase ‘inter cetera et ad locum’. It is of interest, however, that Meyvaert indicated (‘Bede’s text’, 24, n. 1) that in an unnamed canonical collection he may have found another short text that might also have belonged to his supposed lost original of the Libellus. Unfortunately, he did not give a reference to the manuscript in which this collection is found. But could he have meant the Regulare definitionum of Gregory I, found uniquely as the final document in the series of additions to the version of Coll.Dion.II in Vatican, Biblioteca Apostolica Vaticana, Vat. Lat. 5845 (s. x1/2, Capua)? If so, it should be noted that the Regulare is an altogether different work, and probably should not be considered as an alternative to the Capitula version as a candidate for the original Libellus text.

According to Meyvaert’s published work, the earliest manuscript witness of the *Capitula* version is Milan, Biblioteca Ambrosiana, S. 33 sup. This manuscript is the principal witness of the *Collectio canonum Dionysiana Bobiensis*. The manuscript was copied at the end of the ninth century, but the core of the canon law collection it contains, an augmented version of the Dionysian conciliar and decretal collections, was assembled in the beginning of the seventh century at Bobbio. There, two additional series of papal decretals were appended to the end of this collection. The first series includes the *Capitula* version of the *Libellus* as well as decretals from Popes Symmachus and Boniface IV, and was added to the collection sometime between the year 613 and the ninth century. Peter Landau has stated that he believes this series was added sometime before 700, while Klaus Zechiel-Eckes thought it was added in the first half of the seventh century, that is very shortly after the *Bobiensis*’s initial compilation, that is at most only

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74 Though Meyvaert nowhere states this explicitly, it can be inferred from the fact that he quotes from this manuscript for his comparison of the *Letter, Capitula* and *Q/A* versions of the incest chapter in his ‘Les “Responsiones”’, 886–87. In his ‘Bede’s text’, 25, written eleven years later, Meyvaert alluded to the existence of ‘eight manuscript-witnesses’ for the *Capitula* version, ‘whose combined evidence shows that this version ... can be dated back to the eighth century.’ Unfortunately, he did not identify these seven other witnesses. Cf. also Meyvaert, ‘Le *Libellus responsionum*’, 543: ‘La version *Capitula* a circulé surtout dans le Nord de l’Italie et doit remonter au moins au VIIIe siècle.’

75 See: Maassen, *Geschichte*, 471–76; Wurm, *Studien*, 32–3 and 53–8; P. Landau, ‘Kanonessammlungen in der Lombardie im Frühen und hohen Mittelalter’, in *Atti dell’11º congresso internazionale di studi sull’alto medievo, Milano, 26–30 ottobre 1987*, 2 vols (Spoleto, 1989), I, 425–57, at 427–28; and Zechiel-Eckes, ed., *Concordia canonum*, I, 100 n. 128, 132–33 and 223–25. The *Bobiensis* was a source for a late ninth-century version of Cresconius’s *Conc.can.* designated by Zechiel-Eckes as ‘die Bobbio-Redaktion’; moreover, the Milanese copy of the *Bobiensis* shows influence in turn from the *Concordia*. On the strength of these reverse-borrowings, Zechiel-Eckes suggested (*Concordia canonum*, 223–24) that, at least in certain parts, Milan S. 33 sup. presents a less faithful version of the original *Bobiensis* than does the other witness to this collection, Vercelli, Biblioteca Capitolare, CXI (s. x).

76 The author of the *Bobiensis* is thought to have made use of a lost (fourth) Dionysian recension of conciliar canons, one that Dionysius had based on a Greek collection that had recently come to him; Maassen, *Geschichte*, 471–72; Wurm, *Studien*, 33, 41; Landau, ‘Kanonessammlungen’, 428.

fifty years after Gregory’s death. 78 If this additional series was indeed appended as early as these scholars suggest, then this makes the Bobiensis by far the earliest witness to the transmission of the Libellus—much earlier than the next oldest witness, namely Theodore of Canterbury’s Iudicia, which refer to rulings found in the Libellus. 79 And, of course, the fact that the Bobiensis contains a Capitula version of the Libellus is strong evidence again in favour of this being the more original of the three Libellus versions.

Another canon law collection, the Collectio Mutinensis (‘Modena collection’) is closely related to the Bobiensis, and contains at its end a series of excerpts from the Libellus’s chapter on pregnant women (= Capitula c. 4; Letter, c. 7; Q/A c. 8). 80 The Mutinensis is extant uniquely in Modena, Biblioteca Capitolare, O.I.12 (s. viiex–ix?, Northern Italy). The manuscript itself is desperately in need of re-examination and re-dating, but the collection it contains has been dated by Maassen to Italy sometime after 601, 81 by Landau to ‘möglicherweise im 7. Jahrhundert’, 82 and tentatively by Zechiel-Eckes to ‘saec. vii–viii, Italien?’. 83 Other scholars have also preferred an earlier date, usually within the seventh century. 84 Mario Fornasari, who edited the Mutinensis in 1966, has dated the Modena manuscript very early (to s. vii2), and—since he did not believe its Libellus material to be original—thought the collection itself could be dated to the beginning


81 Maassen, Geschichte, 796–97. Maassen clearly dates it thus because the most recent material in the collection is the Libellus, which he believed to have been composed around a. 601

82 Landau, ‘Kanonessammlungen’, 428 n. 15.

83 Zechiel-Eckes, ed., Concordia canonum, 19 n. 35.

84 Wurm, Studien, 32, did not offer a date for the collection, but dated the manuscript to ‘7./9. Jahrh.’ Kéry, Collections, 22, summarizing previous scholars suggestions, gives the Mutinensis as compiled ‘probably at the beginning of the seventh century’ in Italy or Bobbio.
of the sixth century, during the pontificate of Pope Symmachus. Fornasari’s reasons for considering the Libellus material as unoriginal to the Mutinensis are not entirely convincing, however, and are in fact based primarily on his assumption that the collection was composed in the sixth, rather than the seventh century. But there is no compelling reason to date the Mutinensis so early. If, therefore, one accepts most scholars’ opinion that the collection dates to the seventh-century, then there is nothing to prevent the conclusion that—just as Maassen believed—the Libellus material was part of the original Mutinensis. At all events, even if the Libellus material is not original, the (probably) early date of the Modena manuscript allows for the possibility that the Libellus material was transmitted with the Mutinensis from very early on, even as early as the middle of the seventh century.

One can readily see from Fornasari’s edition that the Libellus excerpts in the Mutinensis derive from a Capitula version, and it is very probable indeed that the direct source was the Bobiensis itself. Thus, the Bobiensis and Mutinensis together reveal that by the second half of the seventh century...

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85 Fornasari, ‘Collectio canonum Mutinensis’, 252: ‘A conclusione di queste note paleografiche, per le osservazioni sopra illustrate, possiamo fissare l’età del manoscritto alla seconda metà del secolo VII, anticipando di qualche decennio l’età che generalmente da alcuni studiosi, che l’hanno prima esaminato, era stata stabilita all’inizio del secolo VIII. Non è possibile arrivare a questa data anche per le indicazioni che ci vengono da alcuni testi della collezione canonica. Ci referiamo cioè all’appendice del ms., che riporta con scrittura della medesima mano, in modo del tutto isolato e staccato dal resto del contenuto del ms., alcuni frammenti di Gregorio Magno (590–604). A questo punto dobbiamo osservare che il ms. di Modena è certamente copia di un precedente manoscritto, che con molta probabilità riportava la collezione che doveva terminare con la lettera di Lione Magno (440–461). Il manoscritto originale doveva essere stato composto agli inizi del secolo VI, cioè ai tempi turbulenti e faziosi di papa Simmaco (498–514), di cui questa collezione canonica tra gli altri intendimenti, vorrebbe essere una aperta difesa e apologia. Una delle copie successive, cioè quella del manoscritto di Modena, dovrebbe essere stata eseguita dopo la morte di Gregorio Magno (604) e prima dell’uso generale che si fece delle sue opere in genere e delle sue decretali in modo particolare nelle collezioni del secolo VIII e IX, perchè i brevi testi riportati in questo manoscritto non fanno riferimento ad alcuna raccolta, ma provengono probabilmente da fonti dirette.’

86 Fornasari, ‘Collectio canonum Mutinensis’, 254: ‘Infine il manoscritto di Modena riporta nell’ultimo foglio alcuni testi di Gregorio Mano, che per essere fuori dell’ordine cronologico dell’opera, noi riteniamo un’appendice posteriore e non originale alla collezione, che si deve considerare completa con la decretale di Leon Magno “universis episcopis per Siciliam constitutis”; and p. 270: ‘Non è anzitutto da ritenere valida l’ipotesi del Maassen che sposta l’età di questa collezione a dopo la morte di Gregorio Magno (†604). Egli arriva a questa conclusione per la presenza nell’ultimo foglio del manoscritto di Modena di alcuni frammenti di Gregorio. Come abbiamo osservato, questi testi hanno nulla a che fare con il resto della collezione, sia perchè non entrano nell’ordine strettamente cronologico dell’opera, sia perchè sono del tutto estranei alle fonti conosciute ed usate dal compilatore. Essi sono stati aggiunti in una redazione posteriore della collezione.’ Unfortunately, Fornasari did not specify when it was he thought the Gregorian material was added.

century (and perhaps as early as the first half), the *Capitula* version of the *Libellus* was already being transmitted with other papal decretals in canon collections compiled in Northern Italy.

The above study has implications for how we might understand the *Libellus*'s fateful journey north to England. If Gregory’s original letter did in fact reach Augustine in Canterbury in a. 601×604, one should expect to find the most primitive version of the *Libellus*—that is the *Capitula* version—represented strongly in the English tradition. Instead, however, scholars have found evidence only of the *Q/A* version being used in Anglo-Saxon works. Does this mean that the original letter never reached its intended recipient? Possibly; it was after all a long, circuitous and hazardous route from Rome to Canterbury in the seventh century, and a messenger might easily have been waylaid or permanently detained on his journey back through Italy and Gaul. Possibly instead the letter was received by Augustine, but was shortly afterward lost. If so, it would seem that England had to wait upwards of a century before another copy of the *Libellus* arrived again on its shores. And, after having circulated for decades in multiple versions on the Continent, the form in which it finally arrived in England was *Q/A* in form; this would account for the reason this version, and this version alone, is quoted by Theodore and Bede.

Can we know anything further about how the *Libellus* came to (re-)enter Anglo-Saxon England? Here it is important to recognize that (as this dissertation has shown) during the seventh and eighth centuries the Anglo-Saxon church cultivated a close relationship with Roman and Italian canonical traditions. More specifically, Anglo-Saxons were reading and copying enlarged versions of *Coll.Dion.II*. And here it seems especially significant that the *Bobiensis* itself is a special type of enlarged *Coll.Dion.II*. Based on what is so far known about the types of canon law collections being used in the early Anglo-Saxon church, one could venture the following speculations about how the *Libellus* was transmitted in England. At some point in the latter half of the seventh century a collection like the *Bobiensis* made its way to Canterbury, bringing the *Libellus*, finally, to its originally intended destination (even if not its intended recipient).

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88 On 601 as the probable *terminus post quem* for the *Libellus*, see Meyvaert, ‘Bede’s text’, 30 n. 1. Gregory died in 604.

89 As in Bede’s *HE* and his prose *Life of St Cuthberht*. And cf. Flechner, ‘Making of the *Canons of Theodore’*, 138, suggesting that it is the *Q/A* version that was used in PTHU.700.

90 See Chapter 5.
Appendix I

Probably even before it left Italy, this collection’s *Capitula* version of the *Libellus* had already been ‘edited’ into the *Q/A* version (by whom is not yet known). This collection (of *Bobiensis/Coll.Dion.II* form) was perhaps then disseminated throughout England via Theodore and Hadrian’s school, where it has been shown that a *Coll.Dion.II* was one of the school’s instructional texts.91 From Canterbury it would eventually have arrived in York, where it seems to have been used by Ecgberht as a source for his *Dialogus*.92 The canon collection’s copy of the *Q/A* version of the *Libellus* would—no doubt due to its importance for the Anglo-Saxon church’s sense of its own history—quickly have been separated from the collection and disseminated on its own, and would soon come to be used in and transmitted with Theodore’s *Iudicia*,93 and later reproduced in full in Bede’s *Historia ecclesiastica*. It is interesting that another canonical document of Gregory I’s, his *Libellus synodicus* (CROM.595), is also mentioned by Bede. Both the *Libellus responsionum* and the *Libellus synodicus* were in fact transmitted together in several early canonical collections, the *Bobiensis* being one of these,94 and this leads one to wonder if Bede had encountered both documents together in a *Bobiensis*-like collection. To be sure, all of this is speculation, but it is speculation that accords fully both with what is known about the use of canon law collections in seventh- and eighth-century England, and with what is known about the *Libellus*’s history of transmission in the first two centuries after its production.

The question of when and in what form (or forms) Boniface encountered the *Libellus* can also be re-examined in light of the findings of this study. That Boniface had met with the *Q/A* version in the Corbie redaction of *Coll.vet.Gall.*, certainly by 739 though perhaps much earlier than this, has already been established by Michael Glatthaar and Ludger Körntgen.95 This suggests that Boniface already knew of the *Libellus* (in *Q/A* form) by the time he came to read Bede’s *Historia

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91 See Chapter 5.

92 See Appendix III, p. 389. See also Appendix III n. 70, where it is suggested that Ecgberht might have had access to a copy of the *Bobiensis*.

93 Cf. Flechner, ‘Making of the *Canons of Theodore*, 138: ‘As far as I could discern, no other text of [the *Libellus* other than the *Q/A*] was transmitted with the Canons of Theodore.’

94 See above, Appendix I n. 3.

ecclesiastica (whenever that might have been).\textsuperscript{96} Further, Glatthaar’s suggestion that Boniface encountered various canon law collections, especially at Trent, during his travels through Northern Italy,\textsuperscript{97} prompts speculation that through these same conduits Boniface may have encountered the \textit{Capitula} version of the \textit{Libellus}—if not through the \textit{Bobiensis} directly then perhaps through the \textit{Mutinensis} or some similar North Italian collection. Finally, Rob Meens has recently speculated that Boniface may have been closely acquainted with the \textit{Letter} version by way of personal contact with \textbf{D4}.\textsuperscript{98} This suggestion is important, especially within the context of the present discussion. Unfortunately, Meens’s suggestion depends on rather thin circumstantial evidence. There is, moreover, a surprising amount of confusion surrounding \textbf{D4}. A brief excursus into the nature of this manuscript is therefore in order.

\textbf{D4} has been securely dated to the first half of the eighth century, but its place of origin has been much disputed. The manuscript is missing folios and/or quires at both its beginning and end, indicating that it once contained much additional canonical material.\textsuperscript{99} \textbf{D4} currently ends with the \textit{Libellus}, which wants about 15 lines from its final chapter. Meens noticed three hands at work, though there are actually at least four, all writing a large French uncial script. Hand A (fols 1r–7v) and Hand B (8r–14r) are nearly identical. Hand C (fols 14v–31r) is quite distinct, and writes a script that is generally rounder and more uniform. Hand D (fols 31v–117v), who copied out the \textit{Libellus}, is even less angular than C, heavier, more consistent in execution, and frequently ligatured. The controversy over the origin of this manuscript seems to have begun with E.A. Lowe’s identification of ‘Visigothic symptoms’ in the script, which led him to place its origin in southern France, ‘probably in a centre under Visigothic influence’.\textsuperscript{100} Lowe does not seem to have realized, however, that \textbf{D4} is the product of multiple hands, and that the specific Visigothic symptoms he noticed are only to be found in the sections copied by Hand D and (to a


\textsuperscript{97} Glatthaar, \textit{Sakrileg}, 373–79.

\textsuperscript{98} Meens, ‘Oldest manuscript’, 13–14.

\textsuperscript{99} See the discussion of this manuscript in Chapter 3.

\textsuperscript{100} Lowe, \textit{CLA}, X, no. 1568.
much lesser extent) by Hand C. But even in these sections Visigothic symptoms are not as pronounced as Lowe indicated.\textsuperscript{101} It would seem, in fact, that only one, possibly two, of the four scribes who worked on D4 had been trained in a Visigothic center.\textsuperscript{102}

Lowe’s classification of D4 as a southern French manuscript has exerted much influence on subsequent scholarship. Nevertheless, some scholars—whose arguments have focused more on the contents of the manuscript than on the character of its script—have suggested alternate locales as places of origin. Meyvaert believed that D4’s Letter version of the Libellus points to an origin in Lombard Italy,\textsuperscript{103} while Roger Reynolds has argued for a North Italian origin based on its transmission of the Isidorian Epistola ad Massonam.\textsuperscript{104} Still others have proposed a northern origin in France or Germany. For example, Rob Meens has adduced C4, a northern French manuscript strikingly similar to D4 in terms of contents, as evidence in favour of a northern origin also for D4.\textsuperscript{105} More compelling is Deanesly and Grosjean’s suggestion that D4

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\textsuperscript{101} That is to say, only hands C and D use a dotted suspension mark, and only Hand D uses the on ligature. As to the notorious ‘Visigothic’ abbreviation for per (that is, the standard pro abbreviation symbol—‘p’ with the bottom stroke of the lobe continuing back and downwards through the descender—but used to represent per), I find only one unambiguous instance of this in Hand D’s section (D4, fol. 110v). Throughout Hand D’s section, the abbreviation in question is otherwise nearly always used to represent pro, not per as in the Visigothic manner (e.g. ‘pro peccato’, D4, fol. 100v line 16; ‘prolix’, fol. 111r line 1; ‘profecto’, fol. 111r line 9). The two instances of ‘Visigothic per’ adduced by Lowe (‘pro/per confessionem’ [D4, fol. 43v line 13], in error for ‘professionem’; and ‘pro/per furtem’ [fol. 78r line 10], in error for ‘furtum’) are in fact probably just instances of ‘pro’ being followed by an accusative object, a common grammatical peculiarity in this manuscript (with all four hands, there is general case confusion for nouns following prepositions, e.g.: ‘a communionem’, ‘de opera’, ‘ad exitu’, ‘cum oblationem’, ‘post morte’, ‘extra communique’, ‘per dilectissimus filius meus’, ‘per consensu’, ‘per arte’, ‘per contentu’, ‘per nocte’, ‘per uitio aliquo’, ‘pro sanitatem’, ‘pro remedium’, ‘pro fluxum’—in none of the latter examples has ‘per’ or ‘pro’ been abbreviated by the scribe). Neither Hand A nor Hand B abbreviates pro, nor can the standard pro abbreviation be found in their sections. Hand C uses the standard pro abbreviation only once, in ‘proposito’ (D4, fol. 16r–v).

\textsuperscript{102} It should be noted that the texts in D4 are in rather corrupt form. For example, an exceedingly common error is confusion of ablative and accusative nominal cases after propositions, a fact that doubtless led Lowe to overstate the case for the D scribe’s use of ‘Visigothic per’ (see previous note). D4’s textual corruption in fact led Meens (‘Oldest manuscript’, 5) to speculate that the scribes were copying from an exemplar whose script they were not used to reading. Perhaps; or perhaps they were simply guilty of writing the same poor Latin that many scribes from the pre-Carolingian early Middle Ages did.


\textsuperscript{104} Reynolds, “Isidorian” Epistula ad Massonam”, 81–3. Reynolds, ‘The transmission of the Hibernensis’, 23–4, claims that Bernhard Bischoff also supported a northern Italian origin, but I have not found any corroborative documentation of this view having been held by Bischoff; however, one can reasonably assume that Bischoff did not describe D4 in his Katalog because he considered it to have been of Italian or Iberian origin.

\textsuperscript{105} Meens, ‘Oldest manuscript’, 11–12.
was copied in the region of north-east Francia (or perhaps northern Burgundy) because it contains the earliest copy of a rare series of canons from the diocesan CAUX.561. This is doubly interesting because D4’s (as well as C4’s) version of these canons, which still awaits detailed study, is very different from the vulgate text that has been edited by de Clercq; D4 may therefore preserve a purer recension of Auxerre CAUX.561, which would of course indicate a close connection to that diocese. Meens, Deanesly and Grosjean have all speculated, moreover, that Copenhagen 58 was in use in Insular missionary circles on the Continent. Meens, Deanesly and Grosjean have, moreover, all speculated that D4 was in use in Insular missionary circles on the Continent. In particular, Deanesly and Grosjean argued for a connection to Willibrord, while Meens has suggested that D4 may have been copied specifically for Boniface’s use, as its large, easy-to-read uncial script would have accommodated Boniface’s failing eyesight in his later years. But such attempts to connect D4 directly with the Anglo-Saxon mission should be viewed with circumspection, as they seem in large part to be founded on the assumption that the Anglo-Saxons had something to do with introducing the Libellus into Frankish lands. There is as yet is no reason to assume this; for the Franks might just as likely have acquired their copies of the Libellus independently from canon law collections emanating the South (as Boniface probably did). There seems to be no compelling connection, therefore, between D4 and the Anglo-Saxon missionaries.

Nevertheless, D4 offers important evidence that a Letter version of the Libellus was in circulation in either central or southern Francia during Boniface’s lifetime. As mentioned, Boniface had become acquainted with the (Continental) Q/A version of the Libellus by 739 at the latest, and it is likely that he had also encountered the Capitula version around this same time. Had Boniface also, at some time, encountered the Letter version that was also in circulation in Francia, he certainly would have noticed how this version lacked a crucial passage found in the

107 De Clercq, Galliae, 265–72.
Q/A and Capitula texts, namely the passage that authorizes marriages between those related in the third degree. Boniface was (we know from Epistola 33) already unhappy with what he had read in the Capitula and Q/A versions of the incest chapter. One can easily imagine Boniface coming to the conclusion that his initial suspicions about this chapter were vindicated by the text he read in the Letter version, where the offending passage was entirely omitted. Boniface was a shrewd canonist, and he routinely attempted to solve discrepancies in the canon law wherever he found them.\(^{111}\) It would have been natural for him to want to resolve this major textual discrepancy between the Capitula, Q/A and Letter versions had he known about it, and it may be in this context that one should view requests to the Roman archivists and to Nothelm to provide him with the authoritative text of the Libellus.\(^{112}\) It therefore seems possible to interpret Boniface’s attempts to evaluate the authenticity of the Libellus as a direct result of, in the first place, his misunderstanding the meaning of the Capitula and Q/A versions of the incest chapter; and, in the second place, his having encountered two conflicting versions of the incest chapter, and thereafter desiring to determine which was the more authentic.

An interpretation such as this can help enrich modern perceptions of Boniface by depicting him as a complex and sometimes flawed individual who struggled in earnest to draw logical

\(^{111}\) There are many examples of this that could be cited from his correspondence with the popes of Rome; however, few are more interesting, or better documented, than Boniface’s difficulties in understanding laws concerning hippophagy (the eating of horse flesh) and the spiritual kinship arising from baptismal sponsorship, specifically the legitimacy of a widowed mother’s marriage to her son’s godfather. On the latter Boniface wrote repeatedly to English prelates in an attempt to discover what they knew of the canonical status of such marriages, since ‘Adfirmat sacerdotes per totam Franciam et per Gallias nec non et pro his maximi criminis reum esse [illum] hominem [...] Quod peccati genus, si verum est, actenus ignorabam et nec in antiquis canonibus nec in decretis pontificum patres nec in calculo peccatorum apostolos usquam enumerasse cognov’ (Epistola 32, ed. Tangl, 56). Cf. also Epistola 33, ed. Tangl, 57–8, and Epistola 34, ed. Tangl, 59; and for discussion see Lynch, Godparents, 244–51; Goody, Development of the family, 197–98; and B. Jussen, Spiritual kinship as social practice: godparenthood and adoption in the early Middle Ages, revised English edition, trans. P. Selwyn (London, 2000; originally published as Patenschaft und Adoption im frühen Mittelalter. Künstliche Verwandtschaft als soziale Praxis), 15–7 and 36. A thorough-going study has yet to be made of Boniface’s difficulties in interpreting canonical laws against hippophagy. If PTHU.700.2,11.4 and Coll.Hib. 54.13 are any indication, the practice seems to have been one of indeterminate legality in Anglo-Saxon England in the eighth century; see also CENG.786.19 (summarized above, Chapter 2 n. 161). It is therefore of interest that during his work on the Continent Boniface was at pains to obtain an authoritative papal answer on the subject: see Epistola 28, ed. Tangl, 50, lines 24–8, and Epistola 87, ed. Tangl, 196, lines 24–8. On medieval dietary restrictions generally, see F.J. Simoons, Eat not this flesh: food avoidance from prehistory to the present, second edition (Madison, 1994), esp. 180–93 for European restrictions on hippophagy, and also R. Meens, ‘Eating animals in the early Middle Ages: classifying the animal world and building group identities’, in The animal/human boundary: historical perspectives, eds W.C. Jordan and A.N.H. Creager, Studies in comparative history 2 (Rochester, 2002), 3–28.

\(^{112}\) See above, Appendix I n. 6.
consistency out of often inconsistent legal traditions. Boniface was a man eager to follow established and authoritative canonical tradition, willing to challenge others when he felt their views conflicted with this tradition, and capable of mustering considerable resources—especially human resources—in an attempt to resolve a contradiction in his legal authorities. But Boniface’s vision for a more perfectly Christian society was ever challenged both by his own limitations and the limitations of the world in which he worked, a world that very often did not aspire to the same ideals of orthodoxy that he clearly did.\(^\text{113}\) It is not surprising, therefore, that a sense of shortcoming and disappointment seems to have pricked Boniface’s conscience towards the end of his career. Near the end of his life Boniface came to perceive a degree of failure on his part to remain true to his professional oath. In a letter written to Bishop Daniel of Winchester (Boniface’s diocesan in his younger years) in a. 742×746, some twenty years after his consecration as bishop by Pope Gregory II, Boniface provides an account of the seemingly insurmountable obstacles he faced in his attempts to live a canonical life amidst the persistent vice of the Frankish clergy. He complained bitterly of how he had been forced to compromise on many of the strictures of canonical discipline, and of the danger this may be causing his own soul. He recalls sadly how he was compelled to break his promise, made in his profession of faith, not to have communion with pagans and false priests, for it was regularly required of him to have contact with such people in his dealings with the Frankish princes, good relations with whom were necessary in order to effect his programmatic reforms.\(^\text{114}\) These are not the sorts of complaints that would be aired except by one who had devoted himself unreservedly to a cause he viewed as higher than himself. Such is the extent to which Boniface met his difficult enterprise in earnest; such is the extent to which he took his role as legatus Romane ecclesiae with the utmost seriousness. The canon law of the church, specifically of the Roman church, was his guiding light, and he measured his successes and failures by their accordance with the ‘antiqui canones et decreta pontificum’.\(^\text{115}\) Scholars today, gifted with the benefit of hindsight, do well to remember that, his failings aside, Boniface’s efforts to harmonize a canonical tradition

\(^{113}\) On Boniface’s failings as a reformer, missionary and canonist, see the (in my opinion rather severe) remarks made by Firey, *Contrite heart*, 117–36; see also Cubitt, *Councils*, 109.

\(^{114}\) Boniface, *Epistola 63*, ed. Tangl.

\(^{115}\) Boniface, *Epistola 32*, ed. Tangl, 56.
that was anything but harmonious would in many ways remain unparalleled until after the turn of the millennium.
Appendix II: The ‘Lundunensis synodus’ and the phantom canons of 605

Some scholars have seen phrases in the correspondence of St Boniface as alluding to certain canons promulgated at a ‘Lundunensis synodus’ around 605. Although it has been shown before (particularly by Hanna Vollrath) that this conclusion is based on a misunderstanding of the primary sources, belief in a ‘Lundunensis synodus’ still prevails in some of the scholarly literature. This, along with the fact that no explanation has yet been offered as to how the misunderstanding arose, suggests that it will be useful to review briefly the history of the notion of the ‘London synod of 605’.

Boniface wrote to Pope Zacharias in 742 that

the synod and church in which I was born and raised, that is the synod of London in transmarine Saxony [in transmarina Saxonia Lundunensis synodus], was first established and governed by disciples of Saint Gregory, namely archbishops Augustine, Laurence, Justus, and Milletus. They judged such a union and marriage, on the authority of holy Scripture, to be a great and incestuous crime, an abominable disgrace and a damnable sin. For which reason, may your Paternity not disdain to determine for us the truth of this matter, so that hereafter scandals and schisms and new errors may not arise and intensify among the Christian people and the priests of our church.'\(^1\)

The details of the union in question are considered above in Appendix I, and do not concern the present argument. What is of concern here is the unusual way in which Boniface uses the term synodus, and what this may imply. Fortunately, in attempting to understand exactly what he meant by the term one is not dependent solely upon Boniface’s letter of 742. In a later letter, Boniface again queried Zacharias on a number of points of church doctrine and canon law. This letter is now lost, but the Pope’s rescript (JE 2286, dated to 748) is still extant. At one point in this rescript Zacharias echoes Boniface’s words of 742:

\(^{1}\) Boniface, Epistola 50, ed. Tangl, 84, lines 7–17, quoted above in Appendix I n. 25.
Appendix II

To your first question, on behalf of the synod in which you were born and nurtured—where the first to judge and govern, even amidst the peoples of the Angles and Saxons on the isle of Britain, were preachers sent from the apostolic see, namely Augustine, Laurence, Justus, Honorius, and most recently (indeed even in your own lifetime) Theodore, a Greco-Latin, previously trained as a philosopher at Athens, ordained at Rome, honoured with the pallium, and sent to foresaid Britain. It is known that in that [synod] such a judgement has been decreed and most firmly pronounced and diligently put into practice: that whoever has been baptized without the invocation of the trinity has not [actually] received [haberet] the sacrament of regeneration. Which is altogether true ...

Some liberties have been taken here in translating ‘quam et in gente ... et gubernabat’, since a literal translation would result in exceedingly tortuous English. But the meaning of the Latin is clear enough: Zacharias means to emphasize (as Boniface had done in 742) how, despite England’s distance from the Rome (the centre of orthodoxy), the first to govern the English synodus were orthodox Romans, thereby implying that the doctrines and practices of that synodus must also be orthodox. Whether or not Zacharias was correct in his understanding of the early English church’s views on invalid baptism is a particularly difficult question to answer, since no unequivocal evidence survives to corroborate the Pope’s claim. This difficult question was considered in detail by Margaret Pepperdene, who also attempted to resolve the question surrounding Boniface’s and Zacharias’s use of synodus. Incidentally, the English church’s ‘decretum et iudicium’ cited here by Zacharias regarding the naming of all three persons of the

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2 As Roy Flechner has pointed out to me, pro here might instead be taken to mean ‘concerning’.

3 Epistola 80, ed. Tangl, 173, lines 13–19: ‘Primum capitulum pro synodo, in qua natus et nutritus es, quam et in gente Anglorum et Saxonum in Britannia insula pri mi predica tores ab apostolica sede missi Augustinus, Laurentius, Iustus et Honorius, novissime et tuis temporibus Theodorus, Greco-Latinus ante philosophus et Athenis eruditus, Romae ordinatus, pallio sublimatus, ad prefatam Brittaniam transmissus, iudicabat et gubernabat. In illa tale decretum et iudicium firmissime preceptum et diligenter demonstratum esse dino scitur, ut, quicumque sine invocatione trinitatis lotus fuisset, quod sacramentum regenerationis non haberet. Quod omnino verum est […]’.

4 M. Pepperdene, ‘Baptism in the early British and Irish churches’, The Irish theological quarterly 22 (1955), 110–23, at 113. The question is problematized somewhat by the following canon from PTHU.700.1.5.6: ‘Si quis baptizatur ab heretico qui recte trinitatem non crediderit iterum habbitzetur. Theodorum dixisse non credibus contra Nicenae concilium et sinodi decreta sicut de Arrianis conversis trinitatem non recte credentibus confirmatur.’ For further references on Anglo-Saxon attitudes towards invalid baptism see below, Appendix III n. 113.
Trinity at baptism was eventually transmitted, via Zacharias’s letter, into a collection of canonical materials now found in Paris, Bibliothèque de l’Arsenal, MS 713 (s. xii2/4, Chartres?). Via this collection, which was used—possibly even prepared—by Ivo of Chartres, Zacharias’s ‘English canon’ entered into IP (c. 1.63), ID (c. 1.169), and three other twelfth-century canon-law collections: the Collectio XIII librorum in Vat. Lat. 1361 (c. 9.36); the Collectio X (IX) partium (c. 1.22.1.2); and the Collectio Caesaraugustana (c. 12.73a in the first version, c. 12.82a in the second version). Finally, from the latter collection (or perhaps from ID), this canon was transmitted into Gratian’s Decretum (D. 4 de cons. c. 83: In invocatione Trinitatis tertio in baptismate mergere debemus), and thence into the Corpus iuris canonici. Thus, whatever the Anglo-Saxon church’s actual position on the controversy over invalid baptism, it was only Zacharias’s impression—imperfect as it may have been—of the English position that later canonists would come to know.

The two passages quoted above were well known to early-modern historians, in part because of the wide dissemination of Zacharias’s ‘English canon’ in later medieval canon law collections. David Wilkins, writing in 1737, was convinced that in his letter Boniface was referring to an actual synod that had taken place in London in 605, which had promulgated canons touching on, among other things, the matters of consanguineous marriage and correct baptism. Some decades later, Mansi endorsed Wilkins’s opinion on the matter by quoting it in full in his Sacrorum conciliorum nova et amplissima collectio; Mansi added, however, that he preferred (‘maluerim’) to take the decision on baptism in Pope Zacharias’s letter of 748 as originating at another synod held under Theodore:

For the synod that Zacharias recalls is asserted by him to have been celebrated in the church that ‘Augustine, Justus, Honorius, and most recently Theodore, a Latin from Greece, judged and governed’; and it would hardly have been apt to mention Theodore unless that synod had been convened under him. In my collection I have

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5 See c. 105 of this collection for Zacharias’s ‘English canon’.

6 Not in 603, as reported in CED, III, 52.

7 D. Wilkins, ed., Concilia Magnae Britanniae et Hiberniae AD 446–1717, 4 vols (London, 1737), I, 29.
therefore assigned this canon [i.e. Zacharias’s English canon on baptism] to a synod of Theodore’s.  

Exactly where Mansi indicated the date during Theodore’s pontificate (669 to 690) at which he thought this synod took place, I cannot find; but Haddan and Stubbs claim he dated it to ‘the first year of Theodore’, which would be the year 669. In any case, Mansi imagined two synods: one (evidenced in Boniface’s letter to Zacharias in 742) held in London in 605, which promulgated canons dealing with incest and consanguinity; and another (evidenced in Zacharias’s later letter to Boniface in 748) held during Theodore’s pontificate at an unspecified location, which promulgated canons dealing with the rite of baptism.

There are fundamental problems with interpreting the word synodus in Boniface’s and Zacharias’s letters as Mansi and Wilkins did: as a synod proper, that is a temporary gathering of ecclesiastical personnel for the purposes of answering doctrinal questions, settling disputes, and enacting laws. But clearly this is not how Boniface and Zacharias were using the word in the passages quoted above. Rereading the sources today, it is difficult to see how Mansi, and Wilkins before him, could so easily have glossed over the very peculiar language used here by Boniface and Zacharias: for they speak of a synodus ‘in which [Boniface] was born and raised’, and ‘which [was] governed’ by the earliest bishops of Canterbury. One can readily see that, in context, the correct way to translate the word synodus in both letters is not ‘synod’ as we have come to know the word, but rather something like ‘church’.

It is important to notice that Wilkins and Mansi were reading Zacharias’s letter in editions that added the word ‘provinciae’ after ‘synodo’, which changes the syntax significantly: ‘primum capitulum pro synodo provinciae in qua natus et nutritus es [...]’. This reading is no longer


9 CED, III, 52 n. a. According to Bede, Theodore entered Canterbury as archbishop in 669 (Bede, HE, 4.2), and died in 690 (Bede, HE, 5.8).

10 Such is the reading that each editor quotes in excerpt in his edition. Haddan and Stubbs, CED, III, 51, also give the reading ‘synodo provinciae’.
accepted in the standard edition of the Bonifatian correspondence, but it is easy to see how this reading led Wilkins and Mansi (and other early-modern scholars) to interpret Zacharias’s use of ‘synodo’ as an actual conciliar assembly.

Since Wilkins and Mansi, and until the 1980’s, no scholar is on record as objecting to the idea that a London synod in 605 had legislated on the subjects of incest and baptism—Mansi’s idea of a separate synod held under Theodore that dealt with baptism, however, seems not to have garnered much academic approval. In his 1916 edition of Boniface’s letters, Michael Tangl solidified the idea further by remarking that Boniface’s phrase ‘Lundunensis synodus’ refers to a ‘Londoner Synode vom Jahre 605’. Since then, modern scholarship has almost without exception accepted the idea of a London synod having taken place in that year. As late as 1986, Simon Keynes felt obliged to introduce into the third edition of the Handbook of British chronology a ‘Council of London’ held in ‘c. 605’, even though no entry for such a council of had appeared in the previous two editions of the Handbook; Keynes cites the letters of Boniface and Zacharias as the only evidence for this council having taken place.

The idea of a London synod in 605 was finally challenged by Hanna Vollrath in 1985 in her volume on Anglo-Saxon synods, published in the Konziliengeschichte series. She devoted four pages, along with a four-page appendix, to the matter, and laid bare how the popular idea that

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11 In Tangl’s edition, the reading ‘provinciae’ after ‘synodo’ is relegated to the apparatus.

12 The only instance I can find of (apparent) endorsement of Mansi’s separate ‘Theodori synodus’ is in Haddan-Stubbs, CED, III, 52 n. a. The identification of the synodus referred to by Zacharias as the meeting at Augustine’s Oak (cf. Bede, HE, 2.2), suggested by F.C. Conybeare, ‘The character of the heresy of the early British church’, Transactions of the society of Cymrodorion (1897–1898), 84–117, was successfully refuted by H. Williams, ‘Heinrich Zimmer on the history of the Celtic church’, Zeitschrift für celtische Philologie 4 (1902–1903), 527–74, at 542–44. For a review of that short-lived controversy, see Pepperdene, ‘Baptism in the early British and Irish churches’, 111–12.

13 Briefe, ed. Tangl, 84 n. 1; cf. his n. 1 on p. 173.


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Boniface’s and Zacharias’s letters refer to a London synod in 605 is premised on a misunderstanding of their use of the word *synodus*:

The legal jurisdiction that is called the ‘synod of London’ in the letters of Boniface is not actually a synod from the time of Augustine [recte Laurence], *but rather signifies the Southumbrian church* in Boniface’s lifetime, ... which, since it formed the metropolitan province of London according to the plan of Gregory the Great, was known as ‘Lundunensis synodus’.\(^{16}\)

While the use of *synodus* to mean ‘church’ does not seem to have been common in the early Middle Ages, it is not uncommon in Boniface’s correspondence.\(^{17}\) It is probably an idiomatic usage, and was perhaps suggested to Boniface by language he found in Gregory’s famous letter to Augustine on the Pope’s plan for the eventual division of the English church into provinces headed by York and by London (the letter to which Vollrath alludes in the above quotation).\(^{18}\)

This argument is supported by Nicholas Brooks’s suggestion that ‘the phrase, “the synod of London”, may simply be a piece of Bonifatian antiquarianism derived from his recent reading of


\(^{17}\) Surely something like ‘church’ or ‘self-regulating body’ was meant by Boniface in his letter to Archbishop Cuthbert when he says (*Epistola* 78, ed. Tangl, 165), ‘Cuius synodum congregandam et hortandam iussu pontificis Romani et rogatu principium Francorum et Gallorum sub spe restaurandę legis Christi suscepi. Circumfodi, cofinum stercoris adportavi, set non custodivi. Cum expectarem, ut faceret uvas, facit autem labruscas’. Similarly, the sense ‘church’ must have been meant when Boniface refers to Cuthbert’s ‘synodus’ in *Epistola* 78 (ed. Tangl, 169, line 19), and to Archbishop Ecgberht’s ‘fraternitatis synodo’ in *Epistola* 75 (ed. Tangl, 157 line 9).

\(^{18}\) DGRE.590.1829 (ed. Norberg, 935, lines 7–14): ‘Et quia noua Anglorum ecclesia ad omnipotentis Dei gratiam eodem Domino largiente et te laborante perducta est, usum tibi pallii in ea ad sola missarum sollemnia agenda concedimus, ita ut per loca singula duodecim episcopos ordines, qui tuae subiaceant dici, quatenus Lundoniensis ciuitatis episcopus semper in posterum *a synodo propria* debeat consecrari atque honoris pallium ab hac sancta et apostolica, cui Deo auctore deseruo, sede perciptiat’ (emphasis added). On Bonifatian idiom in general see A. Orchard, ‘Old sources, new resources: finding the right formula for Boniface’, *ASE* 30 (2001), 15–38, esp. 20: ‘the Bonifatian circle (on the Continent at least) comprises a peculiarly tight and idiosyncratic group of essentially isolated correspondents, who in the course of the first three decades of their mission apparently developed what is effectively almost a private language, deliberately echoing and reshaping the same words and the same themes’. Such echoing is exactly what Zacharias is seen to be doing with Boniface’s words in 748.
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Bede’s *History*. But it could indicate that the nomenclature of the southern province retained the memory of the Gregorian scheme for a province based on London;\(^{19}\) this could also explain why the early provincial synods in England were held at or near London rather than in the diocese of Canterbury.\(^{20}\) Vollrath’s analysis of the use of the word *synodus* in Boniface’s and Zacharias’s letters also finds support in Catherine Cubitt’s landmark study of the *Anglo-Saxon church councils c. 650–c. 850*, published in 1995. Cubitt, noting the difficulty of interpreting the meaning of ‘Lundunensis synodus’ in Boniface’s letter, interpreted Boniface’s words as a reference to ‘Anglo-Saxon canonical tradition rather than the rulings of a particular, datable synod’.\(^{21}\) Whatever interpretative subtleties one wishes to use, the correct way to understand Boniface’s use of *Lundunensis synodus* (and simply *synodus*, in Zacharias’s case) seems to be ‘the Southumbrian church’—*not* ‘a London synod’, as has previously been thought.

But, while one cannot use Boniface’s and Zacharias’s words as evidence for a London synod held in 605, there is nevertheless good reason to believe that a synod (probably provincial) was held somewhere in southern England in that year. As Margaret Pepperdene explained in 1955, around 605 Mellitus, the newly appointed bishop of London, went to Rome, to confer with Pope Boniface regarding the necessary affairs of the English church, and while there he attended a synod of the bishops of Italy in order that he might by his authority ‘confirm such things as should be regularly decreed, and at his return into Britain might carry the same to the churches of the English, to be prescribed and observed; together with the letters which the same pope sent to the beloved of God, Archbishop Laurentius and to all the clergy.’ [Bede, *HE* 2.4] Although Bede does not state explicitly that upon Mellitus’ return a synod was called in London, his words carry just that meaning, else how was Mellitus to

\(^{19}\) That ‘synodus’ for ‘church’ may have been common usage in southern England in Boniface’s day (as Vollrath also suggests; *Die Synoden*, 158) seems doubtful. Cubitt, *Councils*, 4–6, esp. 4 n. 8, does not report the meaning ‘church’ in her survey of the meanings of the word ‘synodus’ as used by Anglo-Saxon authors in the seventh and eighth centuries.


\(^{21}\) Cubitt, *Councils*, 28 and 62–3, citing the work of both Brooks and Vollrath. Accordingly, Cubitt did not list any corresponding London synod in her Appendix.
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impart to the clergy the decrees and counsels got from the Holy See or to communicate to them the words of the papal letters? There can be no doubt that, in accordance with the customs prevailing throughout the Church, Archbishop Laurentius would have convened all the clergy to hear the papal decrees and to receive the papal blessings which Mellitus had brought back.\footnote{Pepperdene, ‘Baptism’, 112–13.}

There are no reasons to question Pepperdene’s conclusions on this point, though it is now known (as she did not know) that the letters of Boniface and Zacharias cannot be adduced as evidence in support of this supposed Laurentian council.\footnote{Cf. Pepperdene, ‘Baptism’, 114.} One can therefore posit a provincial synod held \textit{ca} 605, but probably in Canterbury (Laurence’s city) and not in London. Unfortunately, one cannot know what was said at this early synod, and historians must remain ignorant as to the character of the papal decrees it supposedly confirmed. While it can be assumed (as Pepperdene suggested) that the issues dealt with would have been those most pertinent to a ‘recently converted Christian community’, it would be useless to speculate on what these might have been specifically.\footnote{Pepperdene, ‘Baptism’, 113, no doubt under the influence of the Bonifatian correspondence, supposes that canons on baptism and incest most likely figured among the council’s \textit{acta}.}

In conclusion, although a council was likely held in 605, it probably took place at Canterbury rather than London. The nature of that council’s \textit{acta} and canons (assuming it promulgated any) is now unrecoverable, for this council has nothing directly to do with the references to a \textit{(Lundunensis) synodus} in Boniface’s and Pope Zacharias’s letters. This phrase rather refers to the corporate Southumbrian church, and probably also to that church’s canonical tradition. Boniface’s use of the term (which Zacharias was parroting) is to be interpreted as a reference to the canonical tradition of the southern English church with respect to laws promulgated there on incest (and probably also baptism). Whether he had in mind specific English canons, or simply the prevailing customs of his \textit{Heimatkirche} or of Anglo-Saxon society is general, cannot now be known.
Appendix III: Ecgberht of York’s Dialogus: its textual tradition and canonical sophistication

Introduction

The text that goes under the name Dialogus Ecgberhti—or, more fully, Incipit succinctus dialogus ecclesiasticæ institutionis, a domno Ecgberhto archiepiscopo Eburacæ civitatis conpositus—is, at bottom, a treatise on the intersection of ecclesiastical and secular jurisdiction, in the form of a letter, supposedly authored by Ecgberht, Archbishop of York from ca 732 to 766. But its significance is much greater than its subject matter would imply. As one scholar has recently put it, ‘the Dialogus has considerable potential for deepening [our] understanding of the nature of episcopal authority in pre-Viking England.’ Moreover, as will be shown here, it stands as one of the most impressive demonstrations of canonical learning by any Anglo-Saxon. Unfortunately, the Dialogus remains one of the least studied and least understood literary documents from the Anglo-Saxon period. Very little has been written about it by either editors, literary critics or historians. Given its importance to both the ecclesiastical and canonical history of the Anglo-Saxon period, there is a great need for a reassessment of the nature of the document, including its content, presentation, textual history, and claims for authorship. The present study will consider each of these subjects in turn, and demonstrate that the Dialogus is a far richer, more sophisticated and interesting document than has hitherto been presumed.

Studying an historical document like the Dialogus can be both an exciting and a hazardous enterprise. Because it is so understudied, the probability is high that much, if not most, of what little commentary exists on the Dialogus has been based, at least in part, on either unexamined or erroneous assumptions. In order, therefore, to avoid compounding this problem by basing further claims upon a body of uncritical conjecture, it is necessary to examine the text from the ground up, as it were, that is, to begin with the textual evidence, and then move to the literary and historical.

The manuscript: London, British Library, Cotton Vitellius, A. xii, fols 4–71

Any study of the *Dialogus* must begin with an investigation into the only surviving manuscript, the late eleventh-century Anglo-Norman miscellany London, British Library, Cotton Vitellius, A. xii, fols 4–71. Unfortunately, no investigation of this kind has yet been carried out. What follows here is only a preliminary study of the manuscript. The word preliminary needs emphasizing here: much further and more thorough work, including detailed palaeographical and codicological analysis (which at present I am unable to carry out) still needs to be done before scholars can fully understand the nature of this relatively neglected book.

A good way to begin a discussion of the manuscript is by considering the *Dialogus’s* ascription to Ecgberht of York. Although most previous scholarship has taken this ascription at face value, it in fact rests on relatively slim evidence, namely on a title found in Vitellius, A. xii. This volume was copied roughly four centuries after Ecgberht’s death and is now the only manuscript to contain a complete copy of the *Dialogus*. The *Dialogus* has been edited twice from this manuscript, once in 1664 by James Ware (as an appendix to his edition of Bede’s letters to Ecgberht and Plecgwin, and of the *History of the abbots of Wearmouth-Jarrow*), and again in 1840 by Benjamin Thorpe; all other editions are reprints of one of these. Unusually, the most

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3 *Venerabilis Bede epistolæ duæ: necnon Vitæ abbatum Wiremuthensium & Girwiensium. Accessit Egberti Archiepiscopi Eboracensis Bede aequalis Dialogus, de ecclesiastica institutione*, ed. J. Ware (Dublin, 1664), 91–114; *Ancient laws and institutes of England; comprising laws enacted under the Anglo-Saxon kings from Æthelbirht to Cnut, with an English translation of the Saxon; ... also, monumenta ecclesiastica Anglicana, from the seventh to the tenth century ...*, folio edition, ed. B. Thorpe (London, 1840), 320–25. Ware’s edition was reprinted in Henry Wharton’s *Beda venerabilis opera quaedam theologica, nunc primum edita, necnon historica, antea semel edita; accesserunt Egberti archiepiscopi Eboracensis Dialogus de ecclesiastica institutione, et Alhelmi episcoi Scireburnensis Liber de virginitate ...* (London, 1693), 268–81, and in Wilkins, *Concilia*, I, 82–6. Even earlier than
recent edition in this case is not the best. In 1731 Vitellius A. xii was damaged by fire (on which see further below), and in several places the manuscript’s text of the *Dialogus* was rendered illegible. Thorpe therefore had to rely on a defective manuscript for his edition, and was occasionally forced to fill in Vitellius’s gaps with readings now preserved only in Ware’s *editio princeps*, which was of course made when Vitellius A. xii was still in relatively pristine condition. Importantly, Thorpe had to supply his title *Incipit succinctus dialogus ... a domno Ecgberhto* from Ware’s edition, as this is no longer visible in Vitellius A. xii in its present state.4 For these reasons, the authority of Ware’s edition of the *Dialogus* is generally superior to that of Thorpe’s (even though Thorpe’s edition more accurately preserves Vitellius A. xii’s orthography). Accordingly, citations and quotations of the *Dialogus* are hereinafter taken from Ware’s edition; however, for ease of comparison, I have included chapter references that accord with the numbering established by Labbè and Cossart and retained in all subsequent reprints and editions, including those of Thorpe and Haddan and Stubbs.

Fols 4–71 of Vitellius, A. xii were copied in Salisbury Cathedral shortly after its foundation in the last quarter of the eleventh century, probably during Bishop Osmund’s pontificate (1078–1099). (Note: all subsequent references to Vitellius A. xii are to fols 4–71 of that manuscript, unless otherwise specified.) The scribe responsible was that designated as ‘Scribe viii’ by Teresa Webber, and as scribe ‘B1’ by Neil Ker. This same scribe also copied (wholly or in part) seven other manuscripts produced at Salisbury at this time, as well as wrote in one manuscript possibly

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4 See Thorpe, *Ancient laws*, 320 note a, stating that ‘Textus ... nullum sibi titulum præfixum habet’.

produced in the Netherlands (Utrecht, Universiteits-bibliotheek, MS 86). Vitellius A. xii begins with the *Dialogus* (fols 4v–8r), and is followed immediately by Abbo of Fleury’s *De differentia circuli et sperae*, which is followed by a collection (fols 10v–65r) of computistical and encyclopaedic texts, including Hrabanus’s *De computo*. This computistical collection is very similar to that found in the tenth-century south-English (Sherborne?) manuscript Exeter, Cathedral Library, 3507, a fact that has led scholars to suggest that both manuscripts derived from the same Sherborne exemplar. The final item in Vitellius A. xii is a calendar (fols 65v–71r), which bears a likeness to several others in Anglo-Saxon manuscripts, particularly that in Oxford, Bodleian Library, Bodley 579. The curious fact that this manuscript, which is essentially a collection of computistical tracts, is introduced by the *Dialogus*, is probably to be explained by the *Dialogus*’s final chapter ‘de ieiunio quatuor temporum’, which is itself a brief treatise on the ember feasts.

Appended to Vitellius A. xii, on fols 72v–77v, is a second calendar that ends imperfectly. This was also copied s. xi, not by any known Salisbury scribe but rather by a scribe trained in writing Continental script. That this Continental calendar was at Salisbury early on is proven by the fact that it has been corrected by Webber’s ‘Scribe i’ (Ker’s scribe ‘C’), who was probably Bishop Osmund himself. Unfortunately, it now seems impossible to determine at what point this calendar was joined to fols 4–71 of Vitellius A. xii.

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6 Webber, *Scribes and scholars*, 69, 74. For further on Exeter 3507, which was copied by the same hand that wrote MS A5, see above, Chapter 4 p. 160.
8 On the relation of this chapter to *Coll.Wig.*, see below, Appendix III n. 41.
9 Scholars have noted that this calendar has many of the characteristics of a martyrology.
10 Rushforth, *Atlas of saints*, 38. While Rushforth allows for the possibility that the calendar was itself a Continental production that was imported to Salisbury early on, a number of facts adduced by her rather point to this calendar’s Continental exemplar having been in Salisbury for some time (perhaps ‘brought to Salisbury in the wake of the Conquest’), at which time it was copied and appended to Vitellius A. xii.
Besides this Continental calendar, Vitellius A. xii is currently bound together with four other volumes (now Vitellius A. xii, fols 79–86, fols 87–101, fols 109–135, and fols 136–185) and one fragment (fol. 3), all dating from the twelfth century and containing various texts, including letters by Cummean and Bede, further computistics, verses, and a penitential by Bartholomew of Exeter. Exactly when it was that these volumes were brought together under one cover is unknown. It may have been as early as the twelfth century. More probably, however, this happened during the sixteenth or seventeenth century; for it was the habit of certain Tudor and Stuart antiquarians—Robert Cotton, one of Vitellius A. xii’s eventual owners, not least among these—to join together manuscripts with related contents. In this light, it is suggestive of the codex’s early disunity that the earliest witness to the existence of Vitellius A. xii at Salisbury, John Leland’s *Itinerary* (ca 1542 for the relevant Part), lists only the *Dialogus* and Hrabanus’s *De computo*, and these as if they were two separate books. It is not known at what point or by which channel the codex had entered into the possession of Robert Cotton (†1631), wealthy antiquary and avid collector of Anglo-Saxon books, but it was certainly some years before Cotton’s death, and very probably some decades before. The manuscript had already been removed from Salisbury by 1622, the year in which Patrick Young made his catalogue of the contents of the Salisbury Cathedral’s library, a catalogue in which Vitellius A. xii is conspicuously absent. It seems likely, therefore, that Cotton obtained Vitellius A. xii (fols 4–71) very early on (1580’s? 1590’s?) directly from Salisbury Cathedral itself after reading about it in Leland’s *Itinerary*. It was perhaps only after entering Cotton’s possession that fols 4–77 were

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13 As J.P. Carley points out (*De uiris illustribus*, lxxv–vi; for full reference see Appendix V n. 6), it appears that Leland had in fact visited Salisbury a decade earlier during his travels through Hampshire in 1533. The only record of that first visit, however, is a list of three books (Nicholas Trivet’s *Quodlibeta*, a book ‘de conflictu vitiorum et virtutum’ ascribed to a pope Leo, and an anonymous verse *Historia Britannica*) that he found in the possession of Salisbury’s Dominican Friary, which would be dissolved five years later. Leland might also have inspected the holdings of the Cathedral library during his 1533 visit, but if he did then the record of his findings on that occasion has not survived.


15 Ussher had to borrow Vitellius A. xii from Cotton to prepare his edition of Cummean’s *Epistola de controversia Paschali*, published in 1632; see below, Appendix III n. 17.

joined with the four other volumes that now make up Vitellius A. xii, fols 79–185. In any case, at least the first three volumes (fols 4–71, 2–77 and 79–86) had been joined together before 1632, the publication date of Archbishop James Ussher’s edition of Vitellius A. xii’s (unique) copy of Cummean’s *Epistola de controversia Paschali* (on fols 79r–83r), for Ware surely owed his knowledge of the Bedan and ‘Ecgberhtine’ contents of Vitellius A. xii (which span fols 4–71 and 79–86) to the good offices of his friend and patron the Archbishop of Armagh. All five volumes had certainly been united by 1696, for the catalogue of manuscripts in the Cottonian library made by Thomas Smith in that year describes the contents of the codex as they stand today.

From 1621 to 1722 Vitellius A. xii was housed with the rest of the Cotton collection in the Cotton House in Westminster, and from 1722 to 1730 in Essex House in the Strand. After being moved temporarily to Ashburnham House, the collection was very nearly destroyed in the fire of 1731. Though the damage to Vitellius A. xii was not insignificant, it escaped in relatively good condition compared to other volumes in Cotton’s collection (like A4). After the fire, the entire collection was moved to the Old Dormitory of Westminster School, where great portions of the collection remained in fragile state and a fair effort was spent on repairing some of the

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18 Cf. Ware’s description (*Epistulae duae*, 130) from 1664: ‘Exemplar antiquum, unde Dialogum hunc ... in lucem publicam nunc primum emisi, extat in Bibliotheca insigni Cottoniana, Westmonasterii, sub Imagine Vitellii, A. XII. I.’ Perhaps the final character in the shelfmark (‘I.’) signifies the first portion of the codex? Ussher must have informed Ware about the existence of Vitellius A. xii sometime before 1656; see J. Ware, ed., *S. Patricio, qui Hibernos ad fidem Christi convertit, adscripta opuscula* ... (London, 1656), 125–26.


21 For further on this fire and its consequences for the study of Anglo-Saxon history, see Keynes, ‘Reconstruction’, and the discussion of the *Collectio Cottoniana*, in Chapter 4.
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more damaged codices.\textsuperscript{22} Here Vitellius A. xii remained a bundle of loose leaves until 1847, when Charles Tuckett mounted each leaf upon a paper frame.\textsuperscript{23}

Though much of the text of Vitellius A. xii is still visible, margins have been singed away and quire marks (if ever there were any) are no longer visible. This is unfortunate, as one would like to know if the \textit{Dialogus}, which currently fronts the manuscript, in fact originally held this place, or if perhaps there was once material (lost since before the time of Thomas Smith) that preceded it. Here one might note again Leland’s \textit{Itinerary}, which lists a ‘Poenitentiale Egberti Archiepiscopi Eboracensis’ immediately before the ‘De computo’ and ‘Dialogus’ of Vitellius A. xii.\textsuperscript{24} It is unusual, at any rate, that the \textit{Dialogus} begins on the verso of the first folio (fol. 4), whose recto is blank.

Again, the foregoing is only a preliminary analysis of the history of Vitellius A. xii. There is certainly more than can be learned about this unusual book, and indeed more will need to be learned before a final, critical determination as to the exact nature of the mysterious \textit{Dialogus} can be made. For example, one would like to know more precisely in what relationship the \textit{Dialogus} stands to the other contents of the manuscript? It will also be necessary to determine whether there are any changes of hand within the text of the \textit{Dialogus} itself, and (if there are) whether such changes conceal anything important about the fabric (or the fabrication) of the text. Further, one should look for correcting hands, and (should they exist) consider closely what these might signify. Finally, the relevant part of the manuscript must be checked for signs of physical gaps or insertions, possibly from severed or interpolated folios. Throughout the discussion that follows it must be borne in mind that such conclusions as may be drawn will be subject to revision once a more complete study of Vitellius A. xii arrives.

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\textsuperscript{22} Prescott, ‘Their present miserable state’, 396–97, 417. See also J. Bragford and W. Oldys’s notes on ‘London libraries’, \textit{Notes & queries} 23 (1861), 381–84, at 383, n. 8.

\textsuperscript{23} Prescott, ‘Their present miserable state’, 417 n. 217.

\textsuperscript{24} Leland, \textit{Itinerary}, ed. Smith, I, 263. As to which work Leland’s ‘Poenitentiale’ may correspond, see above, Chapter 4, p. 159. The presence of this item in Leland’s catalogue is particularly noteworthy given the possibility that the ascription of the \textit{Dialogus} to Ecgberht in Vitellius A. xii may be no older than that manuscript itself (see below); that is to say, it may have been the close proximity at Salisbury of an Ecgberhtine penitential and Vitellius A. xii’s copy of the \textit{Dialogus} that led to the latter’s being ascribed to Ecgberht. Cf. Leland’s description of Salisbury’s copy of the \textit{Dialogus} as simply \textit{De ecclesiasticis constitutionibus}, below, Appendix V n. 6.
‘Ecgberht’s *Dialogus*’? Evidence for and against Ecgberht’s authorship

The textual evidence

As mentioned, all previous claims for Ecgberht’s authorship of the *Dialogus* are based first and foremost on the authority of the title supplied by Ware—*Incipit succinctus dialogus ecclesiasticæ institutionis, a domno Ecgberhto archiepiscopo Eburacæ civitatis conpositus*. This was the title that was visible to him in Vitellius A. xii before it was burned; one can be sure of this, even though it is unfortunately no longer visible in the manuscript today.\(^{25}\) Obviously, an ascription such as this, found in a unique manuscript witness copied more than three hundred years after the death of the text’s supposed author, should inspire suspicion. One must, after all, allow for the possibility that the tradition of ascribing this work to Ecgberht is no older than the Vitellius manuscript itself, no older that is than the eleventh century. The existence of such a possibility suggests that previous assumptions about the work’s origin might be called into question. Indeed, it requires one to reset their preconceptions about the work, to view it without prejudice as to geographical or chronological context, and to rebuild arguments for date and authorship from scratch.

In evaluating the attribution to Ecgberht, it is important to understand first why previous scholars have been so ready to place faith in Vitellius A. xii’s ascription.\(^{26}\) The reason lies in the fact that Ecgberht’s reputation as a distinguished canonist has for centuries been considered a foregone

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\(^{25}\) See above, Appendix III n. 4. I have been able to examine Vitellius A. xii in microfilm reproduction, from which it is clear that the *Dialogus* currently begins near the top of fol. 4v with a large decorative ‘P’—the first letter of the beginning of the text: ‘Prima fronte præsentis paginæ ...’. No title now precedes these words. However, the text begins approximately three lines down from the top of the writing frame, leaving a space in which a rubric was probably once found. Most likely, this rubric faded away completely as the result of the heat the manuscript endured in the 1731 fire. It is not entirely clear from the microfilm, but faint, blotchy traces of what was probably once an incipit (in capitals) can be seen in the first three lines at the top of fol. 4v. It almost looks as if there is bleed-through from words written on the other side of the page; yet the other (recto) side of fol. 4 is blank. In any case, that the manuscript once contained the title given it by Ware can be deduced by the testimony not only of Ware himself, but also of John Leland: see above, Appendix III n. 14.

\(^{26}\) Not all scholars have accepted Ecgberht’s authorship of the *Dialogus*: see Kelly, *Pope Gregory II*, 101 n. 78, for the opinions of three scholars—two Italian, one French—all of whom expressed (in encyclopedia entries) their doubts about the attribution to Ecgberht. Kelly himself was sceptical about Ecgberht’s authorship, but maintained that the document was eighth-century and English. See also the opinions of Donald Bullough, discussed further below.
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conclusion. That he was known far and wide even during his own lifetime as an expert legal scholar was viewed as established fact well into the nineteenth century (among English scholars, even if not always among Continental ones), a fact that seemed securely based upon his presumed authorship of several important canonical works. Thus, Ware’s discovery of yet one more canonical text attributable to the prolific Ecgberht fit well into the picture of the Archbishop that historians had come to accept. But scholarship from the last fifty years or so has demonstrated that most of the major works upon which Ecgberht’s reputation as a canonist has been based were not in fact authored by him. Besides the Dialogus, the only other work that may actually have been authored by Ecgberht is a penitential that sometimes went under his name (PECG.700); however, in 1991, Reinhold Haggenmüller rejected Ecgberht’s authorship of this penitential, thereby adding yet one more author to the growing list of pseudo-Ecgberhts.

27 Even as recently as 2004 this view found expression in a publication by the distinguished English historian Henry Mayr-Harting. ‘Ecgberht was of great note in his own day as a canon lawyer’: thus begins a lengthy paragraph on the subject in his article on Ecgberht in the ODNB (H. Mayr-Harting, ‘Ecgberht [d. 766]’).

28 As it turns out, all of these works were severely misunderstood by scholars until about the second half of the twentieth century. This is discussed more thoroughly in Appendix V. Besides the Dialogus, works that have been attributed to Ecgberht since Spelman’s time or earlier include: an Old English penitential known as the Scrifboc; Coll.Wig.; the A5 copy of Coll.quad.; and certain versions of the Bedan-Ecgberhtine penitential group. On the Scrifboc—one manuscript of which ascribes the work to ‘Ecbyrht arcebisceop on Eoforwic’, an attribution that has long been proven false—see Franzten, Literature, 133–41. On the penitential group, see Haggenmüller, Die Überlieferung. For further discussion of the confused historiography surrounding Coll.Wig. and the A5 copy of Coll.quad., see Appendix V as well as above, Chapter 4 p. 153, where the reason for the modern attribution of these works to Ecgberht is traced to the inclusion of Ghaerbal’s Cap.I in some versions of the preface to the Ecgberhtine penitential.

29 He does not even have a pontifical to his name, as the so-called Pontificale Ecgberhti (Paris, Bibliothèque nationale, Lat. 10575 [s. xmed.-x/xxi, England]) is now (and has long been) known to be a tenth-century product based on Continental imports, with no association whatsoever with the eponymous Archbishop: Two Anglo-Saxon pontificals, ed. Banting, ix–xxxvii. For the suggestion that it was in fact Pontificale Ergb. that was the source for all the misattributions of Ghaerbal’s Cap.I, Coll.Wig. and Coll.quad. to Ecgberht’s name, see above, Chapter 4 p. 154.

30 See Haggenmüller, Die Überlieferung, esp. 298: ‘Die Entstehung der Einzelüberlieferung des Paenitentiale Ps.-Bedae und des Paenitentiale Ps.-Egberti is gemäß unserer Argumentation zumindest bis zum Ende des 8. Jhs. anzusetzen ... Die ältesten Hss.-Gruppen stammen jeweils aus dem Rhein-Main-Gebiet mit deutlichen Hinweisen auf Lorsch, und ich möchte annehmen, daß dort, wohl in angelsächsischen Kreisen, vielleicht in Lorsch, möglichwerweise in geringem zeitlichem Abstand gegen Ende des 8. Jhs. diese Bußbücher kompiliert wurden. Das würde zudem die Aufnahme der Edictio s. Bonifati erkären. Beda Venerabilis und Egbert von York kommen also so gut wie sicher als Verfasser nicht in Frage.’ Several arguments for and against Ecgberht’s authorship are also reviewed by Bullough, Alcuin, 234–36 with nn. 321–22. Haggenmüller’s work on the tradition of the Bedan and Ecgberhtine penitentials remains unsurpassed, and his arguments have (to my knowledge) yet to be seriously challenged. Nevertheless, some Anglo-Saxonists seem reluctant to accept his conclusions. For example, in Before the closet: same-sex love from Beowulf to Angels in America (Chicago, 1998), 145, Allen J. Frantzen still maintained the position that the Ecgberhtine penitential was ‘possibly authorized by Egbert of York’.
The *Dialogus* is in fact the only work whose Ecgberhtine authorship has yet to be seriously questioned; but, as has been shown, the case for Ecgberht’s authorship of this work rests entirely upon a late and possibly suspect manuscript rubric, and on the belief—now proven false—that Ecgberht authored a host of other extant canonical works. Of course, disproving Ecgberht’s authorship of these other works does not negate the possibility that he was known as an experienced canonist in his day; but this now needs to be established anew, and on entirely different grounds.

It is at present difficult to see what these grounds may be, if not the *Dialogus* and the *Dialogus* alone. For, besides this work, there is very little in the way of evidence for Ecgberht’s canonical expertise. St Boniface thought highly enough of Ecgberht’s legal opinion to consult him about canonical questions on two occasions; but unfortunately Ecgberht’s response has not survived. This is truly unfortunate, for if Ecgberht’s response had survived, it could have informed modern

31 On the first occasion (*Epistola 75*, written 746/7), Boniface asked Ecgberht to read over his admonitory letter to King Æthelbald and confirm or correct what he could, particularly as it regards the crimes of incest, adultery and the violation of consecrated women: *Epistola 75*, ed. Tangl, p. 157 line 7–p. 158 line 7 (I have put notable passages in **bold**): ‘Nunc autem intimis praecordiorum praecibus almitatis tuae clementiam obsecro, ut vestrae fraternitatis synodo una cum servis Dei mecum laborantibus adunatus esse merear, et *sís mihi consiliarius et adiutor in inquirendis et investigandis regulis eclesiasticis iudiciorum Dei*: et ut me non ludivaga sermonum voce, sed serie rogantem ac dicientem esse scias et me non arrogantem vel superbum aut proprio iudicio plus iusto placentem aestimes. Nam catholica et apostolica Romana ecclesia, quando indignum ac vilem predicatorem ad predicandum Germaniae erroneis vel paganis gentibus direxit, praecipit mihi, ut ex auctoritate Romani pontificis, si alicubi viderem inter christianos pergens populos erroneos vel ecclesiasticas regulas mala consuetudine depravatas vel homines per invium a catholica fide abductos, ad viam salutis invitare et revocare toxis viribus niterer. Hoc praeceptum servare cuiusdam admonitoriam vel præcotoriam epistolam Aethelbaldo regi Mercionum cum consilio et consensu episcoporum, qui una nobiscum sunt, transmisi. Quam presentare fraternitatis tuae obtutibus iussi, ut *si, quæ in ea prave posita sint, emendes et, quae iusta sint, sale sapientiae tuae condias et auctoritate confirmes*; et si radicem aliquam flagitiorum, de quibus in illa epistola contra regem Mercionum disputationem, in gente tua germinare velle videas, sicut providus et sapiens colonus cum falce dominicus acceptat, et radicibus erellas, ne, [si] floruerit, fiat ex vinea Sodomorum vitis eorum et propago eorum ex Gomorra, et sit furor draconum vinum eorum et furor aspidum insanabile. *Inauditum enim malum est* preteritis sesculis et, ut hic servi Dei gnari scripturarum dicunt, in triplo vel in quadruplo Sodomitam luxuriam vincens, *ut gens christiana* contra morem universae terrae, immo contra preceptum Dei despiciat legitima matrimonio et adhereat incestis luxurias adulteriis et nefanda stupra consecratorum et velatarum feminarum sequatur.’ On the second occasion (*Epistola 91*, written 747–751), Boniface asked Ecgberht about the status of lapsed clerics, on which see below, p. 406. It was Boniface’s habit to consult leaders of the English and Roman churches concerning points of canon law when he discovered what seemed to him like contradictions in the canonical tradition or when he encountered difficulties of a practical nature from his work afield. Could Boniface’s request to Ecgberht in *Epistola 75* that he not consider his questions as merely ‘sportive’ or ‘academic’ (*ludivaga*), but rather as ‘grave’ (serie) and in earnest, imply that they had previously corresponded about canonical subjects in a more casual context? At the very least Boniface’s tone suggests that this was not the first time the prelates had had occasion to discuss matters of a canonical nature.
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scholars directly as to the sophistication of his canonical learning; moreover, it could have served as a base against which one could compare the language and style of the *Dialogus*, and thereby allow concrete determinations as to Ecgberht’s authorship. As things currently stand, however, no single work survives that can be securely attached to Ecgberht’s name. The only ones that have any claim at all to having been written by him are the *Dialogus* and PECG.700; and, as mentioned above, Ecgberht’s authorship of PECG.700 has been called into serious question.

If Ecgberht’s reputation as a canonist is to be rehabilitated, it has therefore to be based upon a firm reassessment of the evidence for his authorship of the *Dialogus*. The proper place to begin an investigation into the case for Ecgberht’s authorship is with the title in Vitellius A. xii itself. As already mentioned, the fact that the manuscript dates from after the Conquest is reason enough to be sceptical about its ascription to Ecgberht. While the custom of attributing certain canonical tracts to Ecgberht’s name did not—as Patrick Wormald more than once pointed out, and as will be discussed more thoroughly in Appendix V—reach its height until the Modern era, there was already by the eleventh century at least one text, Ghaerbald’s *Cap.I*, that it was custom in Anglo-Saxon England to ascribe to Ecgberht of York. The marginal note added by an eleventh-century hand to fol. 127v of A3 ascribing Ghaerbald’s adjacent *Cap.I* to ‘domni Ecgberhti archiepiscopi Eburac civitatis’ bears a striking resemblance to the description of the *Dialogus*’s author in Vitellius A. xii’s incipit: ‘domno Ecgberhto Archiepiscopo Eburacœ civitatis’; both are, moreover, similar to the inscription found in copies of PECG.700: ‘Ecgberhti archiepiscopi Eburacae civitatis’. Is it possible that the *Dialogus*’s title is patterned off of the spurious marginal attribution in A3? Both anyway seem to be patterned ultimately of off the title

32 The testimony of posterity is all one has to go on, and this is vague at best. Alcuin, in what is clearly a panegyric for his onetime teacher, praises Ecgberht as an ‘egregius doctor’ (see *The bishops, kings, and saints of York*, ed. P. Godman [Oxford, 1982], p. 98, line 1260), a formulaic title (Alcuin uses it four times in his surviving works) and one that says nothing specific about what sort of subjects Ecgberht used to teach. Similarly, William of Malmesbury attests to Ecgberht’s reputation as a learned man in Book 3, c. 112 of his *Gesta pontificum Anglorum*, 2 vols, ed. and trans. M. Winterbottom, with R.M. Thomson (Oxford, 2007); however, William says nothing specific about the nature of Ecgberht’s expertise.

33 Ker, *Catalogue*, 214, dates the marginal addition in A3 to s. xi. For further discussion see Appendix V, esp. p. 472, and my ‘Ghaerbal’s *First capitulary*’, esp. 162.

34 From A5, fol. Iv; cf. the rubrics to *Coll.Wig.C 109/D* 168. Cf. also the variant titles noted by Schmitz, *Bussbücher II*, 661.
in PECG.700 (the significance of this is possibly of great importance, given the context in which Leland discovered Vitellius A. xii in Salisbury’s library). All of this is to say that one needs to allow for the possibility that the Dialogus’s title originated from a general state of confusion in late Anglo-Saxon England surrounding the extent of Ecgberht’s corpus.

The possible link between the Dialogus and A3, which is a Coll.Wig. manuscript, links to a crucial fact in considering the question of the Dialogus’s authorship: Vitellius A. xii is not the earliest witness to the Dialogus. That honour rather goes to Coll.Wig. Chapters 1 and 12 of the Dialogus are found (in their entirety) as Coll.Wig.C 214–16 in A2, a manuscript also copied in the second half of the eleventh century, though slightly earlier than Vitellius A. xii. Cc. 1 and 12 of the Dialogus are also found Coll.Wig.D 144–45 in the thirteenth-century manuscript Barlow 37. In both manuscripts the rubric for each Dialogus chapter is simply ‘INTERROGATIO’. The presence of cc. 1 and 12 in two versions of Coll.Wig., and particularly in A2—known to preserve relatively early versions of Commonplace Book material—indicates that they formed part of the stock of literary and canonical materials available to Wulfstan and his clerks at Worcester and York.

35 See above, Appendix III n. 24.

36 See Ryan, ‘Archbishop Ecgberht’, 59–60, for a parallel text edition of the Dialogus’s cc. 1 and 12, with Vitellius A. xii’s text (by way of Haddan and Stubbs’s reprint of Thorpe’s edition) on the left and A2’s text on the right. As Ryan notes (though does not comment upon), the text of c. 12 differs significantly between the two versions he prints, with Vitellius’s ‘reddat pretium Ecclesiæ suæ pro Episcopo secundum [decretum add. Hardouin] universalis Concilii [consili placentem emend. Thorpe], pro Episcopo Octin gentos siclos, pro Diacono sexingentos, pro Monacho verò quadringentos argenteos’, as against simply ‘reddat pretium sanguinis ecclesiæ suæ ut supra scriptum est’ in Coll.Wig. As neither Coll.Wig.C nor D contains anywhere a list of wergelds for clergy, the ‘ut supra scriptum’ is probably to be explained as a reference to Dialogus c. 1, which falls immediately before and which lists the value (in hides) of a presbyter’s, deacons’ and monk’s oath at the ratio of 4:2:1—not quite the ratio described in Vitellius’s c. 12. Another possibility is that the ‘ut supra scriptum’ was in Coll.Wig.’s immediate source, which would mean Coll.Wig. drew on a different recension of the Dialogus than did the scribe of Vitellius A. xii—a detail that, if true, would be of considerable importance to the history of this text.

37 Barlow 37 also includes a separate rubric (‘RESPONSIO’) for the responsiones of both chapters. The reason for the absence of this rubric in A2 is entirely clear: the scribe of A2 simply did not leave enough space for the rubricator to add ‘RESP’ at the corresponding point in the text.

38 See the discussion of Coll.Wig. in Chapter 4.

39 The position these Dialogus canons hold in Coll.Wig.C/D gives no grounds for suspecting that they are later additions to the Commonplace Book tradition. In both manuscripts the Dialogus chapters stand between a series of unidentified canones Hibernenses and an abbreviated version of ELRF, all material that is used elsewhere in Wulfstanian works.
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Of crucial importance is the fact that neither Coll.Wig.C nor D ascribes these Dialogus chapters to any authority, let alone Ecgberht. If Wulfstan obtained these chapters from a complete copy of the Dialogus that was ascribed to Ecgberht, or if he had any reason to believe these chapters to be the work of Ecgberht, then one should expect him to have given some indication of the fact in Coll.Wig.'s rubric titles. Ecgberht was after all one of Wulfstan’s predecessors at York, and Wulfstan had elsewhere included in his Commonplace Book the penitential connected (perhaps falsely) to Ecgberht’s name. The absence in Coll.Wig.C/D of any attribution of the Dialogus to Ecgberht therefore suggests that Wulfstan did not recognize the work as his; Wulfstan, that is, probably possessed a copy of the Dialogus that was not ascribed to Ecgberht. It would seem, then, that ca 1020, at least in Worcester and (significantly) York, there was no tradition of attributing the Dialogus to Ecgberht. While the evidence of Coll.Wig. throws further doubt upon Ecgberhtine authorship, it does not rule it out. The apparent age of the Dialogus, for instance, is one of the strongest factors in support of Ecgberht’s authorship. By 1002 the Dialogus was already an old document, and it is conceivable that even in York Ecgberht’s authorship of this work might have been a fact that had long been forgotten. The great age of the Dialogus is indicated both by the condition of its text in Vitellius A. xii, and by the language the work uses. The Dialogus’s language will be briefly considered below; it will be fitting to say a few words on the condition of the text here however. Ware’s edition of the Dialogus was translated into modern English in 1720 by John Johnson, who, in addition to his translation, provided a topical commentary and an historical preface.

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40 PECG.700 is found in Coll.Wig.C 109–10, with the rubric ‘INCIPIT EXCERPTIO DE CANONIBVS CATHOLICORUM PATRVM VEL PENITENTIALE AD REMEDIVM ANIMARVM DOMNI ECHBERHTI ARCHIEPISCOPI EBORACE CIVITATIS’; cf. Coll.Wig.D 168 (prologue only, followed by Ghaerbd’s Cap.I).

41 It is worth mentioning on other passage in Coll.Wig. that may have drawn on the Dialogus. Coll.Wig.I 184 (= Coll.Wig. O 156), titled ‘De ieiunio quattuor temporum’ is an adaptation of a work by the same name edited by Cross, ‘Newly-Identified’, 73–6 from several Commonplace Book manuscripts, including A6 and Barlow 37. The Coll.Wig. adaptation contains the following, which is not found in the text edited by Cross: ‘Sed sanctus gregorius haec ieiunia genti anglorum sic predicare preceptit; Ieiunium primum: in prima ebdomada quadragesimae; Ieiunium secundum: in ebdomada pentecosten; Ieiunium tertium: in plena ebdomada ante autumnale equinoctium; Ieiunium quartum: in integra ebdomada ante natale domini’. No verbatim borrowing from the Dialogus is evident, but the parallels between this passage and the Dialogus’s sixteenth responsio are unmistakable. Johnson, Collection, ed. Baron, 179–80, translated this and other portions of Coll.Wig.I 184 as an appendix to his translation of the Dialogus; he (and his nineteenth-century editor, John Baron) considered the text to be Ecgberht’s, but this is impossible; Coll.Wig.I 184/O 156 is certainly a Wulfstanian reworking of Cross’s ‘De ieiunio quattuor temporum’ (pace Cross, ‘Newly-Identified’, 66, who believed this relationship was reversed), which is itself a Wulfstanian product (being heavily dependent upon Coll.Wig.A): see the source notes to Coll.Wig.D 268 in Appendix XI.
his preface he asserts that ‘we have no reason to doubt but that they [Ecgberht’s ‘answers’, as Johnson called them] are genuine, though they have suffered much through the injury of time and transcribers.’ While one could argue that Johnson’s first claim was made rather brazenly—there are indeed reasons to be doubtful of Ecgberht’s authorship—the latter point is in fact borne out. Vitellius A. xii’s text of the Dialogus does show significant corruption in several places. This is a sure sign that the text has undergone multiple scribal copyings. While one cannot say that based on this it is certain that the text was already quite old by the time it came to be copied at Salisbury at the end of the eleventh century, this is nevertheless the obvious inference to make. Alternatively, one might interpret what seem like textual corruptions as merely indications of the barbarous quality of author’s Latinity at the time of composition. But this too implies that the time of composition was rather much earlier than the eleventh-century manuscript witnesses (Vitellius A. xii and C2) that survive today.

The literary evidence

By no means can an exhaustive investigation into the style and structure of the work be entered into here. However, several salient features can be pointed out that so far seem to have gone unnoticed.

A) Genre and sources

The Dialogus can of course be approached not only as a legal and historical document, but also as a literary work. As a literary work it is rather complex, particularly in terms of its genre, structure and sources. It will perhaps be easiest to address the question of genre first.

42 Johnson, Collection, ed. Baron, 159–80, quotation at 160. Baron supplies further, extensive commentary on the text in his edition of Johnson’s Collection. The Dialogus has twice been translated into modern English: once by Johnson, and again (though only partially) by McNeill–Gamer, Handbooks, 239–43.

43 See, e.g., MS ‘electus’ for ‘ejectus’ in the fourth responsio; the missing sentence (probably an instance of homoioiteleuton—cf. below, Appendix III n. 60) in the fifth responsio; the missing accusative object of ‘secundum’ (‘decretum’?; ‘placitum’?—cf. above, Appendix III n. 36) in the tenth responsio; MS ‘si interesse’ for ‘si inter se’ in the eleventh interrogatio; MS ‘multum’ and ‘ultoribus’ probably for ‘inultum’ and ‘ulterius’ in the thirteenth responsio; MS ‘veriusque’ probably for ‘verberibusque’ in the fourteenth responsio; and MS ‘autem’ (in ‘idcircò autem quatuor temporum’) probably for ‘haec’ in the prelude to the first part of the sixteenth responsio (ed. Ware, Epistulae duae, 109).
What kind of work is the *Dialogus*? Here, as with so many aspects of the *Dialogus*, the traditional answer is deceiving. The work is patently not a dialogue, or at least it does not conform to the medieval genre of dialogue as made popular by Boethius’s *Consolatio* or Gregory’s *Libri IV dialogorum*. These works present simple yet fictive narratives wherein an edifying subject is discussed by two conversants, one the ignorant interlocutor (or student) and the other the learned respondent (or teacher). But the *Dialogus* is not this, at least not primarily; rather, it is first and foremost a letter. Moreover, close examination of the wording and structure of the *Dialogus* leaves the distinct impression that the author was self-consciously attempting to conform to a specific genre of letter-writing known technically as the rescript, or more generally as the decretal (*epistola decretalis*), an epistolary genre that originated in the Imperial chancery but that was later adopted by bishops of Rome as the official instrument for disseminating papal rulings. By means of papal decretals, popes made (or, perhaps more accurately, interpreted) canon law, usually by way of providing authoritative answers (*responsa*) to specific appeals or questions (*relationes, consulta* or more rarely *capitula*) of disciplinary or judicial import.

One of the most obvious examples in the *Dialogus* of deliberate patterning off of a decretal is the author’s decision to divide the text into *interrogationes* and *responsiones*. This arrangement is strongly reminiscent of Pope Leo I’s decretal letter to Rusticus of Narbonne (DLEO.440.544; cf. *Coll.Quesn.* c. LXXII, *Coll.Sanb.* c. XXVI), which is divided into *inquisitiones* and *responsiones*. This decretal was in fact (as will be seen) one of the sources used by the author

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45 Or at least it is designed so as to appear like a one. That the *Dialogus* (as transmitted in Vitellius A. xii) contains neither a dating clause, a formal salutation (‘X [to] Y ... salutem’), nor a valediction (e.g. ‘Vale ...’) cannot be used as evidence against its having originated as a letter. Such things were usually dispensed with by scribes in subsequent copyings. Neither were dating clauses used, for example, by Boniface and Alcuin in their letters (though they both did habitually use ‘Vale’ clauses). In any case, will be shown below, the conclusion of the *Dialogus* seems to have been tampered with.


47 This division is not an invention of Ware’s, but is found in the manuscript.

of the *Dialogus*. The division into *interrogationes* and *responsiones* also recalls the arrangement of the so-called *Q/A* version of Pope Gregory I’s *Libellus responsionum* (DGRE.590.1843), one of the most popular decretals of the early Middle Ages and a work of great significance to the history of the Anglo-Saxon church.\(^{49}\) DLEO.440.544 and the *Q/A* version of the *Libellus* are the only early medieval decretals that are divided into *interrogationes*/inquisitiones and *responsiones*,\(^{50}\) and both probably influenced the *Dialogus*’s author in his decision to arrange his text in a question-and-answer format; however, the *Libellus* probably played a somewhat greater role here, since not only does the *Dialogus* use the term *interrogatio* (instead of DLEO.440.544’s *inquisitio*), but only the *Libellus*—specifically in its so-called *Q/A* and *Letter* versions—casts each question in the first person, as the *Dialogus* does.\(^{51}\) A possible connection between the *Dialogus* and the *Libellus* is doubly interesting because of the latter text’s association with Bede, who was a close correspondent of Ecgberht’s: besides PTHU.700 (another Northumbrian

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49 The authenticity, textual tradition and early Anglo-Saxon context of the *Libellus* is considered in detail in Appendix I.

50 Note, however, that the monastic rule of Basil is also arranged in this way. Basil’s *Regula*, originally written in Greek but translated into Latin by Rufinus, is edited by K. Zelzer, *Basili Regula, a Rufino Latine versa*, CSEL 86 (Vienna, 1986).

51 DLEO.440.544, on the other hand, casts Leo’s correspondent’s questions in the third person. Note that the so-called ‘Capitula’ version of the *Libellus*—which, as I argue in Appendix I, is probably the version that most closely resembles the original form of Gregory’s letter—casts each question in the second person (‘Requisisti ...’).
document), the writings of Bede are the earliest witnesses to the transmission of the *Libellus* in England, specifically in its *Q/A* form.\(^{52}\)

A more concrete debt to the decretal genre is revealed by the fact that the *Dialogus* borrows numerous passages verbatim from several early papal decretales. The pattern of borrowings is rather complex, but can be described here with the aid of illustrative tables. The first four words of the *Dialogus*’s opening sentence are borrowed verbatim from one of the earliest and most famous papal decretales, Pope Siricius’s letter to Himerius of Tarragona (DSIR.384.255; cf. *Coll. Quesn. c. XXIX, Coll. Sanb. c. XVII*),\(^{53}\) while another passage in the preface is directly dependent upon the same Pope’s letter against Jovinian (DSIR.384.260; cf. *Coll. Quesn. c. XXX, Coll. Sanb. [C2 only, fols 113r–114v]*)\. Yet another passage in the preface draws upon a rescript of Emperor Honorius to Pope Boniface I (*Coll. Sanb. c. XIX*),\(^{55}\) a document of particular interest because it was also used in a letter written by Queen Osgifu, a close relative of Archbishop Ecgberht’s.\(^{56}\) These *Dialogus*-decretal correspondences are laid out in Table 13 (correspondences indicated in **bold-underline**):

<table>
<thead>
<tr>
<th><em>Dialogus</em>, preface (ed. Ware, <em>Epistolae duae</em>, 91–2)</th>
<th>Decretals; Emperor Honorius’s rescript</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Prima fronte præsentis paginae.</strong></td>
<td>[DSIR.384.255, c. 2 (ed. Coustant, col. 624)] <em>Prima itaque paginae tuae fronte</em> signasti, baptizatos ab impis Arianis plurimos ad fidem catholicam festinare, et quosdam de fratribus nostris eosdem denuo baptizare velle …</td>
</tr>
<tr>
<td>tuam venerabilem <em>petinus</em> sanctitatem, ut ea quæ <em>sacrorum apicum attestatione</em>.</td>
<td>[Emperor Honorius (ed. Coustant, col. 1028)] Et ideo revertentibus venerabilibus viris, gaudium nostrum <em>sacrorum apicum attestatione</em> signamus, ac <em>petinus</em> ut quotidians orationibus apostolatus tuus studium ac votum suum circa salutem atque imperium nostrum</td>
</tr>
</tbody>
</table>

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\(^{52}\) Bede not only reproduced the entire *Q/A* version of the *Libellus* in his *HE*, but also quoted from it in his *Life of St Cuthbert*; see Meyvaert, ‘Bede’s text’, esp. 21. For the *Libellus* as a source for PTHU.700, see Flechner, ‘Making of the Canons of Theodore’, 135–38.


\(^{55}\) On this rescript see Maassen, *Geschichte*, 319–20.

\(^{56}\) See below, p. 404.
ad Pontificalem providentiam à nobis directa sunt, grato
animo cum charitatee suspicias, \textsuperscript{57} (charitas enim
ædificat) & si qua in eis acceptione videntur digna,
fraternitatis tuae Chirographo firmentur; si qua verò
minús apèt prolata noscuntur, tu quasi subtilissimus
interpres utiulora interserere non dedigneris: et post
informationem eorum quæ ad te missa sunt verborum,
Beatitudinis tuae litterarum characteribus
insinuare cupimus; quatenus \textit{vicissim} membran
sis, unum atque id ipsum discurrentibus,
consulta videlicet et responsa.
dignetur impendere.

Moreover, Martin J. Ryan has recently discovered that several passages in the fifth \textit{responsio}
draw on the decretals of popes Innocent I and Anastasius II (DINN.401.303 \cite{Coll.Quesn. c.
XXII, Coll.Sanb. c. XXV], and DANA.496.744), \textsuperscript{58} as well as a phrase from Benedict’s \textit{Regula}.\textsuperscript{59}
These correspondences are laid out in Table 14.

\textbf{Table 14: Decretal and monastic sources for Ecgberht’s \textit{Dialogus}, c. 5}

<table>
<thead>
<tr>
<th>\textit{Dialogus}, c. 5 (ed. Ware, \textit{Epistolæ duæ}, 96)</th>
<th>Decretals; Ben. \textit{Regula}</th>
</tr>
</thead>
</table>
| Ministeria verò quae, \textit{usurpato nomine Sacerdoti}, non
dicatus ignorante populo peregit, minimè credimus
abjicienda: | \textit{male bona ministrando} sibi tantum nocuit. Nam inviolabile
sacramentum, quod per illum datum est, alii
perfectionem suæ virtutis obtinuit. Quodsi quidque
in tantum se extendens curiosa suspicio, ut imaginetur,
prolato a papa Felice judici
po sta inefficaciter in
sacramentis, quae Acacius usurpavit, egisse, ac perinde
eos metuere, qui vel in consecrationibus, vel in
baptismate mysteria tradita susceperunt, ne irrita
beneficia divina videantur: meminerint, in hoc quoque
parte similiter tractatum praevaleverunt superiorem,
quia non
sine \textit{usurpato nomine sacerdoti} adjudicatus hoc egit;
in quod virtutem suam obtinentei mysteriis, in hoc
quoque alii rea sibi persona non nocuit. |
| nam \textit{malè bona ministrando} ipse sibi reus, alii non
nocuit. | [DANA.496.744, c. 8 (ed. Thiel, 622–23)] Ideo ergo et
hic, cujus nomen dicimus esse reticendum, \textit{male bona
ministrando} sibi tantum nocuit. Nam inviolabile
sacramentum, quod per illum datum est, alii
perfectionem suæ virtutis obtinuit. Quodsi quidque
in tantum se extendens curiosa suspicio, ut imaginetur,
prolato a papa Felice judici postea inefficaciter in
sacramentis, quae Acacius usurpavit, egisse, ac perinde
eos metuere, qui vel in consecrationibus, vel in
baptismate mysteria tradita susceperunt, ne irrita
beneficia divina videantur: meminerint, in hoc quoque
parte similiter tractatum praevaleverunt superiorem,
quia non
sine \textit{usurpato nomine sacerdoti} adjudicatus hoc egit;
in quod virtutem suam obtinentei mysteriis, in hoc
quoque alii rea sibi persona non nocuit. |
| Scienti autem causas minimè detersas, & \textit{qui} tamen
\textit{particeps factus est dannati, quomodo tribuitur ei}
| [DINN.401.303, c. 7 (ed. Coustant, cols 833–34)]
Ventum est ad tertiam questionem [...] Nam si, ut
legitur, quo tetigerit inmundus, inmundum erit: [cf.
Nm 19, 11] \textit{quomodo id ei tribuetur}, quod munditia ac
puritas consuevit accipere? Sed è contra asseritur, eum

\textsuperscript{57} Thorpe has ‘suscipias’.

\textsuperscript{58} On these decretals see Maassen, \textit{Geschichte}, 245–46 and 285.

\textsuperscript{59} See Ryan, ‘Archbishop Ecgberht’, 50–1. I came upon Ryan’s article only after I had written most of the current
chapter on the \textit{Dialogus}. We discovered many of the same things independently; however, the credit for discovering
the sources for the following passages goes to Ryan alone.
Appendix III

The Dialogus’s eighth and fifteenth responsiones utilize several decretals and interlink them in complex ways. Specifically, the fifteenth responsio draws on DLEO.440.544 (mentioned above) and, again, Siricius’s letter to Himerius (DSIR.384.255). Ryan has also noticed that this

60 Certain commentators (Johnson and Hardouin seem to have been the first) have noticed that some text seems to have gone missing at this point. Ware’s edition reads ‘perfectio quæ in dante non erat, quam ipse accipere potest? Quod non habuit dare non potest, damnationem utique qui quod habuit per prava officia dedit.’ Based on the readings of the source, I have attempted to emend the text by changing some of Ware’s punctuation and by supplying (somewhat boldly, I admit) the words ‘potest? Quod non habuit dare non posse, nec illum aliquid accepisse, quia nihil in dante erat, quod ille posset accipere. Acquiescimus, & verum est. Certè quia quod non habuit dare non potuit, damnationem utique, quam habuit, per pravam manús impositionem dedit: & qui comparticeps factus est damnationis, quomodo debeat honorem accipere, invenire non possum.’

61 In Vitellius A. xii (fol. 5r), this ‘qui’ is followed by a ‘per’; however, neither Ware nor Thorpe seem to have noticed the expunctuation mark that the scribe added below this ‘per’. The ‘qui’ itself stands unexpunctuated in the manuscript, though it seems to be the result of scribal dittography and should probably also be suppressed.

62 In addition to the correspondences laid out below in Table 15, I suggest the following passage (here in translation) from the end of the preface of DLEO.440.544 as a likely source of inspiration for the author of the Dialogus’s author, but also on at least one topic in particular that the Dialogus touches upon, namely that ‘Sæpe namque temporum permutatione, necessitas legem frangit’ (cf. below, Appendix III n. 68). The following is an excerpt of a longer translation of DLEO.440.544 (as found in Wendelstein’s edition of Coll.Dion.-Hadr.) that is published on the Carolingian canon law Web site, http://cel.rch.uky.edu/node/6137): ‘Now, our thoughts concerning Your Devotion’s consultations [consultationibus], which your archdeacon delivered to us written out separately, would be

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[Part of the table is shown, containing text that is not directly translatable into plain text due to formatting or complex language.]

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responsio draws on Pope Gelasius I’s famous Generale decretum (DGEL.492.636; cf. Coll.Quesn. c. LVIII, Coll.Sanb. c. XXXV), as well as Homily 45 from the fifth-century ‘Eusebius Gallicanus’ collection of homilies. The same Gelasian decretal was also used in the Dialogus’s eighth responsio, along with, once again, Siricius’s. These correspondences are laid out in Table 15.

Table 15: Decretal and homiletic sources for Ecgberht’s Dialogus, cc. 8 and 15

<table>
<thead>
<tr>
<th>Dialogus, cc. 8 and 15 (ed. Ware, Epistolæ duæ, 99–100, 107–08)</th>
<th>Decretals; Eusebius Gallicanus</th>
</tr>
</thead>
<tbody>
<tr>
<td>[c. 8] De his qui intra Ecclesiam in gravibus vel in levibus commissis delinquunt, nihil vindicet pertinet ad eos qui foris sunt: maximè cium Apostolus dicat, omnes causas Ecclesiæ debere apud sacerdotes dijudicari.</td>
<td>[DGEL.492.636, c. 18 (ed. Thiel, 372)] ... nonnullus autem etiam in ipsis ordinibus constitutos, gravibus delinquentes facinoribus non repelli, quum et Apostolus clamet, nemini cito manus imponendas, neque communicandum peccatis alienis, [1 Tim 5, 22] et</td>
</tr>
</tbody>
</table>

more conveniently solicited in person should the fullness of your presence appear before us. For, since certain [of your questions] seem to exceed the method of [written] question-and-answer, I think them more suited to personal conversation than to written correspondence. For, just as there are certain [rules] that can in no way be altered, so there are many that it is fitting to moderate, either out of consideration for age [etatum], or for the necessity of the situation, though always on the condition that, in those cases where there are doubts or uncertainties, we recognize that we must follow neither what is found to be contrary to the evangelical precepts nor opposed to the decrees of the saints.’

63 On this decretal see Maassen, Geschichte, 281–82, and Jasper, ‘Decretal tradition’, 60 et passim.

64 Ryan, ‘Archbishop of Ecgberht’, 46, 52. Eusebius Gallicanus’s collection of homilies has been edited by F. Glore, Collectio homiliarum, 3 vols, CCSL 101–101B (Turnhout, 1970–1971). Note that the readings of the Dialogus’s fifteenth responsio are in fact closer to Caesarius’s Sermo 197, which reproduces (almost) verbatim the relevant portion of Eusebius Gallicanus’s Homily 45 (note especially the reading ‘per auruspices’ in Sermo 197.2 [ed. Morin, 796, line 20]); nevertheless, since it would be hazardous to pronounce definitively at this point which of these two sources the author of Dialogus relied upon, I present the source here as identified by Ryan. On Eusebius Gallicanus—possibly to be identified with Faustus of Riez—see L. Bailey, ‘Building urban Christian communities: sermons on local saints in the Eusebius Gallicanus collection’, Early medieval Europe 12 (2003), 1–24, and C. Stancliffe, ‘The thirteen sermons attributed to Columbanus and the question of their authorship’, in Columbanus: studies on the Latin writings, ed. M. Lapidge (Woodbridge, 1997), 93–202, at 118–20.

65 Glathhaar, Sakrileg, 48 n. 28, has also suggested DSIR.384.255 as a source for the Dialogus’s eighth responsio.

66 This phrase, of unknown origin, is discussed further below. I note here, however, that very similar ideas are expressed in another of Pope Gelasius I’s letters, namely his Commonitorium ad Faustum (DGEL.492.622, cc. 9–10 [ed. Thiel, 347–48, emphasis added]): ‘Si quantum ad religionem pertinet, non nisi apostolicae sedi juxta canones debetur summa judicii totius; si quantum ad saeculi potestatem, illa a pontificibus et præcipue a beati Petri vicario debet cognoscere, quae divina sunt, non ipsa eadem judicature [var. dijudicature]. Nec sibi hoc quisquam potentissimus saeculi, qui tamen Christianus est, vindicare praesumit, nisi religionem forsitan perseverens. Quid tamen dicerint, si non chartis suis in omnius vincerentur? Ineptias itaque suas sibi servent, nisi resipiscant, potius cogitantes Christi vocem non esse superfluum, quae confessioni beati Petri apostoli inferni portas nunquam praevaliunturas [Mt 16:18] asservit. Quapropter non veremur, ne apostolica sententia resolvatur, quam et vox Christi et majorum traditio et
Ecclesiastici crimen aliquod inter laicos perpetrerint, homicidium, vel fornicationem, vel furtum agentes, Hos placuit à secularibus in quos peccaverunt omnimo modo occupari; nisi animo fuerit Ecclesiæ pro talibus satisfa[cre].

Laici verò qui sacrilegâ se contagione miscuerint velatis, non eodem modo quo lex publica fornicarios puniri percensuit, sed duplicatâ XXX siclorum pecuniâ; hoc est, LX argenteos volumus dare Ecclesiæ adulterantes:

quae graves causæ graviores & acriores quærant curas.

[c. 15] Hujusmodi tunc ordinatio Episcopi, Presbyteri vel Diaconi, rata esse dicetur; si nullo gravi facinore probatur infectus; si secundam non habuit uxorem, nec a marito relictam; si poenitentiam publicam non gessit, nec utà corporis parte vitius apparebat; si servilis aut ex origine non est conditionis obnoxius; si curiae probatur nexibus absolutus; si assecutus est litteras, hunc elegimus ad sacerdotium promoveri.

majorum veneranda constituta pronuntient, hujusmodi, etiam si forte subrepererint, tam qui ante peccaverint, detectos oportere repelli, quam sacrae professionis oblitos praevericatoresque sancti propositi procul dubio submovendos.

Laici verò qui sacrilegâ se contagione miscuerint velatis, non eodemmodo quo lxxx publica fornicarios puniri percensuit, sed duplicatâ XXX siclorum pecuniâ; hoc est, LX argenteos volumus dare Ecclesiæ adulterantes:

quae graves causæ graviores & acriores quærant curas.

[c. 15] Hujusmodi tunc ordinatio Episcopi, Presbyteri vel Diaconi, rata esse dicetur; si nullo gravi facinore probatur infectus; si secundam non habuit uxor, nec a marito relictam; si poenitentiam publicam non gessit, nec utà corporis parte vitius apparebat; si servilis aut ex origine non est conditionis obnoxius; si curiae probatur nexibus absolutus; si assecutus est litteras, hunc elegimus ad sacerdotium promoveri.

majorum veneranda constituta pronuntient, hujusmodi, etiam si forte subrepererint, tam qui ante peccaverint, detectos oportere repelli, quam sacrae professionis oblitos praevericatoresque sancti propositi procul dubio submovendos.

Ware prints 'satisfaere'.

Cf. the Dialogus’s thirteenth responsio (ed. Ware, Epistolæ duæ, 105): ‘Sæpe namque temporum permutatione, necessitas legem frangit.’
Pro his vero criminibus nullum licet ordinari; sed promotos quosque dicimus deponendos. Idola scilicet adorantes; per Aruspices & divinos atque incantatores captivos se Diabolo tradentes; fidem suam falsa testimonio expugnantes; homicidiis, vel fornica-tionibus contaminatis; furta perpetrantes; sacrum veritatis nomen perjurii temeritate violantes.

Eos tamen nisi per poenitentiam publicam non oportet admitter ad promerendam communionis gratiam; non ad recuperandum pristinæ dignitatis honorem. **Alienum est enim ab Ecclesiâ poenitentes** sacrosancta ministrare, qui dudum vasa fuerant vitiorum.

Finally, Ryan has noted that the tenth *responsio* draws on Pope Innocent I’s letter to Florence of Tivoli (DINN.401.317).69 This is illustrated in Table 16.

<table>
<thead>
<tr>
<th>Table 16: Decretal sources for Ecgberht’s <em>Dialogus</em>, c. 10</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Dialogus</strong>, c. 10 (ed. Ware, <em>Epistolæ duæ</em>, 101)</td>
</tr>
<tr>
<td>Quicunque frater vel soror rem aliquam ad se (ut aestimat) pertinente non ita repetit, ut judicantibus Ecclesiarium sacerdotibus, sed per externas potestates, vim faciens obtinet, etiam hoc quod violentus evicit omnino perdat, aut ab Ecclesia expellatur. Nec tamen Ecclesiæ sua prejudicium imponimus: Sed post obitum anathematizati <strong>integris omnibus in statu suo manentibus partibusque in medio collocatis, quid antiquitas aut veritas habeat</strong> diligenter requiratur; &amp; sic dimittendum est judicio Episcoporum.</td>
</tr>
</tbody>
</table>

The *Dialogus*'s clear and heavy dependence on papal decretals is of significant literary and historical importance, and should be explored further. From a literary point of view, it is particularly interesting how the author dips in and out of these ancient legal letters seemingly on a whim, weaving ancient papal pronouncements into the living law of his own day. The *Dialogus*'s use of papal letters also offers the possibility of identifying the canon law collection(s) used by the author, and may thus reveal something significant about the types of canonical books that were available for study in the author’s vicinity. Closer examination of the decretal sources used will be needed before this can be done, however. Such an examination cannot be carried out here, though it can be noted in passing that while DSIR.384.255, DINN.401.303, DLEO.440.544, and DGEL.492.636 can all be found in both *Coll. Quesn.* and

I am happy to report that Dr. Ryan has identified several additional conciliar and literary sources for the *Dialogus*, which he kindly shared with me after I had already completed this chapter. The conciliar sources are: CROM.502 (in *Cassiodori senatoris variae*, ed. T. Mommsen, MGH Auct. ant. 12 [Berlin, 1894], 446, lines 5–6: ‘inefficax ... anathema’) for *Dialogus* c. 11; CCAR.419.5 (Dion.I/II: ‘non est ferenda sententia’) for *Dialogus* c. 13; and CANT.328.6 (Dion.I/II: ‘haec autem definitio maneant circa laicos et presbyteros et diaconos omnesque qui sub regula esse monstrantur’) for *Dialogus* 7. These source identifications add to the evidence in favour of Ecgberht having used *Coll.Dion.II* as a source for the *Dialogus*. That Ecgberht used language from Pope Symmachus’s CROM.502 in his *Dialogus* is interesting in itself, for the acta of this council were not transmitted very widely, though they are found in the *Dionysiana Bobiensis* (on which see Appendix I) and in certain versions of the enlarged *Coll.Dion.II* and *Coll.Dion.-Hadr.* (Vat. Lat. 5845; Rome, Vall. A.5; Paris, Lat. 11710 and 8921). It also interesting that the passage from CROM.502 used by the *Dialogus* comes from Odoacer’s edict, and is in fact the very part of that edict (read out at the council by *deacon* Hormisidas) that CROM.501 was called to invalidate in the first place!

That this same pattern of composition—which the author tightly weaves together passages from various decretal letters—can be seen both in the body of the *Dialogus* and in the preface is strong evidence in favour of the integrity of the whole. I mention this only in response to the argument that the preface might have been added to a ‘copy of an already existing work’, which is an argument Ryan seems to want to ascribe to Bullough: see Ryan, ‘Archbishop Ecgberht’, 47 (with quotation). This seems to be a misunderstanding on Ryan’s part of Bullough’s two-fold interpretation of the *Dialogus'*s preface: see Bullough, *Alcuin*, 230. For my response to Bullough’s interpretation, see below, Appendix III n. 80. Incidentally, the evidence that argues for the originality of the preface also argues for the spuriousness of the sixteenth *responsio*, which (in addition to its other oddities) does not evince the same sort of dependence upon papal law as does the rest of the *Dialogus*. For further on this, see below.

That the following is a small point, but one worth making in the present context. In his poem on *The bishops, kings, and saints of York*, Alcuin describes the contents of the library at York during his youth, mentioning ‘Illic invenies veterum vestigia patrum ... Quidquid Gregorius summus docet et Leo papa’ (ed. Godman, 122, lines 1536–1544). Alcuin could here be referring to a collection of Pope Leo’s letters; see Lapidge, *Library*, 40–1 and 230. In the latter case, it is not impossible that Alcuin was remembering seeing at York a copy of *Coll.Quesn.*, which, given its sizeable complement of Leonine letters, could conceivably be described as a collection of that pope’s works. It is, in any case, somewhat puzzling that, with the possible exception of this single entry, Alcuin’s poem says nothing about the canonical books that must have been housed in the library at York—a library that, according to Lapidge, held ‘some hundred volumes’ in Alcuin’s lifetime.
Appendix III

Coll.Sanb., DANA.496.744 and DINN.401.317 cannot be found in either of these collections; moreover, Emperor Honorius’s rescript to Pope Boniface I is not in Coll.Quesn., and DSIR.384.260 is found in only one Coll.Sanb. witness, namely C2. All of these decretals except DSIR.384.260, however, are found in Dionysius’s collection of decretals, and consequently in several derivative collections. One such derivative collection is Coll.Hisp., which, interestingly, does contain DSIR.384.260; however, since there seem to be no other signs that Coll.Hisp. influenced the Dialogus (for example, no Iberian councils are quoted), Coll.Hisp. can probably be discounted as a source. Instead, it seems a reasonable to conjecture that the author had access to a copy of Coll.Dion.decr., a collection that, though prepared independently by Dionysius, came to be transmitted almost invariably as an appendix to Coll.Dion.II. Here it may be recalled that D15, a fragmentary copy of Dionysian decretals, was imported to Würzburg, probably from the area of the Anglo-Saxon mission ca 800; and Bernhard Bischoff’s detection of Northumbrian influence in D15’s script is particularly tantalizing in this connection. The Dialogus’s use of DSIR.384.260 might be explained by the author’s having had additional access either to Coll.Quesn. or to C2’s exemplar, or simply by having access to an augmented version of Coll.Dion.II, perhaps like that used by the Canterbury glossators under Theodore. In any case, should the Dialogus indeed prove to be Ecgberht’s work, this would mean that a significantly large decretal collection was available at York ca 750. More importantly, it would stand as an impressive demonstration not only of Ecgberht’s canonical expertise, but of his skill at adapting ancient canon law to the very different and challenging (and in many ways still nascent) socio-political circumstances of the Northumbrian church.

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73 Note, however, that DGEL.492.636 is not found in C2.
74 On the absorption of Dionysius’s decretal collection into Coll.Hisp., see Jasper, ‘Decretal tradition’, 36. DSIR.384.260 is also found in certain versions of the enlarged Coll.Dion.II.
75 On Dionysius’s decretal collection see Chapter 4.
B) Structure and identities

Equally interesting as the ways the Dialogus conforms to the decretal genre are the ways in which it differs from or falls short of it. The sixteen questions (called consulta in the preface, and individually titled interrogationes in the text) that serve to prompt the author’s responsiones are not simply excerpts from an interlocutor’s previous letter, but rather appear to be formulations of the author’s own. This important yet apparently overlooked fact is most obvious in the Dialogus’s eighth interrogatio:

Now consider: should a monk involve himself in any impious intercourse, does the right of vengeance for the crime belong to the relatives?  

Although the sixteen interrogationes in the Dialogus purport to represent the exact words of the person(s) posing the question—for they are all cast in the second person—the eighth interrogatio’s ‘now consider’ (‘nunc persequamini’) is a clear indicator that these questions are fictive to some degree. In particular, the ‘nunc’ here refers to a logical progression, a conversational back-and-forth, that is present in the Dialogus itself but would not have existed (nor indeed made any sense) in an original interrogating letter—that is, in the hypothetical relatio from which the author of the Dialogus supposedly drew the interrogationes. Thus, a portion (perhaps even the entirety) of the eighth interrogatio, while probably based on an authentic question originally expressed by a real interlocutor, shows signs of having been worked over by the author of the Dialogus; the language has been changed, and a new conversational logic has been introduced so as to bring the interrogatio into line with the Dialogus as a whole. A similar sort of authorial intervention in the way questions are phrased can also be seen in the eleventh, thirteenth and fourteenth interrogationes, where one finds the interlocutor asking ‘Quid ad hæc dicitis? quoniam...’, ‘...: vestra sanctitas quid de hoc judicat?’, and ‘Quid ad hæc dicimus;

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78 Ed. Ware, Epistolæ duæ, 99: ‘Si quis monachorum sacrilega se contagione miscuerit, vindicta quidem sceleris si [utrum emendit Ware] pertinet ad laicos qui sunt eorum propinquii, nunc persequamini.’

79 This phenomenon is in fact unknown in papal decretals. While it was not uncommon for decretals to rephrase the questions of the pope’s correspondent (see, e.g. DSIR.384.255, or the exchanges between Boniface and Pope Zacharias represented by the Bonifatian Epistolae 50–51 and 86–87), actual direct quotation of these questions seems never to have occurred. To my knowledge, the one exception is the so-called Q/A and Letter versions of the Libellus responsionum, both of which are, as I argue in Appendix I, later worked-over versions of Pope Gregory’s original rescript, which is represented most faithfully by the Capitula version.
si quis ...’ These are the expressions of an interlocutor forming his questions ex tempore, rather than via written consulta directed to the author (as part of a longer, now lost letter, or relatio) without benefit of knowing how he would respond to each query. It is as if, despite the preface—which clearly introduces the work as a letter—the actual substance of the Dialogus purports to be a faithful record of a face-to-face conversation between the author and his anonymous correspondent. In so far as it narrates an (at least in part) fictional conversation, then, the Dialogus does have something of the character of a medieval dialogue.

The fictional nature of the exchange between interlocutors in the Dialogus has interesting implications for understanding how the preface relates to the work as a whole. In the preface, the author of the Dialogus addresses an unnamed prelate (‘tuam venerabilem petimus sanctitatem’, etc.) who is quite clearly not the same person who is framing the interrogationes in the rest of the text. In other words, the preface addresses an anonymous prelate (call him ‘Y’), while the body of the work purports to be a recorded exchange between the author and an anonymous interlocutor (call him/them ‘Z’).\(^80\) This separation between the identity of Y and Z is implicit in the preface, where the author describes the ‘responsa’ that will follow not as answers to questions originally posed by Y but as matters ‘to which we, backed by the highest authorities, have turned our episcopal providence’.\(^81\) This seems to indicate that the answers supplied address affairs that have arisen locally, and quite naturally within the course of the author’s own episcopal career. Indeed, that the interrogationes (or ‘consulta’, as they are called in the preface) are questions arising independently of Y is the only way to make sense of the author’s request (in

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\(^80\) This can be the only way of interpreting the text. Bullough, Alcuin, 230, suggested that the preface could be interpreted in two ways: ‘as being directed by the unknown questioner [Z] ... to the archbishop [i.e. the author], who had perhaps previously answered the queries orally but is now invited to confirm or modify his answers, or else as an invitation by Egbert to a fellow-bishop [Y] to approve or comment on the suggested responses.’ The latter interpretation seems to accord with what I am suggesting here. The former interpretation, which identifies the author of the preface with Z, while an interesting suggestion, can be discounted on the grounds that the author of the preface uses the singular address throughout (‘tu’, ‘suspicias’, etc.) while Z, that is the voice of the interrogationes, addresses the author in the plural. The significance of this will be further considered below, but it at least proves that Z could not have been the author of the preface. Moreover, it will be seen from their verbatim reliance upon ancient papal decretals that the author’s responsiones are not faithful records of answers previously provided orally, but rather considered, deliberate responses composed in a study or library that provided direct access to the works quoted. The ‘unusual vocabulary’ noticed in the preface by Bullough, Alcuin, 230, can be explained as the result of dependence upon the older decretal material, and is another indication that the author of the preface and the author of the body of the Dialogus are the same person (cf. above, Appendix III n. 71).

\(^81\) Ed. Ware, Epistolæ duæ, 91: ‘ea quae sacrorum apicum attestatione, ad Pontificalem providentiam à nobis directa sunt’. 
the preface) that Y, ‘being a deeply perceptive judge, not shy from inserting more useful [answers]’: the author would not have invited Y to augment his responsiones, if the interrogationes were Y’s to begin with! Three persons are therefore to be identified in the Dialogus: the author, in whose voice the preface and the responsiones are written; Y, to whom the whole work is addressed in the form of a letter; and Z, with whom the body of the text purports to be the author’s dialogue.

One naturally ventures to speculate as to the identity of each of these three persons. First, it is clear from the preface’s request that Y should augment or suppress whatever he likes, that Y is considered by the author to be either his equal or superior, in knowledge of the law if not also in rank. That the preface addresses Y as ‘tuam venerabilem ... sanctitatem’—a metonymic address that seems to go beyond the dictates of the humility topos—also suggests Y’s superior rank. Ware believed this particular form of address to be characteristic of letters written in the Anglo-Norman period, but whether or not this is true remains to be seen. Assuming for the moment that this is in fact Ecgberht’s work, one notes that the terms of respect used by the author in the preface would seem to support the hypothesis that Y was either Cuthberht, archbishop of Canterbury (740–760) or St Boniface, ‘legatus Germanicus catholice apostolice Romane ecclesiae’. But this is mere speculation. It is hazardous in the extreme to venture a guess as to the identity of Y before any more information as to the date and place the document was authored has been secured. Suffice it to say for now that Y seems to have been the author’s ecclesiastical superior.

82 Ed. Ware, Epistolæ duæ, 91–2: ‘quasi subtilissimus interpres utiliora inserere non dedigneris’.
83 Note too the author’s request for (it seems) Y to confirm or sanction the material contained within the Dialogus: ‘post informationem eorum quæ ad te missa sunt verborum, Beatitudinis tue consilia nobis litterarum characteribus insinuare cupimus; quatenus vicissim mebranis discurrentibus, unum atque id ipsum sentiamus vinculis Charitatis innexi’ (ed. Ware, Epistolæ duæ, 92).
84 Ed. Ware, Epistolæ duæ, 91. Note that this is the same address used by the anonymous interlocutor(s) in the thirteenth interrogatio to address the author of the Dialogus; and it is similar to the address used in the twelfth interrogatio (‘vestra unanimitas’). For further on the identity of the interlocutor(s), see below.
85 Ware, Epistolæ duæ, 131: ‘Occurrir vox Sanctitas hoc sensu, post ipsum Normannorum in Angliam adventum, uti videre est in l. 2. & 3. Epistolæ Anselmi Cantuariensis Archiepiscopi.’
86 This is the title adopted by Boniface in a letter to Cuthberht (Epistola 78).
The question of the identity of Z, while involving just as much uncertainty, at least reveals a more definite picture of the author’s episcopal role. As already mentioned, the author’s claim in the preface that the answers are ‘ea quae ... ad pontificalem providentiam a nobis directa sunt’, indicates that the author held the office of either bishop or (perhaps less probably) archbishop.\(^{87}\) It further suggests that what he is providing are well thought out responses to a series of cumulative \textit{ad hoc} questions that have arisen within his diocese/province, probably by way of dilemmas either he or his subjects (abbots, priests and possibly other bishops) have encountered over the years. It seems entirely possible, therefore—especially given the partly fictional character of the \textit{interrogationes}—that the voice of Z is a personification of the aggregate experience of both the author in his role as bishop, and the ministers working under him, a sort of corporate diocesan identity that Boniface was wont to refer to as a ‘synodus’.\(^{88}\) Thus, the \textit{Dialogus} may have originated as more of a collaborative or communal work than a private document. If so, it would be fair to speculate that the questions and answers discussed therein may loosely represent matters discussed at a diocesan or provincial synod (in the traditional sense of the word), one that may have been presided over by the author himself.

In considering the possibility that the \textit{Dialogus} had its origins in a synodal context, it is worth questioning whether the plural grammatical number adopted by the author in the preface (‘petimus’, ‘nobis’, ‘cupimus’, ‘sentiamus’, ‘proponimus’) may be due to more than just his nosism. It could be that the author speaks on behalf of his entire diocese, and is reporting to Y not his own personal decisions, but rather the decisions reached corporately by his ‘synodus’. Other language used in the \textit{interrogationes} supports this view. For example, the fifth \textit{interrogatio} is asked by a plural subject (‘we’), revealing the identity of Z to be corporate (a synodal

\(^{87}\) That the author was probably a bishop, as opposed to an archbishop, is suggested by the fact that crimes and sins committed by bishops receive no attention in the \textit{Dialogus} whatsoever. Except as agents of punishment, or as figures to be consulted or paid compensation, bishops are only mentioned once in the \textit{Dialogus}, in the first \textit{interrogatio}. Interestingly, the author does not address bishops specifically in the corresponding first \textit{responsio}, but mentions only presbyters, deacons and monks. It should be acknowledged, however, that while \textit{episcopi} are scarcely mentioned in the \textit{Dialogus}, \textit{sacerdotes} (a class that can include bishops) are occasionally referred to throughout the text, e.g. in c. 3 (‘per negligentiam sacerdotum) and c. 5 (‘usurpato nomine sacerdotis’). Note that it is clear from c. 15 that by \textit{sacerdos} the author could mean both bishops, presbyters and deacons. Note too that ‘clerici’ are also mentioned in c. 7.

\(^{88}\) See Appendix II.
The author too is addressed consistently by Z in the plural (see *interrogationes* 8, 10, 11, and 16). As a matter of common courtesy when addressing someone of superior rank, this would not normally be noteworthy. Once, however, in the seventh *interrogatio*, the phrase used by Z is ‘quid de his, Carissimi, decernitis?’. If Y’s use of the plural when addressing the author were simply a function of polite deference, then one would expect ‘carissime, decernitis’; but the plural vocative ‘carissimi’ suggests that Z is here using a ‘true’ plural, and is therefore addressing multiple people (a body of suffragan bishops?). To be sure, it would be hazardous to lean too much on the evidence of ‘carissimi’ here. Yet all told, the language of the *Dialogus* does suggest that the questions therein originated not within a private epistolographical context, but rather within a corporate, possibly a synodal, setting. It is worth mentioning in this light the suggestion by Martin J. Ryan that certain correspondences in phrasing between the *Dialogus* (especially the sixteenth *responsio*, on ember fasts) and the canons of CCLO.747 may suggest that ‘Ecgberht had access to a copy of the Clofesho canons and aspects at least of the *Dialogus* were intended as a response to it [viz. the council].’ It would be impossible on current evidence to prove this connection with certainty; however, if it does turn out that the *Dialogus* has some direct relationship with (and perhaps even answers to) the canons issued by CCLO.747, then a natural inference would be that the *Dialogus* preserves traces of a hitherto unknown Northumbrian church council.

**The linguistic and historical evidence**

It has so far been shown that: 1) the *Dialogus* takes the form of a letter sent by a bishop to another prelate (‘Y’) of equal or greater status; 2) the *ad hoc* legal and canonical issues addressed...

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90 Especially if, as has been suggested, the author of the *Dialogus* manipulated the wording of the *interrogationes* in order to smooth out the narrative of the text. Not to mention the fact that ‘carissimi’ and ‘carissime’ are, scribally speaking, very similar readings, and one could easily have been copied instead of the other.

91 Ryan, ‘Archbishop Ecgberht’, 49 with n. 29; see also p. 57.

92 Though it may be tempting to do so, especially given the preface’s request for confirmation by an apparently superior prelate, I would not suggest that the *Dialogus* is a sort of synodal letter. For one thing, the *Dialogus* lacks anything like a record of synodal *acta*, which it would doubtless have if it were the official record of a synodal session.
in the *Dialogus* represent an accumulation of practical knowledge gained by the author over the course of his episcopate; and 3) the actual language of the *interrogationes*, while ultimately owing to the genius of the author, very probably originated with actual questions raised by the author’s ecclesiastical subjects (‘Z’), possibly within the context of a diocesan synod. These determinations can, in combination with linguistic and other evidence, be useful in helping to locate the time and place in which the *Dialogus* was composed.

No evidence, linguistic or otherwise, has yet been adduced as proof that the *Dialogus* originated in Northumbria. Several studies, however, have claimed to find linguistic evidence that suggests it was written in England in the eighth century.\(^{93}\) Unfortunately, none of these studies has been very detailed (the *Dialogus* is always discussed in passing); moreover, each has put the proverbial cart before the horse by assuming in the first place that the document is an eighth-century Northumbrian product, and then by adducing certain of its phrases in support of this assumption. The findings of such studies (at least as they pertain to the dating of the *Dialogus*) are therefore to be treated with circumspection. Nevertheless, they have usefully identified a handful of economic terms used by the author of the *Dialogus*—in particular *siclus*, *argenteus*, *manens*, *tributarii*—that may help to date the document. Unfortunately, the first three terms probably cannot be taken as diagnostic of eighth-century Anglo-Saxon diplomatic. *Siclus* and *argenteus*, meaning ‘shekel/shilling’ and ‘silver piece’ respectively, were commonly used throughout the early medieval period (including early Anglo-Saxon England), the former especially so since it occurs frequently in the Old Testament.\(^{94}\) The third term, *manens*, is a variant form of *mansus*, ‘manse’, a unit of land measurement that, again, was commonly used throughout the medieval period.\(^ {95}\) Only the fourth term, *tributarii*, traditionally translated ‘hides’ or ‘plough-lands’ (also a unit of land measurement), may be unique to or predominant in Anglo-

\(^{93}\) See, e.g., D. Whitelock, ed. and trans., *English historical documents. Vol. I: c.500–1042*, second edition (London, 1979), 76, H.M. Chadwick, *Studies on Anglo-Saxon institutions* (Cambridge, 1905), 21, 104 and 150, and Bullough, *Alcuin*, 142. Note that a certain unverified remark made by Ware (see above, Appendix III n. 85) would seem to suggest that some of the language used in the *Dialogus* dates to no earlier than the eleventh century.


\(^{95}\) See Chadwick, *Studies*, 43–4, 140, and 244 (n. to p 243).
Saxon England. This term is used widely in Anglo-Saxon charters dating to the eighth century, but seems to have fallen out of use afterwards. The occurrence of *tributarii*, then, seems strong evidence that the *Dialogus* was composed no later than the eighth century. Recall that an eighth-century date accords with what was suggested above about the great age of the document based on the degree of scribal corruption apparent in the surviving manuscript text.

Source study, too, seems to support a very early date, since none of the sources discovered so far dates later than the fifth century. However, if the author did (as is suggested above) make use of Gregory’s *Libellus responsionum* as a model, then this puts the *terminus post quem* for the *Dialogus* at 600. One should note too that, if Bullough is correct in identifying one of the sources of the twelfth *responsio* as PTHU.700.1,4,5, then this would date the *Dialogus* to the eighth century or later—but the correspondences here are rather loose. But the source evidence that is perhaps the most significant for dating the *Dialogus* is its use of the rescript of Emperor Honorius to Pope Boniface I. This same rescript was used extensively in a letter written in 773 by King Alhred of Northumbria and his queen, Osgifu, and addressed to Lull, archbishop of Mainz. The letter was written seven years after the death of Ecgberht, who was Osgifu’s great uncle by virtue of her father, King Oswulf, who was son of King Eadberht

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96 See Chadwick, *Studies*, 412.

97 Cf. Bullough, *Alcuin*, 135 n. 22. The term *tributarii* seems to have been avoided in early Kentish charters, where the term *manens* was frequently preferred. Sawyer nos 42, 43, 44, 46, 47, and 49 use both *manens* and *tributarii*, and all purport to date from the eighth century, but all also pertain specifically to Sussex (cf. also Sawyer no. 1183). Two seventh-century Wessex charters (Sawyer nos 230 and 232) also use the term *tributarii*, as do four eighth-century Hwicce charters (Sawyer nos 53, 58–60). The term also occurs occasionally in seventh and eighth-century Mercian charters (Sawyer nos 70, 122, 132, 185). After of the eighth century, *tributarii* is used very sparingly. It is used, e.g. in two charters of King Æthelred II (Sawyer nos 874 and 892); but, then, Æthelred’s chancery was fond of inserting purple, archaizing phrases into their royal documents.

98 Bullough’s suggestion (*Alcuin*, 231) that Gregory’s *Registrum* served as a source for the fourteenth and fifteenth *responsiones* has been shown by Ryan, ‘Archbishop Ecgberht’, 45–6, to be incorrect.

99 Or indeed even later (perhaps ca 680), if certain suggestions made in Appendix I about the late arrival of this text in England prove true.

100 Bullough, *Alcuin*, 142. I presume Book 1, c. 4.5 is the article to which Bullough refers, as he is not specific.

101 See above, *Table* 13.

102 See *Epistola 121*, ed. Tangl, who did not notice that the first eight lines of this letter are patterned off of Honorius’s rescript.
(Ecgberht’s brother). This proves that at least one of the canonical documents used in the *Dialogus* was well known to individuals within Ecgberht’s Northumbrian circle. It does not seem too brash to speculate that Osgifu and her husband had come to know this rescript through the good offices of her uncle Ecgberht.

Certain other aspects of the *Dialogus* also suggest composition during the eighth century, and some even point to a Northumbrian context. For instance, Ryan has noted that the author very probably had an eighth-century Northumbrian context in mind when, in his twelfth *responsio*, he discusses how legal composition should work in situations where nobility hold high ecclesiastical or religious office. Moreover, the *Dialogus* was clearly written at a time when lay ownership of monasteries was common; that the author speaks so candidly about the fact, with no apparent disapproval of the practice, would seem to date the document quite early and, again, possibly to Northumbria, where lay ownership of monasteries was particularly common in the eighth century. In fact, perhaps the only evidence that might possibly be used to argue against eighth-century composition is that public penance is expressly mentioned twice in the fifteenth *responsio*, whereas PTHU.700.1,13.4 famously claims that ‘Reconciliatio ideo in hac provincia [Northumbria] publice statuta non est quia et publica penitentia non est.’ But the apparent contradiction here is entirely explainable. In both instances where it mentions public penance the *Dialogus* is quoting verbatim from papal letters, namely DGEL.492.636 and DLEO.440.544; the references to public penance in the *Dialogus* are therefore probably nothing more than the result of the author staying close to the wording of his sources. It seems,

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103 For Osgifu’s parentage, see D.P. Kirby, *The earliest English kings* (London, 1990), 127.
106 Since this canon is found only in the *discipulus*’s redaction, these are most certainly his words, and not those of Theodore’s. Cf. Finsterwalder, *Die Canones Theodori*, 158–63.
108 See Table 15, above.
therefore, that all signs point to eighth century authorship, while several also point to Northumbria as the most likely place of origin.

**The *Dialogus*: an Ecgberhtine document**

The question of whether or not Ecgberht was the author of the *Dialogus* may now be explored directly. Evidence against Ecgberht’s authorship is in fact slim, and seems to reduce primarily to the fact that Wulfstan, himself an archbishop of York from 1002 to 1023, did not associate Ecgberht’s name with the *Dialogus.*\(^{109}\) Conversely, a considerable amount of circumstantial evidence points to Ecgberht’s authorship as likely. As has been seen, linguistic and source evidence suggests that the *Dialogus* was composed in eighth-century Northumbria. As a document that makes claims on the rights and discipline of not only clergy and religious, but the laity as well, the *Dialogus* was a bold statement about the privileged legal position of spiritual leaders within a recently-Christianized society. As Henry Mayr-Harting no doubt rightly noted, ‘It is inconceivable that the *Dialogus* could have been put into effect or even issued without royal approval’.\(^{110}\) Few if any would have been better situated politically to have composed such a document in eighth-century Northumbrian than Ecgberht, whose collaboration with his brother King Eadberht ‘posed a concentration of secular and ecclesiastical power in the hands of one family such as had not been seen in any Anglo-Saxon kingdom’.\(^{111}\)

One in fact comes very close to finding positive evidence of Ecgberht’s authorship of the *Dialogus* in its fifth *responsio*. This *responsio* addresses with striking specificity a question that

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\(^{109}\) No importance can be attached to the objection to Ecgberhtine authorship proposed by Mansi, ed., *Conciliorum*, XII, cols 411–12. Mansi’s objection was based on a discrepancy between the *Dialogus* and the *Scriptboc* concerning the subject of rebaptism; but the *Scriptboc* is no longer considered to have been authored by Ecgberht. I am as yet unsure as to the significance of the fact (mentioned above, Appendix III n. 87) that the *Dialogus* nowhere treats of infractions by *episcopi*, as one might expect it to if the author was in fact Ecgberht, whose years spent as a bishop are vastly outnumbered by the decades he spent as archbishop of York (Ecgberht was bishop of York from 732/3 until 735, and archbishop from 735 until his death in 766; see D. Rollason, ed. and trans., *Symeon of Durham, Libellus de exordio atque procursu istius, hoc est Dunelmensis, ecclesiae* [Oxford, 2000], 83 n. 13). This potential objection may be rendered moot, however, by the fact that the *Dialogus* does refer repeatedly to *sacerdotes* and *clerici*.

\(^{110}\) Mayr-Harting, *Coming of Christianity*, 252.

\(^{111}\) Story, *Connections*, 50.
Boniface once put to Ecgberht regarding the validity of the ministry of lapsed clerics. In a letter Tangl dates to 747×754, Boniface informed Ecgberht that:

A great need compels me to seek the judgement of your counsel. For I have discovered a presbyter who long ago fell to fornication, and has after penance been restored again by the Franks to the office of his grade, and who now dwells in a large community of faithful yet errant believers, where, since there are no other priests, he alone celebrates the solemnities of mass and administers baptism. Now, if I, [acting] according to just canons, should depose him, [those] infants will, on account of the scarcity of priests, die without the sacred font of regeneration, unless I have a better man to replace the former. Judge therefore, for me and for the errant people, whether it be better (or at least less wicked) that such a man should perform ministry at the holy altar, or that a multitude of people die as pagans because they cannot find a more chaste minister. Consider further: if I find among the multitude of priests one who has fallen to the same fault and has once more been restored to his prior grade through penance, and in whom the entire priesthood and all the people have placed their confidence—if he should [then] be degraded, his secret sin would be revealed, the people would be scandalized, and through this scandal many souls would be lost, and there would be a great hatred of priests and distrust of the ministers of the church, so that they would all be scorned as deceitful unbelievers. For this reason I have boldly presumed to suffer and cooperate with this man as he persists in his divine ministry, judging the uncertain peril and audacity of [this] one man to be less [dangerous] than the ruin and perdition of the souls of almost the entire people. But on all of these issues do I earnestly desire to hear and see through writing your holy counsel as to what, given the situation, I should forebear in order to avoid scandal, or what I should stand against.112

112 Boniface, Epistola 91, ed. Tangl, p. 207 line 26–p. 208 line 24: ‘maxima nos cogit necessitas vestri consilii iudicium inquirere. Nam dum invenero presbiterum iam ante multa tempora lapsum in fornicationem, et post pe nitentiam in officium gradus sui a Francis iterum restitutus est et nunc habitans in latissimo pago fidelium, sed errantium populorum sine alis sacerdotibus solus ministrat baptismum et solemnia missarum celebrans: modo autem, si talem secundum iustissimos canones abstulero, morientur sine sacro regenerationis fonte infantes propter raritatem sacerdotum, si meliorem ad restaurandum prioris lapsum non habuero. Iudicate ergo inter me et inter
Appendix III

In terms of the sorts of practical difficulties he faced in his efforts to reform the Frankish church, the problem outlined by Boniface here is far from an isolated instance; questions about what sort of sins disqualify a man from holy orders, and particularly about what sorts of irregularities make baptism invalid, literally fill the corpus of Bonifatian correspondence.113 Questions about the status of lapsed clerics in fact remained unsettled and highly controversial throughout the early Middle Ages.114 As Catherine Cubitt notes, ‘Boniface’s worries over the rebaptism of those improperly baptised ... may reflect English rulings since rebaptism was permitted in two clauses of Theodore’s Penitential’, namely in PTHU.700.1,5.6 and 1,9.12.115 Given the gravity of the

populum erroneum, utrum melius sit vel saltim minus malum, utrum talis ministerium sancti altaris impleat, an ut pagana moriatur multitudo populi, quia castiorem ministerium habuerunt, et si ille modo degradatus fuerit: secretum peccatum revelatum fuerit et scandalizaverit multitudine peribunt anima, et detestatio erit maxima sacerdotum et diffidentia ministrorum ecclesiae, ut omnes perfidos nulli credentes despectui habeant. Quam ob rem audacter presumpsimus patientes et consentientes illum in ministerio divino persistere existimantes levius esse dubium unius hominis quam ruinam et perditionem animarum pene totius populi. De istis autem universis quid mihi sustinendum sit, necessitate cogitans omnia scrupulosae verbi videre et audire omnino desidero.’

113 On the difficulties Boniface encountered in Francia regarding baptism—specifically what makes a baptism invalid, when if ever it should be repeated, and what is the nature of the spiritual kinship that results from baptismal sponsorship—see Tangl’s Epistolae 32, 33, 34, 45, 68, 80, as well as these studies: CED, I, 153–54; Lynch, Godparents, 244–51; Goody, Development of the family, 197–98; J.H. Lynch, Christianizing kinship: ritual sponsorship in Anglo-Saxon England (Ithaca, NY, 1998), 162–67; Jussen, Spiritual kinship, trans. Selwyn, 15–7 and 36; and Glatthaar, Sakrileg, 484–90. That Boniface consulted English ecclesiastics (among them Egcbert, Nothelm, Dudo and Pehthelm) on these subjects at least as often as he consulted the bishops of Rome (namely Gregory III and Zacharias—who often felt the need to correct Boniface on these issues), not only reveals Boniface’s faith in the canonical knowledge of his English compatriots, but may also suggest the extent to which he found these two authorities to differ on canonical issues.

114 See the discussion in Kottje, Die Bußbücher, 216–40, and Reynolds, ‘“Isidian” Epistula ad Massonom’, esp. 78.

115 Cubitt, ‘Wilfrid’s “usurping bishops”’, 86 n. 87, where she further notes that the discipulus has ‘added notes to the effect that these [rulings] contravene the canons’. These added notes are interesting, and illustrate some of the difficulties the discipulus encountered in trying to reconcile supposedly Theodorian material with the ecclesiastical customs of his own land. It is therefore worth quoting these penitential canons here in full (with the discipulus’s comments in italics): PTHU.700.1,5.6, ‘Si quis baptizatur ab heretico qui recte trinitatem non crediderit iterum baptizetur. Theodorum dixisse non credimus contra Nicene conciliae concilium et sinodi decreta sicut de Arrianis conversis trinitatem non recte credentibus confirmatur’; PTHU.700.1,9.12, ‘Si quis ordinatus est per ignorantiam antequam baptizetur debeat baptizat qui ab illo gentilibi baptizati fuerint et ipse non ordinetur. Hoc iterum a Romano pontifice sedis apostolicae alter iudicatum esse aderetur ita ut non homo qui baptizat licet sit paganus, sed spiritus dei subministret grattiam baptismi. sed et illud de presbitero pagano qui se baptizatum aestimet fidem catholicam operibus tenens alter quoque iudicatum est, alias haec iudicia habent id est ut baptizetur et ordinatur’.
Appendix III

problem, it is significant that Boniface consulted Ecgberht on the issue. While (as noted earlier) Ecgberht’s response to Boniface is now lost, it is striking that most of the issues raised by Boniface are dealt with directly in the *Dialogus’s* fifth chapter. The *interrogatio* to this chapter asks ‘How should we regard sacred ministries that a corrupt presbyter discharged before he was condemned, or that he rashly performed after being condemned?’ The answer supplied by the *Dialogus* runs:

We do not believe that ministries performed by someone who is un-ordained but has nevertheless usurped the name of *sacerdos* ought be set aside, so long as the people were unaware [of the fact]. For he whose guilt is known only to himself has caused no harm to others by administering good [offices] badly. But how can perfection be imparted to him who is aware of the unexpurgated offenses and nevertheless has been a participant [in the ministries] of the condemned man, in whom there was no perfection? What can he receive, given that [the false *sacerdos*] could not give what he did not have? Surely, through his bad offices he imparted what he had, such that the participant incurs a similar sentence of excommunication. Now, this is not to be understood concerning baptism, which ought not to be repeated; however, other ministries that are given by an unworthy man seem invalid.

This *responsio* deals with essentially two cases: one in which the offending minister’s guilt is secret; and one in which his guilt is known (or known at least to some). Both situations were considered in Boniface’s letter, and it was in fact advice on how to balance between the two scenarios that Boniface was seeking from Ecgberht. Moreover, while the *responsio* addresses the subject of all *ministeria*, it is perhaps no coincidence that the *ministerium* of baptism, with which Boniface was particularly concerned, receives specific treatment. The only issue from Boniface’s letter with which this *responsio* does not deal directly is whether it is worse for a people to receive ministry from a single lapsed priest, or from no priest at all. But the *Dialogus’s* fifth

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116 Ed. Ware, *Epistolæ duæ*, 96: ‘Quid habemus de sacris ministeriis quæ ante dampnationem, Presbyter corruptus peregit, vel quæ postèa damnatus inconsultè usurpavit?’

117 I translate according to Ware’s Latin text, but as emended above in Table 14.
responsio makes it clear, at least implicitly, that this is a false dichotomy. According to the Dialogus, the question is really whether the people are aware of the priest’s offense or not: if they are not aware, then they are probably safe; if they are aware, then they are effectively without a priest anyway since his ministry is doing them no good at all, and may in fact be causing them harm. It therefore seems possible that the author of the Dialogus used Boniface’s question as the basis for his fifth responsio and interrogatio. The case for Ecgberht’s authorship of the Dialogus is thus greatly strengthened, to the point where it would now seem overly cautious not to accept the ascription found in Vitellius A. xii.

A coda: the sixteenth chapter

The preceding discussion has deliberately avoided the Dialogus’s controversial sixteenth chapter. Since the authenticity of this chapter has been called into question, it seemed best to attempt to build a case for Ecgberht’s authorship without relying upon it at all. Since a strong case has been made for Ecgberht’s authorship, the evidence of the sixteenth chapter can now be examined without prejudice. The chapter is interesting for a number of reasons, not least because it contains revealing facts about the author, that, taken cumulatively, argue strongly in favour of Ecgberht’s authorship. In addition to containing several phrases that refer directly to liturgical practices in the Anglo-Saxon church, the interrogatio of this chapter refers to the author’s ‘universas dilectionis vestræ sedes, & Anglorum Ecclesias’, and the responsio makes reference to a liturgical custom that had been in place in the English church ‘à temporibus Vitaliani Papæ & Theodori Dorobernensis Archiepiscopi’. These two phrases in particular argue strongly for Ecgberht’s authorship of the Dialogus, since they imply: 1) that the author was an archbishop who was active sometime after (though probably not long after) Theodore’s episcopacy; 2) that he was particularly interested in the dating of the ember feasts, a subject covered at length by the eighteenth canon of CCLO.747; but 3) that the author could not have been Cuthberht, archbishop of Canterbury, who presided over that council (since the council and the Dialogus disagree on

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118 Ed. Ware, Epistolæ duæ, 108, 113.
the number and the timing of the ember feasts). From these data it is—as before—difficult to imagine a more likely candidate than Ecgberht for the author of the Dialogus.

Arguments against the authenticity of the sixteenth chapter are in general unconvincing. The idea that the sixteenth chapter was a later addition to the Dialogus was popularized by Donald Bullough, who otherwise accepted Ecgberht’s authorship of the work. Bullough noted that the sixteenth responsio implies the author had at one time been in Rome; he thus rejected the chapter as inauthentic because, he claimed, ‘Egbert is not known ever to have journeyed to Rome’. However, as Catherine Cubitt has pointed out, Bede’s letter to Ecgberht in fact proves that Ecgberht had been to Rome on at least one occasion. This is corroborated, moreover, by Symeon of Durham’s report that Ecgberht had been ordained deacon in Rome. Bullough’s scepticism can therefore no longer be upheld, at least not for the reasons he adduced. There are however other signs that the sixteenth chapter may not be authentic. For example, the sixteenth chapter, by far the longest in the Dialogus, treats entirely different subject matter than the previous fifteen chapters of the work. This, combined with its placement at the end, perhaps suggests that the sixteenth chapter was added to the original work at some later time. Moreover, the sixteenth responsio appears not to use any of the same sort of sources used elsewhere in the Dialogus; however, this may simply be due to its treating drastically different subject matter. Finally, the chapter differs markedly in tenor: its frequent references to the ‘Ecclesia Anglorum’ and to English liturgical practices as distinct from the practices in other nations are entirely missing from the rest of the Dialogus. This raises suspicion that these references are the result of

119 There is some discussion of these matters in Cubitt, Councils, 143, and Ryan, ‘Archbishop Ecgberht’, 48–9. Note, however, that Cubitt and Ryan are less concerned with demonstrating Ecgberht’s authorship and more concerned with determining the relationship of the sixteenth responsio to the canons of CCLO.747.

120 Ed. Ware, Epistole duæ, 111: ‘Quod non solùm nostra testantur Antiphonaria; sed & ipsa quæ cum Missalibus suis conspeximus apud Apostolorum Petri & Pauli limina.’


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a self-consciousness attempt on the part of a forger who was all too eager to graft his work on to an older text. Nevertheless, despite the distinct character of the sixteenth chapter, there is so far no concrete proof that it is a forgery. Bullough himself was unable to find anything intrinsically implausible in its supposed description of eighth-century English liturgical activities. It is probably best, therefore, to assume the authenticity of the sixteenth chapter of the *Dialogus* until such time as further evidence is adduced that proves otherwise.

**Conclusions**

The sixteenth *responsio* aside, there is plenty of intrinsic evidence indicating that the *Dialogus* was composed in eighth-century Northumbria; there are, moreover, good reasons to believe that it was composed by Ecgberht himself. This conclusion may seem to state merely what other scholars have been stating for centuries. But the value of the preceding investigation lies in the fact that the case for Ecgberht’s probable authorship was not based on prejudice, circular argumentation, or mistaken assumptions about Ecgberht’s canonical output and reputation. Rather, it took into serious consideration arguments against Ecgberht’s authorship, but found these arguments to be weaker than arguments in favour of authenticity. Just as importantly, the previous study revealed the value of the *Dialogus* to the study of the history of Anglo-Saxon canon law by showing the extent to which the *Dialogus* relies on a host of canonical source material (mostly in the form of papal decretals). This study has therefore helped to lay the groundwork for a re-evaluation of the true nature of Ecgberht’s knowledge of canon law. As already noted, more work needs to be done in sourcing the *Dialogus*; but it already appears as though the author of the *Dialogus* was positively saturated in canonical learning. No other Anglo-Saxon document comes close to evidencing so thorough a knowledge of decretal law. Along with the works of Boniface and Wulfstan of York, therefore, the *Dialogus* can take its rightful place as one of the most sophisticated—and certainly the most unique—canonical documents produced in England during the Anglo-Saxon period.
Appendix IV: Early Roman forgeries in England: the Symmachiana, the Constitutum Silvestri, and the Sylvestrian accusatorial canon

Introduction

The collection of narrative works known as the Symmachiana is the result of the first (successful) attempt in the West to inculcate into the canonical tradition specific legal principals by means of deliberate forgery. Fabricated and distributed severally as ‘popular pamphlets’ to promote Pope Symmachus’s cause following his indictment by the Laurentian party in 501, the Symmachiana collectively purport to describe moments of juridical crisis surrounding popes of the fourth and fifth centuries, crises out of which arose principals of episcopal and papal privilege. Notably, it is in these documents that the later canonical principal of prima sedes a nemine iudicatur finds its earliest concrete expression. The dispute between the Laurentian and


4 See the Codex iuris canonici, auctoritate Ioannis Pauli PP. II promulgatus (Vatican, 1983), 7.1.1, c. 1404; and cf. Gratian, Decretum, C. 9 q. 3 c. 13, ‘Nemo iudicabit primam sedem’. This and similar canonical statements derive ultimately from the Symmachiana, principally from its Const.Sylv. component (SD1–SK1), which claims that ‘Nemo enim iudicabit primam sedem’ (Wirbelauer, Zwei Päpste, 246, line 205). See also: ‘et non damnabitur praesul nisi in LXXII neque praesul summus a quemquam iudicabitur’, also from Const.Sylv. (Wirbelauer, Zwei Päpste, 236, lines 109–10); ‘non licet quemquam accusare pontificem suum, quoniam iudex non iudicabitur’, from the Gesta de Polychronii accusatione (SD1–SP) (Wirbelauer, Zwei Päpste, 276, lines 70–1); and ‘hoc ex uno ore erant conrorbari, ut intra hos LXXII testimonia ipse iudex, ipse reus, ipse semetipsum ea presentia eorum innocentem se
Symmachan parties at Rome—which involved not only Emperor Theodoric but the Roman *plebs* and aristocracy as well, and climaxed in an assassination attempt on Symmachus’s life—very nearly led to a schism in the Western church.\(^5\) While it was eventually healed, the conflict left an indelible mark on the history of Western Christianity, and particularly on the history of Western canon law.

**The transmission of the Symmachiana**

The Symmachian forgeries were transmitted almost exclusively with canon law collections.\(^6\) Peter Landau’s assessment of the evidence, that ‘Die Aufnahme dieser Falschungen in die kirchenrechtlichen Sammlungen is allerdings nur partiell und zögernd erfolgt, so dass man keineswegs sagen kann, dass sie generell im Westen Rechtsgeltung erlangt hätten’,\(^7\) seems too pessimistic. At the root of the tradition stands *Coll.Sanb.* (cc. XII–XVI); of the several witnesses to this collection, the version offered by C2 seems on the whole to be most primitive.\(^8\) By no means, however, is *Coll.Sanb.* the only canon law collection to contain the *Symmachiana*; several other collections also aided in the dissemination of these apocryphal documents.

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throughout the West in the early Middle Ages. For example, the *Symmachiana* enjoyed early transmission with another Italian collection, the *Collectio Vaticana*, which, in addition to the five Symmachian documents also transmitted in *Coll.Sanb.*, includes additional documents (Wirbelauer’s ‘SK2’, ‘SA’ and ‘SB’) from the second ‘Auflage’ of the *Symmachiana* (Wirbelauer’s ‘SDII’) – an edition concocted not long after the original (that is, ‘SDI’, the ‘Auflage’ transmitted in *Coll.Sanb.*). But it was largely through *Coll.Sanb.* that the *Symmachiana* was introduced into Gaul in the seventh century, when, as is discussed in Chapter 5, the derivative *collectiones Colbertina* and *Diessensis prima* were produced, both of which contain SDI in full. The forgeries were notably absent from two other major Italian collections of the early sixth century, namely *Coll.Quesn.* and *Coll.Dion.*; however, various components of the *Symmachiana* later came to occupy important places in both these collections. With respect to the latter, certain versions of the enlarged *Coll.Dion.II* and *Coll.Dion.-Hadr.* came to include portions of the *Symmachiana* during the ninth century, a phenomenon that is probably related to the fact that at this time the Symmachian forgeries entered several witnesses of the pseudo-Isidorian Decretals as well. Carolingian interest in the *Symmachiana* is further evidenced by two late ninth-century witnesses of *Coll.Quesn.* now in the Bibliothèque nationale, both of which

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9 The dossier of Symmachian forgeries contained in *Coll.Sanb.* is designated ‘SDI’ by Wirbelauer and edited by him (with German translation) in *Zwei Päpste*, 228–300. For further on the reception of the Symmachian forgeries, see Vacca, *Prima sedes a nemine iudicatur*.

10 Wirbelauer, *Zwei Päpste*, 66–8, 225; Landau, ‘Gefälschtes Recht’, 19. Note that, according to Wirbelauer (p. 68), SA, SB and SK2 are reworkings of SK1. In all versions of the *Collectio Vaticana* SK1 is replaced by SK2. Wirbelauer considers the authors of SDI and SDII to have been different people (*Zwei Päpste*, 95), though both were apparently *notarii ecclesiae Romanae* with access to the papal archives, who were working on the side of pope Symmachus soon after the Spring of 501 (*Zwei Päpste*, 72).


12 With respect to *Coll.Dion.* the reasons for this will be discussed below. That the *Symmachiana* is absent from all but the latest witnesses to *Coll.Quesn.* likely merely confirms that this collection had an established form well before the Symmachan-Laurentian dispute got under way.

13 For *Coll.Dion.-Hadr.* see Wirbelauer’s MSS B, D, I, L2, M2, O1, R1, V5, and Ve1. The majority of these witnesses transmit the SDI *Auflage* of the *Symmachiana*, though two (D, O1) transmits SDII, and a few (M2, R1, V5, Ve1) transmit both *Auflagen* together. The single witness of *Coll.Dion.II* that transmits the *Symmachiana* (Wirbelauer’s V5) unusually mixes SDI and SDII with a third *Auflage* that Wirbelauer designates ‘LDIII’. This last is in fact a reworking of the SDII material in support of the Laurentian (as opposed to the Symmachian) cause, on which see Wirbelauer, *Zwei Päpste*, 96–9.

14 See especially Wirbelauer’s MSS Ba and Pi.
contain copies of *Const.Silv.* (‘SK1’), the first and most important component of the *Symmachiana.*\(^{15}\) *Const.Silv.* had by this time already gained a popularity all its own, and would continue to be transmitted widely, but separately, from the other Symmachian forgeries.\(^{16}\)

That the *Symmachiana* were excluded from Dionysius’s collections was almost certainly a deliberate choice on Dionysius’s part. For one thing, Dionysius was a scrupulous man, and the forged character of the *Symmachiana* was probably immediately obvious to him, who was resident in Rome during the period in which these documents surfaced. For another, Symmachus’s discrepant method of determining Easter would have been an affront to Dionysius’s own meticulous calculations concerning the date of that most important of Christian feasts.\(^{17}\) More importantly, however, Dionysius seems to have belonged to the camp that opposed Symmachus’s pontificate. In fact, as Wirbelauer and others has attempted (I feel rather convincingly) to demonstrate, *Coll.Dion.I* was likely compiled within the context of the Symmachan-Laurentian dispute as something of legal resource for use by Symmachus’s political opponents.\(^{18}\) If this theory is correct, then the vexed question of when Dionysius produced the

\(^{15}\) Paris, Bibliothèque nationale, Lat. 1454 and 3842A, Wirbelauer’s MSS P_8\(^8\) and P_7\(^7\). Interestingly, these are the only extant copies of *Coll.Quesn.* that bear no discernible signs of Anglo-Saxon influence.

\(^{16}\) See Landau, ‘Gefälschtes Recht’, 19–20, and cf. Wirbelauer’s MSS G, L_3, Mz, N_1, N_3, O_2, P_9, P_10, V_8, V_1, V_9, and V_2, as well as Munich, Bayerische Staatsbibliothek, Clm 4592 and 15821, Paris, Bibliothèque de l’Arsenal, Lat. 679, Paris, Bibliothèque nationale, Lat. 2316, 4281 and 5141, Toulouse, Bibliothèque municipale, 365 (I.9), Vatican, Biblioteca Apostolica Vaticana, Reg. Lat. 1997 (the *Collectio Teatina*) and Vat. Lat. 5748. For further on *Const.Silv.*, see below.


‘Urform’ of his collection can be answered with some confidence: between the years 502 and 506.\textsuperscript{19} The absence of the Symmachiana from the tradition of Dionysian documents is perhaps best seen, then, as a function of the partisanship of Dionysius himself, and not necessarily reflective of any special difficulty that these documents had in finding general acceptance within the greater Latin canonical tradition. If anything, their increased reception in canon law collections after 800, and the wide dissemination of Const.Silv. in particular, speak to the appeal that these Late Antique forgeries—and the canonical principles that they contained—carried throughout the Middle Ages.

The \textit{Constitutum Silvestri} and the Sylvestrian accusatorial canon

Of the five principal Symmachian documents, the one that came to exercise the most influence by far was Const.Silv.\textsuperscript{20} Const.Silv. narrates how, after Constantine was baptised by Sylvester and thereby cured of leprosy, Sylvester, desiring to join the Emperor’s family to the church’s as well as to provide order and rules for those already within it, convoked a synod of 284 bishops at the Baths of Trajan. At this (fictional) synod, and after dealing with certain administrative and doctrinal issues, Sylvester issued eighteen canons concerning various subjects, including the fourfold distribution of church revenues (‘reditus ecclesiae’), the preparation of the chrism, the number of deacons per parochia, the prohibitions of marriage to deacons, the grades of concluding his collection with Pope Anastasius II’s letter (JK 744) to Emperor Anastasius, which recommended adopting a conciliatory policy towards the East and the Acacian schismatics—a policy in direct opposition to the stance of Symmachus, Pope Anastasius’s immediate successor. ‘Das Werk des Dionysius stellte also einen Affront für Symmachus dar und macht deutlich, daß die verhärteten Fronten zwischen Rom und Byzanz dem gegenwärtigen Bischof in Rom anzulasten waren’ (Wirbelauer, \textit{Zwei Päpste}, 134). For criticism of the view that Dionysius compiled his collection in response to the Symmachian-Laurentian dispute—a view that seems to have originated ultimately with Caspar and Schwartz in 1933—see Wurm, \textit{Studien}, 2, 16–20, and Firey, ‘\textit{Collectio Dionysiana}’, nn. 34–5.

\textsuperscript{19} Thus Wirbelauer, \textit{Zwei Päpste}, 121. Wirbelauer further suggests (p. 121) that Dionysius reworked \textit{Coll.Dion.I}—by which he means the archetype of Vatican, Biblioteca Apostolica Vaticana, Vat. Lat. 5845 (s. x\textsuperscript{1/2}, Capua), the \textit{Collectio Bobiensis} and \textit{Coll.Dion.-Hadr.}, all of which (unlike \textit{Coll.Dion.I}) include several documents from Symmachus’s pontificate—in the final decades of Symmachus’s pontificate, ‘zum Zeichen [seiner] Einlenkens’. If this is true, it would help to explain how Dionysius came to be on such good terms with Pope Hormisdas, who was not only Symmachus’s immediate successor but also had been a strong partisan supporter of Symmachus during his pontificate.

\textsuperscript{20} See above, Appendix IV n. 16. The original version of Const.Silv. is that which is transmitted in \textit{Coll.Samb.}; this version is designated ‘SK1’ by Wirbelauer, and is edited in \textit{Zwei Päpste}, 228–46.
ordination, the administration of penance and baptism, and how charges can be brought by or against clergy.\(^{21}\)

The first of pseudo-Sylvester’s canons (numbered ‘cap. 3’ in many manuscripts and editions) has come to be known as the ‘Sylvestrian accusatorial canon’ and is of great importance to the history of canon law in the West.\(^ {22}\) It is, moreover, of considerable significance to the history of Anglo-Saxon canon law. It reads thus:

He [\(i.e.\) Sylvester] set down a hierarchy with respect to synods,\(^ {23}\) such that a presbyter may not bring an accusation against a bishop, nor a deacon against a presbyter, nor a subdeacon against a deacon, nor an acolyte against a subdeacon, nor an exorcist against acolyte, nor a lector against an exorcist, nor an ostiary against a lector. And a bishop [\(praesul\)] shall not be condemned except by [the testimony of] 72, nor shall the highest bishop be judged by anyone, for it is written, ‘the disciple is not above the master.’ \([Lc\ 6:40]\) But a presbyter shall not be found guilty except by the testimony of 44, nor shall a deacon incardinated at Rome\(^ {24}\) be condemned except by [the testimony of] 36; nor subdeacons, acolytes, exorcists or lectors except, just as it is written,\(^ {25}\) by the testimony of seven who have wives and sons and who earnestly preach Christ. Thus is hidden truth made manifest.\(^ {26}\)

\(^{21}\) See Wirbelauer, \(Zwei Päpste\), 73–8.

\(^{22}\) For its place in the history of medieval ordinals, see R.E. Reynolds, \The ordinals of Christ from their origins to the twelfth century\, Beiträge zur Geschichte und Quellenkunde des Mittelalters 7 (Berlin, 1978), 30–1.

\(^{23}\) For \(in gremio\) + gen. as having prepositional force, see Wirbelauer, \(Zwei Päpste\), 229 n. 10.

\(^{24}\) On the term ‘diaconus cardine constructus’ (= the deacon of the pope’s cathedral), see Kuttner, ‘Cardinalis’, 191.

\(^{25}\) The reference seems to be to the famous passage in 1 Tm 3, where a good bishop is described as a ‘unius uxoris virum’ (v. 2) and as ‘filios habentem’ (v. 4). Cf. also 1 Tm 5:19, which has ‘adversus presbyterum accusationem noli recipere nisi sub duobus et tribus testibus’.

\(^{26}\) Wirbelauer, \(Zwei Päpste\), 236–37, lines 105–16: \(‘fecit [hos \(add.\) plurr. codd.] gradus in gremio synodi, ut non presbyter aduersus episcopum, non diaconus aduersus presbyterum, non subdiaconus aduersus diaconum, non acolitus aduersus subdiaconum, non exorcista aduersus acolitum, non lector aduersus exorcistam, non ostiarius aduersus lectorem det accusationem aliquam. et non damnabitur praesul nisi in LXXII neque praesul summus a quemquam iudicabitur, quoniam scribunt [\(sic\)] est: ‘non est discipulus super magistrum.’ presbyter autem nisi in XLIIIII testimonia non damnabitur. diaconus autem cardine constructus urbis Romae nisi in XXXVI non\)
From the sixth century, the accusatorial canon was very frequently transmitted in systematic
canon law collections separately from the rest of the Symmachiana, and even from the rest of
Const.Silv. One of the earliest systematic collections to adopt the accusatorial canon was
Coll.vet.Gall.: several southern-French Coll.vet.Gall. manuscripts include the canon either within
the middle of the collection or near its end, while two from the southern-German class include
it as the very first canon in the collection. It was from Coll.vet.Gall.’s version of the
accusatorial canon that Charlemagne’s Capitula excerpta de canone (Capitulary 47) derived its
concluding passage, and it was from there that the accusatorial canon entered the collections of
Ansegis and Benedictus Levita. By the ninth century the canon had entered into pseudo-

condemnabitur. subdiaconus, acholitus, exorcista, lector, nisi sicut scriptum est, in septem testimonia filios et uxores
habentes et omnino Christum praedicantes. sic datur mistica veritas.’ Cf. C2, fols 78v–79r (= Coll.Sanb. c. XII).

27 On the medieval transmission of the Sylvestrian accusatorial canon (Const.Silv. c. 3), see above all Kuttner,

28 Two witnesses from the same scriptorium in Southern Francia (Albi, Bibliothèque municipale, 38bis [s. ixmed],
and Berlin, Staatsbibliothek Preußischer Kulturbesitz, Phill. 1763 [s. ixin]) contain the accusatorial canon as c. 10 in
Book 63: Mordek, Kirchenrecht, 615–16. In each case, the accusatorial canon is in the company of Coll.Hib. 1.16a,
a canon that has ‘emperor Constantine granting judicial immunity to the clergy’: Reynolds, ‘Unity and diversity’,
109 (with quotation). Another witness of Mordek’s northern French class (though copied presumably in
southwestern Germany), Stuttgart, Württembergische Landesbibliothek, HB VI 112 (s. ix1/4), contains the
accusatorial canon, along with the introduction (c. 1) to Const.Silv., as c. 12a of Book 36: Mordek, Kirchenrecht,
482–83.

29 To be more accurate, Mordek’s MSS EV insert immediately before Coll.vet.Gall. a ‘kleine
Kirchenrechtssammlung’ that begins with the accusatorial canon; see Mordek, Kirchenrecht, 324, and further
references below, Appendix IV n. 67. Note that Mordek’s G inserts this same ‘kleine Kirchenrechtssammlung’
immediately after Coll.vet.Gall. (Reynolds’s claim [‘Unity and diversity’, 109] that it comes before is incorrect).
This ‘small canon law collection’ can also be found in MS D1, a manuscript with Alcuinian associations (on which
see below). In every case, as with the southern French manuscripts mentioned in the previous note, the accusatorial
canon is followed immediately by Coll.Hib. 1.16a, the Constantinian canon on the clergy’s judicial immunity:

30 Ed. Boretius, Capitularia regum Francorum, I, 133–34.

31 See Mordek, Kirchenrecht, 187–88, and Kuttner, ‘Cardinalis’, 204. The accusatorial canon is c. 133 of Book 1 in
Ansegis’s Collectio capitalarium (Die Kapitulariensammlung, ed. Schmitz, 506–08), and can be found on fol. 202v
of MS B6, where it appears to have received attention from Wulfstan’s pen (on which see below).
Appendix IV

Isidore; this is not surprising, since pseudo-Isidore’s goal was ‘to protect suffragan bishops from intervention by the metropolitans, the provincial synods, or the secular power’, and thereby to make ‘trial procedure and the possibility of deposing bishops … immeasurably difficult’. From the ninth-century onwards, the accusatorial canon’s claim that no bishop shall be deposed without the endorsement of seventy-two of his peers was frequently cited by popes as an established canonical principle. It had, in effect, made the journey from outright forgery to accepted canonical text in the space of little over four centuries. From pseudo-Isidore it entered Burchard, from Burchard Ivo, and from Ivo Gratian.

It is no surprise that the Symmachian forgers chose Pope Sylvester as the figure to pronounce their apocryphal canons. Sylvester’s celebrity had grown enormously following the fourth century, for it was he who, by baptising Constantine and (supposedly) curing him of his leprosy, was seen as having delivered Christians from a condition of persecution to one of state sponsorship. While all of the Symmachian forgeries espouse in one way or another the first two principles found in Const.Silv.’s accusatorial canon—that a bishop cannot be tried by less than seventy-two of his peers, and that the ‘highest bishop’ (the pope) cannot be tried at all—the accusatorial canon is the only Symmachian document to cast these two principles in the words of Pope Sylvester himself. It was doubtless this canon’s perceived origin at this special moment in Christian history that explains why the Const.Silv., and the accusatorial canon in particular, came to gain such popularity among medieval canonists.

34 See Kuttner, ‘Cardinalis’, 203.
37 See above, Appendix IV n. 4. Cf. also the Gesta de Xysti purgatione (SDI–SX), ed. Wirbelauer, Zwei Päpste, 268, line 64.
The reason for the figure 72 (viz. 72 bishops) in the accusatorial canon is not entirely clear, though it was probably not an arbitrary selection on the part of the forgers. Stephen Kuttner has suggested that the number may have been chosen by Symmachus (or rather by his pamphleteers) simply because several bishops during the fourth century had been deposed by seventy-two of their peers. Be that as it may, it also seems significant that throughout Late Antiquity and the Middle Ages the number 72 served as an important exegetical topos. The number derives its symbolic importance both from its recurrence in Scripture—it figures in the Table of Nations (Gn 10:1–32), the Babel narrative (Gn 11:1–9), and the number of disciples in the New Testament (Lc 10:1)—and from the fact that it was supposedly the number of translators who worked on the Greek Septuagint. It may therefore have been the spiritual, as well as the historical, significance of the number 72 that accounts for why it is was chosen by Symmachus as the quota for episcopal condemnation. In any event, 72 witnesses (testimonia) obviously presented a threshold that was considered high enough by the forgers to discourage frivolous accusations from being laid against the leaders of the Christian church. It was Const.Silv.’s succinct expression of this principle, paired with the celebrity of Pope Sylvester, that established the accusatorial canon as the locus classicus for the canon law on episcopal accusation.

The accusatorial canon in Anglo-Saxon England

There are several Anglo-Saxon contexts in which the accusatorial canon is either referenced, quoted, translated, or commented upon in some way. The following five examples of Anglo-Saxon usage are not intended to constitute an exhaustive list; but they should demonstrate sufficiently that the Sylvestrian accusatorial canon had a wide dissemination in Anglo-Saxon England, both chronologically and geographically. Insofar as Coll.Sanb. and Coll.vet.Gall. were major vehicles in the dissemination of the Symmachian forgeries in the early Middle Ages, the following examples may be taken as suggestive of the further possible contacts between these collections and Anglo-Saxon canonists.

38 Kuttner, ‘Cardinalis’, 202. See also Major, ‘Literary developments’, 67 n. 101, who cites Augustine’s claim in De haeresibus that there were 72 Manichean bishops, and who also notes that there were supposed to have been 72 bishops present at a synod in Rome held under Symmachus in March of 499.

39 The history of the subject has recently been explored by Major, ‘Literary developments’.
Ecgberht's *Dialogus*

To begin with the weakest case first: the work known today as the *Dialogus*, traditionally ascribed to Ecgberht, archbishop of York 735–766, is a crucially important document to the history of canon law in Anglo-Saxon England, for, in quoting a variety of early canonical sources, it reveals its author to be extremely well-versed in the Western canonical tradition. The work is examined in greater detail in Appendix III; no more need be said of it here except as it pertains to the Sylvestrian accusatorial canon.

The *Dialogus* is divided into *interrogationes* posed by a (probably fictional) interlocutor, and corresponding *responsiones* offered by the author of the work. While the Sylvestrian accusatorial canon is nowhere quoted or referred to directly in the work, several passages echo or otherwise show signs of having been influenced by it. This is not surprising, since one of the chief concerns of the *Dialogus*’s author was how clergy and religious fit into the juridical system of his day, including the value of their oaths, and how and by whom they may be prosecuted for crimes committed. When asked in c. 3, for example, how an innocent *presbyter*, deacon or monk can be exculpated when accused of a serious crime for which there are no witnesses, the author responds by alluding (as he had also done in c. 2) to 1 Timothy 5:19, but only then to abrogate it by allowing any cleric ‘Cui ...desunt excusatores’ to exculpate himself by his own oath alone, providing the cleric is one ‘quem nec visus testium nec filii procreati produnt culpabilem.’

The version of the Sylvestrian accusatorial canon quoted above does not contain a quotation of 1 Timothy 5:19; however, the version found in *C2* does, and its text runs thus:

\[
\text{Diaconus autem cardinarius constructus urbis romae nisi in XXXUI non condemnabitur subdiaconus acholitus exorcista lector nisi sicut scriptum [sic] est}
\]

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41 The whole passage reads thus (ed. Ware, *Epistolæ duæ*, 94): ‘Dum constat fidele testimonium esse in ore duorum vel trium testium; nos ne forte videamur angusto judicio eum qui sine peccato est opprimere, & factâ testium difficulitate obruatur innocentia: liceat accusato sub Regula constituuto cuilibet ex his tribus gradibus, Presbyteri scilicet, Diaconi, vel Monachi, testes producere ad purificandum se. Sat enim satis est, exinde duos vel tres quos poterit secum educere ad defensionem sui. Cui verò desunt excusatores, vel propter terrem accusatantium, ipse solus sibi sufficiat in defensione innocentiae suae, quem nec visus testium nec filii procreati produnt culpabilem.’
II uel III in testimonia filios et uxorem habentem et omnino christum praedicantem sic datur mystica ueritas.\textsuperscript{42}

The combination here of the reference to 1 Timothy 5:19 with the mention of clergy having sons (itself an allusion to 1 Timothy 3:2–4) is comparable to the similar combination in the third \textit{responsio} of the \textit{Dialogus}, though there a cleric’s having sons disqualifies rather than qualifies him to vouch for himself, presumably because this is proof of his guilt in the case of an accusation of fornication. While the correspondence between the \textit{Dialogus’s} third \textit{responsio} and the accusatorial canon is far from exact, it is close enough to suggest the possibility that the author of the \textit{Dialogus} was drawing on a version of the accusatorial canon that is similar to that found in C\textit{2}. Perhaps, in drafting his third \textit{responsio}, the author of the \textit{Dialogus} altered the meaning of that canon deliberately. As will be seen below in the discussion of the \textit{Scrifthoc} and the Old English \textit{Rule of Chrodegang}, more than one medieval author had difficulty in dealing with the accusatorial canon’s statement that valid witnesses should have wives and children.

The case for a connection between the \textit{Dialogus} and the accusatorial canon can be further strengthened by considering the \textit{Dialogus’s} eighth \textit{responsio}, which begins:

\begin{quote}
De his qui intra Ecclesiam in gravibus vel in levibus commissis delinquunt, nihil vindictæ pertinet ad eos qui foris sunt: maximè cùm Apostolus dicat, omnes causas Ecclesiæ debere apud sacerdotes dijudicari.\textsuperscript{43}
\end{quote}

The source of the bogus scriptural quotation is still unidentified,\textsuperscript{44} but it sounds very much like the famous passage, found originally in Rufinus’s continuation of Eusebius’s \textit{Historia ecclesiastica}, wherein Emperor Constantine is made to say to the bishops of Italy:

\begin{quote}
\textit{C2}, fol. 79r. See Wirbelauer, \textit{Zwei Päpste}, 236 textual note to line 114. As Wirbelauer points out, the reason for the variant reading in C\textit{2} is that C\textit{2}’s version of SK\textit{1} has been corrected against a copy of SK\textit{2}, which does allude to 1 Tim 5, 19.
\end{quote}

\begin{quote}
\textit{Ed. Ware, Epistolæ duæ}, 99.
\end{quote}

\begin{quote}
\textit{But cf. above, Appendix III n. 66.}
\end{quote}
This passage would later be borrowed and significantly altered by Pope Gregory I in his letter to Emperor Mauritius, and thence transmitted in several canon law collections, most notably *Coll.Hib.*, where it occurs twice as chapters 1.16.a and 21.29. Sometime during the eighth century, *Coll.Hib.A* 1.16.a, along with the Sylvestrian accusatorial canon, were added to several witnesses of *Coll.vet.Gall*. These two canons sometimes begin, and sometimes conclude *Coll.vet.Gall.*, but always are found together. Given Boniface’s connection to *Coll.vet.Gall.* on the Continent, and his correspondence with Ecgberht concerning canonical issues, it seems possible that a copy of *Coll.vet.Gall.* could have been sent to York or otherwise made available in England during the period in which the *Dialogus* was composed. If the author of the *Dialogus* were familiar with a copy of *Coll.vet.Gall.* that contained the combination of *Coll.Hib.A* 1.16.a and the Sylvestrian accusatorial canon in prominent position (beginning or end), it would explain the parallels seen between these canons and the *Dialogus*’s third and eighth *responsiones*. To be sure, some may find these correspondences less than convincing; but until alternatives are identified, *Const.Silv.* and *Coll.Hib.* (by way of *Coll.vet.Gall.*) remain the most likely sources for these two passages in the *Dialogus*.

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46 Cf. Gregory I’s letter to Emperor Mauritius, *Epistola 5.36*, ed. D. Norberg, *Registrum epistularum*, 2 vols, CCSL 140–40A (Turnhout, 1982), I, 305–6, lines 42–64. Gregory has subtly altered Rufinus’s original story—wherein it was the bishops’ own internal disputes that Constantine refused to judge—to suggest that the bishops gathered at Nicaea were victims of certain unnamed secular accusatores; in Gregory, the story thus becomes a lesson about how priests should stand aloof from secular accusations. The entire passage is quoted verbatim from Gregory by Wulfstan in lines 10–27 of his *De ven. sacerd.*

47 Cf. Appendix IV nn. 28–29, above. For further details, see Reynolds, ‘Unity and diversity’, 109, and the discussion of the Alcuinian manuscript D1, below.

48 See above, Chapter 4 p. 167.

49 See above, Appendix III n. 31 and p. 406.
Alcuin’s letters

As Tristan Major has shown, canon law and the number 72 intersected more than once in the correspondence of Alcuin of York.\(^{50}\) As was seen above, in the Sylvestrian accusatorial canon 72 is the number of witnesses (presumably of episcopal rank) required to condemn a bishop. Alcuin referred to the accusatorial canon directly when he wrote to Bishop Arno of Salzburg in 799 concerning the indictment of Pope Leo III:\(^{51}\)

I remember reading once in, if I recall correctly, the canons of the blessed Sylvester that a bishop can be accused and brought before a court by no less than seventy-two bishops, and that their [i.e. the witnesses] lives should be of such quality that they could stand against such authority [i.e. the accused]. Moreover, I have read in other canons that the apostolic seat is one that judges, rather than is judged.

As has been pointed out by a number of scholars, Alcuin’s first reference here is unmistakably to the accusatorial canon.\(^{52}\) Alcuin does not quote the canon directly, but rather recalls it from memory, as if it were something he had read long ago (‘quondam’). It is possible, therefore, that Alcuin was recalling having read the accusatorial canon in his youth, perhaps while he studied at York.

As Major points out, Alcuin seems also to have had the accusatorial canon in mind when, in a letter written in 801/2 to his friends Witto and Fridegis at court, he railed against Theodulf of Orléans for violating the laws of church sanctuary.\(^{53}\) The matter quickly erupted into a bitter public affair, and was only settled by the intervention of Charlemagne himself. The details of

\(^{50}\) Major, ‘Literary developments’, 63–8.

\(^{51}\) Alcuin, *Epistola 179* (ed. Dümmler, 297, lines 21–4): ‘Memini me legisse quondam, si rite recordor, in canonibus beati Silvestri non minus septuaginta duobus testibus pontificem accusandum esse et iudicio praesentari; et ut illorum talis vita esset, ut potuissent contra talem auctoritatem stare. Insuper et in aliiis legebam canonibus apostolicam sedem iudicarium esse, non iudicandum.’

\(^{52}\) According to Wirbelauer, ‘Zum Umgang’, 220 n. 45, Alcuin’s second reference is to another section of *Const.Silv.*, ed. Wirbelauer, *Zwei Päpste*, 246, lines 205–07; however, the verbal correspondences here are quite loose.

Alcuin’s dispute with Theodulf are complex, and need not be entered into here. The conflict has often been studied, principally through the several surviving letters exchanged between Alcuin and Charlemagne that pertain to the controversy.\(^5^4\) Scholars have established from the various citations of *lex scripta* in these letters that Alcuin was drawing on a number of legal sources, not least among which are the *Breviarium* of Alaric, *Coll.Hib.*, and a canon law collection resembling the *Collectio canonum Laureshamensis* (a sixth-century southern Gallic product).\(^5^5\) The accusatorial canon is not found in any of these sources; nevertheless, it seems that the canon influenced Alcuin in a subtle way when he wrote to Witto and Fridugis. In that letter Alcuin quotes from the first canon of the council of *Orléans (511)* (*CORL.511*), a canon that upholds the law of sanctuary. He then inserts the following apostrophe: ‘O Aurelianens pontifex [i.e. Theodulf] contra Aurelianensem synodum facere audet, in qua fuerunt episcopi, ut legitur, septuaaginta duo.’\(^5^6\) As Major points out, however, the council in question (*CORL.511*) had only thirty-two bishops in attendance (specifically, five metropolitan and twenty-seven diocesan bishops), not seventy-two as Alcuin claims.\(^5^7\) It is impossible to determine for certain whether or not Alcuin deliberately falsified the number of bishops present at *CORL.511*; but it must at least be acknowledged that it would have been risky for him to do so, given the suspicion he was then under, given the seriousness of the offenses then being investigated by the Emperor and his *missi*, and of course given the fact that the very man Alcuin was accusing, being the bishop of *Orléans*, would presumably have known how many bishops had actually been present at the

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\(^5^5\) On the *Laureshamensis*, see Kéry, *Collections*, 49.


\(^5^7\) Major, ‘Literary developments’, 66.
council in question. It seems far more likely that Alcuin was simply, and quite innocently, mistaken in his figure. Major has cast around for probable sources of Alcuin’s error, and suggests that Alcuin may have been confusing CORL.511 with CORL.549, which Alcuin also quotes from in the same letter and which had, not 72, but seventy one ecclesiastics in attendance.  

Only fifty of these were bishops, however, the rest being delegati of various lower grades (archdeacons, presbyteri, deacons and abbots). Major comments that although the figure for the number of attendees at the 549 Council included other clergy besides bishops, it was later understood that the number represented the bishops in attendance. ... It is no great stretch to imagine that Alcuin either was misled into thinking the number to be 72, or that he deliberately rounded it up for greater symbolic effect.

This seems entirely likely. However, it should also be noted that in certain versions of the north French version of *Coll.vet.Gall.*, the final Title (Title 63, c. 18) describes CORL.549 in this way: ‘Canonis Aurilianensis firmaverunt et consenserunt episcopi LXXII’. Incidentally, there is no explicit mention in *Coll.vet.Gall.* that the council thus described is CORL.549; one actually has to compare the list of names that follow to the official acta of CORL.549 in order to determine that this, and no other Orléans council, is the one being referred to. Had Alcuin been familiar with such a copy of *Coll.vet.Gall.*, it would explain why he thought CORL.511 was attended by ‘episcopi, ut legitur, septuaginta duo’.

Wherever Alcuin might have obtained his erroneous figure, it is reasonable to assume that he would not have emphasized the presence of seventy-two bishops at Orléans unless he had in

60 Mordek, *Kirchenrecht*, 594, line 39. According to Mordek’s apparatus, ‘LXXII’ is the reading in three (P₁, B, S₂) of the four manuscripts from his north French class. Note that Title 63 is not to be found in D₁, a *Coll.vet.Gall.* manuscript that was probably (as will be shown below) owned by Alcuin.
mind the Sylvestrian accusatorial canon, which established that the judicial authority of seventy-two bishops was something that no prelate (except the pope) could challenge.

Where might Alcuin have first encountered the accusatorial canon? If, as was suggested above, he had encountered it long before (‘quondam’) he wrote his letter to Arno, then it is possible that he had encountered the canon during his schooling at York, in which case a copy of Coll.Sanb., perhaps even C2 itself, may have been Alcuin’s ultimate source. However, the possibility cannot be ruled out that Alcuin encountered the canon during his long career on the Continent. In this case, D1 presents itself as an especially plausible source. It has been suggested before that D1 belonged to a member of Charlemagne’s court; and the manuscript’s codicology and contents both suggest that this individual may have been Alcuin, one of the foremost members of that court. D1 was copied ca 800, probably in the Abbey of St-Bertin. According to Mordek, the materials assembled in this manuscript were, in general, drawn from southern German libraries. Fols 1–107 contain a collection of biblical commentaries by church fathers, followed (fols 107v–117r) by a collection of creedal texts, the final part of which is Gennadius of Marseilles’s Liber ecclesiasticorum dogmatum (fols 111r–117r). Canonical contents begin at fol. 119 with Charlemagne’s Admon.gen.(789) and Duplex legationis edictum. These are followed by a ‘kleine Kirchenrechtssammlung’ comprising a selection of canonical and patristic texts (fols 127r–132r), several of which are Coll.vet.Gall. canons. This ‘small canon law collection’ includes: the Sylvestrian accusatorial canon; Coll.Hib.A 1.14–16; Coll.vet.Gall. 1.1–2; pseudo-Jerome’s Epistola ad Oceanum de vita clericorum; Coll.vet.Gall. 2.1–3; Coll.vet.Gall. 4.13d–14 (Isidorian material); and Coll.vet.Gall. 41.28–30 (more Isidorian material). This same

62 As is suggested by Major, ‘Literary developments’, 68.
64 Mordek, Kirchenrecht, 275.
66 Both texts ed. Boretius, Capitularia regum Francorum, 1, 53–64.
67 Mordek, Bibliotheca, 88. Note that Reynolds’s claim (‘Unity and diversity’, 109) that D1 contains a full copy of Coll.vet.Gall. is incorrect.
Appendix IV

‘small canon law collection’ can also be found in three other Coll.vet.Gall. witnesses. Following this collection in D1 (fols 132r–133r) are: further canonical materials: nine unidentified canons; Coll.vet.Gall. 56; c. 13 of Pope Gregory II’s letter to Bishop Martinian (DGRE.715.2153); and Coll.vet.Gall. 38. Mordek was able to show that the source for these canons was the south-German version of Coll.vet.Gall. (namely Mordek’s sigla GEV and S3).

Alcuin’s connection with D1 is suggested first and foremost by the collection of creedal texts, tentatively attributed to him by Donald Bullough, and by the manuscript’s association with Charlemagne’s court. Moreover, if D1 were a manuscript made for Alcuin, or one that at some time came into his possession, it would help explain the presence of two Old English glosses on fol. 134r–v, of an Old English alphabet (‘a–g’) on fol. 146b, and the Old English names ‘Godwine fox’ and ‘Wulfric’ on fols 202v and 205v. Furthermore, besides the fact that it contains the Sylvestrian accusatorial canon, which Alcuin clearly knew, D1 includes Admon.gen.(789), which Alcuin is thought to have helped draft. The contents of D1 therefore constitute possible evidence for Alcuin’s knowledge of not only the Sylvestrian accusatorial canon, but also the south-German version of Coll.vet.Gall. (not to mention the host of other para-canonical and literary texts present in D1). Needless to say, the possibility of Alcuin’s association with D1 should be investigated further, for establishing or denying this relationship will be of great importance to an understanding of Alcuin’s importance in the history of Anglo-Saxon canon law.

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68 Namely in Mordek’s sigla GEV; see Mordek, Kirchenrecht, 274–75, 324, 327–28. A partial copy of this same small collection is also found in Vatican, Biblioteca Apostolica Vaticana, Reg. Lat. 982; see Mordek, Kirchenrecht, 298.

69 Kirchenrecht, 274 and 327–28; Mordek, Bibliotheca, 88. Gennadius’s Liber, pseudo-Jerome’s letter to Oceanus, and Gregory II’s letter to Martinian are also all found in Stuttgart, HB VI 113 (Mordek’s S3), fols 196r–202v; note, however, that in this manuscript Gennadius’s work has been added by a slightly later hand.


71 On these Old English additions see: Ker, Catalogue, 476; Ganz, Review of Gneuss’s Handlist, 500; Bremmer–Dekker, ASMMF 13, 51; and Gneuss, Review of ASMMF 9–13, 140.

72 Whether these glosses and pen-trials were made by the main scribe(s), or by later owners, is a question that still needs answering.

The Old English Scriftboc and *Enlarged rule* of Chrodegang

Five penitentials are extant that are either original Old English compositions, or else Old English translations of Latin works. One of these, a text that Allen J. Frantzen has titled the *Scriftboc* but that previously went under the title *Confessionale pseudo-Ecgberhti*, is believed to have been composed in the first half of the tenth century. The *Scriftboc* was compiled anonymously from several sources, including (according to Robert Spindler, the *Scriftboc*’s first and only critical editor) the PECU.700, PECG.700 or PBED.700, PBIG.700, and several forms of the *iudicia Theodori* (probably PTHG.700 and PTHD.700; possibly PTHU.700). Notably not included among the possible sources for the *Sciftboc* is PHAL.800, which was a major source for the later *Old English penitential* and the derivative *Old English handbook*.\(^74\)

The *Sciftboc* is extant in multiple forms in three eleventh-century manuscripts. The difference in structure between each surviving manuscript copy is striking; according to Frantzen, ‘No other Anglo-Saxon penitential shows so much variation in surviving copies.’\(^75\) According to Frantzen, of the three copies, Oxford, Bodleian Library, Junius 121 (s. ix\(^3/4\), Worcester) contains a version of the *Sciftboc* that comes closest to the original, while the two remaining copies represent devolved states of the text.\(^76\) One of these two devolved copies is found in Cambridge, Corpus Christi College, MS 190, pp. 295–420 (s. xi\(^{med}\), southern England).\(^77\) The last chapter of the Corpus 190 version of the *Sciftboc* runs as follows:

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\(^74\) Franzen, *Penitentials* [http://www.anglo-saxon.net/penance/txhdsbc.html]. According to Franzen, ‘the translator of the *Sciftboc* loosely paraphrased material rather than translated it fully’. Accordingly, Franzen notes that most of the sources identified by Spindler cannot be identified as ‘sources’ in a strict sense, but are in fact merely parallels. Franzen tabulates the sources of the *Sciftboc* at [http://www.anglo-saxon.net/penance/char3sbc.html].

\(^75\) Franzen, *Penitentials* [http://www.anglo-saxon.net/penance/txhdsbc.html].

\(^76\) Franzen, *Penitentials* [http://www.anglo-saxon.net/penance/txhdsbc.html].

\(^77\) On this manuscript see Ker, *Catalogue*, no. 45B, and Gneuss, *Handlist*, no. 59.5. It is Franzen’s siglum ‘S’. This portion of Corpus 190 appears to have already been joined with MS A1 when it was donated by Bishop Leofric (+1072) to Exeter, where several additions were made to the entire codex. Contents include mainly vernacular penitential texts, with additional material (pp. 295–318 and 351–64, including the first two texts listed immediately below) added at Exeter, s. xi\(^3/4\): Ælfric, *Ep.I*; ‘De eclesiasticis gradibus’ (a Wulfstanian adaptation and translation of the *Pontifical Ecgb.* from Paris 10575, ed. Jost, *Die ‘Institutes of polity’,* 223–41); Ælfric, *Epp.II* and *III*; the *Sciftboc*; the *Old English Penitential*; the *Old English canons of Theodore* with supplement (C. van Rhijn, ed., *Paenitentiale pseudo-Theodori*, Ivi, calls this the ‘Old English translation of sentences from the *Paenitentiale pseudo-Theodori*’); Mircna laga, Adò, and *Hadbot* (ed. Liebermann, *Die Gesetze*, I, 462–68). For further on this
Saint Sylvester says, ‘no acolyte (that is a housel-thegn) shall bring any accusation against a subdeacon, nor an exorcist (that is an augur) against an acolyte, [nor a reader against an augur,] nor a door-warden against a reader. And we do not at all wish that anyone condemn a subdeacon, or housel-thegn, or augur or door-warden or reader, though they have children and a wife and rightly preach Christ’s law, except—as the mystical [gerīnlīce] truth makes manifest—by the mouths of seven [lit. with seven tongues]. And may no one condemn a deacon without some thirty-six [witnesses], nor a mass-priest without some forty-four.’

As Frantzen notes, this chapter has been taken directly from the final chapter (c. 83) of the Old English translation of Chrodegang’s *Enlarged rule* for secular canons (hereafter *Reg.adauct.Chrod.*). Fragments of the Old English translation of *Reg.adauct.Chrod.* are found in several eleventh-century English manuscripts, but only one complete copy is now extant, in manuscript, see Wormald, *MEL*, 220–24, Frantzen, *Penitentials* (http://www.anglo-saxon.net/penance/mshd190.html), and Hill, ‘Two Anglo-Saxon bishops at work’.

The phrase ‘mid nanre wrohte’ is ambiguous. I take it as rendering ‘accusationem aliquam’ from Chrodegang’s *Enlarged rule* (see below), and accordingly have translated it as a simple emphasis of the negative ‘ne sceal ... forsecgan’. Alternatively, it may refer to the quality of the one being accused; that is, it may imply that only those ‘without fault’ are immune to accusations from those in lower orders.

Part of the text (‘ne nan rædere forsecgan nanne halsere’) is missing in Corpus 190, probably due to homoioiteleuton. I supply it here on the basis of the text in Corpus 191, for which see *The Old English version of the Enlarged rule of Chrodegang, edited together with the Latin text and an English translation*, ed. B. Langefeld, Münchener Universitätsschriften 26 (Frankfurt am Main, 2003), 335.

Frantzen, *Penitentials* (http://www.anglo-saxon.net/penance/CORP190_384.html), from Corpus 190, p. 384: ‘Sanctus sylvestre cwæð. ne sceal nán acolitus. ņæt is husl̓pen. forsecgan nanne subdiacon. Ne nán exorcista ņæt is halsere forsecgan nanne acolitus. Ne nán duruwerd nanne rædere. mid nanre wrohte. & nelle wē nā ņæt man gewægnige subdiacon. ne husl̓pen. ne halsere. ne duru werd. ne rædere. ņeah hi bearn habbon. & wif. & cristes ā. rihtlice bodigan. butan callswa seo gerīnlīce sōpfaeṣtnūs [Frantzen has sōpfaeṣt nūs] cwŷd. mid .vii. tungon. & ne meg man nanne diacon. gewægnigan butan .xxxvi. sīx & þērīnga sum. & mæssepreat .xliii. fœower & fœwertīga sum.’ In Corpus 190, this chapter is immediately followed on the same page by ‘Þeodorus se mēra bisceop gesette þas rādinge to bŷsene’, which is part of a penitential text that Frantzen calls the *Old English introduction*.

Frantzen, *Penitentials* (http://www.anglo-saxon.net/penance/CORP190_384.html), in a note to the final word of the paragraph quoted above. See also Langefeld, ed., *Old English version*, 47.
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Cambridge, Corpus Christi College, MS 191 (s. xi\textsuperscript{3/4}, Exeter).\textsuperscript{82} The original Latin text for c. 83 of *Reg.aduaut.Chrod.* reads as follows:

\textbf{LXXXIII.} De eo quod non facile unicitur unus de ordine canonico ab alio.

Siluester dicit, ‘Non accolitus aduersus subdiaconum, nec exorcista aduersus accolitum, non lector aduersus exorcistam, non hostiarius aduersus lectorem det accusationem aliquam. Et non dampnabitur subdiaconus, accolitus, exorcista, ostiarius, lector, filios habentes et uxorem, et omnino Christum predicantes, sic dicit mistica ueritas, nisi in VII testimoniiis. Et non dampnabitur diaconus nisi in XXXVI, et non dampnabitur presbiter nisi in XLIII.’\textsuperscript{83}

This of course is an abridged and slightly adapted version of the Sylvestrian accusatorial canon. The canon was not found in the original *Rule*, composed probably in 755 by Chrodegang, bishop of Metz. Chrodegang’s original *Rule* was based extensively on—even though it differed significantly from—St Benedict’s rule for monks.\textsuperscript{84} In essence, Chrodegang took Benedict’s vision of an ordered coenobitic community and applied it to his cathedral close, making such changes as were necessary to account for the new secular context, including, most importantly, private ownership of property. Meant originally only as a local rule to regulate the daily lives of the Metz clerics, Chrodegang’s *Rule* soon spread to other ecclesiastical communities in Francia and was eventually incorporated into the *Institutio canonicorum* promulgated at CAAC.816 under Louis the Pious. The *Rule* may even have reached as far as York before 800, and Kent by 805, where Wulfred, archbishop of Canterbury may have adopted it for use in Canterbury

\textsuperscript{82} On this manuscript see Ker, *Catalogue*, no. 46, and Gneuss, *Handlist*, no. 60. Corpus 191 is actually a bilingual version of *Reg.aduaut.Chrod.*, with each Latin chapter followed by an Old English translation. It may have originally been paired with Cambridge, Corpus Christi College, MS 201, pp. 179–262 (s. xi\textsuperscript{3/4}, Exeter), itself a bilingual copy of Theodulf’s *Cap.I*. For further on Corpus 191, see Langefeld, ed., *Old English version*, 44–6.

\textsuperscript{83} *Reg.aduaut.Chrod.* (ed. Langefeld, 334, with the Old English translation in Corpus 191 on p. 335).

\textsuperscript{84} Chrodegang’s original *Rule* is edited in *PL*, 89, cols 1097B–1120B, which reprints Labbe’s edition. For detailed discussion Chrodegang, his *Rule*, and the importance of his reforms at Metz, see Clausen, *Reform of the Frankish church*. See also J. Barrow, ‘Chrodegang, his rule and its successors (review article)’, *Early medieval Europe* 14 (2006), 201–12, and Barrow, ‘English cathedral communities’.
cathedral.\textsuperscript{85} Exactly when the so-called \textit{Enlarged rule} of Chrodegang was produced is unknown, though it seems to have been sometime around the middle of the ninth-century, probably in or near Tours. Running to 84 chapters (or 86 in some recensions), \textit{Reg.adauct.Chrod.} incorporates Chrodegang’s much shorter original \textit{Rule} (of 34 chapters) with parts of the \textit{Institutio canonicorum} (CAAC.816) as well as other sources.\textsuperscript{86} \textit{Reg.adauct.Chrod.} probably first arrived in England during the reign of King Æthelstan (924–939), and was translated into Old English near the end of the tenth century by someone trained in Æthelwold’s Winchester school.\textsuperscript{87}

It is important to note that the anonymous compiler of \textit{Reg.adauct.Chrod.} seems, like the author of the \textit{Dialogus}, to have struggled with the accusatorial canon’s requirement that subdeacons and lower orders not be condemned except (‘nisi’) by the testimony of seven who ‘filios et uxores habentes et omnino Christum praedicantes’. This phrase, although founded upon Scripture (1 Timothy 3:2–4), clearly implies that priests (‘Christum praedicantes’) who have sons and wives are to be considered as in good standing with their community. By the ninth century, of course, the practice of marrying and bearing children had long been prohibited to members of the holy orders.\textsuperscript{88} It is no surprise, then, that the compiler of \textit{Reg.adauct.Chrod.} struggled to make the

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\textsuperscript{85} The date at which Chrodegang’s original \textit{Rule} reached England is still a matter of debate among historians. Mary Frances Giandrea, \textit{Episcopal culture}, 73, has suggested a date as early as 786, while Julia Barrow, ‘Chrodegang’, 202–03, has suggested 794. For a review of the arguments, see Barrow, ‘Chrodegang’, 202–03 with n. 6. On the \textit{Rule} and Wulfred’s reforms at Canterbury, see Brooks, \textit{Early history}, 155–60, Cubitt, \textit{Councils}, 201, and Langefeld, ‘\textit{Regula canonicorum}’.

\textsuperscript{86} The sources of \textit{Reg.adauct.Chrod.} are listed by Langefeld in the commentary to her edition. It is of some importance to the history of early medieval canon law that she lists \textit{Coll.quad.} as a possible source for cc. 64 and 71 of \textit{Reg.adauct.Chrod.} These identifications need to be verified.

\textsuperscript{87} See Barrow, ‘Chrodegang’, 205, and Langefeld, ed., \textit{Old English version}, 11–12. The earliest extant English manuscript of the Latin \textit{Reg.adauct.Chrod.}, Brussels 8558–8563, fols 1–79 (on which see further below), dates from around the period of Æthelstan’s reign. Langefeld notes (\textit{Old English version}, 45) that ‘an Insular version of the enlarged \textit{Regula} had developed by the first half of the tenth century which clearly differed from the two versions preserved on the continent.’ Whether this ‘Insular version’ actually developed in England itself, or is merely based on the Continental (probably Breton) exemplar imported into Wessex during Æthelstan’s reign, has yet to be determined.

\textsuperscript{88} The history of canonical legislation against clerical marriage and the controversy surrounding it should in fact be divided into laws in favour of clerical \textit{continence} or abstinence from sex (within or without marriage) and laws in favour of clerical \textit{celibacy}, though both ideas are related and it is sometimes difficult to distinguish which lay behind a given article of medieval law. In the early Middle Ages, it was primarily clerics’ abstinence from sex that was of concern to church reformers. Neither abstinence nor celibacy for the clergy are mandated by Scripture, and these do not seem to have characterized \textit{sacerdotium} in the primitive church. It is difficult to determine with certainty why or from exactly which quarter the movement for clerical continence arose, though scholars have stressed the importance of asceticism, the sacralisation of the priesthood, and attempts ‘to define a Christian self-identity’ as
words of the accusatorial canon accord with acceptable practice in his own day. This was clearly no easy task, for the compiler’s solution—‘filios habentes et uxorem, et omnino Christum predicantes’—makes little sense in the context. The Old English translator, who came up with the rather slavish translation ‘þeah hi bearn habbon. & wíf. & cristes ã. rihtlice bodigan’, clearly did not fare any better.

It may now be all but impossible to discover who put c. 83 of the Old English Reg.adauct.Chrod. at the end of the Scriftboc in Corpus 190, and why they did so. As Langefeld notes, the chapter is quite out of place in the context, having no discernible relation to the material surrounding it.  

contributing factors. Canon law prohibiting a clergyman to have intercourse with his wife or concubine began at the beginning of the fourth century with CELV.300, which required bishops, priests and deacons to put away their wives, forbid them to receive communion if they fornicated, and disallowed clergy to share a dwelling with a woman outside his immediate family. CELV.300 also ordered that ‘bishops, priests, and deacons, ... abstain completely from their wives and not beget sons. Whoever does so, let him forfeit his rank among the clergy.’ Fourth century eastern councils generally took a less severe attitude toward the clergy’s exercise of marital rights; however, by the end of that century, a series of African synods began to follow in CELV.300’s footsteps and strictly legislated against fornication for married priests. These regional conciliar canons received papal backing in 385 with DSIR.384.255, which discouraged fornication for married clerics. Siricius stated that married bishops, priests, and deacons who were incontinent would hereafter be deposed unless they were penitent. He reiterated canon 17 of Can.apost., which required that a priest’s wife be neither a widow nor a divorcee nor a woman of questionable reputation. In Siricius’s hands, too, Paul’s dictum that ‘a bishop should be ... the husband of one wife’ (1 Tim 3:2) became applied to deacons and priests as well. Women were not allowed to share dwellings with clerics, except those ‘whom the synod of Nicaea, for reasons only of necessity, permitted to live with them’, and marriage after ordination was forbidden. The following centuries saw the consolidation and delineation of the views espoused by CELV.300 and Siricius in the fourth century. This was especially the case with popes Innocent I and Leo the Great, the latter extending the injunction of continence in marriage to the subdiaconate. Men who came to the ministry with wives were not to put them away, but rather ‘to have them as if they did not have them.’ Anyone who was twice-married or who had married a servant, widow, divorcée, or harlot, was barred from receiving major orders, and after ordination, no bishop, priest, or deacon could legally enter marriage. Eventually the canons of Merovingian councils joined the growing body of legislation against sexually active married clergy. In time, it became law that a man’s wife had willingly to proffer a formal vow of chastity in order for her husband to be eligible for holy orders. This effectively legalized spousal separation under the pretext of religion, a practice that had been strictly forbidden by the fifth canon of Can.apost. This was not the only discrepancy to arise in the canon law regarding the issue of married or incontinent clergy; the evolution of legislation in favour clerical continence in the early Middle Ages is in fact rather complex, and generalizations are difficult to make. Nevertheless, the general trend was towards clerical celibacy, and in Anglo-Saxon England, this trend reached its climax (and thereafter a rapid dénouement) during the Benedictine Reform. For detailed discussion of the controversies surrounding clerical continence and celibacy as they played out in late Anglo-Saxon England, see: Darlington, ‘Ecclesiastical reform’, 404–06; Helmholtz, Laws of England, 48–9; R.K. Upchurch, ‘For pastoral care and political gain: Ælfric of Eynsham’s preaching on marital celibacy’, Traditio 59 (2004), 39–78; A.J. Kleist, ‘Monks, marriage, and manuscripts: Matthew Parker’s manipulation (?) of Ælfric of Eynsham’, Journal of English and Germanic philology 105 (2006), 312–27; and J. Barrow, ‘Grades of ordination and clerical careers, c. 900–c. 1200’, Anglo-Norman studies 30 (2007), 41–61.  

Langefeld, ed., Old English version, 48–9, where she hazards the following guess as to the significance of the chapter’s presence: ‘Only in the widest possible sense can the chapter from the enlarged Regula be said to add
Langefeld did suggest a possible connection between this chapter, Wulfstan, and the Latins Enlarged rule in Brussels, Bibliothèque royale Albert 1er, MS 8558–63 (2498), fols 1r–79v (s. x1, southern England or Mercia),90 a manuscript she curiously classes within the tradition of Wulfstan’s Commonplace Book; however, after examining the question, Langefeld concluded that ‘there is no decisive evidence in either case.’91 In fact, neither Corpus 190, pp. 295–420 nor Brussels 8558–63 have any provable connection to either Wulfstan or the Commonplace Book tradition.92 Wulfstan did know of Reg. adauct. Chrod., but this is proven not on the basis of any

90 On this manuscript see: Ker, Catalogue, no. 10; Gneuss, Handlist, no. 808; Dumville, English Caroline script, 51–2; Langefeld, ed., Old English version, 43–4; and Bremmer–Dekker, ASMMF 13, 43–9. At one time, probably before the Conquest, Brussels 8558–63 was united with a copy of PPTH.800 (fols 80r–131v: s. xmed, Worcester?) and copies of the Old English handbook, Old English Penitential, and Old English canons of Theodore (fols 132r–153v: s. xi1, England). The whole codex was probably at Worcester at least until the Conquest, and was probably still in England by s. xii.

91 Langefeld, ed., Old English version, 49.

92 Pace Wormald, MEL, 222, who argues that the combination of texts in Corpus 190, pp. 319–50 and 365–420 ‘points almost as squarely at Wulfstan’s Worcester as the content of [MS A1].’ This is simply not true; all of the evidence adduced by Wormald in support of this point is purely circumstantial. Moreover, Wormald’s claim (MEL, 222) that this part of the manuscript implies ‘that a vernacularisation process was already under way at Worcester’ not only takes for granted the point he is attempting to prove, but completely glosses over the fact that the vernacular texts in this section of the manuscript had all been authored before (some even well before) the year 1006; it is therefore difficult to see how their compilation half a century later in Corpus 190 represents a project of vernacularisation. All they really indicate is an attempt (probably on the part of a bishop) to combine into one convenient volume several older vernacular texts that pertained to clerical discipline. Similarly, Joyce Hill—who seems to be persuaded by Wormald’s arguments for a Worcester origin of the vernacular half of Corpus 190—has attempted to reveal similarities between both halves of Corpus 190, thereby implying that they may have been constructed in relation to each other, which would suggest Wulfstan’s involvement in the production of the vernacular half. But her assertion (‘Two Anglo–Saxon bishops’, 154–55) that there is ‘obvious general correspondence in subject–matter’ between the two halves is not quite accurate. Besides the Ælfrician letters, the main connection between the two halves is their discussion of the subject of penance. But their treatments of this subject differ dramatically: for the most part, the penitential material in A1 is such as would only interest a bishop (or archbishop), while that in the vernacular half of the codex is clearly geared towards instruction of and use by the priesthood. This distinction between the two halves was in fact pointed out by Leofric, who described the codex as a ‘canon on leden 7 scriftboc on englisc’ (see Hill, ‘Two Anglo–Saxon bishops’, 161). Furthermore, Hill’s argument (p. 155) for Ecgerberht’s name as a common unifying feature of both halves is very problematic; notwithstanding A1’s table of contents, where (on p. vi) a (now missing) copy of Ghaerbald’s Cap. I is attributed to Ecgerberht, Ecgerberht’s name does not appear anywhere in the Latin half (A1) of the codex. A1’s copy of PPTH.800 is nowhere attributed to Ecgerberht (contra the claim by Hill, ‘Two Anglo–Saxon bishops’, 153); rather the addition of Ecgerberht’s name (by a much later hand [s. xiii?]) on p. ii of Corpus 190 seems rather to ascribe the entire codex to him.
connection between him and Corpus 190 or Brussels 8558–63, but rather because he used it as a source for Coll.Wig.\textsuperscript{93} The question of the significance of the presence of Reg.adauct.Chrod.’s final chapter (c. 83) at the end of the Sceftboc therefore pertains not to Wulfstan, but to the unknown scribe who inserted it there. His identity and purpose remain a mystery.

**Wulfstan’s avoidance of the accusatorial canon**

Wulfstan knew of the accusatorial canon not only, as already mentioned, in its abbreviated form in Reg.adauct.Chrod., but also from Book 1, chapter 133 of Ansegis’s Collectio capitularium, which contains the canon in full form.\textsuperscript{94} The relevant section of Ansegis’s collection is found on fol. 202v of MS \textit{B6}, a canon law manuscript that was corrected and annotated extensively by the Archbishop. In his study of Wulfstan’s handwriting, Neil Ker did not specify any corrections made to the accusatorial canon as found in \textit{B6}’s copy of Ansegis, though he did note several Wulfstanian corrections that were made on the preceding and following pages.\textsuperscript{95} While preparing his edition of Ansegis’s collection, however, Gerhard Schmitz came to believe he could identify two places in the accusatorial canon in \textit{B6} where Wulfstan’s distinctive hand had made its mark, namely by correcting ‘damnabitur (?)’ to ‘condemnabitur’ and by adding ‘testibus’ above the word ‘XXXUII’.\textsuperscript{96} While Schmitz’s observations still need to be corroborated by the opinion of expert palaeographers, the possibility that Wulfstan made corrections to the accusatorial canon in his copy of Ansegis’s collection is intriguing, as it adds to scholars’ picture of the Archbishop as a man deeply concerned with the rights and responsibilities of the English clergy, as exemplified by the series of Latin works on these subjects found in his Commonplace Book.\textsuperscript{97} One of these works, De ven.sacerd., quotes at length the passage from Pope Gregory I’s letter to Emperor Mauritius, which describes Constantine’s declaration that bishops (or, in the original Rufinian

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\textsuperscript{93} Reg.adauct.Chrod. was the source for Coll.Wig.B 162 and possibly also for the first part of Coll.Wig.B 164. It was also used in Coll.Wig.A 29 (= Coll.Wig.B 64 and ~24) and also possibly in Coll.Wig.A 25 and 83 (= Coll.Wig.B 60 and 34).

\textsuperscript{94} Die Kapitulariensammlung, ed. Schmitz, 506–08.

\textsuperscript{95} Ker, ‘Handwriting’, 328–30.

\textsuperscript{96} Schmitz, ed., Die Kapitulariensammlung, 112.

\textsuperscript{97} See Elliot, ‘Wulfstan’s Commonplace Book revised’.
version of the story, bishops’ quarrels) stand outside of secular jurisdiction. As mentioned in the discussion of the *Dialogus* above, this Constantinian passage was often transmitted, in one form or another, next to the Sylvestrian accusatorial canon in early medieval canon law collections—not surprisingly, given that both not only concern the accusation of clergy, but also set severe restrictions on how such accusations can be prosecuted. It is possible, therefore, that Wulfstan had encountered this Constantinian passage in the context of the accusatorial canon.

Considering Wulfstan’s interest in promoting the dignity and privileges of the clergy, and moreover his veneration for old (especially Carolingian) law, it is surprising that he did not make use of the accusatorial canon in any of his own works. In fact, there is some evidence that he may have deliberately avoided making use of the canon and the principles it advanced. This can be seen by considering the forged, pseudo-Isidorian decretal ascribed to Pope Zephyrin (199–217), which contains the following:

And patriarchs or *primates* trying an accused bishop should not declare a definite judgement before they receive confirmation from the Holy See, nor before either [the accused] has confessed himself guilty or he has been convicted by tried and true witnesses, who should not be less in number than were the disciples whom the Lord commanded be selected to aid the apostles—that is, seventy-two.

98 See above, Appendix IV n. 46.

99 Apart from its presence in Ansegis in B6, the accusatorial canon appears in no other Wulfstanian context. The two instances where the canon can be found in Wulfstanian books prove to have no connection to him whatsoever. The first is in the small collection of canons found at the end of A2; but this collection (discussed further below) is a post-Wulfstanian addition to the Commonplace Book. The second is a canon found on fols 148v–149r of A3 (see Coll.Wig.I 147e) that runs: ‘ROMANVM CONCILIVM. Tempore constantini augusti congregaut. [sic] silvester papa sinodum. romé cum LXXIII episcopis. quorum. consensu. et superscripccione. [sic] constitutum est ut nullus laicus. clerico crimen audeat infere. Testimonium ergo laici aduersus clericum. non recipiatur’. This canon was added, along with several others, by a hand of s. xi/xii to A3, fols 148r–149r—pages left blank by the main scribe in order to accommodate an *arbor consanguinitatis* that, in the end, was never completed. The entire series of canons, being post Conquest additions, have no bearing on either Wulfstan or the history of canon law in Anglo-Saxon England. Nevertheless, the text of Coll.Wig.I 147e was printed by Thorpe as chapter 144 in his edition of Coll.Wig., whence it caught the attention of Fournier and le Bras (*Histoire*, 319), who noted a ‘pseudo-Sylvesterian council’ as the source. In fact, the source is *Const.Silv.* as transmitted by pseudo-Isidore (ed. Hinschius, 449), possibly by way of *IP*.

100 DZEP.199.‡80, c. 2 (ed. Hinschius, 131): ‘Patriarche vero vel primates accusatum discutientes episcopum, non ante sententiam proferant finitivam, quam apostolica fulsi auctoritate, ac reum seipsum confiteatur aut per innocentes et regulariter examinatos convincatur testes: qui minori non sint numero quam illi discipuli fuerunt, quos dominus ad adiumentum apostolorum eligere praeceptit, id est septuaginta duo.’
The passage was obviously influenced by that part of the accusatorial canon that required the *testimonia* of seventy-two in order for a *praesul* (bishop) to be convicted. Of course, the pseudo-Isidorian decretales themselves had no direct influence in Anglo-Saxon-England.\textsuperscript{101} However, part of this decretal, including the section quoted above, was excerpted by Atto of Vercelli in his *De pressuris ecclesiasticis*,\textsuperscript{102} a work that did circulate in Anglo-Saxon England and one that was particularly favoured by Wulfstan.\textsuperscript{103} Wulfstan included a portion of Atto’s version of pseudo-Zephyrin’s letter in *Coll.Wig.O*, in a canon titled ‘De accusationibsus et excusationibus’, though he stopped just short of including the sentence qualifying that the number of witnesses required was seventy-two.\textsuperscript{104} It does seem, therefore, that Wulfstan deliberately avoided incorporating the ‘seventy-two witnesses’ aspect of the accusatorial canon into his work. His reasons for doing so are not presently clear. Perhaps he believed seventy-two witnesses was too high a threshold to seek in order for one bishop to level a just accusation against another; he was, after all, in charge of watching over a considerable cohort of bishops himself in his capacity of archbishop of York, and he might have felt the accusatorial canon put too great a restriction on his power to discipline his suffragans or see them prosecuted before an ecclesiastical court. Or it may have been the simple fact that there were far less than seventy-two dioceses in England at the time, and thus it would have been impossible for the Anglo-Saxon church to meet this particular criterion of the accusatorial canon. It may have been both of these things, and perhaps more, that led Wulfstan to dispense with this ancient and hallowed (yet ultimately spurious) item of canon law.


\textsuperscript{103} See Cross, ‘Atto of Vercelli’.

\textsuperscript{104} *Coll.Wig.O* 44: ‘Rursum zephirinus; Patriarche uesto uel primates accusatum discutientes episcopum. non ante sententiam proferant finitimam. [sic] quam apostolica fulti auctoritate. aut reum seipse confiteatur. aut per innocentes et regulariter examinatos convincatur testes’.
Revival under St Wulfstan: the selection of canons in A2, pp. 199–207 (Coll.Wig.C 330–69)

The fifth and final example of Anglo-Saxon use of the Sylvestrian accusatorial canon does not concern the use of the accusatorial canon per se, but rather of the entire Constitutum Silvestri. The work in question is a short selection of canons found at the end of A2, on pp. 199–207. These canons are transcribed in Appendix X as Coll.Wig.C 330–69. It is important to notice, however, that their inclusion in Coll.Wig.C does not necessarily imply that they ever formed part of Wulfstan of York’s original collection. In fact, there are clear indications that this selection of canons in A2 is a later addition to the Coll.Wig. tradition. To see why requires a brief excursus into the codicology of the manuscript.

A2 is currently joined with four other volumes: Corpus 265, pp. 209–68 (s. xi3/4, Worcester), Corpus 265, pp. 269–442 (s. xi–xii, Worcester), and Corpus 265, pp. 443–500 (s. xii, Worcester). It is unclear when exactly these volumes were joined together, though they had certainly been united by the end of the thirteenth century, when a Worcester scribe added a table of contents (now p. 2 of the codex) describing the contents of all four parts.105 Drew Jones has speculated that A2 and pp. 209–68 were joined early on, that pp. 269–442 were added around the beginning of the twelfth century, and that pp. 443–550 were added in the second half of the twelfth century.106

Though A2 and Corpus 265, pp. 209–68 have in the past been considered one volume, they are in fact two separate volumes, the latter being composed of several sections, with multiple hands at work in each.107 According to Jones, Scribe 1—the earliest in the entire codex—copied pp. 3–207.14 (= A2).108 Scribe 2 wrote pp. 216.1–13, 217.12–22, 218.1–5, 219.1–26, 221.1–224.20, 225.13–231.21 (followed by five blank pages) and 237–68, and made later additions to the end of A2 (pp. 207.14–208); Scribe 3 wrote pp. 209.1–9, 211.16–214 (excepting several short stints

108 Including the Old English Handbook on pp. 72–83. Scribe 1 writes an ‘irregular and uncalligraphic’ script, according to Ker, Catalogue, 94.
by Scribe 5 therein), possibly 215.12–17, 216.13–217.11, 217.22–26, 218.6–26, 220 and 224.20–225.12; Scribe 4 wrote p. 209.10–26 and is dated s. xii by Jones; and Scribe 5 wrote pp. 211.1–15, 213.10–13, 213.20–4 and 214.24–215.11. Additionally, Old English additions to pp. 41, 74, 77 and 78 were made by Coleman, the chancellor and biographer of St Wulfstan. A2 is thus essentially the work of one scribe (Scribe 1), while pp. 209–68 show intensive scribal cooperation between at least four Worcester scribes, evidencing ‘a high degree of scriptorial organization’.109 Moreover, the scribal activity seen in pp. 209–68 can be divided into three groups: that between (mainly) scribes 3 and 5 on pp. 209–15; that between scribes 2 and 3 on pp. 216–36; and that of Scribe 2 on pp. 237–68 (Ælfric’s Letter to the monks of Eynsham). These patterns of scribal practice, combined with the evidence of quire construction, and the presence (and use) of blank spaces/pages indicates that pp. 209–68 were constructed in three (probably independent) stages: i) pp. 209–15; ii) pp. 216–36; and iii) pp. 237–68.110

The possibility exists that A2 was also copied in stages, insofar as the selection of canons on pp. 199–207 (= Coll.Wig.C 330–69) seem distinct from rest of the Commonplace Book material in that manuscript. On the one hand, both stints in A2 (pp. 3–197 and pp. 199–207) are by the same scribe (Scribe 1); nor would a putative division between them correspond to any quire divisions (quire 13 = pp. 193–208). On the other hand, 1.5 blank pages currently separate the latter stint from the former (a later hand has added an excerpt from DGRE.590.1282 at the top of p. 198); moreover, the nature and layout of the canons found on pp. 199–207 is (as will be seen) of quite another kind than that of the material found in this or in any other Commonplace Book manuscript. It seems, in fact, that Scribe 1 finished copying his version of the Commonplace Book (Coll.Wig.C) half-way down p. 197, and only added the (previously prepared) selection of canons on pp. 199–207 as an afterthought.111 It will therefore be assumed here that the selection of canons in A2, pp. 199–207 is a later addition by a scribe—perhaps working under St.

110 Cf. Wormald, MEL, 211.
111 Note that something similar has occurred with another (though much younger) Commonplace Book manuscript, Barlow 37, in which much additional canonical material has been appended to the end (fol. 45v) of the Commonplace Book material.
Wulfstan (bishop of Worcester, 1062 – 1095)—to an early witness of Wulfstan’s Commonplace Book.\textsuperscript{112}

The origin of these canons is obscure. Mary Bateson was the first to describe them in detail, commenting that they ‘appear to have been taken from the collection of Dionysio-Hadriana.’\textsuperscript{113} All subsequent descriptions of these canons have followed Bateson in identifying their source as \textit{Coll.Dion.-Hadr.}\textsuperscript{114} There are, however, obvious problems with identifying \textit{Coll.Dion.-Hadr.} as the source. Not only do some of the canons in A2 not follow Dionysius’s translation, but several cannot in fact be found in \textit{Coll.Dion.-Hadr.}\textsuperscript{115} Nor, moreover, does A2’s selection include any canons taken from papal decretals, even though most copies of \textit{Coll.Dion.-Hadr.} contain a sizable decretal component. Closer examination in fact reveals that A2’s canons were derived from an unknown chronological collection, or, possibly, collections.

A natural assumption to begin with is that the A2 canons were excerpted from a single collection. One might therefore attempt to describe the basic contours of this source collection based on the nature of the A2 canons themselves. In the following discussion, individual items in A2’s series of canons are referred to by their \textit{Coll.Wig.C} number. The entire series in A2 comprises 39 conciliar canons (\textit{Coll.Wig.C} 331–69), prefaced with a list or register of titles

\begin{footnotesize}
\begin{enumerate}
\item[112] Note that Jones (Ælfric’s Letter, 81–91) suggested that A2 is a version of the Commonplace Book made by (or for) St Wulfstan, reworked from an early version of the Commonplace Book that was available to the Saint in the library of Worcester cathedral. With the possible exception of the canons on pp. 199–207, however, there is at present no evidence to suggest that any of the content of A2 is the result of innovation or even of augmentation of original Commonplace Book material by scribes working under the later (St) Wulfstan. Indeed, comparison of A2 with other versions of the Commonplace Book (see Chapter 4) indicates that this manuscript represents an early, perhaps even the earliest form of the Commonplace Book as it existed under Archbishop Wulfstan.
\item[114] Namely: James, Descriptive catalogue, II, 20; Darlington, ‘Ecclesiastical reform’, 412 n. 1; Fuhrmann, \textit{Einfluß}, I, 229 n. 122; Arnostam, ‘Latin canonical tradition’, 21; and Sauer, ‘Transmission and structure’, 366, 373 (referring to the selection as ‘the C version of the Dionysio-Hadriana’). The selection was also described in 1995 by Jones, ‘Ælfric’s Letter’, 57, who compared them to the edition of \textit{Coll.Dion.-Hadr.} by J.F. Schannat and J. Hartzheim in \textit{Concilia Germaniae, vol. I} (Cologne, 1759), 131–235. He was thus not able to identify the three canons from \textit{Const.Silv.}, and seems to have missed the previous identification of these by Bateson as canons from ‘Silvester’s \textit{Conc. Rom.} (325 A.D.)’
\item[115] Namely the three canons from \textit{Const.Silv.} (\textit{Coll.Wig.C} 345–47); though on this, see further below.
\end{enumerate}
\end{footnotesize}
The sources of these canons are listed in Table 17 in the order they occur in A2:

<table>
<thead>
<tr>
<th><strong>Coll.Wig.C chapters</strong></th>
<th><strong>Source(s)</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Coll.Wig.C 331–39</td>
<td>Can.apost. (canons 8, 17, 18, 20, 22, 25, 29, 42, 48)</td>
</tr>
<tr>
<td>Coll.Wig.C 340–44</td>
<td>CNIC.325 (prisca+Dion.I) (canons 1, 17, 20)</td>
</tr>
<tr>
<td>Coll.Wig.C 345–47</td>
<td>Const.Silv. (SK1) (canons 8, 9, 11)</td>
</tr>
<tr>
<td>Coll.Wig.C 348–50</td>
<td>CANC.314 (Dion.I) (canons 9, 10, 20)</td>
</tr>
<tr>
<td>Coll.Wig.C 351–52</td>
<td>CNEO.315 (Dion.I/II) (canons 1, 7)</td>
</tr>
<tr>
<td>Coll.Wig.C 353–55</td>
<td>CGAN.355 (Dion.I) (canons 2, 13, 17)</td>
</tr>
<tr>
<td>Coll.Wig.C 356–65</td>
<td>CCAR.419 (C) (canons 3, 4, 5, 7, 16, 18, 25, 32, 33)</td>
</tr>
<tr>
<td>Coll.Wig.C 366–69</td>
<td>Reg.eccl.Cart.exc. (canons 70, 102, 109, 115)</td>
</tr>
</tbody>
</table>

The first thing to say is that the source collection was clearly organized ‘chronologically’ (or ‘historically’); that is, its conciliar canons were arranged in roughly chronological order, with earlier councils coming first, and later councils coming afterward. The only extant chronological collection that follows roughly the same order as the A2 canons is the Collectio Vaticana, an early sixth-century Italian collection and close relative of Coll.Sanb. Significantly, the Vaticana is the only canon law collection that contains Const.Silv. between the canons of CNIC.325 and CANC.314. On closer examination, however, the Vaticana proves to be an inadequate candidate as a source. Maassen’s description of the Vaticana indicates that it contains

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116 The anomalous position of CNIC.325 in almost all Latin chronological collections—where it precedes CANC.314 and CNEO.315—is due to the precedence (in the West) that the Nicean councils took over all other conciliar councils; see Turner, ‘Chapters in the history of Latin MSS. of canons. V’. Dionysius himself deliberately gave CNIC.325 prime place in his collection ‘propter auctoritatem eiusdem magni sanctique concilii’ (EOMIA, II.i, 49). Given this, Const.Silv.’s placement in the A2 canons between CNIC.325 and CANC.314 follows a sort of logic, since this forgery purports to date from around 314 or 315, as is clear from its dating clause (Wirbelauer, Zwei Päpste, 246, lines 212–13): ‘III Kal. Ianias domno Constantino augusto III et Prisco consule’. Note, however, that Wirbelauer, Zwei Päpste, 73 n. 15 and 247 n. 73, interprets Const.Silv.’s dating clause as indicating the year 324.

117 For a detailed description of the contents of the Vaticana, see Maassen, Geschichte, 512–22; for bibliography and list of manuscripts, see Kéry, Collections, 25; and for brief descriptions of these manuscripts, see Wirbelauer, Zwei Päpste, 176–77, 208–09 and 214–15. The Vaticana has not yet been edited, and unfortunately is note included in Fowler-Magerl’s Clavis canonum database; however, its conciliar canons have been collated by Turner and Schwartz: see EOMIA, where Turner uses the sigla ‘u’, ‘v’ and ‘w’, for Vatican, Biblioteca Apostolica Vaticana, Barb. Lat. 679 (s. vii–ix, northern Italy), Vatican, Biblioteca Apostolica Vaticana, Vat. Lat. 1342 (s. viii, central Italy), and Florence, Biblioteca Medicea Laurenziana, Aedil. 82 (s. ix, northern Italy), respectively, and ‘v’ for consensus codicum; and ACO (for the CCHA.451 and CEPH.431), where Schwartz uses the sigla ‘L’ (or simply ‘L’) for consensus codicum. The Vaticana’s text of the Symmachiana has been collated by Wirbelauer, Zwei Päpste, following the sigla ‘D’, ‘F’, ‘V1’ and ‘V2’, for Düsseldorf, Universitätsbibliothek, E. 1 (s. ix, Italy), Florence 82, Vat. Lat. 1342, and Barb. Lat. 679, respectively.
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conciliar canons in either the *prisca* or *Isidori* versions,\(^{118}\) whereas A2 contains canons in predominantly Dionysian translation. Moreover, A2 contains several canons from *Reg.eccl.Cart.exc.*, a small collection of African canons that is absent from the *Vaticana*. Thus, even though the *Vaticana* shares much with A2’s canons in terms of arrangement, the actual text of the *Vaticana*’s canons could not have been the source for A2.

In fact, there is no single chronologic collection that can, by itself, explain the series of canons found in A2. A single putative source collection would not only need to include *Const.Silv.* (SK1) and conciliar canons in predominantly *Dion.I* translation\(^{119}\)—and it was explained above why such a combination, at least in earlier collections, was quite rare\(^ {120}\)—but the councils would need to be arranged in the following order: *Can.apost.*, CNIC.325, *Const.Silv.*, CANC.314, CNEO.315, CGAN.355, CCAR.419, *Reg.eccl.Cart.exc.*. Moreover (and this is strange indeed), its version of CNIC.325 would need to be of mixed translation; that is, in addition to containing CNIC.325 in *Dion.I* translation, it would also need to contain the first canon of CNIC.325 in *prisca* translation, for this was the version used for *Coll.Wig.C* 340–42. These are truly unusual criteria, and not surprisingly no known collection fits all of them. The few versions of *Coll.Dion.-Hadr.* that contain *Const.Silv.* come close,\(^ {121}\) yet none of these are known to include a *prisca* version of CNIC.325.1, nor does any of them place *Const.Silv.* between the canons of CNIC.325 and CANC.314. It is therefore reasonable to assume that more than one source collection was used. The fact that A2 contains canons from both the *Dion.I* and *prisca* versions of CNIC.325 is at least a pretty clear indication this. It is therefore necessary to revise the original hypothesis that there was but one source collection, and examine the possibility that the A2 canons are derived from two different collections.

\(^{118}\) Note, however, that Munier, *Africæ*, 116, has described the text of the two eponymous *Vaticana* manuscripts—Biblioteca Apostolica Vaticana, Vat. Lat. 1342 and Biblioteca Apostolica Vaticana, Barb. Lat. 679—as *permixtum*, that is as conflating readings of the *prisca* and *Isidori* versions with Dionysian readings.

\(^{119}\) With the exception of CNIC.325.1 (as will be seen below). Complicating matters further is the fact that the A2 canons have readings that sometimes follow the *versio Dion.I*, and sometimes follow the *versio Dion.II*.

\(^{120}\) See above, p. 416.

\(^{121}\) Field, *On the communion of Damasus and Meletius*, 99, notes that the *Symmachiana* entered some versions of *Coll.Dion.-Hadr.*. Several versions of *Coll.Dion.-Hadr.* described by Wirbelauer, *Zwei Päpste* contain either SK1 or SK2, though always as part of a larger *Symmachiana* component; for details, see above, Appendix IV n. 13.
As it turns out, there is further evidence of multiple source collections in the register of titles that prefaces the A2 canons. As Bateson noted, the register ‘and the text do not coincide in all particulars’. In fact, the register is something of a muddle, containing obvious blunders that indicate it was put together with little care. First, the register refers to a series of titles taken from *Can.apost.* as ‘capitula niceni’. Second, it lacks titles for *Coll.Wig.C* 340–42, 346–47, and 353. Third, *Coll.Wig.C* 361 is represented by three different titles in the register, while one title refers to two separate canons in the text (*Coll.Wig.C* 354–55). And fourth, a small handful of titles in the register are taken from different sources than are their corresponding canons. Now, registers being what they are—non-authoritative lists that could be created and altered on a whim, and that could easily be prefixed to a pre-existing work—it would be hazardous to assume that the same sort of hastiness and opportunistic selection that went into creating the register also went into creating the selection of canons; nevertheless, this inference is not entirely out of place. In fact, comparing the register closely against A2’s series of canons does reveal signs that A2’s exemplar had undergone tampering and interpolation. For example, it is suspicious that the three canons that seem most out of place in the A2 series, *Coll.Wig.C* 340–42—all based on the *prisca* version of CNIC.325.1—are not represented by any titles in the register. Similarly, two of the three *Const.Silv.* canons in A2 (*Coll.Wig.* 346–47) have no corresponding title in the register, while the third *Const.Silv.* canon (*Coll.Wig.* 345) is represented in the register by a title of unknown origin. The implication of this is clear: the A2

123 *Coll.Wig.C* 330, titles 1–9 are taken from the rubrics of *Can.apost.* 8, 17, 18, 20, 22, 25, 29, 42, 48 (corresponding to *Coll.Wig.C* 331–39). The next two titles read ‘Explicitun capitula niceni’, and ‘[I]ncipit concilium eiusdem’, after which follow two titles (‘Ut nullus clericus feneretur’ and ‘De flectendo genu’) referring to actual Nicene canons, namely CNIC.325.17, 20 (corresponding to *Coll.Wig.C* 343–44).
124 Namely by *Coll.Wig.C* 330, titles 28–30: ‘Ut nullus episcopus. presbiter et diaconus conductor existat’; ‘Et ut lectores uxor uxor accipiunt: et clerici abstinence ab usuris’; and ‘Et quo tempore. uel ipsi uel uirgines consecentur.’
125 Namely *Coll.Wig.C* 330, title 22, ‘De mulieribus que supretextu [sic] christiainitatis adtondent’.
126 *Coll.Wig.C* 330, title 12 (‘Ut nullus clericus feneretur’), taken from CCAR.419.5, is used to describe CNIC.325.17 (= *Coll.Wig.C* 343); and *Coll.Wig.C* 330, title 26 (‘Ut clericis non ad usuram fenerent’) —the only source for which I can find is a marginal addition in C2—is used to describe an adapted version of CCAR.419.5 (*Coll.Wig.C* 359).
127 Namely *Coll.Wig.C* 330, title 14: ‘Quod subdiaconis lictum non est nuptiis interesse.’
canons taken from the *prisca* version of CNIC.325.1 (*Coll.Wig.C* 340–42) along with those taken from *Const.Silv.* (*Coll.Wig.C* 345–47) were added to A2’s exemplar after the original selection (along with the register) had been made. Presumably, the rogue register title that describes the third *Const.Silv.* canon (*Coll.Wig.* 345) represents a singular attempt by some later corrector to bring the register of A2’s exemplar into line with its augmented contents.

This hypothesis allows A2’s selection of canons to be seen as developing in two successive stages. In the first stage, the compiler excerpted thirty-three canons from a Dionysian collection containing *Can.apost.*, CNIC.325, CANC.314, CNEO.315, CGAN.355, CCAR.419, and *Reg.eccl.Cart.exc.* According to Table 17, this collection’s canons should generally have followed *Dion.I* translation; however, *Coll.Dion.I* can be ruled out as a source candidate on the basis that it does not contain *Reg.eccl.Cart.exc.* The source was rather probably some version of *Coll.Dion.II* or *Coll.Dion.-Hadr.;* of these *Coll.Dion.II* is more likely given the lack in the A2 series of not only papal decretals but also of canons from CROM.721. In the second stage, an

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128 An interesting possibility, however, is that the source original collection was a *Coll.Dion.I,* and that the *Reg.eccl.Cart.exc.* canons are (like *prisca* and *Const.Silv.* material) later additions/interpolations. Interestingly, one of the *Reg.eccl.Cart.exc.* canons duplicates material that is already found in the original collection (see below, Appendix IV n. 133), a fact that makes the *Reg.eccl.Cart.exc.* canons’ presence at the very end of the A2 series suspicious indeed. Yet, if *Coll.Dion.I* were the original source collection, one would need to explain where the later interpolator got his *Reg.eccl.Cart.exc.* material (it could not have come from the source suggested below, i.e. the *Vaticana*).

129 Incidentally, the possibility of A2’s dependence upon the copy of Coll.Dion.-Hadr. in B6 can be ruled out. A comparison between the two shows that the latter’s text is in places significantly different from that of the former; moreover, B6 lacks CCAR.419 and *Reg.eccl.Cart.exc.* So too, the possibility that there might be a connection between the A2 canons and the copy of Coll.Dion.-Hadr. in Paris, Bibliothèque nationale, Lat. 3182 (s. x³, Brittany; prov. Fécamp by s. xii)—a suggestion made by Sauer, ‘Transmission and structure’, 373—can also be ruled out. Some confusion surrounds the question of this manuscript’s connection to Anglo-Saxon England, which it will be helpful to clear up here once and for all. Quite simply, there is no discernible connection between Paris 3182 and Wulfstan’s Commonplace-Book, nor does it seem to have any bearing on Anglo-Saxon England whatsoever. The manuscript, which also goes by the name Collectio Fiscani (also ‘die Sammlung der Handschrift von Fécamp’), has been divided by Ludwig Bieler, *Irish penitentials*, 20–4, into three parts: Part I, pp. 1–164; Part II, pp. 164–83; and Part III, pp. 184–356. Bieler noted that each part had strong affiliations with two other Breton manuscripts and one Frankish, namely Orléans, Bibliothèque municipale, 221 (193) (Brittany, s. ix⁰), Paris, Bibliothèque nationale, Lat. 12021 (Brittany, s. x⁰), and Cambrai, Bibliothèque municipale, 625 (576) (northern France, s. ix²⁸), respectively. Bieler concluded that the material in parts I and II of Paris 3182 (also common to Orléans 221 and Paris 12021) derives from a common fund of Iro-Breton texts. He also suggested that Part III represents ‘substantially a Frankish compilation’ (Bieler, *Irish penitentials*, 21–3). Some seventy years previous, in her 1895 study of Wulfstan’s Commonplace Book, Mary Bateson had listed a handful of manuscripts that ‘contain extracts on the subjects of church discipline, canon and capitulary law, penitential systems and liturgical rules’. Bateson took A2 as a primary witness to the Commonplace Book, and included among the related manuscripts A1, A3, the first part of A5, and Paris 3182, ‘to name only those which do not merely resemble [A1] in general character, but are also closely similar in detail’ (Bateson, ‘Worcester cathedral book’, 712). Although Bateson never demonstrated the exact nature of the
interpolator added six more canons from a (chronological?)\textsuperscript{130} collection containing Const.Silv. (or, more likely, an entire collection of Symmachiana documents) and the prisca version of CNIC.325. There is only one extant chronological collection that is so constituted: the relationship of Paris 3182 to the other Commonplace Book manuscripts, subsequent scholars accepted her assertion without question. One such scholar was Roger Fowler, whose work on Wulfstanian vernacular legal tracts (see, e.g., his Wulfstan’s Canons of Edgar, lviii) involved several failed attempts to come to grips with the complexity of the Commonplace Book tradition. Another was Robin Aronstam, who, in her study of Coll.Wig., attempted to trace the origin of the Commonplace Book tradition (of which the five manuscripts of Coll.Wig. are principal witnesses) to its earliest form. Aronstam’s conclusion, that the tradition ‘cannot ... have originated at Worcester’, was dependent upon two unsupported assumptions: 1) that one of the witnesses of the Commonplace Book tradition was Paris 3182; and 2) that the origin of this manuscript, being the earliest by far of all the Commonplace Book witnesses, gave Brittany (or at least Francia) a stronger claim than Worcester as the birthplace of the Commonplace Book tradition (Aronstam, ‘Canonical tradition’, 11–12). Aronstam, however, like Bateson before her, never demonstrated exactly how Paris 3182 was related to the Commonplace Book tradition. She admitted, moreover, that ‘It is, of course, highly improbable that BN Lat. 3182 is a direct ancestor of the Worcester tradition, but some manuscript related to this Breton tradition must have made its way to Worcester’ (Aronstam, ‘Canonical tradition, 12). She was certainly correct about Breton manuscripts influencing textual traditions at Worcester. She was wrong, however, in seeing Paris 3182, or any other manuscript like it, as the originator of the Commonplace Book tradition (as the discussion in Chapter 4 makes clear, the tradition originated with the compilatorial habits and editorial idiosyncrasies of Wulfstan). In his seminal article on the Commonplace Book tradition, ‘Transmission and structure’, Hans Sauer was able to demonstrate (p. 373) how Paris 3182 had, in fact, probably nothing to do with the tradition (see also Jones, ‘Ælfric’s Letter’, 57 n. 29). Nevertheless, two possible connections between Paris 3182 and Wulfstan’s Commonplace Book were signaled by Sauer as still inquirenda. These were: 1) the relationship between Paris 3182’s copy of PECG.700 and the version of this text found in several Commonplace Book manuscripts; and 2) the relationship between Paris 3182’s copy of the Coll.Dion.-Hadr. and A2’s selection of conciliar canons. With regard to 1), Reinhold Hagenmüller has shown that while Paris 3182 shares many features with the English tradition of PECG.700, it cannot have been the source of that tradition (Hagenmüller, Die Überlieferung, 149–95 and 290, esp. 170, 182 and 186). With regard to 2), a comparison of the copy of Coll.Dion.-Hadr. in Paris 3182 with selection of canons in A2 reveals that no appreciable relationship exists between them. Paris 3182 can therefore finally be discounted as an early witness of the Commonplace Book tradition, and as in any way relevant to the history of Anglo-Saxon canon law.

\textsuperscript{130} I have not been able to identify a systematic collections that fills the required criteria. The task is not made any easier by the fact that the interpolator clearly took liberties with the wording of his source collection. Both Coll.Wig.C 342 and 347 show signs of considerable adaptation. In fact, Coll.Wig.C 342 has substituted an extended conclusion for CNIC.325.1 for which there seems to be no precedent: ‘Ita et his qui a barbaris uel ab dominis castrati sunt. ubi inueniuntur enim. hos a canonibus non posse a clericatu suo uel a presbiteratu summoueri.’ I cannot find anything like this in the apparatus of EOMIA or in Fowler-Magerl’s Clavis canonum databank. Other examples of unique readings in the A2 selection seem explainable as rewritings. For example, one can certainly see how the reading of the title for Coll.Wig.C 339, ‘Quod laicus pellens … priuetur’, could have been changed by the interpolator from the traditional wording, ‘Laicum pellentem … priuandum’, so as to bring the syntax of this title into line with that of other titles in A2’s register, all but one of which begin with an introductory conjunction or preposition (‘quod’, ‘ut’, ‘de’, etc.). Similarly, creative intervention on the part of the interpolator may also explain the apparently unique reading ‘potius quam iuste’ for ‘depositus iuste’ in Coll.Wig.C 337. Finally, the phrasing at the beginning of Coll.Wig.C 359 seems to be unique, and is perhaps also the invention of the interpolator.

Appendix IV
That the interpolator of A2’s exemplar drew his material from the Vaticana seems further likely, because the three Const.Silv. canons have been inserted into A2 such that they hold the same position as in the Vaticana, that is between CNIC.325 and CANC.314.

Some remarks can be made about when and where these stages of development likely took place. That so ancient a collection as the Vaticana would have been utilized by an eleventh-century English ecclesiastic is doubtful. All extant Vaticana manuscripts are Italian productions, suggesting that the collection never travelled far out of Italy. Moreover, the latest manuscript witnesses for this collection date to the second half of the ninth century, suggesting that the collection was not used very much at all following the Carolingian period. By the eleventh century, far more comprehensive and up-to-date collections had long been available, so it is unlikely that at this time a collection as old and difficult to find as the Vaticana would have been available, much less of any interest, to someone in England. A number of possibilities therefore present themselves. First, it may be that the A2 selection of canons was compiled long, long before A2 itself was copied. The textual corruption seen in the A2 canons would certainly allow for the possibility that the scribe’s exemplar preserved a textual tradition that was already quite old. Of course, it is not necessarily the case that the tradition was already old; textual corruption sometimes only indicates sloppy copying in the short term. Nevertheless, the most economical explanation of the A2 canons is that they represent a rather old selection of canons, and that this selection was interpolated with Vaticana material probably no later than the ninth or tenth century. Whether this happened in England or somewhere on the Continent cannot be determined.

What is the significance of the presence of the A2 canons in a manuscript copied (probably) at Worcester on the eve of the Conquest? The selection contains canons on a number of subjects,

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131 It should be noted, however, that all extant manuscripts of the Vaticana contain the revised version of Const.Silv. (dubbed ‘SK2’ by Wirbelauer), whereas A2—though it is impossible to be certain about this—seems to have drawn on the original version of Const.Silv. (SK1). Cf. the phrase ‘et in subdiaconatu autem annos V permaneat’ in Coll.Wig.C 347, which is significantly closer to SK1, lines 161–62 (‘et in subdiaconatu esset annos V’) than to SK2, lines 156–57 (‘et esset subdiaconus annos V’).

132 Of course, the further back one pushes the origin of the A2 selection, the greater the likelihood that the selection of canons was compiled somewhere other than England—Italy, perhaps?
though by far the most predominant concern is clerical marriage and clerical celibacy. Other topics that are represented include: the celebration of Easter (Coll.Wig.C 331); clerical oath-swearing (Coll.Wig.C 334); self-mutilation/eunuchism (Coll.Wig.C 335, 340–42); clergy convicted of crimes (Coll.Wig.C 337); gambling and drunkenness (Coll.Wig.C 338); unlawful divorce (Coll.Wig.C 339); usury among clergy (Coll.Wig.C 343, 358–59); ritual genuflection (Coll.Wig.C 344); ritual purity (Coll.Wig.C 346); rules for ordination (Coll.Wig.C 347, 361); rape and marriage (Coll.Wig.C 349); infanticide (Coll.Wig.C 350); bigamy (Coll.Wig.C 352); overly severe asceticism/vegetarianism (Coll.Wig.C 353); transvestitism (Coll.Wig.C 354–55); procedure for final absolution (Coll.Wig.C 360); clergy and negotium (Coll.Wig.C 361); learning the canons before ordination (Coll.Wig.C 362); giving the Eucharist for the dead (Coll.Wig.C 362); the private wealth of clergy (Coll.Wig.C 364); selling church property (Coll.Wig.C 365); marriage after divorce (Coll.Wig.C 367); and points of doctrine (Coll.Wig.C 368–69). It will be noticed that many of these canons deal with subjects commonly dealt with in penitentials, and, perhaps significantly, a number of these canons enjoin penance on the guilty party. It would go too far to assume that, simply because these canons were added to A2, all of these were ‘live’ issues at Worcester during St Wulfstan’s tenure; after all, the selection likely represents a collection produced long before the eleventh century and possibly not even in an Anglo-Saxon context. It is, moreover, difficult to believe that eunuchism (cf. Coll.Wig.C 335, 340–42) was a particularly controversial subject at Worcester when this manuscript was copied. Nevertheless, the A2 canons must have had some appeal. The essence of this appeal need not have been of an entirely practical nature; it could very well have been of an historical/antiquarian one as well.

Whatever their ultimate origin, and whatever the reason for their inclusion in A2, it is interesting that not long after Scribe 1 had completed copying A2, Scribe 2 (s. xi⁷/₈)—the hand responsible for copying Ælfric’s Letter to the monks of Eynsham in Corpus 265, pp. 237–68, as well as much of Corpus 265, pp. 216–36—added three canons in the blank space left at the end of the manuscript (A2, pp. 207–08). These are transcribed in Appendix X as Coll.Wig.C 369a–c,

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134 Some redundancy occurs, as with the injunctions in Coll.Wig.C 363 and 366 for upper clergy to abstain physically from their wives, excerpted from two identical canons of CCAR.419 and Reg.eccl.Cart.exc., respectively.

135 Coll.Wig.C 350–52, 367.
though again, there is no reason to believe that they ever formed part of the original Commonplace Book tradition. *Coll.Wig.C* 369c comes from the *Fifth council of Toledo* (CTOL.633.28), while *Coll.Wig.C* 369a–b come from the pseudo-Isidorian *Capitula Angilramni*, and have long been cited as precious evidence that pseudo-Isidorian canonical material may have been available in England (just) before the Conquest.\footnote{136}{See Fuhrmann, *Einfluß*, I, 231 n. 126. The date of Scribe 2, however, invalidates this argument.} The first of the three added canons treats the reinstatement into orders of unjustly condemned clerics, while the latter two set limits on who can judge a cleric and how he can be judged. *Coll.Wig.C* 369b is, in fact, nothing other than an adapted version of the Sylvestrian accusatorial canon, as transmitted in the pseudo-Isidorian tradition.\footnote{137}{Cf. *Decretales*, ed. Hinschius, 449.} Obviously, Scribe 2’s additions show that, in the years intervening between the completion of A2 and the addition on its final pages of *Coll.Wig.C* 369a–c, clerical accusations had become a subject of interest at Worcester.

**Conclusions**

The Sylvestrian accusatorial canon had a long history in Anglo-Saxon England. From its earliest appearance in Northumbria in C2’s copy of *Coll.Sanb.*, to its use in Ecgberht’s *Dialogus* and the letters of Alcuin, to its being translated into English in the Old English *Reg.adauct.Chrod.*, the accusatorial canon seems to have maintained relevance among Anglo-Saxon ecclesiastics for over three centuries, serving as a prop on which the Anglo-Saxon clergy could base claims that it was (in principal if not always in practice) subject to ecclesiastical jurisdiction alone. While the importance of this principal had certainly not diminished by the eleventh century, it seems that the accusatorial canon found a rather cooler reception among late Anglo-Saxon prelates. The compiler of the Corpus 190 copy of the *Scriffboc* was at pains to find an appropriate context for the canon, and settled for shoving it into the most unsuitable of places; and Wulfstan seems to have actually went out of his way to avoid endorsing what was for many ecclesiastics before him the accusatorial canon’s strongest suit, namely its requirement that there be seventy-two *testimonia* against a bishop before he could be rightly accused. But Wulfstan’s attempt to suppress this aspect of the canon was clearly unsuccessful, for at Worcester only several decades after his death, and probably under the guidance of his namesake and (possibly) nephew and
Appendix IV

godson, the canon was revived in A2, seemingly as part of an effort to strengthen the jurisdictional separation of church and state.

Appendix V: Early-modern scholarship and the textual thicket of the ‘Ecgberhtine compilations’

Part 1: Early attempts to understand Coll.Wig.

During the seventeenth and eighteenth centuries many European scholars were ardently devoted to collecting and publishing texts bearing on the history of the medieval Latin church. A series of monumental and increasingly voluminous editions of medieval historical and legal texts resulted, many of which dealt mainly, or exclusively with canonical texts. While very few of these editions would be considered ‘critical’ by today’s standards, they nevertheless accomplished something important: they brought the materials of medieval history from manuscript into general circulation, in many cases for the first time. The labour these volumes represent—of finding, compiling and publishing the hundreds upon thousands of documents now taken for granted in the modern study of the Middle Ages—was of immense importance in helping to shape modern historical enquiry. However, the immensity of these early editors’ task required that quantity be privileged over quality; a typical editor worked at breakneck speed and handled an array of documents that easily embarrasses the modern historian; but only in rare cases were an editor’s sources subjected to meticulous scrutiny or detailed analysis of the sort with which the modern scholar is familiar.¹ Most early-modern editions show all the marks of having been prepared in haste, including textual inaccuracies, incomplete references, and unfinished arguments, not to mention a good helping of groundless speculation—of the sort that, at the time, was often offered up in the place of good, concrete evidence.² Consequently, many myths and misleading fictions were born and propagated in these early-modern editions, fictions it has been the task of later generations of scholars to dispel, sometimes with more, sometimes with less difficulty. It is so in the case of two canon law collections known early on from Anglo-Saxon manuscripts: Coll.Wig. and Coll.quad.

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¹ The work of the Ballerini brothers (on which much more will be said below) is an example of early-modern scholarship that is both wide-ranging, thorough and meticulous.

What follows is a not-brief review of scholarship on these two collections, beginning with the works of Selden and Spelman in the Early Modern period and continuing up until the end of the nineteenth century. It is divided broadly into two sections, the first dealing predominantly with historiography surrounding *Coll.Wig.*, the second with that surrounding *Coll.quad*. The present review focuses on these two collections because, of the collections that relate most directly to the subject of Anglo-Saxon canon law, they alone can claim to have been a) noticed the earliest and b) studied with any kind of rigor over the last four hundred years. They are moreover linked together by a most intriguing accident of textual history that for so long led them to be ascribed erroneously to Ecgberht, the eighth-century archbishop of York. The story of how these collections came to be misunderstood in the Early Modern period is as fascinating as is that of their eventual rehabilitation in the Modern. The goal here is to tell both stories in full for the first time.

Almost every scholar who will be considered here is an editor of Latin texts. Indeed, the following review is in many ways a history of published editions. That this is so is in part the result of the need, especially in the seventeenth century, to build a body of printed texts on which scholars could then exercise their criticism and judgement. But it is also the result of the very nature of the field: the study of Anglo-Saxon canon law in both the Early Modern and Modern eras was defined almost solely by attempts to recover and edit (and re-edit) the relevant texts, which is in turn a result of the fact that *Coll.Wig.* and *Coll.quad.* have extremely problematic textual traditions. Thus, the majority of scholarship surrounding these texts is and has been oriented more toward understanding their textual history, and less with interpreting their historical significance. Thus did it take until the 1970s before the first, and still the only, good discussion of the historical significance of *Coll.Wig.* arrived: the work of interpreting the institutional, ideological and social significance of this collection simply could not begin in earnest until the complexity of its textual tradition had been realized (though this is still an ongoing process, as it turns out).

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3 It is noteworthy that John Selden, the first to study Anglo-Saxon canon law with any seriousness, never edited an Anglo-Saxon text himself.

The end of the nineteenth century has been set as the upper limit for this review because by then more rigorous approaches to studying texts and textual history had been inaugurated, and many of the more egregious errors of the past had been recognized and overcome. The considerable advances in the quality of textual scholarship, and the concomitant improvements in the kind of history being done by the end of the nineteenth century, make the year 1900 a good (albeit rough) cut-off point for this review. Moreover, a limit of 1900 still allows for the inclusion of a number of groundbreaking studies of Coll.Wig. and Coll.quad. that ended up putting the study of Anglo-Saxon canon law on a new footing by solving many of the problems that had occupied generations of previous scholars. Twentieth-century scholarship was therefore largely immunized against the sorts of textual and conceptual blunders that will be considered below. Nevertheless, scholarship today still betrays traces of its troubled heritage, most notably in the lingering notion that Ecgberht was an English canonist *par excellence* (he probably was, though not for the reasons traditionally assumed); but this and other enduring problems in the present-day study of Anglo-Saxon canon law are dealt with elsewhere in this dissertation.\(^5\)

**Johns Leland (†1552) and Bale (†1563), and the myth of Hucarius’s authorship of Coll.Wig.**

The first remarks of any importance to the modern study of Anglo-Saxon canon law were made by the antiquaries John Leland and John Bale, who introduced to early-modern scholarship the figure of Hucarius (also called Hucarus), along with the suggestion that he had edited and abridged a certain legal work authored by Ecgberht. The impact Leland and Bale would have on the research of subsequent scholars working on the subject, even ones working in the twentieth century, is such as to merit close examination here.

Twice in his *De uiris illustribus* Leland makes reference to certain *constitutiones* he attributed to Ecgberht. The first comes in chapter 85 of that work, at the end of a rather turgid panegyric ‘De Ecbereto’:

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\(^5\) On Ecgberht’s reputation as a canonist, and whether or not this reputation can be upheld given the dwindling corpus of canonical works able to be ascribed to him today, see Appendix III. For detailed discussion of Coll.Wig. and Coll.quad., including references to recent studies of each, see Chapter 4.
It was at this time that [Ecgberht], a man clearly destined for the promotion of learning, established at York for the benefit of posterity a most upright library, by assembling at great expense a rich and abundant collection of ancient books. [...] But it was not enough for Ecgberht merely to furnish a library; he also composed upright, meticulous and learned works of his own, among which was one entitled *De ecclesiasticis constitutionibus*, a work (still extant today) that stands as a clear and excellent witness to his outstanding learning and exceptional piety. This same work was carefully redacted and abridged by Hucarus, deacon of St German’s in Cornwall. [Ecgberht] also wrote a work called *Poenitentiale*. Both works are currently found in the library of Salisbury cathedral.  

The final sentence is crucial; yet its significance seems to have been missed by every scholar who has ever commented upon this passage. Previous assessments have almost without exception (and for reasons that will be explained below) assumed that Leland’s mention of *De ecclesiasticis constitutionibus* refers to Coll.Wig. But the two titles Leland gives in the passage above are in fact references to Ecgberht’s *Dialogus* and PECG.700, copies of which Leland also recorded finding at Salisbury in his *Itinerary*. The copy of the *Dialogus* to which Leland refers is none other than Vitellius A. xii (on which see Appendix III). Why Leland chose in his *De uiris illustribus*...
to describe the *Dialogus* as ‘de ecclesiasticis ... constitutionibus’ but in his *Itinerary* to describe it as ‘Incipit succinctus Dialogus Ecclesiasticae Institutionis à Dnō Ecgberto Archiepiscopo Eburacae Civit. compositus’ (the work’s actual title in Vitellius A. xii), is unclear, though the difference can perhaps be explained by the fact that the *Itinerary*’s booklists were meant as personal notes, and were therefore likely to contain more detail than a work like *De uiris*, which was a polished literary work meant for general consumption.\(^9\) In any case, there is every reason to assume that the title in *De uiris* and the title in the *Itinerary* refer to one and the same work (the *Dialogus*) in one and the same Salisbury manuscript (Vitellius A. xii). Leland is clear that this work existed both in full (namely in the copy he had seen at Salisbury), and in a form that had been greatly abridged by one Hucarius of Cornwall. The identity of this Hucarius is very obscure; essentially all that is known about him is what is said by Leland in chapter 131 of his *De uiris*:

Fame—as much as it pertains to that divine knowledge of theology—shone forth in Cornwall [in the person of] Hucarius, and in particular during that time when throughout Europe writing and letters had nearly ceased on account of the barbarism that prevailed everywhere. In order to complete his studies in more favourable conditions, [Hucarius] moved to the church that had been dedicated by his people to St Germanus. There, after being ordained deacon, sometimes by preaching, and other times by writing, his abilities garnered the gratitude of all those around him. He composed [a collection of] 108 homilies, and in the prologue to that collection he says, ‘This book, compiled by me—Hucarius, a man of exiguous intellect—should have such a prologue as this.’ And [later on] in the same place, ‘But, whomever they may please, let him receive what has been collected here by me, a humble deacon who live in the farthest reaches of Cornwall; and should someone not approve of [these homilies], I beg him not to

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\(^9\) See Carley, ed. and trans., *De uiris illustribus*, lxi: ‘Ultimately, Leland’s lists [such as comprise his Collectanea, but also such as are found throughout his Itinerary] were aides-mémoires; they were in no sense catalogues, but rather notes intended to help him when he came to compose his grand narrative histories. Unlike *De uiris illustribus*, moreover, they were private and never intended for print.’ Indeed, as will be seen in the quotation below from Leland’s description of Hucarius, wherein the *Dialogus* is referred to as ‘libro constitutionum ecclesiasticarum’ instead of ‘de ecclesiasticis constitutionibus’, the titles used in *De uiris* to refer to the Ecgberhtine text are merely descriptive, and are clearly not meant to represent accurately the title found in any manuscript.
tamper with them.’ And, moreover—lest my reader be left unware of it—[Hucarius] prefixed to that collection a few constitutions excerpted from the Liber constitutionum ecclesiasticarum of Archbishop Ecgberht of York (teacher of Alcuin, a man most distinguished in letters). I know not by what fortune, but Hucarius’s collection was carried as far as Canterbury, whence it was brought by a certain monk to Oxford and was deposited in the library of Canterbury College [now Canterbury Quadrangle at Christchurch, Oxford], just as has happened with many other ancient manuscripts at that time; since the entire contents of this [College’s] library were brought over from St Saviour’s, Canterbury.  

When it was exactly that this Hucarius lived Leland does specify; however, based on the placement of this chapter in his De uiris (after that on Queen Edith of Wessex, and before that of Ælfric), it would seem that Leland believed he flourished sometime in the first half of the eleventh century. Very few traces of Hucarius’s existence survive in the historical record outside of Leland’s De uiris. The Oxford manuscript that contained Hucarius’s collection of 108 homilies no longer survives; its presence at Oxford ca 1300 is corroborated, however, by a library catalogue dating from that time, but its whereabouts after Leland’s day are presently unknown. It would seem therefore that the abridgement of the Dialogus (called here the ‘libro constitutionum ecclesiasticarum Ecberti’) that Leland describes as being ‘prefixed’ to that
manuscript has also been lost. Traces of its existence may survive, however. Chapters 1 and 12 (and possibly chapter 16) of the *Dialogus* were available in Worcester and/or York during Wulfstan’s day; this is known because Wulfstan included these chapters in *Coll.Wig.* It may very well be the same, or a similar, collection of *Dialogus* excerpts that Leland had seen prefacing the now lost copy of Hucarius’s homilies. In any case, it should be noted that, although Leland supposed it had been Hucarius himself who prefixed the ‘paucas constitutiones decerptas’ to his homiliary, it is entirely possible that these excerpts had been added there by someone else long after Hucarius had formed his homiliary. That is, there may never have been any direct connection between Hucarius and the *Dialogus* excerpts noticed by Leland in the Oxford manuscript.

Leland’s notices pertaining to Hucarius were picked up by an associate of his, John Bale, who published his own *Scriptorum illustrium maioris Brytannie catalogus.* In chapter 15 (‘Centuria secunda’) of his *Catalogus* Bale recapitulates much of Leland’s description of Ecgberht, including the claim that ‘[Ecgberhti] constitutiones Hucarius Leuita in compendium redegit.’ Interestingly, Bale adds that ‘Congessit inter cætera Egbertus: Pænitentiale quoddam, Lib. I; Constitutiones Ecclesiae, Lib. I; Eruditiones discipolorum, Lib. I; Homelias et lectiones, Lib. I; Ad ecclesiarum pastores, Lib. I; Ad Zachariam pro pallio, Epist. I; Ad Eadbertum fratrem regem, Epist. I; Ad Alcuinum diaconum, Epist.plures. Atque alias plures ad diversos epistolas.’ It is not known on what authority Bale based this list, and no other scholar before or since has claimed so ample a corpus for Ecgberht. Of course, the first two of these works still survive today, as PECG.700 and the *Dialogus.* What might have become of the other works listed by Bale is unknown, though it is entirely possible that they actually never existed; indeed, it seems

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12 The Ballerinis once speculated that James Ware had seen ‘manuscripta Britannica quae Hucarium harum exceptionum [Ecgberhti] autorem praeferebant’, but this is clearly a misinterpretation of Ware’s testimony; see below, Appendix V nn. 21 and 141.

13 See above, Appendix III p. 385 with n. 41.


to have been Bale’s habit to expand the known corpus of a writer, by presuming the existence of works purely on the basis of what he thought they should have written.

Bale copied much too of Leland’s description of Hucarius, in chapter 47 (‘Centuria secunda’) of his Catalogus. Again, however, Bale made some interesting additions:

As Leland so colourfully put it, fame—as much as it pertains to that divine knowledge of theology—did shine forth [in the person of] Hucarius, a deacon of Cornish descent [...] After being ordained deacon [in the church of St German’s], sometimes by preaching, and other times by writing, his abilities garnered the gratitude of all those around him. Yet there were few in those days who were driven by a zeal for truth and who would speak out against the innumerable superstitions that were working their way into the church; rather [most], to the detriment of souls everywhere, acted as sycophants pursuing the benefices and dignities of office. Hucarius composed: a book of certain excerpts from the De constitutionibus ecclesiasticorum of Archbishop Ecgberht of York (teacher of Alcuin, a man most distinguished in letters); a book of 110 [sic] homilies; as well as certain other [works]. It is reported that [Hucarus] flourished in the year 1040, under Harald, king of the English. It was at this time that the Saturday fast had its beginnings among both the ‘Gauls’ and the English: they taught that fasting on bread and water is sufficient for the remission of all sins.  

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Aronstam is no doubt correct in seeing Bale’s final remark here as a cavil about the sorts of penitential canons common *ca* 1000; ¹⁷ however, there is no reason to agree with her that in mentioning this Bale was in any way commenting upon one of the peculiarities of the ‘Exceptiones quasdam’ he mentions—whatever one thinks he meant by that title (Aronstam believed it was *Coll.Wig.*). Indeed, there are no signs that Bale ever saw these ‘Exceptiones quasdam’. His dependence upon Leland’s *De uiris* for this chapter is nearly complete; the only substantive alterations he makes to his source (besides several Protestant remarks about the morality of the day) are of a kind with those he is seen making to his chapter on Ecgberht, namely the padding out of the writer’s corpus. The addition of ‘as well as certain other works’ in the passage above makes it clear enough that this was Bale’s method. In Bale’s hands, Leland’s report that Hucarius had merely ‘prefixed’ Ecgberhtine constitutions to his homiliary becomes the claim that Hucarius had ‘composed a book of certain excerpts’ of Ecgberhtine constitutions. This small, and seemingly harmless bit of exaggeration on Bale’s part would have profound repercussions on future scholarship.

While Leland had originally only been speaking of the *Dialogus* when he mentioned Ecgberht’s work ‘de Ecclesiasticis ... Constitutionibus’, several chapters of which Hucarius had prefixed to his homiliary, it was Bale’s description of Hucarius as an author of a book of certain *Exce(r)ptiones Ecgberhti* that caught the attention of Henry Spelman, the editor of the *editio princeps* of *Coll.Wig.*, in 1639. And no wonder; for, added into the margin of Spelman’s only manuscript witness of *Coll.Wig.* (A3) was a medieval notation that seemed to him (and to nearly every scholar since) to apply the title ‘Excerptiones domni Ecgberhti’ to *Coll.Wig.* But this is merely a remarkable coincidence. As will be shown below, the marginalium in A3 in fact does not refer to *Coll.Wig.* Moreover, the formulation *exceptiones Ecgberhti*—so similar to the title Bale used in his chapter on Hucarius—is entirely coincidental: the text to which the A3 marginalium refers (Ghaerbald’s *Cap.I*) was believed by the medieval annotator to have been actually excerpted from a copy of PECG.700 (which in a sense it had been). But Spelman did not know, and probably could not have known, any of this. He drew what seemed to him the most natural of conclusions: that in A3 he had found a copy of those Hucarian *Excerptiones Ecgberhti* that had been described by Bale: ‘ad illas tamen pertinere reor’, Spelman remarked in a note to

his edition, ‘quas Balaeus vocat Egberti Constitutiones Ecclesiae, et ab Hucario Levita redactus assert in compendium.’  

After Spelman, the notion of Hucarius’s compilation of Coll.Wig. spread like wildfire. It was adopted in 1720 by John Johnson in his Collection (where Johnson for some reason assumes Hucarius to have been Egberht’s amanuensis), and then in 1737 by David Wilkins in his influential Concilia. It had also been upheld in 1656 by James Ware in his edition of Patricio adscripta opuscula—rather ironically, since it was also Ware would go on to edit the Dialogus, the work to which Leland and (unwittingly) everyone else had been referring all along. From Spelman, Ware and Wilkins the ‘Hucarius theory’ entered the influential Continental anthologies of Labbé–Cossart, Hardouin, and Coleti, and finally Mansi’s Conciliorum in 1766; it also entered the Disquisitiones of the Ballerinis in 1757, which would come to exert an enormous influence on the Continental study of Latin canon law collections (more on all of these works below). The Hucarius theory reached the height of absurdity in 1669 when Luc d’Achery, editor of the first (partial) edition of Coll.Hib., proposed that the ‘deacon’ Hucarius was identical with the ‘abbot’ Haelhucar who ordered a copy of Coll.Hib. to be copied out in Paris, Bibliothèque nationale, Lat. 12021.

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18 H. Spelman, ed., Concilia, decreta, leges, constitvtiones in re ecclesiarum orbis Britannici ... ab initi o christianæ ibidem religionis, ad nostram usque atetem ... Tom. I: ... a primis Christi seculis usque ad introitum Normannorum ... (London, 1639), 275.

19 Johnson, Collection, ed. Baron, 181.

20 Wilkins, ed., Concilia, I, 101, and note to p. 112.


23 Mansi, ed., Conciliorum, XII, cols 411–12.

24 See below, Appendix V n. 141.

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By 1888 the attribution had begun to find disfavour among English-speaking scholars, most notably Lord Selborne, *Ancient facts*, whose research into *Coll.Wig.* was responsible for correcting many previous misconceptions about the collection (more on this below). Further doubt was cast on Hucarius’s role in 1931 by Fournier and le Bras. But Robin Aronstam, the first critical editor of *Coll.Wig.*, successfully resurrected the theory of Hucarius’s authorship of *Coll.Wig.* in the 1970s, remarking that, ‘The collection [Coll.Wig.] originated with neither Wulfstan nor Ælfric ... but with an obscure Cornish deacon [Hucarius] whose memory has been preserved by a series of precarious chances.’ Of course, it is now known that the collection almost certainly did originate with either Ælfric or Wulfstan (or both—see Chapter 4), and Aronstam’s ‘series of precarious chances’ is really nothing more than a series of mistaken associations and unwarranted assumptions on the part of modern and early-modern scholars. It was on Aronstam’s authority that the Hucarius theory was included in Kéry’s *Canonical collections*, which, under the title *Exceptiones Ecgberhti*, lists the author as ‘Unknown. Erroneously attributed to Archbishop Ecgberht of York. Some manuscripts mention a certain Huscarius [sic] (Levita Huscarius).’ Needless to say, no manuscript of *Coll.Wig.* mentions the name Hucarius. A *coup de grâce* was dealt to the theory only as recently as 1999, in independent studies by Cross–Hamer and Wormald; they correctly diagnosed the attribution as an error born of Bale’s exaggeration of Leland’s original report. All three scholars, however, missed the significance of Leland’s mention of Salisbury, and so did not identify his *De

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27 Fournier–le Bras, *Histoire*, 317. Their skepticism was interpreted as ignorance by Aronstam, ‘Recovering Hucarius’, 121: ‘Through these editions, both English and continental, the name Hucarius became securely associated with [Coll.Wig.], although continental scholars have sometimes been unaware that the actual manuscript evidence for his work had perished. Even P. Fournier and G. LeBras in their *Histoire des collections canonique en occident* seem ignorant of the fortunate chance which has preserved for us the name and condition of this primitive canonist.’

28 Aronstam, ‘Recovering Hucarius’, 118.

29 Kéry, *Collections*, 238.

30 Kéry’s note is probably based on an error found in the Ballerinis’ discussion of *Coll.Wig.*, wherein they erroneously infer that Ware had seen manuscript copies of *Coll.Wig.* that were attributed to Hucarius; see below, Appendix V n. 141. The error was repeated by Wasserschleben; see below, Appendix V n. 150.

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ecclesiasticis constitutionibus with the Dialogus. Consequently, they were forced to speculate as to the identity of the work that Leland had seen, with Wormald suggesting it might have been Ghaerbald’s Cap.I (a good guess), and Cross and Hamer suggesting it may have been some other lost ‘canon-collection made by Ecgberht’. Now that the true identity of Leland’s De ecclesiasticis constitutionibus is known to be the Dialogus, the controversy at the centre of the entire Hucarian debacle is resolved, and the theory of Hucarius’s authorship of Coll.Wig. can be laid to rest permanently.

**Coll.Wig., Ghaerbald's Cap.I, and the beginning of modern study of Anglo-Saxon canon law**

As impactful as they were on subsequent scholarship, Leland’s and Bale’s contributions were not born of, nor do they constitute, serious study of the laws of the Anglo-Saxon church. The history of the modern study of Anglo-Saxon canon law, and of Coll.Wig. in particular, begins therefore not with them but with John Selden and his *The historie of tithes*, published in 1618. It must be acknowledged, however, that in the study of Anglo-Saxon law generally Selden was preceded by William Lambarde. Lambarde—like Selden a generation later—was an antiquary and a lawyer. At the request of Laurence Nowell, Lambarde had published an edition of the Anglo-Saxon laws, titled *Αρχαιονομια*, only the second book to print Old English text. It contains (in its first edition) the Old English laws of Ine, Alfred, Edward, Æthelstan, Edmund, Edgar, Æthelred and

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34 *Αρχαιονομια*, sive de priscis Anglorum legibus libri, sermone Anglico ..., ed. W. Lambarde (London, 1568; repr. with additional laws, eds R. Twysden and A. Whelock, Cambridge, 1644). The part played by Nowell—to whom history owes the preservation of the *Beowulf* manuscript—in encouraging Lambarde to publish *Αρχαιονομια* is recorded in the dedicatory epistle to that work (*Αρχαιονομια*, ed. Lambarde, fol. 3r): ‘Obtulit mihi superiori anno Laurentius Noelus, diligentissimus inuestigator antiquitatis, mihique multa et iucunda consuetudine coniunctus, ... priscas Anglorum leges, antiquissima Saxonum lingua, et literis conscriptas, atque me ... vt latinas facerem, ac per uulgarem vehementer flagitauit’; ‘This past year, Laurence Nowell—a most assiduous investigator of antiquities, and a familiar and cherished associate of mine—presented to me [copies of] the ancient laws of the English, written out in the ancient language and letters of the Saxons, and earnestly entreated me to translate them into Latin and publish them.’ Nowell himself also did much work transcribing and translating the Anglo-Saxon laws, on which see R.J.S. Grant, *Laurence Nowell, William Lambarde, and the laws of the Anglo-Saxons*, Costerus n.s. 108 (Amsterdam,1996).
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Cnut, along with the *Treaty between Alfred and Guthrum* and the (spurious, Wulfstanian) *Treaty between Edward and Guthrum*; each of these were translated by Lambarde into Latin. He also included Latin texts of the so-called *Leges Edwardi Confessoris* (retractatus c. 1140–59) and *Willelmi articuli* (Londoniis retractati). Of the laws printed by Lambarde, all but Edward’s and the *Treaty between Alfred and Guthrum* touch on ecclesiastical discipline and/or jurisdiction, and as such are of incidental importance to the historiography of Anglo-Saxon canon law.

Lambarde’s research originated within ‘the antiquarian circle of Archbishop Matthew Parker, who promoted Anglo-Saxon research as a firm foundation for the Church of England.’ Parker himself—Archbishop of Canterbury 1559–1575 and the figure traditionally credited with the initiation of Anglo-Saxon studies—says virtually nothing about the Anglo-Saxon laws in his two important works on the ancient English church, *De antiquitate Britannicae ecclesiae* and *A testimonie of antiquitie*. His role in the present story is rather a supporting one: Parker was the prime mover in establishing the coterie known as the Society of Antiquaries, an informal club of like-minded English intellectuals that began meeting ca 1585. Though it lasted but a short time, the Society’s membership boasted some of the most important English humanist thinkers of the day, including Lambarde, Robert Cotton (†1631) and Selden. Members of the Society were

\[\text{\footnotesize 35 Ed. Liebermann, } \textit{Die Gesetze}, \text{ I, } 629–55 \text{ and } 660–72.\]
\[\text{\footnotesize 36 Ed. Liebermann, } \textit{Die Gesetze}, \text{ I, } 489–91.\]
\[\text{\footnotesize 37 Alsop, ‘Lambarde’.}\]
\[\text{\footnotesize 38 M. Parker, with G. Acworth and J. Joscelyn, } \textit{De antiquitate Britannicae ecclesiae et privilegiis ecclesiae Cantuariensis cum archiepiscopis eiusdem LXX ...} \text{ (London, 1572).}\]
\[\text{\footnotesize 39 M. Parker, with J. Day and J. Joscelyn, } \textit{A testimonie of antiquitie, shewing the auncient fayth in the church of England touching the sacrament of the body and bloude of the Lord here publikely preached, and also receaued in the Saxons tyme, above 600 yeares agoe} \text{ (London, 1566/7). In this book many passages from Ælfric’s works, including his pastoral letters for Wulfsige and Wulfstan, are treated. While Ælfric’s letters are rich with canonical importance, it is only Ælfric’s comments on the sacrament of the Eucharist, and specifically transubstantiation, that interested Parker, and so it was only these sections that were reproduced in Parker’s } \textit{Testimonie}.\]
\[\text{\footnotesize 40 It is often referred to as the ‘Elizabethan’ Society of Antiquaries, to distinguish it from the later eighteenth-century society of the same name. For the date 1585, see J. Evans, } \textit{A history of the Society of antiquaries} \text{ (Oxford, 1956), 10. Evans’s is the only book-length study of the society of which I am aware. In her first chapter she reviews the Society’s short existence from the end of Elizabeth’s reign and into James I’s; the Society was defunct by 1614. Very little is said by Evans about the role played by Parker, Cotton and Spelman, and Selden very nearly goes unnamed. Evans is rather concerned with the revival and subsequent history of the Society from the eighteenth century on.}\]
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drawn together by their common love of English history and by their insistence on the importance of relying upon primary documentation in the study of that subject. It was within this circle of aristocrats and lawyers that the study of Anglo-Saxon canon law had its beginnings.

John Selden (†1654) and The historie of tithes

Of all of the Society’s illustrious members, Selden was by far the most meticulous and well-read. By trade he was a common lawyer, but he also had an aptitude for learning and studying languages; indeed, his knowledge of Hebrew and Arabic was exceptional for his time. Though his scholarly pursuits and expertise ranged widely, his primary interests lay in the fields of legal and institutional history. Of all the English scholars that will be considered in this review (with the exception of Selborne), Selden stands apart as the only one to have approached the study of Anglo-Saxon canon law with the sort of care and circumspection that is required in order to avoid the kinds of interpretative pitfalls that have so often trapped those that came after him. He has with good reason been credited with introducing to England the scientific study of legal history, which had its beginnings on the Continent in the sixteenth century. He is so credited because even his very early work combined ‘a mature and almost unparalleled grasp of continental evidence and scholarship’ with an insistence on ‘the importance of ... using as primary sources documents from as close as possible to the historical events under analysis.’

Uncritical dependence upon secondary sources was a practice that particularly offended Selden’s

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historical sense, and he often decried it as all too widespread in his day. Selden’s scholarship is the more remarkable because in it he documented sources and authorities for nearly every claim he made—a practice that was almost unique in his day. He possessed great skill at interpreting and handling a vast amount of ancient primary sources, many of which were at the time available only in manuscript; indeed, he often had to work with manuscript material that ‘had not yet been fully sifted and examined.’ Fortunately, his friendship with fellow Society member Robert Cotton allowed Selden constant access to one of the most important repositories of medieval manuscripts in the West.

Though later in life his interests would turn towards Mediterranean civilizations, Selden’s earliest scholarly publications, *Analecton Anglobritannicon libri duo* and *Jani Anglorum facies altera*, demonstrate his keen interest in the history of the Anglo-Saxons and their legal institutions. But even in his early works (which include *The historie of tithes*) Selden demonstrated that his area of knowledge and expertise stretched much further than the geographical and chronological limits of Anglo-Saxon England: again, unlike most historians of Anglo-Saxon England that would follow him, Selden had what was for the time an exceptional knowledge of both Roman and medieval canon law (both pre- and post-Gratian)—and this,

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45 Cf. Selden, *Historie*, xi: ‘The Testimonies [used in *A historie*] were chosen by weight, not by number. taken only thence whither the margin directs [referring to *A historie*’s marginal references], neuer at second hand. Neither affected I to muster vp many petie and late names for proofe of what is had wholly by all from ancient Fountains. The Fountains only and what best cleered them, satisfied me.’ In *Historie*, iii–xiii, Selden heaps much criticism upon those who, in relying (merely) upon the authority of previous historians, are often led astray of their primary evidence.

46 Toomer, *John Selden*, I, 69

47 Ogg, ed. and trans., *Ad Fletam dissertatio*, xxi. Nevertheless, the sixteenth century had produced an enormous output of *editiones principes* (see Toomer, *John Selden*, I, 29–34), and some of these contained Anglo-Saxon material, like Lambarde’s *Apparitio*, to whose 1644 reprinting by Twysden and Whelock Selden contributed some of his own manuscripts (Toomer, *John Selden*, I, 337).

48 Toomer, *John Selden*, I, 261–62, puts forward the interesting suggestion that Cotton, in addition to allowing Selden extensive use of his library, may have pointed him to passages in manuscripts he knew to be pertinent to Selden’s interests.

49 J. Selden, *Analecton Anglobritannicon libri duo* ... (Frankfurt am Main, 1615); J. Selden, *Jani Anglorum facies alter* ... (London, 1610). On these works see Toomer, *John Selden*, I, 71–102. According to Toomer, *John Selden*, I, 343–44, Selden also discussed (in his edition of Eadmer’s Norman history) the tradition of the so-called *Laga Edwardi* and produced the first printed edition of the spurious *Leis Willelme*. For Selden’s later work on Mediterranean civilizations, see the second volume of Toomer’s biography.
notably, was at a time when common lawyers did not typically achieve mastery in one, let alone both of these subjects. What is more, he had a well-developed sense of the variety of canon law collections in circulation in the Middle Ages, and particularly of the problems of canonical authority and forgery in the pre-Gratian period. Selden thus came to the study of Anglo-Saxon institutions with a deep knowledge of the Continental legal and canonical traditions that were antecedent to the English. This allowed him to see rather clearly that the roots for most of the Anglo-Saxon canonical tradition lay in Continental works.

Selden made essentially two contributions to the study of Anglo-Saxon law. The first was to review, for the first time, the extent of the influence of Roman law on early English (including Anglo-Saxon) law and customs. Selden’s study of the subject can be found in his *Ad Fletam dissertatio*. His conclusion was that ‘among our Anglo-Saxons ... at no time was the Roman law admitted’. By this, however, Selden did not mean that Roman law was unavailable to the Anglo-Saxons; on the contrary, he freely admitted that it was (if only to a limited degree). Selden’s point was rather that, even though Roman legal texts clearly were available to Anglo-Saxon ecclesiastics, they did not (or so he believed) have any standing or practical force in England, and in fact he downplayed the question of their probable influence overall.

50 See, e.g., Toomer, *John Selden*, I, 81 and 272–73.

51 For examples of Selden’s acquaintance with pre-Gratian canon law collections, see in general his *Historie*, esp. 44–61, where he demonstrates knowledge of the collections of pseudo-Isidore, Ivo, Burchard, Anselm, and ‘Gregoriu presbyter’.

52 Winkler, ‘Roman law’, 101 with n. 1, points to Selden’s *Ad Fletam dissertatio*, ed. and trans. Ogg, 52–3 and 104–09, as the earliest ‘comment on the Anglo-Saxons’ knowledge and use of roman law.’

53 This work is a lengthy essay published as an introduction to an anonymous tract on thirteenth and fourteenth-century English law known as *Fleta*.

54 *Ad Fletam dissertatio*, ed. and trans. Ogg, 103.

55 *Ad Fletam dissertatio*, ed. and trans. Ogg, 105–06: ‘outside the Exarchate of Ravenna, no use was made of the Corpus of Justinian in western Europe during the period from the end of the Roman occupation of Britain to about the middle of the twelfth century, except by scholars in their studies and the clergy in their legal transactions. This is especially true of Britain in this interval as not even *Cod.Theod.* was used. The Anglo-Saxon invaders of England used neither this nor any similar code, but only their native Germanic customs, differing in this respect from the other northern invaders who penetrated farther south. And just as among the Goths who invaded Italy, Gaul and Spain, their laws were called Gothic, Lombard, Salic and other names, so among our Anglo-Saxons there were the laws of the Mercians, of the East Saxons and later of the Danes, but at no time was the Roman law admitted. In our public administration, there are no traces of its use during this period of more than 700 years, though doubtless it must have been known, at least in part, to some English and foreign scholars. *Doubtless also it was utilised by the*
scholars today would be content merely to point out what texts were available, and would not venture as Selden does to comment on which of these did or did not enjoy official endorsement by the Anglo-Saxon church—this is a peculiarity of Selden’s interpretative method that will be touched upon again below.\(^{56}\) Still, it must be admitted that historians have found very little evidence that Roman law of any kind (even in the more popular abridged form of the *Breviarium*) influenced Anglo-Saxon legal texts or institutions.\(^{57}\) Selden’s conclusions in this regard are therefore of relevance to the present study, since it was of course upon Roman legal and administrative models that much of Western canon law was formed.\(^{58}\)

Selden’s second contribution to the study of Anglo-Saxon law came in 1618 when he published a detailed study of *The historie of tithes* in the medieval West. This wide-ranging survey of the documentary sources pertaining to the development of tithing in the West remains a work of superior scholarship even by today’s standards.\(^{59}\) By including substantial consideration of a

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\(^{56}\) See below, Appendix V n. 69.

\(^{57}\) See Winkler, ‘Roman law’.


\(^{59}\) Toomer, *John Selden*, I, 257, quoting Richard Helmholz, says that Selden’s *Historie* has ‘never been replaced as a comprehensive treatment of its topic’. But this is to pass over the achievement of Selborne in his *Ancient facts and fictions concerning churches and tithes*, which, though it does not cover as broad a chronological and geographical range as Selden’s, is significantly more accurate than’s Selden’s work in its treatment of tithe ordinance in Anglo-Saxon England. Selborne’s contributions to the subject are considered further below.
number of Anglo-Saxon canonical documents, Selden’s Historie became the first scholarly work to examine critically the canonical texts and traditions current in the Anglo-Saxon church.  

The historie of tithes was meant to respond directly to certain inaccuracies Selden perceived in the debate surrounding the historical origin of obligatory tithing. Controversy had recently erupted over the notion that tithes were due to clergy iure divino, a position supported by King James I. Selden claimed no interest or authority in the controversy surrounding the question, in so far as it centered on theological arguments; rather his stated purpose in writing the Historie was to treat the institutional origins of obligatory tithing, thereby showing (whatever might be required by divine law) to what extent, and for how long, obligatory tithing had received institutional support in the West. Though intended to defuse some of the controversy over the historical origins of tithing in England, Selden’s Historie ended up occasioning new controversy of its own. The thinly veiled anti-clerical attitude Selden frequently exhibits in his study ensured that his Historie was received by the clergy as an attack on their rights to collect tithes. Selden was eventually reprimanded by King James and forced to give a formal apology before the Privy Council for publishing the work.

Despite the personal problems it occasioned for Selden, his Historie was ‘a magnificent achievement, by itself sufficient to establish Selden as a scholar of the first rank, combining sound judgement and versatility in different branches of history and law with a familiarity with a

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60 In fact, in two earlier works, Of the original of ecclesiastical jurisdiction of testaments and Of the disposition or administration of intestates goods (both printed in Tracts written by John Selden of the Inner-Temple ... [London, 1683]), Selden had considered the history of ecclesiastical jurisdiction over wills, part of which history included the Anglo-Saxon period; see the discussion in Toomer, John Selden, I, 190–96. However, Selden adduced nothing of significance to the history of Anglo-Saxon canon law in these studies. In particular, he did not mention Ecgberht’s Dialogus, a document containing testimony (c. 2) germane to the subject of ecclesiastical jurisdiction over wills. On the one hand, this might not seem surprising, since the editio princeps of the Dialogus did not appear until 10 years after Selden’s death. On the other hand, one might have expected Selden to know the work anyways since the only copy known today (and probably the only copy known in Selden’s day) is in a manuscript that belonged to his friend Robert Cotton.

61 Cf. Christianson, ‘Selden’: ‘Underlying the occasionally flaming heat of the Historie of Tithes stood a profoundly protestant version of Christianity which envisaged a church governed by the prince and parliaments, integrated into society, and enriched by the creative talents of laymen, as well as those of the clergy.’ See also the brief account of Selden’s anticlericism in Bowen, ‘Historians courageous’, xvi–vii, where Bowen calls The historie an ‘anti-clerical’ book.

62 For an account of the controversy surrounding the publication of The historie, see Toomer, John Selden, I, 257–65 and 304–10.
huge variety of unpublished material which ... astounds the modern observer."\(^{63}\) The work is
divided into two parts. The first part (cc. 1–7) treats tithes throughout pagan and Judaeo-
Christian history up to Selden’s own time. The second (cc. 8–14) treats the history of tithes in
England from the Anglo-Saxon period until the sixteenth century.\(^{64}\) In its chapters touching on
Anglo-Saxon England, Selden demonstrates familiarity with essentially all the relevant primary
sources. Though not without its defects,\(^{65}\) his treatment of Anglo-Saxon history is lucid and
wide-ranging, and can be credited with a number of firsts. It contained, for example, the first
(partial) printing of the Constitutiones of Archbishop Oda of Canterbury, and was the first to
make a comparison of this work with Bishop George of Ostia’s report to Pope Hadrian I of the

\(^{63}\) Toomer, John Selden, I, 304.

\(^{64}\) This second, English, half of the book cites a disproportionately large amount of unpublished material, much of
which Selden found in Cotton’s manuscript library; Toomer, John Selden, I, 278, and see also 284–86.

\(^{65}\) Most of the pitfalls Selden fell into were the same that continued to scandalize legal historians well into the
nineteenth century. For example, he considered (Historie, 225) the penitential text now known as the Old English
Handbook and thought to have been concocted in Worcester in Wulfstan’s atelier to be ‘a Synod ... held about the
Conquest’; see now R. Fowler, ‘A late Old English handbook for the use of a confessor’, Anglia 83 (1965), 1–34,
and M. Heyworth, ‘The “Late Old English handbook of the use of a confessor”’: authorship and connections’, Notes &
queries 54 (2007), 218–22. More significantly, Selden was unable to appreciate the significance of Coll.Hib.—as
yet apparently unknown to scholars (except perhaps Ussher)—to the Anglo-Saxon canonical tradition. It is clearly a
copy of this collection that he is at pains to describe in Historie, 210–13, where he speaks of a volume in Cotton’s
collection that had once ‘belonged to the Abbey of S. Augustines in Canterbury, titled Statuta Synodorum, written in
a hand of about DCCCC. yeers after Christ, or somewhat more’, noting further that ‘The exact age of those Statuta
Synodorum, appears not. But they were collected about K. Athelstans time. at least, then was the Copie that remains
of them written, as may be conjectured alone (if other reasons failed) from the similitude twixt the Character found in
them and that of the Text of the holy Evanglistis, which King Athelstan caused to be writen, and consecrated to S.
Cuthbert’—this latter manuscript I take to be London, British Library, Cotton Tiberius A. ii (s. ix/x or x\(^{a}\), Lobbes;
prov. Christ Church, Canterbury after 939), on which see S. Keynes, ‘King Athelstan’s Books’, in Learning and
literature in Anglo-Saxon England: studies presented to Peter Clemoes, eds M. Lapidge and H. Gneuss (Cambridge,
1985), 143–201. Selden goes on to notes that references to ‘Synodus Hybernensis ... and sometimes Gildas and S.
Patrike’ are found in the first manuscript, and that ‘certain Canons of that Abbot Adomman ... are annex to it.’ He
then quotes a passage he finds therein (‘Hæ sunt quatuor Synodi principales ... quorum gesta in hoc opere condita
tenetur’), which is taken from Book 6, c. 16 of Isidore’s Etymologiae. Finally, he notes that to the main text
(‘Statuta synodorum’) was added another, in a later hand, titled ‘Incipient Pauca Iudicia que desunt de supradictis’,
wherein is quoted an unidentified law on tithes. It seems safe to assume that the manuscript Selden was describing is
B2, doubtless the same one to which Ware refers (Epistulæ duae, 132) when he quotes Synod.1 Patric. 24 from what
he describes as a ‘vetusto codice Canonum Titulorum 66, in Bibliotheca Cottoniana’, clearly a reference to Coll.Hib.
43.4 as found in B2. This manuscript, now very badly damaged from fire, contains a number of Irish canonical texts,
including Coll.Hib.A (which would be Selden’s ‘Statuta Synodorum’) and a supplement from Coll.Hib.B. B2 is
described in detail by Wasserschleben, ed., Die irische Kanonensammlung, xxxii–iii, though he apparently never
saw the manuscript himself and only collated certain chapters in his edition (see Wasserschleben’s note to p. xxxii).
Selborne, Ancient facts, second edition, 247–49, thought the manuscript Selden spoke of was ‘now lost’, and so for
his discussion of it he drew entirely upon Selden’s account. Unlike Selden, however, Selborne recognized that the
source of the unidentified law on tithes in the appended text (‘Incipiant pauca iudicia’) was in fact c. 5 of
Ghaerbaold’s Cap.I. Selborne used this evidence to show that Ghaerbaold’s Cap.I first became known in England
during the early stages of the Benedictine Reform.
Appendix V

legatine councils held in England in 786 (CENG.786). He was also the first to comment on the important differences between the Latin and English versions of the legal codes pertaining to the council of Enham in 1008 (a code of some importance to English ecclesiastical law in the early eleventh century), and he was first to cast doubt on the authenticity of the so-called Laga Edwardi (at least in the form they have come down to us). Most importantly, however, Selden was the first to consider the Anglo-Saxon tradition of canon law in terms of both its indigenous and foreign sources; that is, he understood that a proper evaluation of the Anglo-Saxon tradition required a consideration of not only the statutes, laws, and regulatory literature written by Anglo-Saxons prelates or passed by Anglo-Saxon councils, but also of such Continental documents as were to be found in Anglo-Saxon manuscripts or were known to have arrived in Anglo-Saxon England from other places and earlier periods. Even if, as in his opinion of the early significance of the Roman law, Selden hesitated to equate a text’s availability with its applicability, he was

66 Selden, Historie, 217–18; Toomer, John Selden, I, 279. Selden printed excerpts of Oda’s Constitutiones from the only copy that survives today, namely Vespasian A. xiv. Selden’s findings on, and printing of, the Constitutiones go unnoticed by Whitelock in her edition, C&S, I.i, 67. For further on CENG.786 and the Constitutiones of Oda, see above, Chapter 2 nn. 61 and 162.

67 Selden, Historie, 220–22. For further on the several (Wulfstanian) codes pertaining to CENH.1008, see above, Chapter 4 nn. 174 and 193.


69 Selden (and Selborne after him) was given to a peculiar interpretative methodology wherein he sought to distinguish foreign from native sources in terms of their value as evidence of native legal praxis. Selden worked from the principle that a canon or law enacted in a particular geo-political context did not necessarily have force outside of that original context. Consider, for example, the following remark in the preface to his Historie, v–vi: ‘it is a common, but most deceiving argument among them, affirmatively to conclude Fact or Practice of Tithing from what they see ordaind for Tithes in any old Canon of the Church. as if euery thing so ordaind, necessarily had also a following vse. it being indeed frequent enough to find Canons directly contrarie to following Practice; and that euen in the proceedings of the Canon Law, which (as the body of it is) was neuer receiued wholly into practice in any State, but hath been euer made subjicet in whatsoever touches the temporalities or maintenance of the Church (which come from Lay men) to the varietie of the secular Laws of euery State, or to Nationall customes that crosse it. ... To argue therefore from affirmative Canons only to Practice, is equall in not a few things (and especially in this of Tithing) to the proving of the Practice of a custom from some consonant Law of Plato’s common wealth, of Lucians men in the Moon, or of Aristophanes his Citie of Cuckoes in the clouds.’ This principle, eminently sensible when applied to civil law, leads to problems when applied generally to Latin canon law, which purported to be universally applicable in the West. Ultimately, this principle allowed Selden to dismiss as inconsequential to English history certain Continental documents that conflicted with the overall historical narrative he was attempting to give. Thus, as mentioned above, he could accept that Anglo-Saxons knew of and read Roman law, but could deny that it ever influenced native legal practice (see above, Appendix V n. 55; and cf. chapter 10 in Seldon’s Historie, esp. 276). Selden distinguished, moreover, between church canons that had been enacted by mere ‘Provinciall authoritie’ (and were therefore not applicable outside that provincia), and those that constituted what he called ‘received law’, that is
still careful to consider any and all evidence, no matter its origin, as long as it had Anglo-Saxon provenance. Thus, in exploring the history of tithe ordinance in England, Selden did not, indeed could not, limit his investigation to documents of merely ‘Insular’ origin. Instead, his research led him to investigate the Mediterranean backgrounds of, and especially the Carolingian influences on, tithing in England. He discovered that Carolingian canonical documents, including conciliar canons, canon law collections, and royal and episcopal capitularies, played an important role in the development of tithe ordinance in Anglo-Saxon England.

It is in fact with Selden’s treatment of a chapter of one Carolingian document in particular, the First Capitulary (Cap.I) of Bishop Ghaerbald of Liège (†809), that modern critical study of the history of Anglo-Saxon canon law began. Chapter 5 of Cap. I is a short ruling by Ghaerbald concerning the tripartite distribution of tithes; it describes how tithe revenue was to be divided in the churches of Ghaerbald’s diocese between priests, the poor, and church fabric/adornment. Selden knew this chapter only as part of Coll.Wig., which in its final ‘B’ redaction begins with Cap.I. (Coll.Wig.B 2–22 = Ghaerbald’s Cap.I).\(^70\) The single copy of Coll.Wig. that Selden knew was that which he found—and which still remains—in Cotton’s collection, specifically in A3.\(^71\) He did not know the origin of the Cap.I chapter,\(^72\) nor could he

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\(^70\) Selden, Historie, 196–98. On Ghaerbald’s Cap.I and Coll.Wig. see Elliot, ‘Ghaerbald’s First capitulary’. Selden actually did know of Cap.I’s chapter 5 from one other context: he noted that it had been added by a later hand to B2, on which see above, Appendix V n. 65.

\(^71\) That Selden used A3 can be surmised from his marginal note ‘Ms. in Biblioth. Cottoniana’, and from his indication that the manuscript was datable to the eleventh-century (Selden, Historie, 196, where he dates the MS to
have known that it was of a piece with the four chapters before it and the sixteen that follow it in *Coll.Wig.B*. Selden therefore did not enter into an investigation of the origin of *Cap.I* as a whole (this would have to await Selborne’s study 270 years later), but rather concerned himself only with the relationship of *Cap.I*’s chapter 5 to *Coll.Wig.B*. From his close study of Carolingian canonical sources Selden was able to determine (correctly) that *Cap.I* 5 was a foreign rather than a native Anglo-Saxon canon, and that it had been excerpted from legislation passed under Charlemagne.\textsuperscript{73}

Having demonstrated the foreign origin of *Cap.I*’s tithe provision, Selden went on to consider the question of the authorship of *Coll.Wig.B* as a whole. Selden easily dismissed the attribution suggested by the marginal annotation on *A3*’s folio 127v, the very page on which *Coll.Wig.B* begins. This now famous annotation reads: ‘INCIPVNT EXCERPTIONES DOMNI ECGBERHTI ARCHIEPISCOPI EBVRACE CIVITATIS DE SACERDOTALE IVRE’. As has been mentioned elsewhere in this dissertation, this annotation is the root cause of the entire history of attributing *Coll.Wig.* to Ecgberht. Much of the rest of this review, in fact, will have to

\textsuperscript{72} He admits as much in his *Historie*, 212–13.

\textsuperscript{73} Selden, *Historie*, 212–13.
do with the reactions of early-modern scholars to this particular note. Two important things are now known about this marginal annotation: it was added about a generation after A3 had been copied; and it does not refer to Coll.Wig. in its entirety, but only the presence at the beginning of that collection of Cap.I, which, for reasons that are discussed in Chapter 4, had come to be associated with Ecgberht’s name in England during the tenth century. Selden almost certainly did not have the benefit of knowing what is known today about this marginalium; nevertheless, he was able to reject outright the attribution to Ecgberht on other grounds. Specifically, he recognized that many of Coll.Wig.’s chapters were excerpted from canons and laws promulgated long after Ecgberht’s death. He therefore concluded that authorship by Ecgberht was an impossibility.

It is to Selden’s enormous credit, given the conditions under which he worked, that he could 1) speculate about the Continental origin of c. 5 of Ghaerbald’s Cap.I; and 2) deduce that A3’s attribution to Ecgberht was in error. To the list of firsts accomplished by Selden can therefore be added that he was the first both to bring the existence of Coll.Wig. to the attention of the scholarly community (for no one had discussed it previously), and to doubt Ecgberht’s authorship of it. Unfortunately, Selden’s study of Coll.Wig. would remain largely ignored by subsequent generations of scholars, who for more than two centuries insisted dogmatically on Ecgberht’s authorship of Coll.Wig. One can only assume from this that Selden’s Historie was not popular reading among later early-modern scholars who concerned themselves with Anglo-Saxon history. Had subsequent editors followed Selden’s lead in rejecting the Ecgberhtine attribution, the early historiography of Anglo-Saxon canon law might have looked very different than it does today.


75 Selden, *Historie*, 197–98. Selden offers the following explanation: ‘Perhaps the greatnesse of his name was the cause why some later compiler of those excerptions might so inscribe it, to gain it autoritie.’

76 It should be added that Selden’s contribution to the history of regulatory literature on tithes in the Anglo-Saxon period would eventually lead, indirectly, to another important development in the study of Anglo-Saxon canon law. Nearly four hundred years after the publication of The historie, building on evidence that had been assembled by Selden (and further refined by Selborne in 1888), Patrick Wormald was able to show how the increasing number and amount of church dues required in the legal and homiletic writings of Wulfstan of York could be used to plot a plausible relative chronology of the works of that important Anglo-Saxon canonist; see Wormald, ‘Eleventh-century state-builder’, 26–7. Wormald based his chronology of Wulfstan’s works in part on the sensible presumption that the amount and variety of church dues required in Wulfstan’s writings were not likely to have decreased over time (as
Henry Spelman (†1641), his *Concilia* (1639), and the *editio princeps* of *Coll.Wig*.

Like Selden, Henry Spelman was a member of the Society of Antiquaries. In 1639 he published the first volume of his *Concilia, decreta, leges, constitvtiones in re ecclesiarum orbis Britannici*, a collection of the major primary sources pertaining to the institutional history of the Anglo-Saxon church. Spelman’s *Concilia* was the first resource of its kind for English sources, and was the standard reference work for scholars studying the Anglo-Saxon church, until it was superseded by Wilkins’s *Concilia* 100 years later. Spelman’s primary purpose was to collect and publish in convenient form all major documents bearing on the laws and institutions of the Anglo-Saxon church. Along with the texts Spelman included his own sparse historical commentary and short notes concerning the origin and significance of many documents. Not surprisingly given the scope of Spelman’s edition and the century in which he worked, his notes and texts are full of inaccuracies. But Spelman’s accomplishment is nevertheless impressive. As the first attempt to assemble and edit an exhaustive collection of primary sources pertaining to the law and administration of the Anglo-Saxon church, Spelman’s *Concilia* stands at the head of a long tradition of anthological editions of English ecclesiastical material. The most recent of such anthologies to treat the Anglo-Saxon church—William Stubbs’s *Councils and ecclesiastical documents relating to Great Britain and Ireland* (1871), and Dorothy Whitelock’s *Councils and synods* (1981)—are still indispensable tools for the study of the Anglo-Saxon church.

Spelman’s *Concilia* printed for the first time a host of texts pertaining to Anglo-Saxon canon law, a good portion of which he believed could be attributed (directly or indirectly) to Ecgberht. Under the general rubric ‘Excerptiones d. Egberti Eboracensis Archiepiscopi e dictis et

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77 Two planned future volumes were left incomplete at the time of Spelman’s death two years later. Volume two was published posthumously by W. Dugdale in 1664; volume 3 was never completed.

78 On the significance of Stubbs’s contributions to the field of Anglo-Saxon canon law, see below.
Appendix V

canonibus sanctorum patrum concinnatæ, et ad ecclesiastciæ politiæ institutionem conducentes’, Spelman printed four works, the first of which was Coll. Wig. Spelman’s decision to do this had serious, and unfortunate, implications for future studies of Anglo-Saxon canon law. In collecting these texts together under the common rubric ‘Egberti’, Spelman believed he was following the evidence of his three manuscript witnesses; in fact he was mislead by his uncritical interpretation of those witnesses. In the first place, he was deceived (as Selden had avoided being) by the marginal note in A3, and by a similar inscription found in a table of contents in A1. In the second place he misunderstood the meaning of a rubric found at the beginning of A5. The gravity of Spelman’s blunder can begin to be appreciated by considering that, of the four texts he printed under the rubric ‘Excerptiones Egberti’, none are today accepted as being written by Ecgberht. In fact, only three of them are texts properly speaking; the fourth is merely a list of titles.

Whereas Selden had known the ‘excerptions’ from but one manuscript, Spelman claimed to know it from several. In a lengthy note appended to his edition of Coll. Wig. Spelman describes how

It [Coll. Wig.] must once have been of great importance, for [even] after the well-known destruction of ancient manuscripts that followed the dissolution of the monasteries, there survive today diverse copies of it, and these quite old and beautiful. For (besides any that may lie hidden from our notice) one noble manuscript [A5] is kept in the Oxford public library; another in Cambridge, in the library of Bennet College79 [A1]; a third (if I am not deceived) in Westminster in the Cottonian library [A3?]; and a fourth one, as fine as it is old, that we have used [A3?].80

Today, five manuscripts witness of Coll. Wig. are known: A1, A2, A3, A6 and Barlow 37. Two of these, Barlow 37 and A6, were only discovered to contain copies of Coll. Wig. in the twentieth

79 Now the Parker Library at Corpus Christi College.

century, so Spelman could not have known of them. The first two manuscripts to which Spelman alludes can be identified with certainty. One, ‘in Oxoniensi’, is A5, an important canonical manuscript that does not in fact contain Coll.Wig., but rather Coll.quad.; this manuscript, and Spelman’s mistaken identification of it as a Coll.Wig. witness, will be discussed further below. The second, ‘Cantabrigiæ’, must refer not to A2, but rather to A1, as Spelman prints further texts from the latter, but none from the former. Spelman’s third and fourth manuscripts present a puzzle, however.

Spelman’s fourth manuscript, the one he used (‘quo nos utimur’) for his edition of Coll.Wig., was almost certainly A3, as all scholars since John Johnson have assumed. This has been deduced mainly on the basis that Spelman’s edition agrees in minute and significant details with the text in A3 (they even share the same lacuna). Spelman does not specify where he found his fourth manuscript. A3 is, of course a Cottonian manuscript. That Spelman would use a Cottonian manuscript for his edition makes sense, for he had been a member of the Society since 1593, to whose members the Cottonian library (now in Westminster) had been made freely available. A3 was also apparently the manuscript that Selden had used for his discussion of Coll.Wig. in his Historie, and so one assumes that this manuscript would be well known to other Society members. Yet Spelman seems to have been ignorant of Selden’s Historie, for he shows no awareness of Selden’s proofs against Ecgberht’s authorship of Coll.Wig. Thus, it cannot be

81 That A6 contained a copy of Coll.Wig. was discovered independently in the 1970s by Aronstam, ‘Latin canonical tradition’ and Mordek, Kirchenrecht. That Barlow 37 also contained a copy was apparently noticed first in 1942 by Bethurum, ‘Archbishop Wulfstan’s Commonplace book’ (not by Christopher Hohler in 1975, as claimed by Wormald, ‘Holiness of society’, 197 n. 36).

82 See Wormald, ‘Holiness of society’, 196 n. 31; and cf. Concilia, ed. Spelman, 154–56 and 178–80. Spelman’s use of A1 is considered further below. Aronstam, ‘Latin canonical tradition’, 36, thought that Spelman did not know A1, but this cannot be true, since he prints several texts from it. A2 contains the primitive A version of Coll.Wig., the existence of which was not known until John Johnson published an examination of it in 1720.


84 Spelman, ed., Concilia, 262, notes that there is a series of illegible canons in his exemplar after his canon 34 (= Coll.Wig.B 35), which must correspond to two illegible pages in A3. Cf. Cross–Hamer, ‘Source-identification’, esp. 133.

assumed that what was known to Selden was also known to Spelman. Moreover, there is some (small) doubt as to whether it was in fact A3 that Selden had used, or if he used some other Cottonian manuscript that has now gone missing.  

As it happens, there is similar (though also small) doubt as to whether A3 was the manuscript used by Spelman. The doubt arises from the fact that if Spelman’s fourth manuscript was a Cottonian book like A3, then so it seems was his third. One then has to assume that Cotton in fact possessed two manuscripts witnesses of Coll.Wig. and that these were essentially identical. Yet, no other Cottonian manuscript known today besides A3 contains Coll.Wig.

Why is this a problem? After all, there are countless reports by early-modern scholars of the existence of codices that have since gone missing. The Cotton collection suffered devastating losses in the fire at Ashburnham house in 1731; could not Spelman’s third manuscript have been one of the many volumes consumed in that fire? Probably not, for John Johnson, writing a decade before the fire, mentions only A3 in his list of Coll.Wig. manuscripts in the Cotton collection. Moreover, Selden had known of only one Coll.Wig. manuscript in Cotton’s library, and few have had more familiarity with Cottonian legal manuscripts than him. The problem, then, with identifying Spelman’s fourth manuscript as A3—and thereby positing the existence of two Cottonian witnesses of Coll.Wig—is that no other scholar or editor has ever identified more than one Coll.Wig. witness in the Cottonian collection. But A3 is too similar to Spelman’s published text not to have been the manuscript he used. Thus, either everyone else before and after Spelman had overlooked a manuscript he alone knew of, or Spelman himself was himself in error about the existence of his third manuscript.

86 See above, Appendix V n. 71.

87 For example, several manuscripts of Coll.Quesn. are now known to be lost (see above, Chapter 5 n. 155). It was also once thought that the unique manuscript witness to the canons of CENG.786 had gone missing since the Magdeburg centurions printed the editio princeps in the sixteenth century; however, the manuscript has since been rediscovered (see above, Chapter 1 n. 18).

88 On the fire, see Keynes, ‘Reconstruction’; see also the discussion of the Collectio Cottoniana in Chapter 4, and of Vitellius A. xii in Appendix III.

89 See Johnson, Collection, ed. Baron, 182; the relevant passage is quoted in full below.

90 Though at least one Cottonian manuscript containing Anglo-Saxon legal material seems to have escaped Selden’s notice: see above, Appendix V n. 60.
On balance, it is far more likely that the error was Spelman’s. Spelman himself admits of some uncertainty in the matter. His supposedly missing third manuscript is described by him as ‘tertium (ni mihi imponatur) Westmonasterii, in Bibliotheca Cottoniana’. The remark ‘ni mihi imponatur’, ‘if I am not deceived’, seems to indicate a certain distrust on Spelman’s part, either of his own memory of having ever seen it, or of whomever had told him of the manuscript’s existence. Either scenario is likely. On the one hand, Spelman might well have been relying upon the testimony of another antiquary here; and in this light it is worth noting that in at least one other instance Spelman was wrongly led to claim the existence of a Worcester manuscript based on his incorrect reading of the notes of John Joscelyn.91 On the other hand, Spelman might simply have been the victim of his own faulty memory. He may have once seen the third manuscript himself, or at least thought that he had seen it, but later came to distrust his own memory of having done so. Such confusion on Spelman’s part would have been particularly likely had he written his note on the four Coll.Wig. manuscripts some while after having transcribed the text from A3. Thus, when it came time for him to recall his initial work of transcribing Coll.Wig. from a manuscript in Cotton’s library, and to recall the various known (or suspected) witnesses of this text, he may have confused having seen one witness in Cotton’s library with having seen two. Indeed, he may have forgotten from which manuscript he had made the transcription at all, for, recall, he does not specify where he had found his fourth manuscript, the one he says he ‘used’. It therefore seems entirely possible that, in the great course of time it must have taken to assemble and edit as many sundry texts as are found in his Concilia, Spelman mistakenly conjured into existence a fourth manuscript from his scattered memories and notes.92

One final possibility presents itself. The third manuscript may not have been a witness of Coll.Wig., but rather of the Dialogus, in which case the book in question would be Vitellius A. xii. Here it is important to note that Spelman used the title ‘Excerptiones Egberti’ as an umbrella

91 See C&S, I.ii, 577 n. 3.

92 Some support for this can be found in the fact that Spelman claimed the manuscript he used for his edition was ‘bellum’. But this must be the result of either exaggeration or imperfect memory, for the pocket-sized A3 is not a particularly beautiful book at all, being rather more suited to functionality than ostentation, and its text is positively riddled with interlineal corrections and marginalia. Note, however, that Wilkins also described A3 as a ‘fine’ manuscript (see the quotation below); perhaps he was merely parroting Spelman on this point?
term; for him, it designated not only what has come to be known as *Coll. Wig.*, but also several others canonical texts that he believed could be attributed to the Archbishop of York. Of course, Spelman did not include the *Dialogus* with these other ‘Excerptiones’; indeed, he did not edit it at all and may only have been dimly aware of its existence. Ware’s edition would not be published for several decades yet; however, perhaps sometime in the 1630s Spelman had gotten word (perhaps from Ussher, or maybe Ware himself) that there was a Cotton manuscript *other than A3* that contained a canonical work of Ecgberht’s, the work known today as the *Dialogus*. This at least would explain Spelman’s hesitant language (‘*ni mihi imponatur*’) in discussing that manuscript. Of all the possible solutions to the discrepancy in question, this seems to be the most plausible. Nevertheless, it cannot answer a basic objection, one that applies equally to the other possible solutions discussed above: given his presumably unfettered access to the Cotton library, why could Spelman not easily have verified the existence of such a manuscript? Unfortunately, no clear answer to this question suggests itself.

Spelman’s discussion of ‘Excerptiones’ manuscripts caused troubled for two later critics, namely John Johnson and David Wilkins. Johnson, in his translation of Spelman’s edition of *Coll. Wig.* (published 1720), commented that:

> Sir Henry mentions a MS. copy of these Excerptions [*Coll. Wig.*] in the Cotton Library; but a learned friend of mine can find no copy there, but that from which Sir Henry published his impression in the book, (Nero, A. 1,) nor does Mr. Wanly 93 mention any other there. Sir Henry intimates his suspicion that he was imposed upon in this point, and it seems evident he was so. 94

Writing shortly after Johnson in 1737, Wilkins produced a new, more complete edition of *Coll. Wig.*, also from A3. Wilkins too must have thought that Spelman’s note on manuscripts was in error in implying that there were two Cotton witnesses of *Coll. Wig.*; for, in quoting Spelman’s

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93 Johnson refers here to H. Wanley’s *Librorum veterum septentrionalium, qui in Angliae bibliothecis extant nec non multorum veterum codicum septentrionalium alibi extantium catalogus historico-criticus*, published as vol. 2 of G. Hickes’s *Linguarum veterum septentrionalium thesaurus grammatico-criticus et archaeologicus*, 2 vols (Oxford, 1705).

note in full, Wilkins emended the passage in question to accord with the evidence as he knew it: 95

... another in Cambridge, in the library of St Benedict [A1]; a third one, which we have used, Nero A. i in the Cottonian library, as fine as it is old.

Thus, without comment, Wilkins conflated together Spelman’s third and fourth manuscripts, turning two Cottonian books into one. 96 Wilkins’s emended reading of Spelman’s note has the advantage of squaring both with the reports of early scholars and with the manuscript evidence as it is known today; but it just might have served to erase possible evidence that Spelman had known of a lost manuscript witness to Coll.Wig.

As mentioned, Spelman printed four separate texts under the rubric ‘Excerptiones Egberti’, and Coll.Wig.B is only the first in this series. 97 Spelman’s peculiar decision to print a variety of canonical materials under this rubric stemmed (he says) from his desire not to seem unwilling to publish things from other manuscripts that he believed contained traces of the collection Coll.Wig.—which seems a strange accusation to seek to dodge. 98 In actual fact, none of the additional three texts he prints in the series has much of any relationship to Coll.Wig. These additional texts can now be listed. Immediately following Coll.Wig. Spelman prints a text titled ‘Abhinc diversa ex diversis excessibus iudicia’; this is really chapters 17–52 from Book 2 of Coll.quad., which someone at Oxford had transcribed for him from A5. 99 It was presumably to

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96 Aronstam, ‘Latin canonical tradition’, 36–37 mentions this, but does not attempt an explanation of Wilkins’s emendation.

97 Concilia, ed. Spelman, 258–75. Spelman’s edition comprises 145 chapters taken from A3, and corresponds to Coll.Wig.B 1–151. Note that both Spelman, Wilkins and Thorpe printed a series of canons from A3 (cc. 139–43 in Spelman; cc. 141–45 in Wilkins and Thorpe) that consists of later additions to the manuscript. These chapters, which were not printed in Cross–Hamer’s edition, are designated Coll.Wig.I 147a–g in Appendix XII. Spelman’s edition of Coll.Wig.B was an incomplete one; Wilkins’s would later print the first ‘complete’ edition of Coll.Wig.B from A3.

98 Spelman, ed., Concilia, 275; the relevant passage is quoted in full below, Appendix V n. 227.

99 See below, Appendix V n. 225.
this same person that Spelman owed all of his knowledge about the contents of A5, and perhaps this same person who had suggested to him that the Bodley manuscript was a ‘penitential of Ecgberht’ (a very misleading description, as it turns out)—but these matters will be discussed further in the second half of this review. As the third item in the series Spelman prints a series of 97 chapter-titles taken from a table of contents at the beginning of A1. After the ninety-seventh item A1’s table of contents is interrupted by a new heading, ‘Incipit capitula de libro scintillarum’ (Defensor, Lib.scintill.), after which numbering begins at ‘I’ again; Spelman prints this second series of titles from A1 as the fourth and final item under his rubric ‘Excerptiones Egberti’.

The third item in Spelman’s series—the 97 chapter-titles in A1’s table of contents—requires comment. A1 does in fact contain a version of Coll.Wig.B (or something very close to Coll.Wig.B), to which the first 36 of the 97 titles printed by Spelman correspond. Spelman printed all 97 titles under the rubric ‘Incipiunt capitula de Sacerdotali jure Egberti Archiepiscopi’, making it seem as though this collection of titles corresponded to a canon law collection authored by Ecgberht. Spelman did not invent this rubric, but rather found it in A1’s table of contents; however, his decision to apply it to the entire series of chapters was ill-founded. The question of to which work (in the body of A1) this title actually refers is somewhat complicated by the fact that A1 has lost a quire that contained exactly the relevant textual material. Fortunately, James Cross and Andrew Hamer have been able to reconstruct partially the

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100 Concilia, ed. Spelman, 278–79. The table of contents in A1 presents its own problems. For discussion, see Cross–Hamer, Canon law, 4–5. Jones, ‘Liturgical miscellany’, 104, has suggested that the table of contents describes A1’s exemplar; Wormald suggested something similar in MEL, 220–21. The entire table of contents is printed in James, Descriptive catalogue, II, 452–6.

101 Concilia, ed. Spelman, 280.

102 The thirty-sixth item in Spelman’s list, ‘De militia et victoria Christianorum’, corresponds to Coll.Wig.B 165, the final chapter of Coll.Wig.B according to the limits set by Cross–Hamer’s edition. The remaining titles (37–97) correspond to texts, mostly liturgical, that follow Coll.Wig.B: in A1: the thirty-seventh item, ‘De exhortatione’, corresponds to a text titled ‘De exortatio’ (sic) on p. 139 of A1; the ninety-seventh, ‘De poenitentes qualiter in coena Domini in Ecclesiam introducuntur’, corresponds to a text titled ‘Qualiter penitentes in cena domini in ecclesiam introducuntur’ on p. 252 of A1.

103 He chose to transcribe the titles instead of the collection proper due to time constraints; see below, Appendix V n. 227.
Appendix V

contents of the missing quire. They have shown that the entry ‘Incipiunt capitula de Sacerdotali jure Egberti Archiepiscopi’ in A1’s table of contents—the rubric Spelman applied to his edition of the entire table of contents—refers merely to the presence (on the now-lost quire) of Ghaerbald’s Cap.I at the beginning of A1’s copy of Coll.Wig. The title used in A1, ‘Capitula de sacerdotali iure’, is simply the title occasionally used for Cap.I in English manuscripts, where (as is discussed in Chapter 4) this text was commonly associated with Egberht’s name. Clearly, by using this rubric the author of A1’s table of contents had wished to highlight the presence of Cap.I within (or immediately before) Coll.Wig.B, just as the marginal annotator of A3 had done. The title of Coll.Wig.B in A1 is (or was) actually ‘Incipiunt capitula de canonibus’. Thus A1 nowhere attributes Coll.Wig. to Egberht, even though Spelman’s edition of A1’s table of contents makes it appear that it does.

Spelman decision to print A1’s chapter-titles under the rubric he did reinforced the increasingly popular idea that Egberht had authored Coll.Wig. It is to Spelman’s credit, however, that he printed from A1 at all. For, though they were only chapter-titles from a table of contents, and not from the text of the A1 itself, these titles were valuable in that they allow the reader of Spelman’s Concilia to perform a ‘collation’ of (part of) the copy of Coll.Wig. in A1 with that in

104 The missing quire, once found between pp. 110 and 111 (as presently numbered), contained, among other things, the beginning of Coll.Wig.B up to c. 67. Whether Spelman recognized that the beginning of Coll.Wig. in A1 was imperfect, and whether it was this fact that in part led him to record the chapter titles from the table of contents instead of the text of the collection itself, cannot be known. It is unlikely however; it was Spelman’s habit to copy from A1’s table of contents instead of the text itself, probably because he was only allowed intermittent use of the manuscript (on Spelman’s difficulty in gaining prolonged access to A1, see below, Appendix V n. 227). Spelman’s decision to print from the table of contents rather than from the text therefore cannot be considered as evidence that A1’s quire had already gone missing by the seventeenth century.

105 Cross–Hamer, Canon law, 4–5.

106 See above, Chapter 4 p. 154. The explanation as to why Cap.I is sometimes described as Ius sacerdotale in Anglo-Saxon manuscripts is clear enough: the manuscript from which many (though not all) Anglo-Saxon copies of Cap.I derived must have been A5, where this work is titled ‘HAEC SVNT IVRA SACERDOTVM QVAE TENERE DEBENT’. The selection of this title by A5’s compiler probably had something to do with the presence of the phrase ‘ius sacerdotum’ in PECG.700’s preface; cf. Selborne, Ancient facts, second edition, 240.

107 It is, of course, possible that A1’s table of contents, and perhaps A1’s copy of Coll.Wig. itself (i.e. Coll.Wig.O), are dependent upon A3. This would not only explain why the rubric in A1’s table of contents mirrors the addition in A3’s margin, but would also indicate that the version of Coll.Wig.B in A1 is chronologically later than that in A3 (cf. Figure 2, in Chapter 4 p. 186).

108 That is, the rubric placed immediately before ‘Incipiunt capitula de Sacerdotali jure Egberti Archiepiscopi’ in A1’s table of contents; see Cross–Hamer, Canon law, 4–5.
A3, simply by comparing the first and third items in his series of ‘Excerptiones Egberti’. Such a collation reveals that there are significant differences between the A1 and A3 copies of Coll.Wig. But there is no evidence that anyone ever carried out even so rudimentary a collation. Indeed, the fact that Spelman had pointed out the existence of another copy of Coll.Wig. in A1 seems not at all to have caught the attention of early-modern scholars, who remained more interested in the A3 copy, and in the A5 ‘penitential’, which was (for reasons discussed below) thought to represent another, much larger (and, according to some, much purer) version of Coll.Wig. Future editions of Coll.Wig., which often reprinted Spelman’s text, never included the material that Spelman had taken from A1’s table of contents, let alone material from the text of A1 itself. Thus it was that an important witness to Coll.Wig. fell completely off of scholars’ radar, not to return until the twentieth century.

John Johnson (†1725), his Collection (1720), and the discovery of another version of Coll.Wig.

In 1720, John Johnson, vicar of Cranbrook in Kent, published a collection in two volumes, the first volume of which contains English translations of ‘all the ecclesiastical laws, canons, answers, or rescripts, with other memorials concerning the government, discipline and worship of the church of England, from its first foundation to the Conquest, that have hitherto been publish’d in the Latin and Saxon tongues’. Johnson’s Collection is principally a translation of documents found in Spelman’s Concilia, though he also translated works from Lambarde’s Ἀρχαιονομία and (for his second volume) from Lyndwood’s Provinciale. What Johnson offered were not merely translations of previously published texts, however; in many cases he consulted the Latin and Old English originals in manuscript and so was able to base his translations on an improved text. One important consequence of Johnson’s method of research was that it led him to textual discoveries that had escaped Spelman’s more roving eye. The most important of these

109 For example, within the first 36 entries printed by Spelman from the A1 table of contents there is a handful of titles that do not correspond to any rubric in A3’s copy of Coll.Wig.

110 J. Johnson, trans., A collection of all the ecclesiastical laws, canons, answers, or rescripts, with other memorials concerning the government, discipline and worship of the church of England, from its first foundation to the Conquest, that have hitherto been publish’d in the Latin and Saxon tongues, and of all the canons and constitutions ecclesiastical, made since the Conquest, and before the Reformation, in any national council, or in the provincial synods of Canterbury and York, that have hitherto been publish’d in the Latin tongue, 2 vols (London, 1720). The work was re-edited, with copious commentary, by J. Baron in Oxford in 1850.
was Johnson’s discovery of Coll. Wig. in another Corpus manuscript, A2. This much shorter version of Coll. Wig. is now designated as the ‘A’ version, and is the recensio primitiva of the entire Coll. Wig. tradition. In contrast, both of Spelman’s witnesses, A3 and A1, are witnesses of the later and longer Coll. Wig.B. Johnson was the first to discover a witness of Coll. Wig.A, and very helpfully made translations of both versions. Along with his translation of A2 he also gave indications in the margin of correspondences with Spelman’s Coll. Wig.B, so that a crude comparison of the different arrangements of the two versions could be made.111

Here was important evidence that Coll. Wig. existed in multiple forms, and had undergone significant evolution over time. However, as with Spelman’s discovery of A1, future scholars and editors took no interest in Johnson’s discovery of A2. Instead, scholars’ attention remained fixed on what had become the vulgate text of Coll. Wig., that is the version that Spelman had printed from A3. Perhaps this was because Spelman’s A3 version was longer, and therefore gave the impression of being more complete, and because A3 was the Coll. Wig. witness with the attribution to Ecgbert (misguidedly as editors interpreted that). Johnson’s A2 witness, and all that it implied about the tradition of Coll. Wig., would be ignored by scholars until the nineteenth century, when Lord Selborne would make an even more detailed comparison between the two versions.

Ironically, Johnson’s consideration of the provenance of A2 led him to comment on the use of ‘Egibriht’s Excerptions’ by Wulfstan. Of course, it is now Wulfstan who is thought to have been behind the expanded Coll. Wig.B (though the jury is still out on his involvement in the creation of Coll. Wig.A).112 Johnson’s remarks run thus:

The see of Worcester was held by three archbishops of York, viz., Oswald, Wulfstan (the reprobate),113 and Aldulf. These three, probably, governed the diocese of Worcester by the same canons that they governed the province of

111 Johnson, Collection, ed. Baron, 226–35.
112 See the discussion of Coll. Wig. in Chapter 4.
113 For discussion of Wulfstan’s reputation as ‘reprobus’, which was probably a post-Gregorian development, see S. Baxter, ‘Archbishop Wulfstan and the administration of God’s property’, in Wulfstan, archbishop of York, ed. Townend, 161–205, at 163–64.
York, that is, by the excerpions of Ecgbriht, though with great additions and defalcations. The book in which this code is contained in CCCC [A2] did certainly belong to the church of Worcester ... [There is] plain proof that the transcript [A2] was made while Wulfstan was both archbishop of York and bishop of Worcester, that is, between the years 1001 [recte 1002] and 1023. The alterations are so great, that we are not to wonder that the canons are not called the excerpions of Ecgbriht [in that manuscript]. ... I conclude that these excerpitiones were the canonical code for the province of York for three hundred years together, and how much longer we know not, though during these ages every archbishop made such variations as he thought proper.\(^{114}\)

While Johnson can be credited with both attempting to place \textit{Coll.Wig.} in a likely eleventh-century context and associating the dissemination and use of the collection in altered form specifically with Wulfstan of York (though he arrived at this by confusing his Wulfstans),\(^{115}\) he nevertheless fell into the same error that Spelman did in thinking that \textit{Coll.Wig.} was a collection originally authored by Ecgberht.\(^{116}\) Despite Selden’s sound conclusions to the contrary one-hundred years earlier, Johnson advocated unequivocally Ecgberht’s authorship of the work: \(^{117}\)

The following canons are called the Excrepions of Ecgbriht; and I see no room to doubt of his being the first founder of this work; and though great alterations have been made in it, yet they seem to have been made not long after the age of Ecgbriht. In truth, this collection looks like a code of canons for the province of


\(^{115}\) A2 is part of a composite codex (Corpus 265) that contains, on p. 1 (now slightly damaged), the following monastic profession: ‘Ego frater N promitto [. . . . . ]ibusque sanctis eius castitatem corporis mei secundum [patru]m decreta. et secundum ordinem mihi \textit{imonendum/ [sup. ras.]} seruare. domno presule uulstano presente.’ The ‘Vulstano’ in question is Saint Wulfstan, bishop of Worcester 1062–1095.

\(^{116}\) Johnson had, moreover, been influenced by Bale’s suggestion that Hucarius (whom Johnson inexplicably transforms from an eleventh-century Cornish deacon into Ecgberht’s ‘amanuensis’!) had redacted Ecgberht’s original collection.

\(^{117}\) On the one hand, that his discussion of \textit{Coll.Wig.} begins thus is perhaps an indication that Johnson was aware of some controversy surrounding the idea of Ecgberht’s authorship. On the other hand, there are clear signs that Johnson was entirely unfamiliar with Selden’s \textit{Historie}; see below, Appendix V n. 129.
York, which the successors of Ecgbriht, or others, augmented, curtailed, and transposed at discretion.\footnote{Johnson, Collection, ed. Baron, 181. It is interesting to note that Johnson’s insistence on an eighth-century date led him into difficulties when resolving Coll.Wig.’s source material on at least one occasion. Coll.Wig.B 142 draws on John the Deacon’s Vita Gregorii, which was, as Johnson notes, written ‘above an hundred years after Ecgbriht’ (Collection, ed. Baron, 212 note ‘o’). This led him to question the originality of this chapter in Coll.Wig.; however, he also seems to suggest that in fact Ecgbriht could have been the source for John at this point. The document that John is quoting at this point is a forged decretal of Gregory the Great (DGRE.590.†1334). For further on the use of John the Deacon in Coll.Wig., see above, Appendix I nn. 9 and 13.}

It is important to notice that Johnson’s discussion of Coll.Wig. falls immediately after his translation of and commentary on another canonical text attributed to Ecgbriht, the Dialogus;\footnote{See Johnson, Collection, ed. Baron, 159–80, for his translation and commentary of the Dialogus. As mentioned above, this text had not been printed by Spelman; Johnson knew of it through Ware’s edition of Venerabilis Bedæ epistole duæ.} and Johnson’s in fact is one of the only sustained scholarly considerations of the Dialogus that has ever been undertaken. His work with Ecgbriht’s Dialogus gave him the strong impression that Ecgbriht was a man possessed of a sophisticated knowledge of canon law. Why should he not, then, have compiled a collection of canons, as other Continental ecclesiastics were doing at the time? Indeed Johnson implied that Ecgbriht’s Dialogus and Coll.Wig. are of a piece\footnote{Johnson, Collection, ed. Baron, 183. On entirely arbitrary grounds, he dated ‘all this great Northumbrian prelate’s canonical works ... A.D. DCCXL.’} by dating them to the same year in Ecgbriht’s archiepiscopate.\footnote{On the reasons for Coll.Wig.’s textual instability, see the discussion of this collection in Chapter 4.}

Johnson’s theory that Coll.Wig., as it exists today, represents a ‘code of canons ... augmented, curtailed, and transposed at [the] discretion’ of ‘the successors of Ecgbriht’—foremost among whom was Wulfstan—arose naturally from his comparison of the A and B versions of this collection. It is now known that Coll.Wig. has nothing to do with anyone in the eighth, ninth, or even (for the most part) the tenth century.\footnote{Johnson certainly went too far when he compared the ‘corrupting’ influence of later compilers of Coll.Wig. to the adulterations seen in pseudo-Isidore’s decretals, an influential mid ninth-century collection containing both} The reason for its existing in various forms lies solely in the compilatorial habits of Wulfstan of York and the conditions of book production in his scriptoria. But, though he may have been wrong as to the particulars, what Johnson was essentially hitting on is that the textual tradition of Coll.Wig. was far from stable.\footnote{Johnson, Collection, ed. Baron, 181. It is interesting to note that Johnson’s insistence on an eighth-century date led him into difficulties when resolving Coll.Wig.’s source material on at least one occasion. Coll.Wig.B 142 draws on John the Deacon’s Vita Gregorii, which was, as Johnson notes, written ‘above an hundred years after Ecgbriht’ (Collection, ed. Baron, 212 note ‘o’). This led him to question the originality of this chapter in Coll.Wig.; however, he also seems to suggest that in fact Ecgbriht could have been the source for John at this point. The document that John is quoting at this point is a forged decretal of Gregory the Great (DGRE.590.†1334). For further on the use of John the Deacon in Coll.Wig., see above, Appendix I nn. 9 and 13.} Johnson was
the first to propose anything like this, and he is to be credited for the discovery. What is truly remarkable is that so few scholars afterward noticed the same thing.

Besides his discovery of the A version of Coll.Wig., two further features of Johnson’s translation of Coll.Wig. make his Collection a turning point in the study of this important document. Johnson was the first to attempt to trace the (material) sources of many of the canons of Coll.Wig. His attempts were not always successful, though it must be admitted that certain features of Coll.Wig. makes this task particularly difficult, and even today it has not been fully sourced. Johnson condemned the many erroneous inscriptions found in the collection, on account of which he imputes to the compiler(s) a combination of both ignorance and conscience deception.\(^\text{123}\) His criticism in this regard overlooks, however, the fact that erroneous attributions, deliberate or not, are often the rule rather than the exception in many pre-Gratian canon law collections.\(^\text{124}\) Johnson was also the first to comment extensively on the meaning, philology, and historical and theological context of these canons, by means of translations as well as footnotes appended to many (though not all) of Coll.Wig.’s canons. None before Johnson had engaged with the substance of the text so closely. Unfortunately, many of his notes are bogged down by speculation and error, and are of little help to anyone trying to understand the text today. A few examples (purposely chosen for their idiosyncrasy) will suffice to give an impression of Johnson’s interpretative method. Take for instance his comment on the use of the phrase ‘de iure

authentic and forged materials (but which Johnson believed contained an authentic Isidorian core upon which later forgeries had been foisted). On this see Johnson, Collection, 181: ‘It is well known that John of Antioch made a collection of canons for his own patriarchate; Martin, archbishop of Braga, for his own province; Crisconius, an African bishop, for his own diocese; and these have come down to us without any notable corruptions. But that composed by Isidore of Seville hath been worse contaminated than this of Ecgbriht; for the forger of the ancient pope’s decretal epistles inserted them into this Isidore’s work’.

\(^\text{123}\) Cf. Johnson, Collection, ed. Baron, 183: ‘Though I have rarely elsewhere put the titles of the canons into my [Collection]; yet here I have, because of the very singular manner of them; they seldom mention the matter of the following canon, but often the sacred writer, council, father, or other author of them, and in this too there are frequent mistakes committed, more (probably) than I have advertised in my notes. For I did not think it worth the while to take much pains in discovering such harmless errors. But by this we may see, that they who drew them were willing to act by an appearance of antiquity and authority; but they often took things upon domestic tradition or conjecture, without troubling themselves to look into originals.’ The irony of Johnson’s last statement will not be lost on anyone familiar with the troubled editorial history of Coll.Wig.

\(^\text{124}\) Cf., e.g., Austin, Shaping church law, 103–36, who discusses the often very loose association between inscriptions and the actual authorities used in BD.
Appendix V

sacerdotali’ in the rubric that introduces *Coll.Wig.B* 2–23 (that is Ghaerbald’s *Cap.I*). He says regarding ‘iure’:

It is a Saxonism. *Riht*\(^{125}\) signifies office, or duty, as well as right. Ecgbriht is said to have translated his Excerptiones into the Saxonic tongue, and there are still said to be some fragments of them remaining. From this it is not improbable that he published them first in that tongue, and that this is a Latin translation of them.\(^{126}\)

Whence Johnson heard that Ecgberht had translated *Coll.Wig.* into Old English is unknown. In any case, the note makes no sense. It is in no way logical to assume, on the strength of a single Latin word being used in a way that may bespeak vernacular influence, that the entire work was composed in English as opposed to Latin. Moreover, comparison with the Latin sources of *Coll.Wig.* demonstrates beyond a doubt that the work cannot be a translation of an Old English original. It is surprising indeed that Johnson, having made a study of the Latin sources of many of the chapters of *Coll.Wig.*, could even have suggested the idea.

It is particularly interesting in light of Selden’s previous research that Johnson commented on *Coll.Wig.B* 6,\(^{127}\) which presents Ghaerbald’s *Cap.I* 5, on how tithes shall be divided into three parts, one for church adornment, one for the needy, and one for the priests (nothing is said about a portion for bishops). This was the very canon that Selden had singled out as so important in the history of tithe ordinance in England.\(^{128}\) Johnson, giving no sign that he was acquainted with Selden’s study of this part of *Coll.Wig.*,\(^{129}\) remarks (apparently in all seriousness) that this canon suggests northern bishops were rather better off financially than their southern counterparts; he

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\(^{125}\) That is, OE *riht*, printed—in both the 1720 edition, and in Baron’s reprint—in the typeface typically used for Old English words in books published before the twentieth century. Cf. also Johnson’s comment at p. 10 n. i.

\(^{126}\) Johnson, *Collection*, ed. Baron, 185 note d.

\(^{127}\) See Johnson, *Collection*, ed. Baron, 185–86, who numbers this canon 5.


\(^{129}\) Johnson further demonstrates his ignorance of Selden’s work when, in his comments on *Coll.Wig.B* 27 (his 26), he misunderstands the term ‘paroecchia’; cf. Selden, *Historie*, 80–1 and all of his chapter 9.
suggests, moreover (and without stating his reasoning), that this canon played no part in Ecgberht’s original collection.\textsuperscript{130}

The Continental contribution: Girolamo and Pietro Ballerini (†1781, 1769), Gian Domenico Mansi (†1769), and Hermann Wasserschleben (†1893)

English-speaking scholars were not the only ones who became interested in the canonical works attributed to Ecgberht. Seventeen years after the publication of Johnson’s Collection, the Prussian born Coptic scholar David Wilkins published a new (and complete)\textsuperscript{131} edition of Coll.Wig.B based on a fresh examination of A3.\textsuperscript{132} Importantly, Wilkins did not collate either of the two other versions of Coll.Wig. that had been discovered by Spelman and Johnson in A1 and A2; moreover, he repeated Spelman’s historical and textual notes on the collection, adding (almost) nothing in the way of his own corrective remarks,\textsuperscript{133} and making no mention of the important findings of either Selden or Johnson. Both Spelman’s and Wilkins’s editions soon went on to enjoy multiple printings in the great multi-volume collections of canonical materials assembled by Continental Jesuit scholars.\textsuperscript{134} Phillippe Labbè and Gabriel Cossart’s Sacrosancta concilia was the earliest among these, followed in the eighteenth century by the editions, swelling ever in size, of Jean Hardouin, Nicola Coleti and Gian Domenico Mansi.\textsuperscript{135} Through

\begin{itemize}
\item[-] \textsuperscript{130} Johnson, Collection, ed. Baron, 186 note g: ‘By this it should seem that Northumbrian episcopal sees were well endowed; I mean, because there is no quote [in Ghaerbald’s tripartite division] of the tithes reserved for the bishops, as was in some places, many ages after this. Yet Boniface says the bishops received tithes. Question, Whether this canon was not afterwards added?’
\item[-] \textsuperscript{131} Spelman had printed an incomplete edition of Coll.Wig.B (breaking off at Coll.Wig.B 151). Johnson, Collection, ed. Baron, 219–222, had in fact noticed that Spelman’s text was incomplete and had translated (from a transcript made by his friend) the additional canons from A3 that Spelman had omitted.
\item[-] \textsuperscript{133} Though he did excise Spelman’s description of a fourth manuscript witness to Coll.Wig., as discussed above.
\item[-] \textsuperscript{134} On the early-modern development of the ecclesiastical conciliar corpus, see R. Kay, ‘Mansi and Rouen, a critique of the conciliar collections’, The Catholic historical review 52 (1966), 155–85, at 155–58.
\item[-] \textsuperscript{135} Sacrosancta concilia, ad regiam editionem exacta quae nunc quarta parte prodit auctior, 17 vols, eds P. Labbè and G. Cossart (Paris, 1671–1672), VI, cols 1586–1601, reprints Spelman, with cols 1601–619 containing Spelman’s chapters 17–52 from Book 2 of Coll.quad., Spelman’s PBEA.800, and the Dialogus of Ecgberht
reprints of Spelman’s and Wilkins’s editions, these monumental repositories of Western ecclesiastical documents acquainted Continental scholars with the notion, born among English-speaking scholars, that one of England’s early archbishops had compiled his own canon law collection, just as so many Continental ecclesiastics from the Middle Ages were known to have done. This orthodoxy went unchallenged for a time; but it wasn’t long before the superior science of certain Continental canonists began to uncover problems with the idea that Ecgberht had compiled *Coll.Wig*.

In the middle of the eighteenth century, the brothers Girolamo and Pietro Ballerini published a groundbreaking study. On the surface it purported to be an edition of the works of Pope Leo I, based in part on the much earlier edition and study by Pasquier Quesnel in 1675, itself a piece of considerable scholarship. The ‘Appendix’ to the Ballerinis’ edition is in fact a lengthy and profoundly important essay, known as the *Disquisitiones*, on the development of early medieval canon law collections. In the fourth part of their *Disquisitiones* the Ballerinis examined, among a great many other things, those canonical and penitential texts with Anglo-Saxon associations, including the group of texts that Spelman had published under the rubric ‘Excerptiones Egberti’. They made a detailed study of the sources and structure of *Coll.Wig.*, which proved to them, as it had to Selden, that the canons contained therein were too recent to have been reprinted form Ware’s edition of 1664. Labbè–Cossart’s work was later re-edited as *Acta conciliorum et epistolae decretales, ac constitutiones summorum pontificum*, 11 vols, ed. J. Hardouin (Paris, 1726, for 1714–1715) (with Spelman’s texts in vol. III, cols 1961–76), and then re-issued with additional matter in 23 volumes by N. Coleti as *Sacrosancta concilia ad regiam editionem exacta* (Venice, 1728–1733). Later reprints in *Conciliorum*, ed. Mansi, XII, cols 413–31 (reprinting Wilkins), and *PL* 89, cols 379C–400D (reprinting Mansi).

136 *Sancti Leonis Magni romani pontificis opera, post Paschassii Quesnelli recensionem ad complures et praestantissimos MSS. codices ab illo non consultos exacta, emendata, et ineditis aucta ...*, 3 vols, eds G. and P. Ballerini (Venice, 1753–1757); *Sancti Leonis Magni papæ præmi opera omnia nunc primum epistolis XXX ... illustriata ... Una prodit e tenebris genuinus codex canonum et constitutorum sedis Apsotolicae*, 2 vols, ed. P. Quesnel (Paris, 1675).

137 ‘De antiquis tum editis, tum ineditis collectionibus et collectoribus canonum ad Gratianum usque tractatus in quatuor partes distributus’, in *Sancti Leonis Magni opera*, eds the Ballerinis, III, i–ccxx; repr. *PL* 56, cols 11–354B; see part 4, c. 6 *(PL* 56, cols 296D–302A) for their discussion of texts attributed to Theodore, Bede and Ecgberht, and part 4, c. 6, §§ 4–6 *(PL* 56, cols 299A–302A) for their discussion of the texts attributed to Ecgberht by Spelman.
They deduced, moreover, without even seeing A3, that the marginal rubric therein was a later addition that could not be accurate. They even identified a number of Coll.Wig.’s chapters as deriving from Coll.quad. (which they dated to ca 730, a century too early). This novel discovery was particularly important and would, in time, lead to several important insights on the part of Continental scholars into the Anglo-Saxon canonical tradition, as will be seen in the second half of this review.

Unfortunately, the Ballerinis had to rely upon incomplete and faulty information, and were working without direct access to the relevant manuscripts, and this led to some significant missteps on their part. The notion that Eggerht had authored some sort of canon law collection was too prevalent, had been stated too strongly, to be dismissed entirely, and so the Ballerinis were compelled to reconcile their arguments with what they assumed were reliable accounts about the nature of the Anglo-Saxon evidence, but what were in fact accounts based largely on hearsay and uncritical presumptions about the nature of the manuscripts. The Ballerinis were particularly led astray by a remark James Ware had made about a Patrician canon found in ‘excerptis MSS. è Jure Sacerdotali Egberti Archiepiscopi Eboracensis, per Hucarium Levitam’.

From this, they concluded that Coll.Wig. was not, as everyone had thought, the work of Eggerht, but was rather an ‘epitome’ made by Hucarius of a much longer original work of Eegberht’s titled ‘De sacerdotali jure’. They further decided that this longer original work

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139 See below, Appendix V n. 141.

140 Ware, ed., *S. Patricio adscripta opuscula*; the relevant passage is quoted in full above, Appendix V n. 21.

141 The Ballerinis, *Disquisitiones*, part 4, c. 6, § 4 (PL 56, col. 299A–C): ‘Egberti Eboracensis nomine duo opera memorantur ab Henrico Spelmanno tom. I Conciliorum Britanniae, ac ex iis nonnulla edidit quae a P. Labbeo suscepta et tomo VIII Venetae editionis Conciliorum inserta leguntur. Primum opus inscribitur: *Excerptiones Ecberti Eboracensis archiepiscopi e dictis et canonibus sanctorum Patrum concinnatae et ad ecclesiasticae politiae institutionem conducentes*. Hae vero excerptiones, licet ex ampliori opere ipsius Egberti sumptae sint, non tamen Egbertum, sed Hucarium habent auctorem. Id satis explorate nos docuit Anglicanus scriptor, Jacobus Waraeus, in mss. Britanniae versatissimus, qui in annotationibus ad synodum S. Patricii agens de canone 25 ejusdem synodi,
of Ecgberht’s remained to be discovered, but thought that the Ecgberhtine penitential constituted a portion of it.\textsuperscript{142}

None of this is of course true, but the authority commanded by the Ballerinis made it seem so, and so their theory soon gained the endorsement of Mansi, archbishop of Lucca until his death in 1769. In 1766 Mansi published the twelfth volume of his \textit{Concilia}, which included an edition of \textit{Coll.Wig.} reprinted from Wilkins. In a long preface to his edition titled ‘In collectiones canonica Ecgberti Eboracensis archiepiscopi Joannis Dominici Mansi premonitio’, Mansi provided further demonstrations of why \textit{Coll.Wig.} (as it exists today) could not be the work of Ecgberht, namely because one of its canons (\textit{Coll.Wig.B} 8 = Ghaebald’s \textit{Cap.I} 7) obliges priests to offer prayers ‘pro ... imperio Imperatoris’, while another (\textit{Coll.Wig.B} 142; cf. also c. 148) derives from the ninth-century \textit{Life of St Gregory} by John the Deacon (in fact, both of these objections had been raised before by the Ballerinis).\textsuperscript{143} In order to explain the existence of these canons in \textit{Coll.Wig.}, Mansi adopted the Ballerinis’ theory that the collection was in fact an augmentation made by ‘Huncarius’ (differently spelled) of a much different collection made by Ecgberht that had not yet come to light.\textsuperscript{144}
Upheld thus by Mansi’s enormously popular work, the Ballerinis’ theory that *Coll.Wig.* was a later abridgment of a much longer lost Ecgberhtine original seems to have become the accepted position with both Continental and English scholars until well into the nineteenth century. In 1851, the matter was taken up briefly by the German canonist Hermann Wasserschleben in his ground-breaking edition of *Die Bussordnungen der abendländischen Kirche.* In the course of his work, Wasserschleben considered the penitentials attributed to Theodore, Bede and Ecgberht, and weighed in on the question of their authenticity.\(^{145}\) In his consideration of the Ecgberhtine penitential tradition, Wasserschleben gave a list of legal works that had been attributed to Ecgberht by previous authorities (medieval and modern); included here was, of course, *Coll.Wig.*\(^{146}\) Wasserschleben was a careful student of the Ballerinis’ work, and here he followed them in two main ways. First, he noted, and in fact developed further,\(^{147}\) the Ballerinis’ suggestion that *Coll.quad.* had been a source for *Coll.Wig.*;\(^{148}\) second, he rejected outright Ecgberht’s authorship of *Coll.Wig.*, while at the same time allowing for the possibility that parts of *Coll.Wig.* had been excerpted from a larger collection made by Ecgberht.\(^{149}\) Wasserschleben also departed from the Ballerinis in two ways. First, he doubted the importance of the cypher Hucarius, even as he exaggerated the significance of that name by reporting that several manuscripts claim Hucarius as the author of *Coll.Wig.*—an error that seems to be based on the


\(^{146}\) See Wasserschleben, ed., *Die Bussordnungen*, 40. Included also were four penitentials, the *Dialogus*, and *Coll.quad.*

\(^{147}\) Through his earlier work on the sources of another collection—namely *R2L*—Wasserschleben had determined that *Coll.quad.* was in fact one of the major sources of *Coll.Wig.;* this is discussed further in the second half of this review.

\(^{148}\) Wasserschleben, ed., *Die Bussordnungen*, 45: ‘Offenbar ist ein grosser Theil derselben aus der sogenannten Collectio Vaticana [an older name for *Coll.quad.*] entlehnt, welche in mehrern Handschriften als 4tes Buch einem ebenfalls dem Egbert, auch hier aber mit Unrecht, zugeschriebenen Werke ... angehängt ist.’ From this, and from what he says about ‘De sacerdotali iure’ on p. 40, it is clear that by ‘Collectio Vaticana’ Wasserschleben was referring only to Book 4 of *Coll.quad.*, and by ‘De sacerdotali iure’ he meant all four books of that collection. This is in fact consistent with how Wasserschleben discusses *Coll.quad.* in his other works (cf. below, Appendix V n. 278). Note that for the Ballerinis, all four books of *Coll.quad.* comprised an entirely distinct text from the supposedly lost work ‘De sacerdotali iure’ (cf. *Disquisitiones*, part 4, c. 6, § 6 [*PL* 56, col. 301B]).

Ballrini’s misinterpretation of Ware.  

Second, he did not agree with the Ballerinis’ argument that Ecgberht’s original collection was called ‘De sacerdotali jure’; rather, he identified this title with Coll.quad. In this he was hitting on the fact that scholars ‘here and there’ had attributed Coll.quad. to Ecgberht under the name ‘De iure sacerdotali’ (or ‘iura sacerdotum’) —an error and historiographical crux that has been the source of much confusion, and that was due ultimately to a remark made by Spelman about the contents of A5 (a subject to be explored in the second part of this review). Wasserschleben’s point was simply that, whatever original Ecgberhtine work Coll.Wig. might be an abridgment of, it was not the one that previous scholars had referred to as ‘De sacerdotali jure’. Thus, primarily by examining the connection between Coll.Wig. and Coll.quad., Wasserschleben was able to clear away several persistent yet erroneous beliefs about the nature of Coll.Wig. and its origin.

Wasserschleben’s discussion of Coll.Wig., though brief, was of importance historiographically because later in the century William Stubbs would study and repeat much of Wasserschleben’s work and make his findings widely known among historians in the English speaking world. The two chief ideas concerning Coll.Wig. that Wasserschleben (with Stubbs’s help) thus popularized among English scholars were: 1) the impossibility of Ecgberht’s authorship of Coll.Wig.; and 2) Coll.quad. as an important source for that collection. To be sure, both ideas had been demonstrated by the Ballerinis before; yet it was Wasserschleben’s work, and not the Ballerinis’, that was the vehicle by which these crucial discoveries were carried to England. The reason that Wasserschleben was the bridge, and not the Ballerinis who had written much earlier, seems to be

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150 Wasserschleben, ed., Die Busserordnungen, 45: ‘In einigen Handschriften wird als Verfasser Hucarius levita genannt, welchen die Ballerini aber mit Unrecht für einen Koätan Egbert’s halten, denn auch die fränkischen Kapitularien sind von ihm benutzt’. I cannot find where the Ballerinis claim that Hucarius was a contemporary (‘Koätan’) of Ecgberht’s; this notion seems first to have been introduced by Johnson, Collection, ed. Baron, 181. On the misconception that Hucarius is named in certain Coll.Wig. manuscripts, see above, Appendix V n. 30.

151 See above, Appendix V n. 141.

152 Wasserschleben, ed., Die Busserordnungen, 45: ‘Dass Egbert ein umfassendes Werk unter dem Titel: De jure sacerdotali geschrieben habe, ist mir sehr zweifelhaft, und was hie [sic] und da als solches zitirt wird, ist gewiss nichts Anderes, als die so eben erwähnte, zuverlässig fränkische, Sammlung in vier Büchern’.

153 Spelman, ed., Concilia, 258; the relevant passage is quoted in full below, Appendix V n. 223. Spelman had claimed in a marginal note to Coll.Wig.B 2 (= Ghaerbald’s Cap.I 1) that the first twenty-one chapters of that collection are also found in A5—for Spelman a ‘liber Poenitentiale Egberti’, though in fact a modified copy of Coll.quad. —under the rubric ‘Haec sunt iura sacerdotum quae tenere debent’. As far as it goes, this is quite accurate; it was how it was interpreted by Spelman’s readers that led to problems.
due to the fact that Wasserschleben’s *Die Bussordnungen*, being a study of early medieval
penitentials, has been of direct interest to Anglo-Saxonists since at least the nineteenth century.
The Ballerinis’ *Disquisitiones*, on the other hand, is concerned primarily with canon law
collections, a subject that (as was seen in Chapter 2) Anglo-Saxonists have traditionally shown
little interest in.

**Nineteenth-century English scholarship: John Baron, William Stubbs, and Lord Selborne**

The nineteenth-century editor of Johnson’s *Collection*, John Baron, of Queen’s college, Oxford,
was the next to comment on *Coll.Wig.* and the tradition of the ‘Ecgberhtine compilations’.
Importantly, Baron had made a study of the contents of A5.\(^{154}\) This manuscript, as has been
mentioned, contains the only extant Anglo-Saxon copy of *Coll.quad.*, whose fourth and final
book was a major source for *Coll.Wig.* However, whereas Continental scholars in the eighteenth
and nineteenth centuries had uncovered a handful of other manuscript witnesses of *Coll.quad.*, Baron
knew of *Coll.quad.* only as it existed in A5, where it has a peculiar feature: its first book
has been replaced by a copy of PECG.700 that has Ghaerbald’s *Cap.I* inserted between the
preface and text. This gave to Baron, as it had to Spelman before him, the impression that all
four books in A5 were attributable to Ecgberht. In Baron’s (and others’) defence, it would be
very difficult to tell from A5 alone that the collection it contained was in fact not in its original
form, so skilfully has the Ecgberhtine penitential been substituted for *Coll.quad.*’s first book.\(^{155}\)
And to Baron’s credit, he realized (apparently independently of the Ballerinis or
Wasserschleben) that Book 4 of *Coll.quad.* had a great many canons in common with *Coll.Wig.*
Unfortunately, as his studies of A5 progressed Baron became possessed of the notion that the
manuscript contained ‘both the “Excercptions” [i.e. *Coll.Wig.*] and “Penitental” of Archbishop
Egbert in an infinitely more genuine and authentic form than any MS. yet published.’\(^{156}\) This

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\(^{154}\) Baron’s comments on *Coll.Wig.* and *Coll.quad.* can be found in his *Report on the Anglo-Saxon documents in Wilkins’s Concilia* (private printing, 1859), 8, and in a note on p. 223 of his edition of Johnson’s *Collection*.

\(^{155}\) On the structure of A5, see above, Chapter 4 p. 149.

\(^{156}\) Baron, *Report*, 8. This was an amplification of a claim he had made nine years earlier, in a note on p. 223 of his edition of Johnson’s *Collection*, that *Coll.Wig.* was in fact ‘a somewhat confused abridgement of a portion of a work ascribed to Archbishop Ecgberht’, by which he appears to have meant Book 4 of *Coll.quad.* in A5.
impossible claim Baron could never have made had he been aware of the important research already done on *Coll.quad.* by Continental scholars, particularly that of Wasserschleben and Emil Richter, who had demonstrated that *Coll.quad.* was a ninth-century Frankish work.\(^\text{157}\)

Fortunately, few scholars seem to have read Baron’s study, and his theory that A\(^5\) represented a purer Ecgberhtine canon law collection did not catch on.\(^\text{158}\) Indeed, the time was at hand when the question (among English scholars) of a connection between Ecgberht and *Coll.Wig.* (and between Ecgberht and *Coll.quad.*) would finally be put to rest.

That time came with the researches of two nineteenth-century English historians: William Stubbs and Lord Selborne. The part played by Stubbs in this story was small but significant. From 1869 to 1871, Stubbs, a professor at and later bishop of Oxford,\(^\text{159}\) in cooperation with the theologian Arthur West Haddan (†1873), published *Councils and ecclesiastical documents relating to Great Britain and Ireland (CED)*, a series of three volumes containing the oldest texts (often reprinted from earlier editions but collated against new manuscript witnesses) pertaining to the history of the early Insular churches, complete with detailed commentary on the historical context and textual problems of each work.\(^\text{160}\) *CED* is a monumental work of scholarship, and was a vast improvement over Wilkins’s *Concilia*, which Haddan and Stubbs had consciously set out to replace.\(^\text{161}\) It remains a useful resource today, even if most of its editions have now been superseded.

The third volume, covering the English church from its origins in the 590s up to *ca.* 870, owed principally to the industry of Stubbs,\(^\text{162}\) who relied occasionally on Haddan as well as upon the

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\(^\text{158}\) I suspect that Baron was eventually informed by Stubbs—a follower of Wasserschleben’s work and on whose *Councils and ecclesiastical documents* Baron came to work—that his theory about A\(^5\) was invalidated by Continental research.

\(^\text{159}\) J. Campbell, ‘Stubbs, William (1825–1901)’, in *ODNB*.

\(^\text{160}\) On Stubbs’s importance to the study of medieval English canon law, see Owen, *The medieval canon law*, 64.

\(^\text{161}\) They acknowledge both the merits and deficiencies of Wilkins’s work in the preface to the first volume, *CED*, I, i.

advice and aid of John Baron.\footnote{CED, I, viii.} A fourth volume in the series was intended by Stubbs, and would have covered the remaining centuries of the Anglo-Saxon period, but this never saw the light of day.\footnote{CED, I, xx.} This is truly unfortunate, since Stubbs correctly considered Coll.Wig. to be a document pertaining to the later rather than the earlier Anglo-Saxon period; he therefore never got to publishing an edition and commentary in the projected CED, IV.\footnote{Unfortunately, in her volume of C&S, I.i, meant to supplement the incomplete CED, III, Dorothy Whitelock neither edited nor commented directly upon Coll.Wig. either.} Nevertheless, Stubbs did have occasion to discuss Coll.Wig. briefly in CED, III in his commentary on PECG.700.\footnote{CED, III, 413–16.}

Like Wasserschleben before him, Stubbs used the subject of PECG.700 as an opportunity to discuss the various penitential and canonical texts that had been attributed to Ecgberht in the past, and to clear up questions of authorship. A follower of Wasserschleben’s research on the penitentials, Stubbs was well aware of his discussion of Coll.Wig. in Die Bussordnungen.\footnote{According to Wormald, MEL, 13–14, Stubbs kept in personal contact with several contemporary German academics.} In CED, III Stubbs echoed Wasserschleben’s findings on Coll.Wig., including both the impossibility of Ecgberht’s authorship and the importance of Coll.quad. as a source.\footnote{CED, III, 415: ‘These two compilations [Coll.Wig.B in A3 and Coll.Wig.A in A2] are ... wholly different ... Many of [their] canons are in book II–IV. of [A5], but not in any such way as to make it even probable that the same compiler made both [Coll.Wig. recensions] or all.’} He went further, however, and suggested that it was perhaps the fact that A5 contains Cap.I within PECG.700 that led a later annotator to associate the copy of Coll.Wig. in A3 with Ecgberht.\footnote{CED, III, 415: ‘Possibly, the fact that Bodl. 718 (which may have circulated as Egbert’s altogether) begins with the identical twenty-one canons, with which also both these compilations begin, beguiled the transcribers of the two MSS. [A3 and A2] into calling both these compilations Egbert’s also. Possibly Egbert had the reputation of having compiled some set of canons or other, and so they [the annotator of A3] guessed at these being his. Anyhow, as they stand, they are not his. There is no original in them; and certainly not sufficient evidence to make it probable that they are even based upon anything which he compiled.’ Cf. CED, I, xv–vi, quoted below, p. 539. Note that there is in fact no attribution of Coll.Wig. to Ecgberht in A2.} This in fact sounds exactly like what scholars today accept as the explanation for A3’s marginal
Stubbs also gave notice of the existence of two versions of Coll.Wig, those in A3 and A2, emphasizing the fact that there were significant differences between them. He thus successfully renewed earlier attempts by both Spelman and Johnson to draw attention to copies of Coll.Wig. other than that in A3—which, having been the only edited version, had remained for centuries the only text of this collection available to scholars abroad.

CED, III was received widely and warmly by English-speaking scholars. As brief as its commentary on Coll.Wig. is, it nevertheless marks a watershed in the history of scholarship on Anglo-Saxon canon law. By drawing not only on his own considerable research, but also on Continental contributions to the subject, Stubbs was able to settle for the English-speaking world the question of Ecgberht’s authorship of Coll.Wig. It remained only to fine tune some of Stubbs’s suggestions about the relationship between Coll.Wig. and Ghaerbald’s Cap.I.

Lord Roundell Palmer (†1895), first Earl of Selborne, and the final figure in the first section of this review, brings the discussion around once more to the subject of tithes and the place of Ghaerbald’s Cap.I in the history of Anglo-Saxon canon law. Like Selden before him, Selborne was a common lawyer and scholar of some repute. Unlike Selden, however, he was a Tractarian and ardent antidisestablishmentarianist, a supporter (rather than a detractor) of the rights of the clergy. In 1888 Selborne published an important book entitled Ancient facts and fictions concerning churches and tithes, which was based largely upon the work of his Elizabethan

171 Stubbs’s opinion about the extent of commonality between the two versions seems to have changed over time. In the preface to the first volume of CED he described them as ‘two comparatively short series of excerpts, agreeing largely but by no means entirely both with each other and with the longer series in [A5] Bk. IV’ (CED, I, vi). But in CED, III, 415, he describes them as ‘two distinct compilations, having nothing in common, except, first, the ascription to Egbert in the MSS. [actually, not in A2], and next, the having [sic] the same twenty-one ninth-century canons (those of [A5], book I.) [= Ghaerbald’s Cap.I] prefixed in each case.’
172 For a concise biography, see D. Steele, ‘Palmer, Roundell, first earl of Selborne (1812–1895)’, in ODNB. A recent biography of much greater length, but of far less value, is E. Heward’s A Victorian law reformer: a life of Lord Selborne (Chichester, 1998). Besides being entirely preoccupied with Selborne’s political life—to the extent that nothing whatever is said of his scholarly contributions (barring some vacuous comments on pp. 252–53 and 258)—this volume is very poorly referenced and frequently in error. It is hoped that a full biography of Selborne will one day appear that does justice to both the political and scholarly achievements of this important Victorian intellectual.
predecessor on the same subject, to whom he paid frequent homage. In fact, *Ancient facts* is in many ways a continuation of Selden’s earlier work in light of more recent discoveries and of Selborne’s own considerable knowledge of legal manuscripts from the Carolingian and post-Carolingian periods. It is an impressive piece of erudition presenting much original research, including some findings that anticipate important twentieth-century scholarship. It is surprising, therefore, that *Ancient facts* has gone largely unnoticed in twentieth- and twenty-first-century scholarship on Anglo-Saxon law.

*Ancient facts* was a polemical work. It was meant—again, with striking parallels to the circumstances surrounding Selden’s work—to address certain issues that had become a matter of political controversy. In his preface to the first edition Selborne reveals that he means ‘to examine ... more fully and critically than was possible in a former work, some historical questions, which, although they have not any real bearing upon controversies of the present day, are sometimes represented as if they had, in a way that makes it desirable that the facts concerning them should be understood.’ The ‘historical questions’ were the origins of modern English parishes, of parochial tithes, and of the historical basis for ecclesiastical endowments and the benefices dependent upon them. The ‘former work’ refers to Selborne’s own *A defence of the church of England against disestablishment*, published two years earlier, in which he argued

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175 Selborne’s work was popular with certain English scholars in the early twentieth century; for instance, Mary Bateson cites *Ancient facts* in her groundbreaking article on *Coll.quad.*, ‘Supposed Latin penitential’. However, while Bateson is still frequently cited today, Selborne almost never is.


177 Selborne, *A defence of the church of England against disestablishment*, first edition (London, 1886). The popularity of *A defence* (as with the controversial subject it treated) is demonstrated by the fact that by 1911 it had reached its fifth edition.
against the disestablishment of the church of England and against disendowing parish churches of their praedial property—subjects at the centre of heated political debates in Selborne’s day.¹⁷⁸ The particulars of the debate are of no concern here;¹⁷⁹ suffice it to say that Selborne had a deep-rooted confessional bias.¹⁸⁰

One of the most important misconceptions that Selborne desired to clear up was the notion that ancient English law, that is to say Anglo-Saxon law (canon or otherwise), dictated that tithe revenues were to be divided into three portions whereby one went to the priests, another to the repair and decoration of churches, and a third to the poor for their relief. That law and practice of the Anglo-Saxon church once guaranteed the poor a portion of the church’s revenues from tithes was, Selborne tells us, not only the false opinion of some lawyers and historians of his time, but


¹⁸⁰ He fell firmly on the side of establishment—spiritually, politically, and intellectually. For Selborne’s arguments against disendowment see *A defence*, 95–192; for his opinions against disestablishment, see the introductory letter to Prime Minister Gladstone in *A defence*, xi–xxv, and also Heward, *Victorian law reformer*, 103–05 and 252–58. Within the debate about disestablishment, the question of the nature, origin, and fate of ecclesiastical endowments figured prominently, and it turned, in part, on the question of the origin of parochial tithes and the clergy’s right to them. Within the establishment faction there were those—mostly theologians—who believed that tithes were due as a right *iure divino*. On the contrary, Selborne’s study of medieval law and his close reading of Selden’s *Historie*, had taught him that the enjoyment of parochial tithes owed to historical (as opposed to divine) causes rooted in the cooperation between the ecclesiastical law and civil sanction (cf. Selborne, *Ancient facts*, second edition, 308–09). The question was not merely an academic one for Selborne, who believed that as long as endowments—which allowed parishes to carry out manifold beneficial services for the English populace (*Ancient facts*, second edition, 298)—were seen as a right granted by mere statute (which could be rescinded) or by anything other than custom (which could not), then they were in danger of being confiscated should disestablishment be carried through. Moreover, Selborne argued, the prospect of confiscation was a bait that was apt to make disestablishment seem a lucrative endeavour and thereby increase the popularity of its case (cf. Selborne, *A defence*, c. 5, esp. 104–05). In his *Ancient facts*, therefore, Selborne intended to set straight misconceptions about the origin of tithes in England by studying the institution’s customary basis in Anglo-Saxon England. He demonstrated three essential points: 1) the medieval state, in England and in other European states, was from about the time of Charlemagne directly involved in sanctioning the church’s call for tithes from the faithful, and that this (not divine right or canon law) was the legitimating force behind the clergy’s claim to tithes (cf. Selborne, *Ancient facts*, second edition, 50–96 and 294–316); 2) the institution of the modern parish is not older than King Edgar’s time (the tenth century), and before this there were *customs* governing to which church one paid tithes, though these were quite arbitrary (Selborne, *Ancient facts*, second edition, *passim*, esp. 294); and 3) the ‘appropriation of tithes’ to parish churches (that is, the creation of endowments) has its origin in custom and private grants, not in statute law (Selborne, *Ancient facts*, second edition, 81–96 and 294–316). Further to 3), Selborne demonstrated how, in Anglo-Saxon England, tithes paid to cathedrals or ‘minsters’ were apportioned by the bishop who was himself in charge of distributing wealth to all dependent ecclesiastical foundations.
also a view proliferated in certain propaganda of those in favour of disendowment. Selborne was well aware that tripartite and also quadripartite division of tithes were practised and enforced on the Continent in the early Middle Ages. But he was convinced that there was no evidence that anything of the like was practised in England, in the Anglo-Saxon or indeed in any other period. Selborne knew better than anyone else at the time what the crucial document in this dispute was: the tract known today as Ghaerbald’s Cap.I. A significant part of Ancient facts is thus devoted to studying the origin and dissemination of this document. Selborne referred to it under multiple names, most often as the ‘Capitulare episcoporum’, but also (in accordance with the manuscripts containing it or the various manuscript titles it travelled under) as ‘the Metz text’, ‘the Andain text’, ‘jura sacerdotes’, or just the ‘Sacerdotal laws’. It was Selborne who first made a reasoned case for Cap.I being a set of synodical statutes drawn up by Ghaerbald, Bishop of Liège, for his local clergy. He was the first to study and collate the three different recensions of Cap.I, and also the first to print these versions together. Unfortunately, none of the major studies done on Cap.I by German scholars in the twentieth century acknowledged the importance of Selborne’s work on this crucial text; this doubtless helps explain why Selborne’s contributions to early medieval legal history remain so overlooked.

181 Selborne, A defence, 146–59.
182 Selborne, Ancient facts, second edition, 36–45; and at 37: ‘[Cap.I] will ... elsewhere in this work be shown to have been the true source of every passage in certain Anglo-Saxon compilations of the tenth and eleventh centuries which mentions tripartite division of tithes.’
183 From what is now Paris, Bibliothèque nationale, Lat. 9654; classed in ‘Gruppe III’ (siglum P₄) by Brommer, ed., Capitula episcoporum I, 11.
184 From a manuscript (now lost) of the monastery of Saint-Hubert (Luxembourg); classed in ‘Gruppe I’ by Brommer, ed., Capitula episcoporum I, 6.
185 Selborne, Ancient facts, second edition, 39.
186 Selborne, Ancient facts, second edition, 40–45.
187 See Selborne, Ancient facts, second edition, Appendix A, 317–23, with the ‘Andain’ and Metz’ texts presented in parallel columns, with variant readings from the ‘English’ version of Cap.I (as found in A5, A2 and A3) given in a textual apparatus.
188 In his Kapitulariensammlung, Eckhardt, the standard authority on Ghaerbald’s capitula before Brommer, shows no signs of having been aware of Selborne’s work. Brommer, ed., Capitula episcoporum I, cites Selborne (with the first name ‘Cecil’) in his ‘Quellen- und Literaturverzeichnis’ (p. xviii), references Selborne in his descriptions of A2, A3 and A5 (pp. 8–10), and lists Ancient facts in his catalogue of ‘Bisherige Editionen’, but does not reference
Selborne noticed that *Cap.I*—or more precisely its fifth chapter, on the tripartite division of tithes—is frequently found in texts of Anglo-Saxon origin or provenance. He knew (in fact, he was the first to show) that Ghaerbald’s chapter on the tripartite division of tithes (c. 5) could be found not only in *Coll.Wig.B* (c. 6), but also prefixed to the Anglo-Saxon copy of *Coll.quad*. (A5, fols 3v–4r), as well as in Ælfric’s *Ep.I* (c. 68), the Wulfstanian legal tract *Grið* (c. 6), and *Reg.adauct.Chrod.* (in both Latin and Old English). Despite these many occurrences, however, Selborne was intent on proving that the presence of *Cap.I* in Anglo-Saxon texts was inconsequential as far as tithing *praxis* in Anglo-Saxon England was concerned—a peculiar stance to take, given the overwhelming evidence to the contrary. But then, Selborne was of a mind with Selden before him: both scholars hesitated ‘to conclude Fact or Practice of Tithing from what they see ordain’d for Tithes in any old Canon of the Church’.

Selborne’s arguments about the authorship or the transmission of the text, not even on p. 4, where Brommer credits Eckhardt (writing in 1955) with demonstrating Ghaerbald’s authorship of *Cap.I*.

Selborne first showed signs of awareness of this fact in *A defence*, 149–52, where in connection to the tripartite division of tithes he mentions *Coll.Wig.*, the Corpus 191 copy of *Reg.adauct.Chrod.*, Ælfric’s *Ep.I*, and the Wulfstanian legal tract known as *Grið*—each of whichreference in some way Ghaerbald’s *Cap.I* 5.


Selborne, *A defence*, 149–52; see also Selborne, *Ancient facts*, second edition, 227–46 (*Coll.Wig.*), 235–41 (*Coll.quad*), 255–62 (*Ep.I*), 263–64 (*Canons of Edgar*, which he thought by Dunstan), 279–87 (*LawGrið*), and 264–70 (Chrodegang). For further on Ghaerbald, *Cap.I 5* in Chrodegang’s rule, see above, Appendix V n. 71. Selborne did not know that there is a law pertaining to the tripartite division of tithes in Ansegis, *Coll.cap.* 1.80 (ultimately from Louis the Pious’s *Cap.eccles.*[818/19], c. 4), which can be found in Wulfstan’s canon law manuscript, B6, fol. 196r, ‘De conlatis ecclesiæ diuidendi’.

Selborne, *Ancient facts*, second edition, 234–35: ‘Whatever may be thought as to the authorship of [*Coll.Wig.A* in A2], it is at least certain, that the “Sacerdotal Laws” contained in it [actually, they precede it] came from France; and to infer, from their being found in such a collection or in any later members of the same literary family [i.e. *Coll.Wig.B* or A5], that the tripartite division of tithes prescribed by one of their articles [viz. c. 5] prevailed in England, would be no more reasonable than to infer from another article of the same series [viz. c. 7], which directed prayer to be offered for “the Lord Emperor, and his sons and daughters,” that there were Emperors to be prayed for in England.’ Cf. also Selborne’s conclusions in *A defence*, 152.

For the quotation, and for discussion of Selden’s (and Selborne’s) interpretative methodology, see above, Appendix V n. 69. Especially pertinent here is Selborne’s discussion of the canons of CENG.786 (particularly in response to Stubbs’s comment that they ‘had the force of law’), in *Ancient facts*, second edition, 153: ‘The word canon is very flexible, when applied to the Acts of ecclesiastical synods; it would be idle to demur to that phrase if it
At work in both Selborne and Selden was a fundamental skepticism about the extent to which ecclesiastical laws could have any dispositive effect without the joint support of the civil law. Not surprisingly, given that they were common lawyers, they believed that, without explicit support from civil or secular law, church canons were but mere recommendations or objects for study. Also (again perhaps not surprising for lawyers), both Selden and Selborne seem to have had a common regard for the special significance of original legal documents, with a concomitant suspicion of the validity of any legal document that was derivative. Thus, Selborne could concede that texts supporting the quadripartite division of tithes (e.g. the *Libellus responsionum*) were known in Anglo-Saxon England, yet still conclude that ‘As to the quadripartite division, there is no documentary or historical evidence of any kind that can be alleged as showing its acceptance anywhere or at any time in England’. This prejudice led Selborne to understand *Coll.Wig.*—a compilation of canons and statutes mostly originating in France—as essentially a foreign document, useful for study by Anglo-Saxon ecclesiastics, but with no proper legal force within the Anglo-Saxon church. The pains Selborne sometimes went to argue that certain canonical texts did not ‘have the force of law’ in or were never ‘acted upon’ by the Anglo-Saxon church is often quite amusing, but must ultimately be ignored. It is known now, for example, that many of the derivative texts in question were either written, translated, or studied closely by Archbishop Wulfstan, who in turn implemented them (in various forms) in the legislation he drafted for the kings of England in the first decades of the eleventh-

stood alone. If, by “law,” canon law only were meant, I might content myself by saying that sanctions, of some kind, seem practically necessary to the idea of law; and that the matter of these (so-called) “canons” does not agree with my conception, even of canon law [the CENG.786 canons do not include sanctions]. But if (as some have understood) more than this is meant by the words [of Stubbs] which I have quoted,—if the “law” intended be a civil enactment, or a civil confirmation of an ecclesiastical law by a secular legislature—then I not only doubt, but I am obliged to dispute the proposition.’

194 See, e.g., *A defence*, 125–27.


197 It is not necessary to list them all, but in addition to those instances cited above, see Selborne, *Ancient facts*, second edition, 106 (on the invalidity of Theodore’s *Iudicia*); 152–68 (on that of the canons of CENG.786); and 247 (on that of *Coll.Wig.* and *Coll.Hib.*).
century. Thus, even if they did not have ‘the force of law’ before passing through Wulfstan’s hands, they certainly acquired it afterward.

Interpretative prejudices aside, the importance of Selborne’s work for the study of Anglo-Saxon canon law is difficult to overstate. It was Selborne’s interest in Cap.I, particularly its transmission in Anglo-Saxon canon law collections, that led him to provide in Ancient facts two of the thitherto most detailed accounts of the major canon law collections in use in late Anglo-Saxon England, namely Coll.Wig. and Coll.quad. Selborne demonstrated a conversance with these collections that was unmatched in scholars before him. An entire chapter in Ancient facts (part II, c. 7) is devoted to ‘The Egbertine compilations’, under which Selborne examined Coll.Wig.A (from A2), Coll.Wig.B (from A3) and Coll.quad. (from A5). As Coll.quad. will be specifically considered in the second half of this review, Selborne’s important treatment of it can be ignored here, in favour of focusing on his study of Coll.Wig. Already in A defence Selborne had demonstrated familiarity with this text. He was well aware, from his readings of Selden (but also from Mansi), that Ecgberht was not the author. He further complained that scholars in his own day, namely Benjamin Thorpe and John M. Kemble, were still perpetuating the myth

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198 Many examples of such arguments can be found in Selborne’s Ancient facts, but see especially pp. 153–67 (CENG.786), 216–18 (Wulfstan’s Canons of Edgar), 234–35 and 247 (Coll.Wig.B), 262 (Ælfric, Ep.I), and 287–87 (LawGrið).

199 Selborne, Ancient facts, second edition, 227: ‘these [‘Egbertine compilations’], more than anything else, have had a chief influence in establishing that notion in the minds of learned men, both of past and of recent times ... [that] a tripartite division of tithes, or other church revenues, was anciently customary in England.’ Cf. Selborne, A defence, 149–50.

200 Selborne, A defences, pp. 149–50: ‘[Coll.Wig.B] is by an unknown hand, though with a venerable name prefixed to it, that of Egbert (or Ecgbright), Archbishop of York in the eighth century. It does not purpose to represent that the Canons contained in it were ever received as law in England; they had plainly no original force here; some of them are Oriental, some African, some Irish, and some from various other foreign sources. Some are mere texts extracted from Scripture or from the Fathers. No English Council or Synod adopted them. Many of them are copied (as Selden and others have shown) from the Capitulars of Charlemagne and his successors; some are plainly inapplicable to England; ... These ‘Excerts’ (for that is their title), in their actual form ... could not possibly have been collected by Archbishop Egbert, who died before Charlemagne succeeded to his father’s throne.’

201 See Ancient facts, second edition, 228–29, where Selborne claims that Ecgberht’s authorship of Coll.Wig. had also been disproven by Étienne Baluze. But this is an error. Discussing Ghaerbald’s Cap.I in Capitularia regum Francorum. Additae sunt Marculti monachi et aliorum formule veteres, et note doctissimorum virorum ..., 2 vols (Paris, 1677), II, col. 1055, Baluze only spoke of the impossibility of Ghaerbald’s Cap.I being written by Ecgberht, and in fact never referred to Coll.Wig. at all, but rather to Cap.I as it is found ‘in codice Oxoniensi’, i.e. in A5 (the existence of which Baluze knew from Spelman’s note in his Concilia, 258).
of Ecgberhtine authorship. Neither did Selborne give credence to claims that the author was Hucarius, a significant position for him to take, as both Wasserschleben and Stubbs had recently given voice to the old theory. Improving on work begun by Johnson, Selborne gave a very full and accurate description of the sources of Coll. Wig., and made a full comparison of the different arrangements of material in the two version of Coll. Wig. then known, those in A3 and in A2. He arrived at the important conclusion that the version in A2 (Coll. Wig.A) was preliminary to that in A3 (Coll. Wig.B), a relationship that has since been confirmed.

Perhaps most importantly, Selborne realized the Worcester origin of both A2 and A3. Unfortunately, he mistook their relative age: he assigned A2 to Worcester during the episcopate of Archbishop Wulfstan, and A3 to ca 1100 (or some date later than A2). In fact, the

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203 See Selborne, Ancient facts, second edition, 245–46; though (oddly), he allows that Hucarius may have played a role in the compilation of A5.
204 For Wasserschleben’s support of Hucarius’s role in the transmission of Coll. Wig., see above, p. 493; for Haddan and Stubbs’s, see CED, I, 700 n. ‘a’.
205 See selborne, Ancient facts, second edition, 243–43. Selborne’s account of the sources of Coll. Wig. is not as full as those provided by the Ballerinis and Wasserschleben, however.
206 See Selborne, Ancient facts, second edition, Appendix D, 332–33, with remarks on the nature of their relationship on p. 244.
207 See Cross–Hamer, Canon law, 16; M. Brett, Review of Cross–Hamer’s Canon law, The journal of ecclesiastical history 52 (2001), 717–19, at 718; and Elliot, ‘Ghaerbald’s First Capitulary’, 163–64 and 165 with nn. 28–9. See also the discussion of Coll. Wig. in Chapter 4.
208 See Selborne, Ancient facts, second edition, 231–32, and cf. below, Appendix V n. 378. A tantalizing hypothesis that Selborne forwards in Ancient facts, second edition, 210–11 and 234, regarding the identity of the compiler of A2—which must now be rejected so far as it applies to the manuscript itself—is still worth considering as it applies to the contents of that book, and of other Commonplace books connected to Archbishop Wulfstan. Following a notice in John Pits’s Relationum historicarum de rebus Anglicis tomus primus, ed. W. Bishop (Paris, 1619), 181–82 (whose source at this point is unknown), Selborne hypothesized that it was a Worcester monk named Oswald—presumably the nephew of St Oswald (†992) spoken of in the Ramsey chronicle (Chronicon abbatiæ Rameseiensis a saec. X. usque as an. circiter 1200), ed. W.D. Macray, Rolls series, Rerum Britannicarum medii aevi scriptores 83 [London, 1886], 159–60), though this Oswald ‘nepos’ did not die in 1010 as Selborne reports—who, after an extended tour of the monasteries of France and the Low Countries, returned to Worcester bearing treasures he had collected from Gallican libraries, including Cap.I, works by Alcuin, Theodulph, and other sources used in Coll. Wig. Note, however, that Bateson, ‘Worcester cathedral book’, 713, claimed that Oswald ‘nepos’ was associated with Ramsey not Worcester, and that ‘of any connexion with Worcester, he has no record.’
209 Selborne, Ancient facts, second edition, 242. Selborne cites both Thorpe, who (correctly) thought A3 to have been written s. xi–med, and Selden, who thought A3 to have been written in the time of Henry I; but Selborne sides explicitly with neither authority. His discussion on p. 244 reveals that, whatever date he assumed from A3, he placed it later than A2. Confusion such as this over the dating of A3 by early-modern scholars may owe in part to the fact
pocket-sized A3 is now known to have been used by Wulfstan ‘the homilist’, while A2, copied s. xi\(^{med–3/4}\), was created probably under the auspices of St Wulfstan, bishop of Worcester 1062–1095.

To the efforts of Selden and Selborne, two of the most important figures in the first part of this review (and, with the Ballerinis, the only scholars to have studied Coll.Wig. without editing it), historians today owe some of the most significant discoveries concerning Coll.Wig. It is somewhat ironic to think that their interest in this text was entirely secondary to their interest in Ghaerbal’s Cap.I, and that if Cap.I had not happened to be a part of Coll.Wig. in A3, then early confessional debates that centered on the history of tithing in England would never have induced these two great scholars to consider this singular Anglo-Saxon canon law collection; and subsequent scholarship on the subject (meagre as it is) would have been much the worse for lack of their insight. It is a sobering thought indeed to imagine that the most important document in the history of Anglo-Saxon canon law might have been largely overlooked if not for its association with a short Carolingian document from the diocese of Liège.

Summary

Before Selborne, Coll.Wig. had been edited in 1840 by Benjamin Thorpe, who based his text on a fresh transcription of A3. Thorpe retained the same title that had been used by Spelman two hundred years previous,\(^ {210}\) and his edition remained the standard up until 1974, when Robin Aronstam printed the first critical edition.\(^ {211}\) With both Wilkins and Thorpe the opportunity to correct the misattribution to Ecgberht was missed. As the editor of Selden’s collected works, Wilkins in particular should have been aware of Selden’s arguments against Ecgberht’s

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210 Ancient laws and institutes of England; comprising laws enacted under the Anglo-Saxon kings from Æthelbirht to Cnut, with an English translation of the Saxon; ... also, monument ecclesiastica Anglicana, from the seventh to the tenth century ... with a compendious glossary, etc., folio edition, ed. B. Thorpe (London, 1840), 326–42.

211 Aronstam, ed., ‘Latin canonical tradition’.
authorship, and brought them to bear in his own edition of *Coll.Wig*. Thorpe, too, neglected to rectify the title of the work, even though by this time demonstrations of the impossibility of Ecgberht’s authorship had been put forth by Selden, the Ballerinis, Mansi and Wasserschleben.

Before receiving its first critical edition in 1974, *Coll.Wig.* had been edited three times, reprinted five times, and translated into English once. Yet it must be said that, editorially, *Coll.Wig.* has been very poorly served indeed. Since Spelman’s *editio princeps* in 1639, scholars had been advertising the existence of a number of versions of *Coll.Wig.*—some real, some imagined—yet it was not until the twentieth century that a version other than that in A3 was finally printed. Historical and literary criticism of the collection before the twentieth century was scarcely more successful, though this is surely in part a result of the complexity of the textual tradition itself and the concomitant lack of a good edition. The extraordinary resilience of bogus attributions to Ecgberht and Hucarius—even in the face of numerous demonstrations to the contrary by esteemed historians—owed to nothing more (though also nothing less) than the momentum of popular opinion. Scholars had been led astray by the presence of Ghaerbald’s *Cap.I* amongst Ecgberhtine material in A5, and especially by its presence in A3, where a marginal addition attributed it directly to Ecgberht. Spelman’s decision to apply this marginal attribution to *Coll.Wig.* in its entirety might (he thought) have been supported by certain remarks made by Leland and Bale before him, but it ultimately led to Ecgberht acquiring ‘a canon law collection which not even his medieval admirers had claimed for him.’ The importance of Selborne’s work in unravelling this knot cannot be overestimated; he was the first to show that *Cap.I* was a ninth-century Carolingian document with a Continental tradition quite distinct from that which it had in England. Once he demonstrated that its presence in *Coll.Wig.* had nothing to do with

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213 See above, Appendix V n. 135.
214 There remain serious complications and problems with even the most recent edition by Cross–Hamer, on which see Wormald, ‘Holiness of society’, 201–02, and the discussion of *Coll.Wig.* in Chapter 4.
215 The version in A2 had been printed by Johnson in 1720, but in his English translation only.
Ecgberht, research on Coll.Wig. could finally proceed on a sure footing. Yet, four hundred years after Spelman’s edition, Coll.Wig. still commonly goes under the name ‘Excerptiones Ecgberhti’, suggesting that scholars are reluctant even today to do away completely with the possibility that Ecgberht had some role to play in the history of this collection.

**Part 2: The Bodleian copy (A5) of Coll.quad.**

One of the most important pieces of material evidence for the history of canon law in Anglo-Saxon England is A5, a manuscript that was copied in southern England (probably Sherborne) in the second half of the tenth century, and that contains a modified version of Coll.quad., a collection in four books of patristica, as well as and monastic, penitential, conciliar, and decretal canons written probably at Reims ca 850. But A5 served as a particularly difficult obstacle in the long and circuitous route by which scholars came to fully understand the nature of Coll.quad., and for that matter Coll.Wig. Although sundry pieces of Coll.quad. had been known to Continental scholars since the early seventeenth century, the collection’s true extent and nature remained obscure until the latter half of the eighteenth century, and were not fully explained until the latter half of the twentieth. The reason for this is that Coll.quad. often circulated in incomplete form; of the nine manuscript witnesses extant today, six contain the collection without its full complement of four books. A5 is one such manuscript: Book 1 of its copy of Coll.quad. has been replaced by a version of PECG.700 that contains within it

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217 The first good description of Coll.Wig. after Selborne was made by Le Bras in 1931 (Fournier–le Bras, Histoire, 316–20), though even here there was error (see Wormald, ‘Holiness of society’, 197 n. 32). See also Fournier, ‘De l’influence de la collection irlandaise’, 46–7.

218 Even Robin Aronstam’s critical edition of 1974 was entitled ‘The Excerptiones Egberti’, though she did not think the text, as it stood, to have been the work of that eponymous archbishop. The most recent editors of Coll.Wig. opted for the unfortunate title ‘(the) Collection’. Though this has the advantage of doing away with the pseudonym ‘Ecgberht’, as a title ‘the Collection’ lacks distinctiveness, and may even lead to confusion, should one want to discuss multiple collections, canonical or otherwise, in the same breath.

219 On the origin of A5, see above, Chapter 4 p. 159.

220 For further on Coll.quad., see the discussion of this collection in Chapter 4.

221 For a list of all known Coll.quad. manuscripts, with summaries of their contents, see Table 3, in Chapter 4 p. 156.
Ghaerbald’s *Cap.I* (as well as several *ordines confessionis*).\(^{222}\) As was seen in the first half of this review, there was much confusion in early-modern scholarship about the contents of *A5*. Many believed that *A5* contained another version of *Coll.Wig.*; others thought it a long (indeed exceedingly long) version of a penitential attributable to Ecgberht. The reasons for these misconceptions vary, though it will be seen that, as with *Coll.Wig.*, the root of the problem was the presence of *Cap.I* in PECG.700. Also contributing to the confusion was a general reluctance on the part of English-speaking scholars to examine *A5* in person; most early-modern commentators on *A5* merely parroted uncritically the erroneous claims of scholars before them—none of whom had seen the book with their own eyes. The precise nature of the contents of *A5* and its significance to the history of Anglo-Saxon canon law thus largely remained hidden until the nineteenth century, when Wasserschleben, Selborne and Mary Bateson were finally able to set the manuscript in its proper context. It will be informative to consider the evolution of scholarly impressions of just what is found in *A5*, and of what importance *Coll.quad.* has for the canonical tradition of Anglo-Saxon England.

**Spelman and the early English scholarship**

In his edition of *Coll.Wig.B*, Spelman had noted that Ghaerbald’s *Cap.I* (that is, the first 21 chapters of *Coll.Wig.B*) is also found in *A5*, where it is inserted between the prologue and body of the penitential commonly attributed to Ecgberht (PECG.700).\(^{223}\) This position of *Cap.I* in *A5* gave the impression that *Cap.I* was part of the Ecgberhtine penitential, and thus that it too was Ecgberht’s work.\(^{224}\) Spelman’s interest in *A5* went slightly further than the presence of *Cap.I* in its first book, though. It has already been seen how in his *Concilia* Spelman printed a series of four texts under the title ‘Excerptiones Egberti’. *Coll.Wig.* constitutes only the first of these. The

\(^{222}\) On the possible origins of this ‘Ghaerbaldian’ version of PECG.700, see above, Chapter 4 p. 153.

\(^{223}\) Spelman, ed., *Concilia*, 258, marginal note: ‘In Oxoniensi MS. priores istae 25 excerptiones, ante lib. Poeniteniale Egberti inseruntur sub titulo, *Haec sunt jura sacerdotum quae tenere debent.*’ The preface to PECG.700 begins on fol. VIIIv of *A5* (with the rubric ‘*incipit excerptio de canonibus catholicorum* in *peci*’ and continues until the bottom of fol. 3r, at which point *Cap.I* begins (with ‘*I. haec svnt ivra sacerdotvm qvae tenere debent*’) and continues until fol. 5r. The body of PECG.700 then continues from fol. 5r to fol. 14v. There follows on fols 14v–21r several liturgical texts, including *ordines confessionis*.

\(^{224}\) *Cap. I* in fact occupies a similar position in 5 other manuscripts; see above, Chapter 4 n. 81.
second was a series of 35 canons taken from the end of Book 2 in A5—chapters 17–52 from Coll.quad. 2—which Spelman printed under the heading that this particular group of canons bears in that collection: ‘Abhinc diversa ex diversis excessibus iudicia’. It is unclear exactly why Spelman printed these canons and none others from A5; perhaps their brevity and similarity to the canons found in the other ‘Ecgberhtine compilations’ recommended them. In any case, they were reprinted numerous times from Spelman by subsequent Continental editors, including Labbè–Cossart, Mansi, and Migne.

Most scholars who commented on A5 after Spelman relied primarily on his description of the manuscript, which he gave in a lengthy note appended to his edition of Coll.Wig. The passage in question follows immediately on Spelman’s discussion (quoted in the first half of this review) of the manuscripts he used in preparing his ‘Excerptiones Egberti’:

... one noble manuscript [A5] is kept in the Oxford public library; another in Cambridge, in the library of Bennet College [A1]; a third (if I am not deceived) in Westminster in the Cottonian library; and a fourth one, as fine as it is old, [is the one that] we have used. But this [last] manuscript lacks the penitential of Ecgberht, which, because it comprises four books in the Oxford manuscript, requires its own codex and could never have been included in our [edition]. Nevertheless, that you may know that—should I have been granted access to [all these other] manuscripts—I was not unwilling to show something of them, I have added [to my edition of Coll.Wig.] several chapter[-heading]s from the Oxford manuscript [A5] (these gained through the eyes and aid of others), and [several]

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225 Spelman, ed., Concilia, 276–78, printing text from A5, fols 44v–48r. Spelman says (Concilia, 278) that these 35 canons are taken from ‘secundo libro Poenitentialis Egberti, prope finem: habenturque in libro quarto [viz. of A5] multi alii [viz. canones] ex Epistolis dictisque Patrum, decretis Paparum et diversorum Conciliorum sanctionibus, 42 ejusdem libri [viz. quarti] folia occupantes in Oxoniensi Manuscripto’. In fact the canons of Book 4 occupy a full 57 folios in A5.

This passage reveals a number of interesting facts. First it is clear from Spelman’s words that he had never seen A5 himself; rather, he had to rely upon the transcriptions and reports of others. This is important because, had Spelman seen A5 in person, he might have avoided the erroneous assumption that the entirety of A5 comprised a penitential authored by Ecgberht—which, from the passage quoted above—is clearly what he thought. Though A5 does in fact contain PECG.700 in its first book (and a modern table of contents titled ‘Liber poenitentialis Egberti archiepiscopi Eboracensis’ now prefaces the whole codex), the final three books (fols 22r–178v) in fact contain nothing originating with Ecgberht, or with any other Anglo-Saxon for that matter.

In addition to considering it an Ecgberhtine penitential, Spelman also considered A5 to be yet another witness to the ‘Excerptiones Egberti’. This is most significant, for it was probably Spelman’s designating A5 as just one more witness of Coll.Wig. that allowed later scholars to ignore it; recall that A1—also named as a witness to Coll.Wig. by Spelman—and A2 both suffered similar neglect by later scholars, whose attention was ever drawn to A3, the source of the ‘vulgate’ text of Coll.Wig. Thus, David Wilkins, who printed nothing from A5 himself, nevertheless attempted to comment on the contents of A5, relying wholly upon Spelman’s vague

227 Spelman, ed., Concilia, 275: ‘habetur nobile unum in Bibliotheca publica Oxoniensi: aliud Cantabrigiae, in Bibliotheca S. Benedicti: tertium (ni mihi imponatur) Westmonasterii, in Bibliotheca Cottoniana: quartum, hoc quo nos utimur, bellum pariter et perantiquum; sed quo desideratur Egberti opus Poenitentiale, quod in Oxoniensi exemplari IIII. libros integros completitur, et justum per se depescens codicem, nostro non est inserendum. Adjiciam tamen paucà aliquid, que ex Oxoniensi Exemplari, aliorum oculis et industria consecutus sum: e Cantabrigiensì vero que mihi metam subito patuere, ut intelligas me ad cætera utique exhibenda non invitum fuisse, si librorum extitisset copia’. Interestingly, Spelman elsewhere (Concilia, 154) mentions the difficulty he had gaining access to A1 for long enough to make a thorough transcription of its contents.

228 Noted by the Ballerinis, Disquisitiones, part 4, c. 6, § 6 (PL 56, col. 301A), and by J. Baron, Report, 8 note ‘*’. That Spelman had not seen A5 himself can also be deduced from his misrepresenting the extent of its fourth book; see above, Appendix V n. 225.

229 Cf. above, Appendix V n. 223.

230 Not exactly true: Coll.quad. 4 does include two canons drawn from the works of Bede, one of which is ascribed to him: Coll.quad. 4.313 is drawn ultimately from Bede’s Hom.ev. 2.1 (ed. Hurst, 185, lines 31–45); and Coll.quad. 4.378 is drawn from Bede’s In epistolas VII catholicas, in Bedae venerabilis opera omnia. Pars II.4, ed. D. Hurst, CCSL 121 (Turnhout, 1983), in Iac. vers. 5, 14–15, pp. 221–22, lines 157–85.
and misleading description (itself a second-hand report). Johnson also attempted to describe A5’s contents, and managed to report accurately that the only part of Coll.Wig. that A5 contained was in fact the 21 chapters of Cap.I; but Johnson too only gathered this from second-hand information.

Had either Wilkins or Johnson known the truth—that A5 in fact contained the largest and most important Frankish canon law collection ever to enter Anglo-Saxon England—they might have been enticed to study the manuscript and its contents in more detail; but, as far as they knew, all A5 contained was one more copy of the ‘Excerptiones Egberti’. A5 thus remained hidden in plain sight due to Spelman’s initial misidentification of A5 as yet another witness of Coll.Wig.

Early Continental research: George Colvener (†1649), Edmond Martène (†1739) and Usin Durand (†1771)

Twelve years prior to the appearance of Spelman’s Concilia, an edition of the collected works of the Carolingian luminary Hrabanus Maurus had been published by a Flemish theologian named Georges Colvener (or Colveneer). In volume six of his edition Colvener printed a three-book text titled ‘De vitiis et virtutibus et peccatorum satisfactione in remediis, sive de pœnitentiis libri tres’. Colvener assumed this to be an original work by Hrabanus, but it is now known to comprise books 1 and 2 of PHAL.800 and Book 3 of Coll.quad. Colvener gave no indication as to where he found this three-book text, and no manuscript with this configuration of

231 See Wilkins, Concilia, note to p. 112.

232 Johnson, Collection, ed. Baron, 223: ‘N.B. I am assured by a learned hand, who has searched the excerptions of Ecgbiht [Coll.Wig.], mentioned by Sir H. Spelman in the Bodleian Library at Oxford, that none of these excerptions are in that book, save the twenty-one first items.’

233 Commenting on Johnson’s note about the presence of Ghaerbald’s Cap.I in A5, Baron would later remark (Johnson, Collection, ed. Baron, 223): ‘This assertion, and the statements of Spelman, Conc. Brit. vol. i. p. 260, 275, seem to have misled Wilkins and others as to the contents of MS. Bodl. 718’.

234 Hrabani Mauri abbatis primum Fuldensis, postea archiepiscopi Moguntini, opera quotquot reperiri potuerunt omnia; a Iacobo Pamelio olim collecta, et nunc primum in lucem edita, 6 vols in 3, ed. G. Colvener (Cologne 1626–1627), VI, 125–54; repr. (with omissions) PL 112, cols 1333–1398C under the title ‘De quaestionibus canonum poenitentialium’.

235 PL 105, cols 657–78.

236 For an identification of the texts printed in Colvener’s sixth volume, see Kottje, Die Bußbücher, 90–1. For a full account of the editorial history of Coll.quad., see Kerff, Der Quadripartitus, 35–8; and for discussion (and refutation) of its supposed authorship by Hrabanus, see Kerff, Der Quadripartitus 79–80.
Appendix V

PHAL.800 and Coll.quad. is now extant.\(^{237}\) It would be some time—more than 200 years in fact—until scholars realized that what Colvener had printed as a penitential collection of Hrabanus was rather a composite work, whose third book was part of the much larger Coll.quad.\(^{238}\)

Meanwhile, in the century following the publication of Colvener’s edition, Spelman’s 35 chapters from Book 2 of A5’s Coll.quad. were being reprinted in the large editions being assembled by Continental scholars at this time. One notable Continental edition from this period, however, did not reprint Spelman’s 35 canons, though it printed related material. From 1724 to 1733, Edmond Martène and Usin Durand, both members of the Maurist congregation of Benedictine monks in France, published a collection of historical documents bearing on medieval Christianity in the West. Their collection was titled Veterum scriptorum et monumentorum historicorum, dogmaticorum, moralium, amplissima collectio. In the first of this work’s nine volumes is printed a number of passages from books 1–3 of Coll.quad. from a manuscript the editors had found at St Matthew’s in Trier—the manuscript has now been identified as the composite codex Trier, Stadtbibliothek, MS 1084/115, which contains only books 1–3 of Coll.quad.\(^{239}\) Now, not to be found in A5 is Coll.quad.’s dedicatory letter, which describes (rather floridly) how at the behest of his greater the author cut ‘odiferous ... snippings’ by searching carefully ‘through the blossoming fields of the Fathers’.\(^{240}\) But this letter is found

\(^{237}\) Scholars seem certain that Colvener did not invent the text himself by combing PHAL.800 with Coll.quad. Rather, it is presumed that he found the text in a manuscript that intermingled closely the works of Halitgar and Hrabanus, of which sorts of manuscripts there are other medieval examples, as noted by Kerff, Der Quadripartitus, 37–8 with n. 107, and Bateson, ‘Supposed Latin penitential’, 324 with n. 30; see also Kottje, Die Bußbücher, 90–3. Bateson, ‘Supposed Latin penitential’, 324, remarked that Coll.quad. 3 ‘is on the eight principal vices and the battle of the virtues against vices, and thus might easily be mistaken for the work which Rabanus Maurus is known to have addressed to the emperor Louis, “De Vitiis et Virtutibus.”’

\(^{238}\) This recognition was first made by Bateson, ‘Supposed Latin penitential’, 324.

\(^{239}\) Veterum scriptorum, eds Martène–Durand, I, cols 70E–76D. See Kerff, Der Quadripartitus, 25 with n. 47 for the origin and provenance of the three eleventh-century manuscripts that make up this codex, and p. 26 n. 48 for the identification of Trier 1084/115 as the manuscript used by Martène–Durand. The identification was first made by Bateson, ‘Supposed Latin penitential’, 325.

\(^{240}\) Veterum scriptorum, eds Martène–Durand, I, cols. 70E–71A. The full passage runs as follows: ‘Hæc paucæ beatitudo vestra gratifica, quæso, excipiat deflorata, que non ex uno unius doctoris prato divinae auctoritatis studui deccerpere, sed per multorum patrum florigera rura cordis & corporis cervice summissa studiose succintim celeriterque, ut jussio sanctitatis extitis vestæ, cucurri, & ex his hos odoriferos, Domino largiente, prout potui,
in Trier 1084/115, and was printed by Martène–Durand under the title ‘Dedicatory epistle of Halitgar, bishop of Cambrai, to Ebbo, archbishop of Reims, concerning books composed by him de Vita sacerdotum’. \(^{241}\) They printed further brief pieces from Coll.quad., including the ‘Autoritätenkatalog’ \(^{242}\) that follows the dedicatory letter, the general preface, the prefaces for Books 2–3, and the registers of titles for Books 1–3. A notice at the end of their edition—‘the fourth book is altogether wanting’ \(^{243}\)—indicates that these early editors recognized their Trier copy of the text to be incomplete; they knew the collection was supposed to have four books because the dedicatory letter speaks of a ‘quadriform’ work, \(^{244}\) as does the general preface. \(^{245}\) Martène–Durand did not print any canons proper, but what they did print had never been edited before, and some of it has not been edited again since. \(^{246}\) They do not mention Spelman, and indeed seem to be unaware that anyone else had published canons from the same collection. \(^{247}\) They were therefore not induced to comment on the relation of their collection to Ecgberht or to England; all the better, it turned out, for it left them free to contemplate the authorship and date of Coll.quad. in a purely Continental context.

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\(^{241}\) *Veterum scriptorum*, eds Martène–Durand, I, col. 70E: ‘Epistola nuncupatoria Halitgarii Cameracensis episcopi ad Ebonem archiepiscopum Remensem in libros de Vita sacerdotum ab eo conscriptos’.

\(^{242}\) Or catalogue of authorities, where the author states what sorts of sources he used.

\(^{243}\) *Veterum scriptorum*, eds Martène–Durand, I, col. 76D: ‘Quartus capitula omnino desideratur’.

\(^{244}\) See above, Appendix V n. 240.

\(^{245}\) *Veterum scriptorum*, eds Martène–Durand, I, col. 71E: ‘Ex diversis sanctorum patrum opusculis et institutis, largiente Domino nostro Jesu Christo, quatuor in hujus voluminis corpusculo excerpti continuntur libelli.’

\(^{246}\) Their’s is still the only printed version of the register of titles for Coll.quad. 2.

\(^{247}\) It’s possible, though unlikely, that they knew of Spelman’s text from either Labbé–Cossart’s or Hardouin’s reprints. Martène–Durand refrained from printing titles 19–53 from the register for Book 2, the same series of 35 canons Spelman had printed from Book 2; however, in all manuscript copies the titles that Martène–Durand skipped are separated from the other titles of Book 2 by a special rubric ‘Abhinc diversa ex diversis excessibus capítula’. Martène–Durand might therefore have thought them an intrusion and chosen not to print them for this reason, without knowing Spelman’s edition.
Martène–Durand dated the text to ‘Circa 820’, the reasons for which are explained by them in a note: ‘no author’s name is inscribed in the manuscript ... but Alberic was describing a German author in his chronicle when he wrote for the year 850, “and under this same Ebbo there was collected and compiled by Halitgar, bishop of Cambrai, a book that was entitled De vita sacerdotum”. ‘De vita sacerdotum qualis fit’ is the title of the first chapter of Book 1 of Coll. quad., and this seems to have been enough to convince Martène–Durand that Coll. quad. was the very work of which Alberic spoke. Martène–Durand’s attribution of Coll. quad. to Halitgar went unnoticed by scholars until the idea was revived in 1894 by Mary Bateson.

The Ballerinis, Mansi and the discovery of a quadripartite collection

The Ballerinis apparently did not know of Martène–Durand’s Trier manuscript, for neither discussion of it nor of its three-book version of Coll. quad. can be found in their Disquisitiones. They did however recognize in Spelman’s description of A5 a collection similar to one they knew from two Vatican manuscripts, namely Vatican, Biblioteca Apostolica Vaticana, Vat. Lat. 1352 (s. xi2, Italy) and 1347 (s. ixmed, Rheims)—the former containing all four books of Coll. quad., the latter containing only Book 4. Yet, ‘in neither of these two manuscripts’, they noted, ‘is Ecgberht’s name found’. In fact, in none of the nine manuscript witnesses of

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248 Veterum scriptorum, eds Martène–Durand, I, col. 70E.
249 Or Aubry, a thirteenth-century Cistercian monk of Trois-Fontaines Abbey (Marne); see Bateson, ‘Supposed Latin penitential’, 323 n. 23, and Kerff, Der Quadripartitus, 80.
250 Veterum scriptorum, eds Martène–Durand, I, col. 70, note at page bottom: ‘Nullum auctoris nomen præfixum habet codex ... verum germanum scriptorem designat Albericus in chronico, ubi hec ad 850. Sub eodem etiam Ebene collectus est et compilatus per Halithgarium Cameracensem episcopum liber qui intitulantur de vita sacerdotum.’
251 See also the notice of Pierre Pithou (comparable to Alberic’s) that is discussed by Kerff, Der Quadripartitus, 80–1 with nn. 27 and 30.
Appendix V

Coll. quad. that are extant today is this collection attributed to Ecgberht, not even in A5, though there the substituting of PECG.700 in the place of Coll. quad.’s first book had made it seem as though it did.253

By the time the Ballerinis were writing, only four Coll. quad. manuscripts had been discovered, namely A5, the two Vatican manuscripts, and Trier 1084/115. Of these, one (the last) was unknown to them, and the first could not be examined by them. They had one great advantage over previous scholars who had studied Coll. quad., however, and this was that they had in Vat. Lat. 1352 a copy of the collection in its full four-book form. Moreover, in that manuscript they could read Coll. quad.’s important general preface. Spelman had not known the general preface, since in A5 PECG.700 has displaced Coll. quad.’s Book 1 and all its prefatory material. From the general preface the Ballerinis were able to conclude that, far from being a work assembled by Ecgberht, Coll. quad. was ‘written by some private author at the behest of [his] abbot or bishop.’254 As for a date, based on a brief summary of the sources used in Coll. quad., they concluded that no authority later than ca 730 had been used, and so dated it to around that time.255 Scholars now know, however, that Coll. quad. quotes from a number of sources that are

illud Poenitentiale in eodem codice quatuor libros integros complecti. Nobis autem contigit hoc opus in quatuor libros distinctum reperire in ms. Vat. 1352, in cujus quidem libro secundo illi canones 35 a Spelmanno editi continentur, et libro quarto laudata fusior canonum collectio exhibetur, quam separatim descriptam nacti sumus in alio cod. Vat. 1347. In nullo autem ex his duobus codicibus Egberti nomen legitur.’

253 As is argued above, Chapter 4 p. 152, this arrangement was probably not original to A5; rather, someone early on appears to have replaced A5’s copy of Coll. quad. 1 (and the preface to Coll. quad. 2) with a copy of PECG.700.

254 The Ballerinis, Disquisitiones, part 4, c. 6, § 6 (PL 56, col. 301A–B): ‘Immo ex praefationibus, quas Spelmannus non vidi, palam fit hoc opus a privato aliquo auctore fuisse scriptum praecepto alicuius sive abbatis, sive episcopis, quemadmodum colligere licet inter caetera ex his verbis prooemii in librum quartum: Magnopere poposcisti ac praecipisti, charissime rector, ut ad corrigendos vel instruendos tuorum mores subditorum, quaedam ex divinis constitutionibus, etc. Haec Ecgberto archiepiscopo non congruunt.’ The dedicatory letter and general preface that precede Book 1 of Coll. quad. have been edited a number of times (see Kerff, Der Quadripartitus, 36), the most recent edition being that by Selborne, Ancient facts, second edition, 327–28.

later than this, the most important of these being *Coll.Dach.*, the influential early ninth-century French canon law collection, on which more will be said in due course.\(^{256}\)

Having determined that Spelman’s attribution to Ecgberht was impossible, the Ballerinis went on to suggest exactly how it was the Spelman had been mislead into thinking that *Coll.quad.* was a version of the ‘Excerptiones Egberti’:

Spelman, who had not seen the Oxford manuscript [A5] himself; ... was deceived because in that volume the 21 *capitula* also found in [*Coll.Wig.B*] have been set in front of the books of [*Coll.quad.*], though] without the name of Ecgberht attached. While [in A5] these 21 chapters lack a title bearing Ecgberht’s name, at least one other manuscript, from the Cotton collection [A3], presents them (erroneously) as if their author were Ecgberht. Thus, Spelman believed Ecgberht to be the author of [*Coll.Wig.B*], and of [*Coll.quad.*], which was placed after those [21] canons.\(^{257}\)

This sounds very much like what later scholars—Selborne, Christopher Hohler and Patrick Wormald among them—would eventually lay out in explanation of how the myth of

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\(^{256}\) For a discussion of the sources used in *Coll.quad.*, see Kerff, *Der Quadripartitus*, 54–63, and 85–102. Some of Kerff’s identifications can now be updated or corrected; see Appendix IX.

\(^{257}\) The Ballerinis, *Disquisitiones*, part 4, c. 6, § 6 (*PL* 56, col. 301B–C): ‘Spelmannum igitur, qui codicem Oxoniensem non evolvit, ex eo deceptum credimus quod in eodem ms. his libris nullo Egberti nomine signatis praemissa essent excerptionum capitula 21, quae etsi Egberti titulo carebant, cum tamen ea Egbertum habere auctorem alius saltam Cottonianus ... codex (licet erronee) praeferret; eundem Egbertum ejus quoque operis in quatro libros distincti, quod laudatis capitulis subjiciabatur, auctorem credidit.’ I do not translate ‘laudatis’ as it was the practice of the Ballerinis to use ‘laudo’ in the passive voice to describe canons that were borrowed from another source.
‘Ecgberhtine exceptions’ arose with Spelman in the first place. It must be noted, however, that the Ballerinis’ explanation of Spelman’s famous muddle does not take account of the very important fact that the A5 copy of Coll.quad. begins with PECG.700; this fact, which was impossible to discern from Spelman’s notes, would also be lacking from subsequent accounts of A5 by Continental scholars who, like the Ballerinis, were not able to see the manuscript for themselves and had to rely entirely upon the Ballerinis’ description. Nonetheless, the Ballerinis had very cogently explained how a number of erroneous beliefs about A5 had arisen, and then very convincingly explained them away. Unfortunately, the Ballerinis’ important corrective remarks on A5 escaped the notice of English critics for quite some time. They would, once again, have to wait until the time of Stubbs—who knew Wasserschleben, who in turn had studied the Disquisitiones carefully—until the discoveries of the Ballerinis would filter into English scholarship.

Just as with their assessment of Coll.Wig., the Ballerinis’ findings on Coll.quad. were echoed in volume twelve of Mansi’s Conciliorum. Through Mansi, much-needed corrective remarks on the nature of A5 and the extent of the Ecgberhtine canonical tradition—about which Spelman had been so misleading—were made readily available to Continental scholars. In an extended note on the subject of the ‘collectiones canonicas Ecgberti Eboracensis Archiepiscopi’, Mansi remarked that, while Spelman had printed 35 chapters from a supposed ‘Ecgberti Poenitentiale ex MS. codice Oxoniensi’ (chapters that had thence been incorporated into Labbé-Cossart), nevertheless

258 Though Spelman, ed., Concilia, 258, mentions that Cap I chapters are ‘ante lib. Poenitential. Egberti inseruntur’ in A5, it was his habit to refer to the entire manuscript as ‘Ecgberht’s penitential book’ (cf. Concilia, 276 and 278). This naturally obscured from the Ballerinis the one grain of truth in Spelman’s account: that A5 does begin with the Ecgberhtine penitential.

259 Namely Wasserschleben and Richter; Maassen would eventually see A5 for himself and provide an accurate description in his Geschichte (see below, Appendix V n. 331), which would then be followed by Schmitz (below, Appendix V n. 340).

260 It is worth mentioning that Pietro Ballerini, recognizing the importance of Coll.quad. to the history of pre-Gratian canon law, actually prepared an edition of Book 4 of Coll.quad.; see the Ballerinis, Disquisitiones, part 4, c. 6, § 6 (PL 56, cols 301D–302A): ‘Illud porro maxime animadvertendum est, Reginonem usum fuisse quarto libro hujus operis; ... Perutilis fuit diligentissima Reginonis editio, quam curavit Stephanus Baluzius; ... Quanto autem magis utilis futura erit editio laudati operis, ex quo Regino quamplurima derivavit? Hanc vero editionem fere paratam, si Deus concesserit, aliquando daturi sumus.’ Unfortunately, the proposed edition never saw the light of day; see Kerff, Der Quadripartitus, 35–6. Kerff, Der Quadripartitus, 15 n. 2, also declared his intention to edit Coll.quad. for the Corpus Christianorum, continuatio mediaevalis series, though this project seems to have been aborted.
The Ballerinis claim to have found those same canons in Book 2 of a certain collection in four books in Vatican 1352, which \textit{illosque}, so they say, is also found in Vatican 1347. But they say that in neither [manuscript] does Ecgbert’s name appear. ... Thus do I support their conclusion that the Oxford manuscript \textbf{[A5]} (which Spelman admits never to have seen himself), presents a collection that is completely separate from that of the Ecgberhtine penitential.\footnote{Mansi, ed., \textit{Conciliorum}, XII, cols 411–12: ‘Eosdem canones Ballerini reperisse se affirmant in lib. II. Collectionis cujsdam MS. Codicis Vaticani MCCCLII., et in quatuor libros distincti, illosque pariter offenidges se se aujint in alio codice Vaticano signato MCCCXLVII. in neutro vero Ecgberti nomen apparere testantur. Addunt insuper, in eisdem MSS. codicibus legi præfationem, quæ ab Ecgberto plane aliena existimare potest ... Certum igitur manere censeo Oxoniensem codicem, quem Spelmans a se minime usum testatur, Collectionem aliam exhibere a Poenitentiali Ecgberti plane diversa [sic].’ Regardless of whether one takes the referent of ‘illosque’ as ‘canones’ or ‘libros’, it seems that Mansi was mistaken: Vatican 1347 contains neither Spelman’s 35 chapters, nor all four books of \textit{Coll.quad.}; rather it contains only Book 4, as the Ballerinis had correctly noted (\textit{Disquisitiones}, part 4, c. 6, § 6 [PL 56, col. 301A]).}

Mansi nevertheless printed Spelman’s canons—‘whoever may have been their author’—under the same title Spelman had used, ‘Ex ejusdem Ecgberti poenitentialis libro secundo in publica bibliotheca Oxoniensi’.\footnote{They are printed in \textit{Conciliorum}, ed. Mansi, XII, cols 459–62, with a marginal note referring to Mansi’s prefatory remarks. For the quotation, see Mansi, ed., \textit{Conciliorum}, XII, cols 411–12: ‘Hos tamen canones, cujuscumque tandem sint auctoris, hic retinendos censui, servato titulio, quem apud Labbeum obtinent.’} Thus, though a full account of the true nature of Spelman’s \textbf{A5} canons was provided by Mansi in his prefatory remarks on the ‘Ecgberhtine compilations’, the conclusions of that account were belied by the title under which he printed them, and by the very fact that he printed them as part of the Ecgberhtine corpus, as all previous editors had done.

\section*{The early nineteenth century: Augustin Theiner (†1874), Wasserschleben, and Emil Richter (†1864)}

The Ballerinis had discovered in two Vatican manuscripts the same (and in Vatican 1352 a fuller version of the) collection that Spelman had found in \textbf{A5}, and their discovery had been further popularized by Mansi. Yet, even among Continental scholars these discoveries were slow to catch on. Almost a century after the publication of the Ballerinis’ \textit{Disquisitiones}, Augustin Theiner, a German-born theologian and future prefect of the Vatican archives (1855–1870),
published a collection of his own canonistic studies that he entitled *Disquisitiones criticae*. It was intended as a continuation of Andrea Gallandi’s volume of the collected works of modern scholars on early medieval canon law, the most important of which was the Ballerinis’ work, whose title Theiner mimicked. The fifth *disquisitio* in Theiner’s collection contains a chapter ‘On two unknown canon law collections that derive from Burchard’s *Decretum*’. The first of these two ‘unknown collections’ is actually a version of *Coll.quad.* that Theiner had discovered in Monte Cassino, Archivio dell’Abbazia, Cod. 541 (*olim* 552), where Book 4 of *Coll.quad.* has been added to the end of the originally three-book collection *Coll.Dach.* *Coll.quad.* actually appears in this same arrangement with *Coll.Dach.* in the Ballerinis’ Vatican 1347, of which Monte Cassino 541 appears to be an apograph. Theiner transcribed from Monte Cassino 541 and printed, for the first time, the entire preface and epilogue of Book 4 of *Coll.quad.* Of importance here is the fact that the prologue to Book 4 mentions *three preceding books*, which—though originally meant to refer to books 1–3 of *Coll.quad.*—happens to fit well the context of Monte Cassino 541, where the three books of *Coll.Dach.* immediately precede *Coll.quad.* 4. Theiner describes how he first came under the impression that this fourth book comprised an hitherto unknown fourth book of *Coll.Dach.*; but he soon realized that in fact this

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263 A. Theiner, *Disquisitiones criticae in praecipuas canonum et decretalium collectiones seu, sylloges Gallandianae dissertationum de vetustis canonum collectionibus continuatio* (Rome, 1836). Part 1 of this work had been published previously in Latin at Leipzig (1829), parts 2 and 3 in French at Paris (1831), and Part 4 in German at Mainz (1832). For the 1836 publication, parts 2–4 were translated into Latin by K.-A. von Reisach (see Theiner, *Disquisitiones*, xix).

264 *De vetustis canonum collectionibus dissertationum sylloge, quibus virorum doctissimorum cura [et] studio elucubratis de juris ecclesiastici origine atque progressu luculenter disseritur*, ed. A. Gallandi (Venice, 1778); see Theiner, *Disquisitiones*, xx–i.


267 See Kerff, *Der Quadripartitus*, 18–20 and 52.

268 See Theiner, *Disquisitiones*, 334 n. 3.

269 I quote from the prologue of *Coll.quad.* 4 as printed by Theiner, *Disquisitiones*, 334 n. 3: ‘Quartus igitur ... ex sanctorum opusculis sicut et tres anteriores excerptus incipit libellus ... Iste etenim libellus hujus opusculi quartus constat esse studio brevitatis ... excerptus ... ex sacrorum canonum orthodoxorumque patrum libris vel institutis.’ It is interesting that in some manuscripts of *Coll.Dach.* a Lyonese supplement stands as a fourth book to that collection; see Firey, ‘Toward a history’, 187–194 and 253–56.
could not be, and that this fourth book rather seemed ‘to be nothing other than a clumsy and disordered abridgement of Bishop Burchard of Worms’s *Decretum*.’ He went on to show how certain series of chapters from *Coll.quad.* are also found clustered closely together in parts of Burchard’s much larger work. Though he might instead have interpreted this as evidence that Burchard had borrowed from *Coll.quad.* (indeed, something like this is actually the case), Theiner took it as proof that the compiler of *Coll.quad.* 4 had excerpted chapters haphazardly from Burchard’s *Decretum*. He therefore dated *Coll.quad.* to shortly after Burchard’s *Decretum* (completed *ca* 1010), and thus much later (he adds) than its partner collection in Monte Cassino 541, *Coll.Dach.* (which had to be earlier than both pseudo-Isidore and PHAL.800, both ninth century). Theiner concludes his discussion by suggesting that the author of *Coll.quad.* was a ‘librarius’ and monk from Monte Cassino, and seems further to suggest that Monte Cassino 541 was this monk’s autograph. Theiner gives no indication that he was familiar with the comments of Spelman, the Ballerinis or Mansi on *Coll.quad.*; not surprisingly, as he could not have arrived at the conclusions he did if he had been. No doubt Theiner had read the Ballerinis’ *Disquisitiones* (in Gallandi’s edition); yet he did not recognize their description of Book 4 in Vatican 1352 as matching that of Book 4 in Monte Cassino 541, even though the Ballerinis quoted the first few lines of the Book 4 preface, the very preface that Theiner printed in full.

Theiner’s theories about *Coll.quad.* were addressed directly by Wasserschleben three years later in his *Beitraege zur Geschichte der vorgratianischen Kirchenrechtsquellen*, a collection of studies he had made in course of preparing an edition of Regino of Prüm’s *Libri duo de synodalibus causis* (hereafter *R2L*), an important Carolingian canonical handbook, written *ca*

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270 Theiner, *Disquisitiones*, 335: ‘hinc non sine magna admiratione detegi, illam nihil aliud esse quam epitomen quandam nullo consilio nulloque ordine ex Burchardi decreto excerptam.’

271 See Theiner, *Disquisitiones*, 335 n. 4: ‘Cap. 125. 128–130. 131. 134. 136–139. desumpta sunt ex Burchardi Lib. XI. cap. 63. 55. 53. 54. lib. XVI. c. 17; Lib. VI. c. 27. 21; Lib. X. c. 7. 23. 5. 6.’


900 at Trier (where, in fact, *Coll. quad.* enjoyed a particularly long tradition). The first chapter of Wasserschleben’s *Beitraege* is devoted to questions concerning the sources of Regino’s work and its relationship to later canon law collections, and it is in this chapter that Wasserschleben discusses *Coll. quad.* (Wasserschleben refers to *Coll. quad.* as the ‘Collectio Vaticana’ because the Ballerinis had first discovered a full version of it in the Vatican manuscript Vat. Lat. 1352). He confirmed the Ballerinis’ claim that Regino had used Book 4 of *Coll. quad.* He also mentioned A5, though it is evident that he had not seen it himself (but rather relied upon the Ballerinis’ account), for he speaks of it as if it contained all four of the books also found in Vat. Lat. 1352. He considered Book 4 to have originally been a separate collection—a wrong but not unreasonable suggestion, since Book 4 differs so greatly in format and character from *Coll. quad.*’s first three books—and determined that it was from the fourth book that Regino drew material for *R2L*. Wasserschleben then refers to two other manuscripts known at that time to contain Book 4 of *Coll. quad.*: Vat. Lat. 1347 (identified by the Ballerinis), and Monte Cassino 541 (identified by Theiner); apparently, Wasserschleben was not aware at this time of Martène–Durand’s Trier manuscript, which contains books 1–3 of *Coll. quad.* (though he had

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274 Wasserschleben, *Beitraege zur Geschichte der vorgratianischen Kirchenrechtsquellen* (Leipzig, 1839). *Coll. quad.* was being used at Trier from (at least) the beginning of the tenth century and up until (at least) the twelfth; see above, Chapter 4 n. 110.

275 On Wasserschleben’s precise use of the term ‘Collectio Vaticana’, see above, Appendix V n. 148. One must be careful to distinguish early references in the literature to *Coll. quad.* from references to another *Collectio Vaticana*, a sixth-century Italian collection known principally from Vatican, Biblioteca Apostolica Vaticana, Vat. Lat. 1342. For further on the *Collectio Vaticana*, see above, Appendix IV p. 442, and also occasional references in Chapter 5.


277 See the quotation from his *Beitraege* in the following note. See also *Reginonis abbatis Prumiensis Libri duo de synodalibus causis et disciplinis ecclesiasticis*, ed. F.W.H. Wasserschleben (Leipzig, 1840), xi n. ‘**’: ‘In Cod. Vat. 1352. et Oxon. (Spelmann, Concil. Brit. tom. I. p. 275.) omnes quatuor existant libri.’


279 See Wasserschleben, *Beitraeg*, 4. Wasserschleben’s belief that *Coll. quad. 4* enjoyed a life of its own separate from the other three books was probably determined in part by his awareness of these two manuscripts; however, as the Monte Cassino manuscript is but a copy of Vatican 1347, only the latter can be used as evidence for the nature of *Coll. quad.*’s early transmission. Incidentally, the Antwerp manuscript (which Wasserschleben did not know) also transmits only Book 4.
learned of it by the time he published his edition of *R2L* in 1840). Wasserschleben goes on to consider the question of *Coll.quad.’s* authorship, noting that two different opinions had been forwarded thus far: Spelman’s, ‘who first discovered this collection in the Oxford public library and who held it to be a penitential of Ecgberht’; and Theiner’s, who, knowing only *Coll.quad.* 4, believed this book to be a collection of excerpts from *BD*. Declaring that the Ballerinis had already disproven Spelman’s claim of Ecgberht’s authorship, Wasserschleben moved on to make short work of Theiner’s hypothesis by showing: 1) that a number of canons in *Coll.quad.* 4 are not found in *BD*; 2) that *Coll.quad.* is less logically arranged than *BD*, and so therefore unlikely to be later; and 3) that *Coll.quad.* contains no trace of the pseudo-Isidorian decretales that so informed Burchard’s work, nor of any more recent Gallic or German conciliar canons or capitularies. He concludes that:

Our collection was perhaps composed in England. In favour of this argue two facts: that several fragments have been taken from the writings of Columbanus, and that a definite correspondence exists with the well-known *Excerptiones* falsely attributed to Ecgberht. Should the original work of Ecgberht of York be

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280 See Wasserschleben, *Reginonis Libri duo*, xi n. ‘*‘: ‘Cod. biblioth. publ. civit. Trever. 144. tres priores tantum exhibit libros, sed tertium mutilum.’ Wasserschleben would eventually supply transcripts of the prefaces in Trier 1084/115 to Richter during the latter’s work on *Coll.quad.*; see below, Appendix V n. 311.


282 Wasserschleben, *Beitraeg*, 5: ‘Spelmann, welcher diese Sammlung zuerst in der Oxforder öff. Bibliothek entdeckte, und für ein Pönitentialbuch Egbert’s hielt’. In Wasserschleben’s time it was not yet known that Colvener, even before Spelman, had printed a portion of *Coll.quad.* (though as a work by Hrabanus).

283 See Wasserschleben, *Beitraeg*, 5.

284 See Wasserschleben, *Beitraeg*, 5. He also adds that ‘nicht ein Inscription verräth die verfälschende, fingirende Hand Burchard’s’.
Appendix V

discovered, perhaps it will shed some light also on the origin of our ‘Collectio Vaticana’ [i.e. Coll. quad.].

In a note to this passage, Wasserschleben gives an account of the correspondences between Coll. Wig. and Coll. quad., thus demonstrating for the first time the existence of a significant relationship between these two collections. Though he declined to comment on the exact nature of that relationship, his evidence clearly pointed to Coll. quad. as a major source for Coll. Wig.

Wasserschleben’s opinion that Coll. quad. was an English collection was, of course, based on a faulty interpretation of the evidence. He himself later realized this, and, in a ‘Berichtigung’ at the end of his Beitraege, he recanted the opinion. By the time he published his edition of R2L, he had decided Coll. quad. had been written in Gaul shortly after the middle of the eighth century, a date he doubtless borrowed from the Ballerinis. Rounding out Wasserschleben’s consideration

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285 The ‘Originalwerk’ of which Wasserschleben here speaks is a reference to the hypothesis forwarded by the Ballerinis, and upheld by Mansi and Wasserschleben, that Coll. Wig. was an abridgement of a larger, but lost, collection made by Egbert; see above, pp. 491–493.


287 See Wasserschleben, Beitraege, 5, n. ‘***’. Wasserschleben lists 25 chapters from Coll. quad. (cc. 124–25, 127, 171, 207–08, 217, 222–23, 225–26, 233–35, 261, 264, 290, 305–06, 349–50, 352, 357–58, 362) that were used in 22 chapters of Coll. Wig.B (Wilkins’s numbering: cc. 2, 47–8, 64–6, 69–72, 75, 83–7, 89–90, 92–5). Kerff, Der Quadripartitus, 105–114, would later count 47 chapters from Coll. quad. used in 45 chapters of Coll. Wig.B. Note that the Ballerinis had previously pointed out that several chapters of Coll. Wig. had been taken from Coll. quad.

288 Specifically, Wasserschleben noted that Coll. quad. 4.233–35, correctly attributed to Pope Leo, Augustine and Aurelius, were used (with additional material) in Coll. Wig. 1 (B, 1), which is attributed only to Augustine. In fact, Coll. quad. 4.232, correctly attributed to Pope Celestine, is also used in this chapter of Coll. Wig.


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of *Coll.quad.* in his *Beitraege* is a summary of the subject matter treated in its fourth book\(^{291}\) and a discussion of its sources.\(^{292}\) In his edition of *R2L*, which he published the next year, Wasserschleben shows how closely he had studied Book 4 of *Coll.quad.* in the interim: he had collated a transcription of Vat. Lat. 1352 against Vat. Lat. 1347,\(^ {293}\) compared these against *R2L*, and provided the results of this comparison in the copious notes to his edition, in which references to ‘Coll. Vat.’ chapters figure frequently.\(^ {294}\) Wasserschleben’s importance to the modern study of *Coll.quad.* runs even deeper than this, however; for the transcriptions he made of the Vatican manuscripts would later serve as the basis of the first (and still only) edition of Book 4, published by his colleague at Leipzig, Emil Richter.

In 1844, Emil Ludwig Richter—best known for his edition of Gratian’s *Decretum*,\(^ {295}\) upon which Emil Friedberg’s now standard edition (1879) is based\(^ {296}\)—published an edition of Book 4 of *Coll.quad.*\(^ {297}\) This is still the only edition to have ever been made of that influential book, and, with Colvener’s edition of Book 3, one of only two editions of a complete book of *Coll.quad.*\(^ {298}\) Richter used as his principal witness Vat. Lat. 1347. It is now known that this manuscript, while being the oldest now extant (middle to second half of the ninth century), actually ‘witnesses a later tradition of *Coll.quad.*, in which the fourth book appears as a partial-text extracted from the original four-book context.’\(^ {299}\) Richter also gave variants from Vat. Lat. 1352\(^ {300}\) and source

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\(^{291}\) Including (in order of their treatment) penance, homicide, perjury, theft, false testimony, magical spells and auguries, minor vices, drunkenness, and various clerical sins: Wasserschleben, *Beitraege*, 6.

\(^{292}\) For which he was heavily dependent upon the Ballerinis: Wasserschleben, *Beitraege*, 6–7.

\(^{293}\) See Wasserschleben, ed., *Reginonis Libri duo*, xxii.

\(^{294}\) See also the ‘Tabula synoptica’ in Wasserschleben, ed., *Reginonis Libri duo*, 497–512.


\(^{296}\) Corpus juris canonici, 2 vols, ed. E.A. Friedberg (Leipzig, 1879–1881), I.


\(^{298}\) For a transcription of Book 4 of *Coll.quad.* from A\(^5\), see below, Appendix IX.

\(^{299}\) Kerff, *Der Quadripartitus*, 78; the fuller context is: ‘Ein zugleich bestätigendes und präzisierendes überlieferungsgeschichtliches Argument liegt in Gestalt der Handschrift V\(_{10}\) [Vat. Lat. 1347], die zwar die älteste bekannte Handschrift des Quadripartitus, sicherlich aber nicht den Erstcodex der sammlung darstellt. Vielmehr
notes in a brief textual apparatus, though his reporting of variant readings is highly selective and his identification of sources is often inaccurate or unhelpful.\(^{301}\) The value of Richter’s edition is further undermined by the fact, signalled at the end of the editor’s preface, that he worked not from the manuscripts themselves, but from transcripts supplied to him by Wasserschleben.\(^{302}\) Richter’s text is therefore at an additional remove from the manuscript evidence, and this has resulted in numerous manifest errors in the printed text (as the following discussion will show); whether these are the fault of Wasserschleben or Richter (or both), cannot now be determined.\(^{303}\)

Notable features of the text printed by Richter are archaising normalization (printing ‘quotidie’

\(^{300}\) See Richter, ed., *Antiqua canonum collectio*, 2.

\(^{301}\) The shortcomings of Richter’s source notes become evident upon their comparison with modern accounts (Kerff’s, or my own, for which see Appendix IX). Many of Richter’s (and indeed many of Kerff’s) source notes cite merely the formal source (e.g. ‘Coll.Dach.’) without giving the material source as well. This practice is particularly unhelpful when, for example, the material source is found in more than one of the formal sources known to have been used by *Coll.quad.*’s author. For example, *Coll.quad.* 4.65–73 all seem to draw upon *Coll.Dach*. The material source for *Coll.quad.* 4.68 is the series of canons on permitted marriages from CROM.721, and these canons are found in *Coll.Dach.* (eds d’Achery–de la Barre), 1.93 (with insignificant differences). However, the source as given by Kerff is PHAL.800.4. 22, which quotes the same series of Roman canons. Giving the material, as opposed to (or in addition to) a formal source at this point would have helped to offset Kerff’s prejudice regarding the actual source used. Moreover, Kerff’s frequent citing of Ben.An. *Cod.reg.* and Smarag. *Exp.in reg.S.Ben.* are not always helpful, as these formal source share a great many parallel passages with each other (insofar as one is a compilation of and the other a commentary upon the ancient monastic *regulae*) and, of course, with the original monastic rules of which they are compendia. Furthermore, Benedict of Aniane edited a systematically arranged version of the material he compiled in the *Codex regularum* in a work known as the *Concordia regularum*. It is often difficult to tell in each case which of these formal sources (the one by Smaragdus or the two by Benedict) *Coll.quad.* is drawing upon. In such situations, the editor should adduce all relevant parallels.

\(^{302}\) See Richter, ed., *Antiqua canonum collectio*, 2, and Kerff, *Der Quadripartitus*, 38. Kerff claims that both Vatican manuscripts were known to Richter only through Wasserschleben’s transcripts. But Richter in fact speaks only of a single transcript. After mentioning his witnesses (Vat. Lat. 1347 and 1352), he says: ‘Ceterum in hoc quoque opere adjutum sumus insigni liberalitate V. Cl. *Wasserschleben*, qui Codicis Vaticani exemplar [!] accuratissime scriptum nobiscum communicavit.’ Presumably Richter is here referring to Wasserschleben’s transcript of 1347. Whoever may have provided Richter with a transcript of 1352, it can be deduced that it was of Book 4 only, else Richter would not have needed to print the prefaces to the early books of *Coll.quad.* from Trier 1084/115, on which see below, Appendix V n. 311.

\(^{303}\) The following data have been drawn from a brief comparison of the first five chapters in Richter’s edition with (images of) Vat. Lat. 1347 and 1352.
for ‘cotidie’, ‘quum’ for ‘cum’, ‘poenitentiam’ for ‘paenitentiam’, etc.) and disregard for errors and corrections in the two Vatican manuscripts. More serious objections can be raised over Richter’s decision to silently transpose manuscript readings, and his confusion of the readings between his two witnesses. Grave transcription errors are committed in the first few chapters of Richter’s text: in c. 2 he prints the nonsensical ‘illuminavit’ for ‘humiliauit’ (both MSS) and omits ‘et dilectionem’ (both MSS) after ‘ad affectum’, and ‘ omnibus’ after ‘pro nobis’. Most damning of all, in c. 3 Richter omits almost an entire sentence after the first word ‘indulgentia’. Finally, Richter’s edition of Book 4 is not complete in itself: he did not print the register of titles (what Kerff calls the ‘Capitulatio’) — indeed, this portion of the text still remains unprinted today—nor did he print the preface to Book 4, but instead refers the reader to Wasserschleben’s edition. With such defects and omissions, it is impossible to grant this edition the status of ‘critical’. Even so, Richter’s edition (one is tempted to call it Richter–Wasserschleben’s edition), as the first of the important fourth book of Coll.quad., constitutes an important contribution to scholarship on this collection.

Besides an edition of Book 4 of Coll.quad., Richter had relatively little to add to scholarly discussion on this canon law collection. He gave notice, in the opening lines of his preface, of Spelman’s printing of 35 canons from Book 2, and of his ascription of them to Ecgberht. Richter then mentions the subsequent rejection of Ecgberht’s authorship by the Ballerinis, adding: ‘scholars have taught us that the nature and ratio of the collection is [such] as would mark it as a work composed privately rather than by an archbishop like Ecgberht.’ He repeats
Wasserschleben’s criticisms of Theiner’s theory of Burchardian authorship, and echoes the researches of the Ballerinis and Wasserschleben in stating the importance of Book 4 to the history of pre-Gratian canon law, particularly its influence on R2L, thence on BD, ID and ultimately Gratian’s *Decretum*. Though he does not say so explicitly, Richter’s decision to print Book 4 by itself was an implicit endorsement of Wasserschleben’s view that the fourth book of *Coll.quad.* was a collection distinct from the other three books, known at this time from Vat. Lat. 1352, A5 (Book 1 wanting) and Martène–Durand’s Trier manuscript. On the other hand, the fact that Richter mentions the existence of Trier 1084/115 (though he nowhere mentions its eighteenth-century editors)—a manuscript that had escaped the notice of the Ballerinis, of Mansi and, for a time, of Wasserschleben—and prints from it the dedicatory letter, *Auctoritätenkatalog*, and the prefaces of books 2 and 3, suggests that he did not discount entirely the relevance of these earlier books. On the basis of the sources *Coll.quad.* uses, Richter dated the collection to the end of the eighth or beginning of the ninth century, and placed its origin in Francia. A French origin had been posited once before (by the Ballerinis and, after some hesitation, by Wasserschleben), but Richter’s dating to the ninth century was new, and in fact is quite close to the date assigned the collection by modern scholars (s. ix\(^2/3\)). Previous critics had suggested the middle of the eighth century as the time of composition, based on the presumption

ipsae trium priorum librorum praefationes’. For discussion (with criticisms) of the notion of *receptio* and early-modern tendencies to subscribe to a dichotomy of private vs. authoritative/universal types of canon law collections, see Firey, ‘Toward a history’, c. 1, esp. 8–10, 42–8 and 54–6. See also my own criticisms of the way the issue of reception is dealt with by Selden and Selborne, above, Appendix V nn. 69 and 193.


310 See Richter, ed., *Antiqua canonum collectio*, 1. It should be noted that one of the failings of Kerff’s study of *Coll.quad.* was his decision not to indicate which chapters of Book 4 ended up in Gratian.

311 *Antiqua canonum collectio*, ed. Richter, 2–3. It can be deduced that Richter’s exemplar for the dedicatory letter was the Trier manuscript, as his edition contains the same lacunae as Martène–Durand’s. As to the prefaces to books 2–3, Richter remarks in his preface (p. 1) that these were printed from a transcript of the Trier manuscript that Wasserschleben had supplied him: ‘praefationes, quas ex Cod. Trevirensi descriptas Vir. Cl. Wasserschleben, qua est singulari erga nos benevolentia, utendas ad nos transmisit.’ On Wasserschleben’s knowledge of the Trier manuscript, see above, Appendix V n. 280. One assumes that Wasserschleben would not have gone through the trouble of transcribing the prefaces form Trier himself if he had known of the edition by Martène–Durand.

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that no source more recent than Bede and Pope Gregory II had been used.\textsuperscript{313} Richter’s reason for a ninth-century date is apparently (he does not say explicitly) linked to the fact that \textit{Coll.Dach.}, an early ninth-century collection, figures so prominently in his source notes: for, if \textit{Coll.Dach.} is a source for \textit{Coll.quad.} (and modern scholars agree that it is), then \textit{Coll.quad.} must postdate that collection. That Richter considered \textit{Coll.Dach.} as a source for \textit{Coll.quad.} is somewhat surprising, for Wasserschleben had argued that these two works rather drew independently from a common source.\textsuperscript{314} This last can therefore be considered a significant and independent contribution by Richter to scholarship on \textit{Coll.quad.}

The later nineteenth century: Friedrich Maassen (†1900) and Hermann Josef Schmitz (†1899)

The great German canonist Friedrich Maassen published his monumental \textit{Geschichte der Quellen und der Literatur des canonischen Rechts im Abendlande} in 1870, wherein he examined in detail the form and transmission, with special attention to the manuscripts, of early medieval canon law collections.\textsuperscript{315} Though now almost a century and a half have passed since its publication, Maassen’s \textit{Geschichte} still serves as an indispensable tool for the study of pre-Gratian canon law. Maassen made a number of important contributions to the study of \textit{Coll.quad.}—which he alternately called ‘Die Sammlung in vier Büchern’ and ‘Collectio quadripartita’—including the identification of a new manuscript containing all four books, the twelfth-century Austrian manuscript Vienna 1286.\textsuperscript{316} Like Wasserschleben before him, Maassen had a rather low opinion of the skill of the compiler of \textit{Coll.quad.}, whose efforts to organize his canonical material into discrete topics ultimately failed (Maassen believed) in the face of the

\textsuperscript{313} See above, Appendix V nn. 255 and 290. Recall that Theiner had dated \textit{Coll.quad.} far too late, to the later eleventh century.

\textsuperscript{314} This theory of Wasserschleben’s is considered in more detail in the discussion of Maassen’s work on \textit{Coll.quad.}, below.

\textsuperscript{315} Only this first volume of what was projected to be a five-volume series was ever published.

\textsuperscript{316} See Maassen, \textit{Geschichte}, 852–63. From the Vienna manuscript Maassen printed \textit{Coll.quad.}’s \textit{Auctoritätenkatalog} (\textit{Geschichte}, 855) and was able to supply (\textit{Geschichte}, 853 n. 2) the conclusion of the dedicatory letter printed by Richter (and Martène–Duran) from the Trier manuscript, whose text is incomplete due to a corner of fol. 103 having been trimmed away; see Kerff, \textit{Der Quadripartitus}, 26 n. 48. Maassen also collated the Vienna manuscript against Wasserschleben’s edition of the general preface; see Maassen, \textit{Geschichte}, 853–54.
great variety of sources upon which he drew.  

Maassen disagreed with Wasserschleben on other accounts, however, like for example the latter’s opinion that Book 4 was a distinct collection.  

More significantly, Maassen disagreed with Wasserschleben about the relationship of Coll. quad. to Coll. Dach. In his Beitraege, Wasserschleben had counted 100 chapters that these two collections shared in common. Maassen brought this number up to 135, and laid out these correspondences in a large table. Both scholars agreed that Coll. Dach. could not have borrowed from Coll. quad., and for the following reasons. Whereas Coll. quad. contains chapters derived from a wide range of sources, the chapters of Coll. Dach. are derived principally from just two large source collections, namely Coll. Dion.-Hadr. and Coll. Hisp.; thus, the former collection could not have been the source of the latter. Moreover, the source citations given in Coll. quad. are less specific than those given in Coll. Dach., and so, again, the former could not have been the source of the latter. Was, then, Coll. quad. derivative of Coll. Dach.? Not according to Wasserschleben, who believed that the authors of both collections drew material from a common unidentified source collection. Wasserschleben believed this because Coll. quad. contains a number of canons derived from Coll. Dion.-Hadr. and Coll. Hisp. that are not found in

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317 See Maassen, Geschichte, 854–55, citing Wasserschleben at length.

318 Though he never says so directly, Maassen seems rather to have considered all four books to be part of the original whole. See, e.g., his comments on the agreement between the prefaces (Geschichte, 854), and his remarks about the variant text in A5 (Geschichte, 862). He does, however, notice the distinctive character of Book 4 (Geschichte, 854): ‘Das vierte Buch hat den Character einer eigentlichen Canonensammlung.’

319 See Wasserschleben, Beitraege, 10 note ‘*’.

320 See Maassen, Geschichte, 856–58.

321 See Maassen, Geschichte, 850–52. Wasserschleben, Beitraege, 9, had thought (following the Ballerinis) that the principal source of Coll. Dach. was a Collectio Hadriano-Hispanica, such as is found in a St-Gallen manuscript of the early ninth century; see Kéry, Collections, 69. For a careful reassessment of the question of the sources of Coll. Dach., see Firey, ‘Toward a history’, 138–194.

322 See Maassen, Geschichte, 858; Wasserschleben, Beitraege, 9–10.

323 See Maassen, Geschichte, 856–58. For example, Coll. Dach. 3.46, from a canon of CTAR.516, is inscribed ‘Ex Concilio Terraconensi, cap. II’ (ed. d’Achery–de la Barre, p. 552); the same canon in Coll. quad. 4.202 is inscribed ‘ex concilio Tarraconense’. Omission of chapter numbers in canon inscriptions is in fact the rule in Coll. quad.
Appendix V

One can easily see the flaw in Wasserschleben’s reasoning, however, as Maassen did, who answered Wasserschleben’s theory by pointing out the obvious: the Coll.Dion.-Hadr. and Coll.Hisp. canons that are used in Coll.quad. but not found in Coll.Dach. were taken from additional source collections that the compiler of Coll.quad. had to hand. One of these additional collections was, as Maassen went on to show, the six-book Poenitentiale of Halitgar of Cambrai, whom, it will be recalled, Martène–Durand had earlier supposed to be the author of Coll.quad. Maassen’s hypothesis has in fact been further corroborated by the discovery of a second major source collection used by Coll.quad., the Collectio Remensis (Coll.Rem.), a sixth-century Gaulish collection that supplied Coll.quad. 4 (especially the second half of Book 4) with just the conciliar and decretal material that Wasserschleben had noticed could not have been supplied by Coll.Dach. Thus, Maassen demonstrated that Coll.quad. post-dated both


325 Maassen, Geschichte, 858–59: ‘Die Zusammensetzung der ersteren ist eine so einfache, dass es schon entscheidender Gründe bedarf um hier ein andres als ein unmittelbares Verhältniss zu den beiden Sammlungen der historischen Ordnung, welche ihre einzigen Quellen sind, anzunehmen. Dagegen ist unser viertes Buch seinen Quellen nach eine so complicirte Sammlung, dass ich nicht sehe, was denn die Annahme besonders Unwahrscheinliches haben soll: der Autor habe neben der Dacheriana noch Quellen benutzt, welchen er das hadrianische und das hispanische Material, soweit es sich auf die genannte Sammlung nicht zurückführen lässt, entlehnt hätte. Wir brauchen nicht den Factor einer unbekannten grossen systematisch geordneten Quelle vorzusetzen, sondern wurde eine systematisch geordnete, weil die Ubereinstimmung mancher Kapitelreihen in beiden räthselhaft erscheinen möchte, wenn ihnen eine chronologische Sammlung zum Grunde gelegen hätte.’

326 See Maassen, Geschichte, 859 and 867–69.

327 See Kerff, Der Quadripartitus, 61–2. For a description of Coll.Rem. see Maassen, Geschichte, 638–40, and Kéry, Collections, 50. Coll.Rem. is extant in a single manuscript, Berlin, Staatsbibliothek Preußischer Kulturbesitz, Phill. Lat. 1743 (s. viii², Reims? Bourges?), whose contents are described in detail by V. Rose, Verzeichniss der lateinischen Handschriften der königlichen Bibliothek zu Berlin, Band I: die Meerman-Handschriften des St. Thomas Phillipps, Die Handschriften-Verzeichnisse der königlichen Bibliothek zu Berlin 12 (Berlin, 1893), 171–9 (no. 84). Coll.Rem. has not been edited, and I have not been able to obtain images of the manuscript to confirm Kerff’s data. I therefore omit references to this collection in the transcription provided in Appendix IX.

328 In an appendix (Der Quadripartitus, 93–102), Kerff lists seventy-five Coll.quad. chapters as deriving from Coll.Rem. (in each case I provide the material source in parentheses): cc. 51 (CCAR.397), 107 (CTOU.461), 213
Appendix V

PHAL.800 and Coll.Dach., which allowed Coll.quad. to be securely dated to the ninth, rather than the eighth century. While Richter had, in a sense, taken this fact for granted in his edition—where Coll.Dach. is frequently cited as a source of Coll.quad.—Maassen can be credited with explaining in detail the reasons for why it is so. The final contribution from Maassen was his resolution of a problem begun by the Ballerinis and perpetuated by Wasserschleben, who had described A5 as if it were identical to Vatican 1352; they were not aware that, in fact, in A5 PECG.700 had been substituted for Coll.quad. 1.329 Maassen had actually seen A5330 and described it accurately as missing Coll.quad. 1 but containing PECG.700

(CCHA.451 [versio prisca]), 214 (DINN.401.286), 217 (DLEO.440.544), 220 (DGEL.492.636), 223–24 (DGEL.492.636), 228 (CCAR.345), 237 (CCAR.397), 238 (CNC.325 [versio Isidori]), 257 (CANT.328 [versio Isidori]), 258 (CORL.549), 265 (CEPA.517), 266 (CORL.538), 267–68 (CAGD.506), 269 (CORL.538), 270 (CTOU.461), 271 (CVAN.461), 272 (CTOU.461), 273–75 (CORL.511), 276–79 (Coll.Arel.), 280–82 (CAGD.506), 283 (CORL.549), 284–85 (CARL.314), 286 (CCAR.419), 287–88 (Coll.Arel.), 289–90 (SEA), 291 (CORL.511), 311 (CCAR.397), 312 (CLA.300 [versio Isidori]), 329–31 (CEPA.517), 332 (CAGD.506), 333 (CEPA.517), 334 (CINC.615), 337 (CAGD.506), 338–46 (SEA), 348–51 (SEA), 354–55 (SEA), 356–57 (CORL.441), 360–62 (CORA.441), 364 (Coll.Arel.), 366 (Coll.Arel.), 367 (CAGD.506, not, as Kerff has, Coll.Arel.), 369 (CORL.511), and 382 (SEA). Kerff’s listing of Coll.Rem. as the source for Coll.quad. 4.48 is a mistake; as Kerff elsewhere points out (Der Quadripartitus, 60), the source is actually a canon from CSEV.619 as found in Ben.An. Cod.reg. The chapters listed immediately above include material from all the sources that Wasserschleben had noticed as not also being found in Coll.Dach., all except one: the council of Toledo; however, all of the Toledo canons I have found in Coll.quad. 4 (cc. 23, 65, 69, 125, 142, 178, 183, 227, 292, 306–07, 327 and 368) can in fact be traced to Coll.Dach. Wasserschleben may have been thinking of Coll.quad. 4.226, the ultimate source of which is a chapter from Isidore’s Regula monachorum that is thought to be an interpolation based on CTOL.633.49, not found in Coll.Dach.; see Reglas monásticas, ed Campos, 95 n. to line 89. It should be noted that Kerff’s list of sources for Coll.quad. 4 must be used with care (besides for the reason mentioned above, Appendix V n. 301). Kerff’s list glosses over a great deal of uncertainty and complexity. For example, despite the fact that Coll.Rem. contains (fols 173r–176r) DINN.401.286, Kerff often cites Coll.Dach. as the immediate source for Coll.quad.’s selections from this decretal. Further, Kerff’s treatment of material in Coll.quad. deriving ultimately from SEA is suspect: he lists 16 Coll.quad. chapters (cc. 8, 21, 22, 118, 136, 188–89, 191–92, 194–95, 197, 262, 265, 358–59 and 363) that derive SEA material from Coll.Dach., 18 chapters that derive SEA material from Coll.Rem. (see above), 2 that derive SEA material from PHAL.800 (cc. 143 and 147), and 2 SEA-derived chapters for which he gives no formal source (cc. 352–53), which, significantly, fall within a series of SEA-derived Coll.quad. chapters that supposedly draw upon Coll.Rem. He also cites Coll.Hib.A 10.t as a source for Coll.quad. 4.190, for which the material source is SEA 74. How Kerff decided at each point from which of these various formal sources the author of Coll.quad. was getting his SEA material is not clear.

329 See above, Appendix V p. 518 and n. 277.

330 Maassen put an ‘*’ before manuscripts he had not seen with his own eyes; he gave A5 no such annotation.
in its place. Thus did Continental scholarship finally piece together exactly how both resembled and differed from other manuscripts in the Coll.quad. tradition.

One of the leading nineteenth-century authorities on the transmission of the early medieval penitential handbooks, second only to Wasserschleben himself, was Hermann Joseph Schmitz, a theologian, jurist and, eventually, an auxiliary bishop to the archdiocese of Cologne (1883–1899). Schmitz published two lengthy studies on the penitential literature of the early Middle Ages, the first of which, Die Bussbücher und die Bussdisciplin der Kirche, appeared thirty years after Wasserschleben’s Die Bussordnungen and just over a decade after Maassen’s Geschichte. Though ambitious in scope, and surveying an impressive array of manuscript evidence, Schmitz’s studies have sustained much criticism over the last century. In chapter 1 of the fifth part (‘Theil’) of this volume, Schmitz discussed those systematic canon law collections from the ninth century that contain a significant component of penitential law, namely Coll.Dach., Coll.quad., PHAL.800 and the two penitentials of Hrabanus Maurus (PHRH.800 and PHRO.800), all of which, as has been seen, are related to each other in some way. For his description of Coll.quad. Schmitz was heavily indebted to Maassen’s work; indeed, Schmitz offers very little in the way of original contributions to research on this collection. He did not consider Coll.quad. a terribly important collection to the history of

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332 Die Bussbücher und die Bussdisciplin der Kirche, nach handschriftlichen Quellen dargestellt, ed. H.J. Schmitz (Mainz, 1883).


334 See Schmitz, ed., Die Bussbücher und die Bussdisciplin, 712–41. Apart from their textual relationships, and along with PPTH.800, these works make up a group of penitential collections issued by the bishops as part of the Carolingian reforms; Vogel, ‘Libri paenitentialis’, 80–3.

335 He did notice that two series of penitential canons excerpted from BD are found immediately before and after (the text of) Book 4 of Coll.quad. in Vat. Lat. 1352; see Schmitz, ed., Die Bussbücher und die Bussdisciplin, 718–19, and Kerff, Der Quadripartitus, 31–2.
Penance in the Christian West—certainly not as important as he thought PHAL.800, to which he devoted considerably more discussion. But this was an oversight on his part that seems to have resulted from his reluctance to go much beyond the accounts he found in Wasserschleben’s and Maassen’s work, who had (for their own reasons) ignored Coll.\textit{quad.}'s first three books. There is very little in Schmitz’s discussion of Coll.\textit{quad.} that bespeaks even a cursory acquaintance with Coll.\textit{quad.}'s first three books, where in fact the majority of its penitential material can be found, including instructions on the administration penance, the categorization of types of sin—including a discussion of the well-known classifications of Cassian and Gregory I—and methods of purification.\footnote{On the significance of Coll.\textit{quad.} 1–3, see Kerff, \textit{Der Quadripartitus}, 11–12.} Had Schmitz studied these books more closely, he would have noticed how the number of Patristic works and monastic \textit{regulae} quoted therein far exceeds that of most other early medieval penitential handbooks and canon law collections, a fact interesting in itself, and most certainly significant to the history of penitential law in Carolingian France.\footnote{In light of this fact, it is interesting that Coll.\textit{quad.} 1.16 endorses the acquisition of expertise in penitential matters via the Scriptures, rather than books of law; nowhere in Coll.\textit{quad.} are priests or bishops counselled to have recourse to penitential manuals.} He might also have noticed the fact that in books 2 and 4 the author of Coll.\textit{quad.} virtually invents anew a great many penitential canons by taking chapters from ancient monastic \textit{regulae}, disguising or removing their monastic context, and/or adding words to make the context secular.\footnote{See Kerff, \textit{Der Quadripartitus}, 60. Coll.\textit{quad.} canons that mention monks alone are rare; far more common are phrases such as ‘\textit{si monachus aut clericus ...},’ where ‘aut clericus’ is almost always an addition of the author of Coll.\textit{quad.}} Book 4’s significant complement of penitential canons deriving from the early Insular and ‘simple Frankish’ penitentials is also important,\footnote{Cf. Coll.\textit{quad.} 4.53, 89, 90, 91, 96, 100, 101, 102, 103, 104, 105, 106, 113, 114, 115, 120, 121, 122, 167 and 168.} since the Carolingian episcopacy was greatly concerned in the ninth century with eradicating such practices as these early penitentials exemplified. Schmitz might have incorporated all of this into his study, had he read Coll.\textit{quad.} more closely. As it was, however, Schmitz relied too greatly upon the descriptions of previous scholars who had invariably been preoccupied with the canonical sources Book 4.
Sins of omission aside, there are further shortcomings in Schmitz’s study of *Coll. quad.* In parroting Maassen’s description of *Coll. quad.* as found in A5, Schmitz confused Maassen’s description of the place of Ghaerbald’s *Cap.I* in that manuscript, claiming that it follows immediately after the register of titles for PECG.700, even though Maassen had described it (correctly) as falling between the prologue and text of that penitential. More grievously, Schmitz confused Maassen’s reference to *Cap.I* (as part of *Coll. Wig.*), thinking it to be a reference to *Coll. Wig.* itself; whence, in Schmitz’s description of A5, *Coll. Wig.* is made to precede PECG.700! This unfortunate mistake would not be worth mentioning if it were not for the popularity of Schmitz’s book, which received wide readership in the nineteenth and twentieth centuries, and is still consulted even today, especially for its editions of PECU.700 and Book 6 of PHAL.800. Nevertheless, Schmitz did at least report on Maassen’s important discovery about the differences between A5 and Vatican 1352 (which Schmitz had seen in person): A5 was not, as the Ballerinis and Wasserschleben had supposed, identical to Vatican 1352, for A5 only presented books 2–4 of *Coll. quad.* Unfortunately, this important correction to the Ballerinis’ and Wasserschleben’s accounts would not reach the next group of scholars to study *Coll. quad.*, who worked in England and were beholden to Wasserschleben’s work on this collection, not Maassen’s or Schmitz’s. The (re)discovery in England of the difference between A5 and Vatican 1352 would have to wait until the work of Selborne.

By the close of the nineteenth century the confusion surrounding the nature of A5 had more or less been cleared up on the Continent by successive investigations into *Coll. quad.* by Italian and German canonists. At least among Continental scholars, the attribution of *Coll. quad.* to Ecgberht was recognized as universally as erroneous, and the story of how this misattribution had come about was more or less understood.  

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341 It had been rehearsed most recently by Maassen, *Geschichte*, 862–63.
Appendix V

Back in England: Baron, Stubbs, Selborne and Mary Bateson (†1906)

The advances made by nineteenth-century Continental scholars in research on early canonical and penitential collections were in general slow to be taken up by English Anglo-Saxonists. It is clear from reading the discussion of A5 in Baron’s Report (1859) that he was not aware of the discoveries of further Coll.quad. manuscripts in the Vatican library, nor did he know Wasserschleben’s work on Coll.quad. in either his Beitraege or edition of R2L. Baron seems in fact to have studied the texts of A5 in a relative intellectual vacuum. While this may mean he deserves credit for intrepidly approaching a subject for which he had to make all the discoveries himself, it also means that he was deprived of the important contextual evidence that adduced by Continental scholars. His extravagant conclusions about the origin of the texts in A5—which were touched on in the first part of this review—consequently flew in the face of what had been established by scholars in Italy and Germany in the eighteenth and early nineteenth centuries.

Baron was one of the first English scholars to study in detail the contents of A5. In his Report he noted how Spelman, Johnson and Wilkins had both attempted to describe A5 without actually seeing it, and in so doing ended up misrepresenting its contents completely. In his edition of Johnson’s Collection, Baron accurately describes the manuscript and its contents, including its Anglo-Saxon script and provenance at Exeter.342 He noted its division into ‘four books of exemptions, the first three penitential and the fourth general’.343 He also noted that the first book contained PECG.700, and that ‘At the beginning of the first book are the first twenty-one exemptions [= Cap.I] of the Cot. MS [A3], as part of the introduction to the penitential.’344 ‘The fourth book’, he continues, ‘contains 383 exemptions, with titles and numbers in rubric’.345 He then explains (independently of previous scholars’ accounts) how a great number of the chapters

342 Baron, ed., Johnson’s Collection, note to p. 223: ‘it is in Latin, but written in Anglo-Saxon characters, is said to have formerly belonged to Leofric, bishop of Cornwall and Exeter, A.D. 1046–71, and has on the last leaf in a later hand the letter of Pope Leo to King Edward the Confessor for moving the see from Crediton to Exeter.’ In the same note Baron quite inexplicably claims that A3 was ‘a copy not in Anglo-Saxon character, but written at the beginning of the twelfth century’.

343 Baron, ed., Johnson’s Collection, note to p. 223.

344 Baron, ed., Johnson’s Collection, note to p. 223.

345 Baron, ed., Johnson’s Collection, note to p. 223.
from the fourth book were sources for *Coll.Wig.*; remarkably, he also showed that there was a difference in correspondence when *Coll.quad.* was compared to the different versions of *Coll.Wig.*—something Wasserschleben had not mentioned. Baron’s discovery that the different versions of *Coll.Wig.* make different use of *Coll.quad.* was ignored by later scholars, including Selborne, Aronstam, and, so far as can be discerned, by Kerff as well.

Baron was led, however, into that old fiction that had beguiled Spelman and Johnson: he erroneously concluded that the four-book compilation in *A5* (PECG.700, followed by Books 2–4 of *Coll.quad.*) was a canon law collection compiled by Ecgberht. And not just a collection, but the real collection compiled by that archbishop; moreover, he argued, the versions of *Coll.Wig.* in *A3* and *A2* merely represented ‘a somewhat confused abridgement’ of this original collection. There is irony here, for it was as if Baron was claiming to have found the Ballerinis’ lost ‘De sacerdotali jure’ (though he was not familiar with their arguments in this respect, and they had imagined the ‘lost work’ to be something altogether different than *Coll.quad.*). Baron’s theories about *Coll.quad.* are of course not true, as was very probably explained to him by Stubbs when he later came to assist on the latter’s *Councils and ecclesiastical documents.* Fortunately, after Baron, the theory of a connection between Ecgberht and *Coll.quad.* would never be endorsed in scholarship again.

Writing in 1869 in the first volume of *Councils and ecclesiastical documents* (*CED*, I), Stubbs remarked on the accomplishments of German scholars in their studies of the early penitential handbooks: ‘Kunstmann, and with more than German thoroughness, Wasserschleben, ... prosecuting enquiries and investigations started by Knust, Mone, Hildenbrand, and others, have

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346 Baron, ed., Johnson’s *Collection*, note to p. 223: ‘many of these [383 excerptions] are word for word the same as excerptions in the Cotton MS. Nero A. 1; others are the original passages of fathers and councils from which corresponding parts of that MS. are abridged, while others again agree with CCCC MS. K. 2. [A2] as described by Johnson in the following pages.’

347 See Baron, ed., Johnson’s *Collection*, note to p. 223: ‘The conclusion seems to be that the excerptions published by Spelman and others from [A3 = Coll.Wig.B] ... are a somewhat confused abridgment of a portion of a work ascribed to Archbishop Egbert.’ See also Baron, *Report*, 8: ‘I believe it [A5] to contain both the “Excrpiones” and “Penitential” of Archbishop Egbert in an infinitely more genuine and authentic form than any MS. yet published.’

348 On the Ballerinis’ ‘De sacerdotali jure’, see above, Appendix V n. 141 and p. 494.

349 *CED*, I, viii. Baron’s assistance was sought after Haddan and Stubs became aware of Baron’s careful study of the shortcomings of Wilkins’s edition of early English councils.
critically and almost thoroughly exhausted the store of Continental MSS. of Irish or Anglo-Saxon Penitentials, and have left to us in that particular department the task only of using the additional but important MSS. (unknown to them) in the Bodleian Library and in that of C. C. Cambridge.\textsuperscript{350} By ‘important MSS. in the Bodleian Library’ Stubbs may have been referring to B6 (Hatton 42), the existence of which Stubbs would later bring to Wasserschleben’s attention for the latter’s edition of Coll.Hib.\textsuperscript{351} But this codex in fact contains only a single, short penitential text, namely PADO.600.\textsuperscript{352} More probably Stubbs was referring to A5. Indeed he goes on to discuss this manuscript at length in later pages, where he states explicitly that A5 was unknown to Wasserschleben.\textsuperscript{353} But Stubbs’s insistence that A5 was unknown to Wasserschleben was wrong, as the celebrated German scholar had discussed it (though clearly without having seen it) three decades earlier both in his Beitraege and edition of R2L.\textsuperscript{354} This implies that, at this point in time, Stubbs was not yet familiar with these works of Wasserschleben and the important things they had to say about the tradition of Coll.quad. from Continental witnesses.\textsuperscript{355} Stubbs seems also at this time to have been ignorant of the edition of Coll.quad. 4 published by Richter a quarter century earlier, and indeed of all other Continental

\textsuperscript{350} CED, I, ix–x.

\textsuperscript{351} Reported by Bradshaw, Early collection, 11. Stubbs’s colleague Arthur Haddan had been preparing an edition of Coll.Hib., in which B6 would doubtless have figured importantly. Haddan’s edition was apparently meant to be included in CED, II; however, it never saw the light of day, either (it is unclear from the account given by Stubbs) because of Haddan’s untimely death or because it was preempted by the appearance of Wasserschleben’s edition. Cf. Memorials of Saint Dunstan, archbishop of Canterbury, ed. W. Stubbs, Rolls series 63 (London, 1874), cxxi.

\textsuperscript{352} Further short excerpts from penitential texts, however, can also be found in this manuscript; see the catalogue of contents of B6 in Appendix VI.

\textsuperscript{353} See CED, I, xv–vi; the relevant passage is quoted in full below.

\textsuperscript{354} Almost certainly this remark by Stubbs was occasioned by the fact that Wasserschleben did not mention A5 in his discussion of PECG.700 in his Die Bussordnungen, 40–6 and 231 n. 1. But it has already been seen that Wasserschleben was mistaken as to the exact nature of the contents of A5 (see above, Appendix V n. 277), such that he did not know that it contained PECG.700 in place of Coll.quad. 1.

\textsuperscript{355} On the other hand, Stubbs was at this time familiar with Wasserschleben’s Die Bussordnungen, in which (p. 45) Coll.quad. is mentioned in passing, including its existence in several manuscripts and its use as a source for Coll.Wig. No mention is made, however, of A5 on this page, which may account for Stubbs’s apparently having missed the significance of Wasserschleben’s discussion. By 1882, Stubbs had read Wasserschleben’s edition of R2L (though perhaps not very closely), for he mentions it in his ‘History of the canon law’, 342 n. 1; see above, Chapter 1 n. 29).
Appendix V

scholarship on this collection. Consequently, his early discussion of A5 (like Baron’s earlier work) does not account for the collection’s Continental tradition.

Nevertheless, Stubbs came closer than anyone before to untangling the process by which a number of canonical works had been foisted unjustly upon Archbishop Ecgberht. In a discussion, in CED, I, of the penitential works that had hitherto been ascribed to Ecgberht, he comments:

we find in Bodl. MSS. 718 [A5] (a 10th century MS., and one of Bishop Leofric’s valuable gifts to his cathedral, unknown to Wasserschleben) a very long and elaborate treatise, described (in a title placed after the contents of its first Book) as Excerptio de Canonibus etc. penitentialis libri ad remedium animarum Ecgberhti Archiepiscopi Eburacæ Civitatis, but with this title limited expressly (by the closing words of that book) to the first book of the treatise, while the other three [books] are “excerpts” from Fathers, Canons, etc., and contain a systematically arranged treatise, compiled by a member of a religious house at the bidding of his rector, but without the slightest reference to Egbert. And the first book of this compilation contains the identical genuine work of Egbert [PECG.700] as already assumed; but 1. prefixes to it 21 capitula, manifestly belonging to time and country of Frank Emperors, the 7th of them directing prayers to be made “pro vita et imperio domini Imperatoris et filiorum ac filiarum salute;” and 2. inserts after it, but apparently as Egbert’s, forms of prayer and litanies etc. for confession, which are certainly (judging by the invocations) Anglo-Saxon. Lastly, we have, in Cott. MSS. Nero A. 1 [A3], and in C. C. C. K. 2 [A2] (a Worcester MS.), these same 21 capitula, followed by two comparatively short series of excerpts, agreeing largely but by no means entirely both with each other and with the longer series in the Bodl. MS. Bk. IV., and both attributed to Egbert; the first of them printed as Egbert’s Excerptiones by Wilkins and Thorpe, the second abstracted and in part translated by Johnson, and both of them containing extracts from the capitularies of Charles the Great. And we have also the further statement of Leland and Bale, that “Hucarus Levita,” a Cornishman of probably the 11th century, prefixed to some homilies of his own, now lost, certain “Excerptiones Egberti”. The inference seems naturally to follow upon the case thus stated, that the shorter work first named [PECG.700] is the only genuine one,—that Bodl.
MSS. 718 is only Egbert’s as regards this portion of its first Book, and perhaps the confessional appended to that portion,—and that the various compilers of the several sets of *Excerptiones* took the whole of the four Bodleian books to be Egbert’s, and put together accordingly, under Egbert’s name, what had really become (wrongly) associated with him through the combining of such *Excerptiones* with Egbert’s genuine work by the compiler of the Bodleian MS.\textsuperscript{356}

Since Stubbs had not read Wasserschleben’s *Beitraege* at this time, his statement that Book 4 of *Coll.quad.* ‘agreed largely’ with *Coll.Wig.* (i.e. that it, being a source for *Coll.Wig.*, had many correspondences with it) must owe either to his own ingenuity or, more probably, to his early communications with Baron, who had ten years earlier made this point himself. Stubbs was mistaken in thinking that the A2 copy of *Coll.Wig.* was attributed to Ecgberht, and in thinking that the attribution of *Coll.Wig.* to Ecgberht had been made by the compiler of that work. Moreover, his classifying *Coll.quad.* under ‘the several sets of *Excerptiones*’ was unnecessary. Nevertheless, his account is more or less accurate. He had the opportunity to restate it in revised form a decade later in his more widely read *CED*, III.

Stubbs eventually did acquaint himself with Wasserschleben’s researches on *Coll.quad.*, no doubt after being made aware of them through further consultation with Wasserschleben’s work and, apparently, with Wasserschleben himself.\textsuperscript{357} In 1871, in *CED*, III, Stubbs prefixed a lengthy preface to his edition of *PECG.700*, in which he addressed again (though this time more closely) the issue of how so many canonical works had been attributed to Ecgberht in previous centuries.\textsuperscript{358} In particular he remarked that:

The Bodleian MS. 718, of which there are copies in the Vatican MSS. 1352 and 1347 (cited by the brothers Ballerini, see Mansi, XII. 411, and Wasserschleben, [*Die Bussordnungen*], p. 45), contains four books. The first comprises (a) twenty-one *Capitula* (the first twenty-one of the so-called *Excerptiones Egberti*, Thorpe,

\textsuperscript{356} *CED*, I, xv–vi.

\textsuperscript{357} Bradshaw, *Early collection*, 11, describes how it was Stubbs who brought the existence of B6 to Wasserschleben’s attention shortly before the publication of the latter’s first edition of *Coll.Hib*.

\textsuperscript{358} This part of *CED*, III was discussed extensively in the first part of this Appendix.
Appendix V

326) ... ; (b) the genuine work of Egbert ... ; (c) certain forms of prayer and litanies for confession, which ... must be referred to a later date than Egbert’s. The first book ends with the rubric ‘Finis libri Poenitentialis Ecgberhti Archiepiscopi,’ which thus limits to this portion of the volume the larger title prefixed, ‘Incipit Excerptio de Canonibus Catholicorum Patrum Poenitentialis libri ad remedium animarum Ecgberhti Archiepiscopi Eburacæ civitatis’. The remaining three books contain a separate collection of canons, the 4th book being itself a systematically arranged treatise compiled by a member of a religious house at the bidding of his rector, probably in the tenth century, to which the MS. [A5], one of Leofric’s gifts to Exeter, belongs. Stubbs’s dating of Coll.quad. to the tenth century goes unexplained. It is in fact impossibly late, and goes against what the Ballerinis, Wasserschleben and (by then only recently) Maassen had shown beyond a doubt: that Book 4 of Coll.quad. had been used extensively in R2L, written ca 906. Some paragraphs later, speaking now of Coll.Wig., Stubbs adds: ‘Wasserschleben regards [Coll.Wig.] as in great measure extracted from the so-called “Collectio Vaticana”, which he speaks of as identical with the four books of the Bodleian MS. A5’. Regardless of the fact that Wasserschleben was not entirely correct in this (A5 and Vatican 1352 are only similar, not identical), Stubbs’s hesitation to accept the identification of A5 with the ‘Collectio Vaticana’ speaks to his as yet imperfect acquaintance with the works of Continental scholars on Coll.quad., who had proven the identification beyond a doubt.

A few misleading comments in his accounts of A5 notwithstanding, Stubbs’s discussion of the manuscript and its contents brought relative clarity to a question that had vexed English scholars.

359 Note that in the passage quoted above from CED, I, xv–vi, Stubbs had supposed these ‘prayer and litanies’ may have been written by Ecgberht.

360 CED, III, 414. Cf. also CED, III, 415: ‘Bodl. 718 ... is, as a whole, a document of the tenth century ... The [last] three books have nothing whatever to do with Egbert, but are a compilation of the tenth-century compiler of the whole MS.’


362 This is further demonstrated by Stubbs’s comment (CED, III, 415) that ‘Many of these canons [from Coll.Wig.] are in books II.–IV. of [A5]’. In fact, only canons from Book 4 of Coll.quad. are used in Coll.Wig.
for centuries, namely the question of what exactly is contained in A5, and of what connection (if any) it has to Ecgberht. To Stubbs again can be credited the introduction into English scholarship of important findings by Continental scholars, particularly by Wasserschleben, on the tradition of Coll.quad. It was left to two further scholars in the nineteenth century to perfect Stubbs’s account of A5, and to bring the full significance of Continental scholarship to bear on the question of the contents of that manuscript.

The first of these scholars was Selborne, who in his Ancient facts made an incidental yet detailed study of Coll.quad. By the time of the publication of the first edition of Ancient facts (1888), Selborne was as yet unaware of the exact relationship of A5 to any of the Continental manuscripts; he simply knew what he had learned from Stubbs’s account in CED, III (who had relied upon Wasserschleben): that two Vatican manuscripts, Vat. Lat. 1347 and 1352, were apparently ‘copies’ of A5. This was a misconception that Selborne would shortly clear up, however. In his first edition, Selborne was concerned with A5 chiefly in so far as it, like the other ‘Ecgberhtine compilations’, contained Cap.I, a document that, as discussed above, is important to the history of tithes. He called A5 ‘a Manual of Pastoral Theology upon the doctrine, practice, and casuistry of Confession and Penitence, divided into four books, made up from different sources’—a perfectly concise description of what is actually contained in that manuscript. As to its relationship to the ‘Ecgberhtine compilations’, Selborne had the right idea: ‘Nothing in the volume, except [the] first book, is ascribed, by any title or rubric which really belongs to the compiler’s work, to Archbishop Egbert.’ In an appendix, he included transcriptions from A5 of the ‘Preface to the third, and prologue and postscript to the fourth books’ of A5. His intent in doing so was to shed light on the identity of the compiler, who speaks in the first person in these prefaces. Selborne also purposed to show ‘that the character of “a systematically arranged treatise, compiled by a member of a religious house at the bidding of

363 See CED, III, 414.
his bishop,” attributed by Mr. Haddan and Bishop Stubbs to the Fourth Book, really belongs to the entire volume.\textsuperscript{368} That is, Selborne wished to show the unity of all four books in A5, in so far as they were the compilation of a tenth- (or perhaps, he suggested, an early eleventh-) century English compiler.\textsuperscript{369} The extent to which Selborne believed all four books to be integral parts of a unified whole can be seen when he comments on the author’s words ‘ut in prologo hujus opusculi præfati sumus’ in the preface to the third book: ‘In this passage the compiler seems to adopt as his own, and as the prologue to his entire work, the prologue of his First Book, viz. of Egbert’s “Penitential.”’\textsuperscript{370} Thus did Selborne see the prefaces to books 3–4 of Coll.\textit{quad.} (the preface to Book 2 is absent from A5), and presumably the content of books 2–4 themselves, as the original work of a tenth or early eleventh-century monk, who added these three books to the Ecgberhtine penitential as an expansion of that smaller work. Moreover, this monk (Selborne thought) appropriated as his own work the preface, if not the entire text, of PECG.700 itself; though, one wonders why, if the monk meant to pass the Ecgberhtine preface off as his own, he chose to copy a rubric before the preface that ascribed the whole work to Ecgberht.\textsuperscript{371} While Selborne’s conclusions about the origin of Coll.\textit{quad.} at the hands of an English monk are now known to be impossible, there is nevertheless some truth to his hypothesis that the intention of the compiler of A5 was to fuse PECG.700 with Coll.\textit{quad.} as seamlessly as possible, so as to make the penitential appear an integral part of the greater collection.\textsuperscript{372}

Selborne was in Rome as the first edition of Ancient\textit{facts} was going to press.\textsuperscript{373} Following up on Stubbs’s note about the existence of two ‘copies’ of A5 in the Vatican library, he had travelled there in January 1888 and autopsied Vatican 1352 and 1347. Presumably he was interested in discovering further clues to the transmission of Cap.I, which the Vatican manuscripts should

\textsuperscript{368} Selborne, Ancient\textit{facts}, first edition, 325, citing CED, III, 414.


\textsuperscript{370} Selborne, Ancient\textit{facts}, first edition, 325, note 2.

\textsuperscript{371} A5, fol. VIIIv: ‘INCIPIT EXCERPTIO DE CANONIBVS CATHOLICORVM PATRVM PAENITENTIALIS LIBRI AD REMEDIVM ANIMARVM ECGBERHTI ARCHIEPISCOPI EBVRACAE CIVITATIS.’ This rubric is written by the same hand as was the rest of the text in A5.

\textsuperscript{372} See above, Chapter 4 p. 149.

\textsuperscript{373} See Selborne, Ancient\textit{facts}, second edition, ix–x.
have contained if they were in fact copies of A5. Of course they are not, and what Selborne found instead was evidence of the wider Continental tradition of Coll.quad., one without transmission with PECG.700. After acquainting himself with the writings on the subject by the Ballerinis and Wasserschleben (though apparently not Maassen),374 Selborne was led to revise his opinions about A5 accordingly. In the second edition of his Ancient facts (1892), he updated his appendix, which now included a comparison of the text of A5 with that of Vat. Lat. 1352. He printed the dedicatory letter, epilogue and prefaces to all four books of Coll.quad. from the latter manuscript, with collations from A5 in an apparatus (very often inaccurate).375 He left much of his original discussion of the place of A5 among the ‘Ecgberhtine compilations’ unchanged, but he now clarified that, in fact, the compiler of that manuscript or its exemplar—whom he still supposed to be English—far from being the author of the final three books, was simply the agent by which they were affixed to the Ecgberhtine penitential.376 This theory agrees entirely with the argument forwarded above in Chapter 4.377 In fine, although he dated A5 a century too late, and was somewhat led astray by his own insistence on seeing A5 as manuscript derivative of textual traditions at Worcester,378 Selborne nevertheless demonstrated a greater understanding of A5’s significance for Anglo-Saxon legal history than any scholar before him.

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377 See above, Chapter 4 p. 149.
378 Selborne wrongly believed that A5 had been copied from A2, citing the similar rubric (‘Incipit excerptio de canonibus catholicorum patrum ...’) in both manuscripts and their sharing the variant reading ‘timentibus’ for ‘testibus’ in Ghaerbald’s Cap. I (it is now known that this reading is common to all English copies of the text); Selborne, Ancient facts, second edition, 237–38 and 241. It was most certainly for this reason that Selborne insisted on dating A5 to the eleventh (instead of the tenth) century, as an earlier dating would not allow A2 to have served as A5’s exemplar. As mentioned above (Appendix V n. 208), Selborne believed that both Ghaerbald’s Cap.I and PECG.700 had been brought to England from the monastery of St Hubert. He had supposed that A2 presents a clutch of texts that Oswald (+1010; not to be confused with St Oswald, the Benedictine reformer of the tenth century), a monk of Worcester, may have brought back from such a Continental library. Now, the contents of A2 are today known to represent a cross-section of a collection of canonical and liturgical text available at Worcester ca 1050, and ultimately going back to a library fashioned by Archbishop Wulfstan during his tenancy there. One must therefore reject the particulars of Selborne’s theory. One need not reject its essence, however: one can take Selborne’s suggestion about A2 and perhaps apply it to A5 in the middle of the tenth century, when another Oswald, namely the saint and reformer, who had been trained at Fleury and had spent ample time on the Continent, was introducing new Continental discipline and personnel into the English church. A5 may very well be the copy of a book that was brought over from the Continent during such a time. Cf. Selborne, Ancient facts, second edition, 232–35.
Appendix V

The second scholar to supplement Stubbs’s remarks on A5, and the one who set twentieth-century scholarship on Coll.quad. on its feet, was the Cambridge historian and sometime student of F.W. Maitland, Mary Bateson.\(^{379}\) In a short but characteristically groundbreaking article published in 1894, ‘The supposed Latin penitential of Egbert and the missing work of Halitgar of Cambrai’, Bateson demonstrated once and for all the place of A5 in the Coll.quad. tradition, summarizing in the process all previous scholarship—both Continental and English—on that collection. She was familiar with the work of each of the scholars covered in the present review, including the edition by Colvener of Coll.quad. 3, to which she was the first to draw attention.\(^{380}\)

Of the Continental witnesses of Coll.quad. she had seen none herself,\(^{381}\) but her diligent and careful reading of the work of previous scholars allowed her to piece together an accurate picture of the tradition that had scandalized so many before. She counted six manuscripts—all that were known at the time—containing the collection in whole or in part (not including Colvener’s lost manuscript): A5, Vatican 1347 and 1352, Trier 1084/115, Vienna 1286, and Monte Cassino 541.\(^{382}\) To these modern scholarship has now added an additional three. It was Bateson who popularized the title ‘Quadripartitus’, in general use today,\(^{383}\) and demonstrated that, of the three forms in which the collection manifests as a quadripartite work—as the fourth book of Coll.Dach. (Vat. Lat. 1347, Monte Cassino 541), as a three-book extension of the Ecgberhtine penitential (A5), and as the four-book form known from Vat. Lat. 1352 and Vienna 1286 (and now Stuttgart HB VII 62)—that which it takes in Vat. Lat. 1352 and Vienna 1286 is original.\(^{384}\)

The only aspect in Bateson’s article that is controversial is her theory about Coll.quad.’s authorship. Until this time, few scholars were familiar with the suggestion forwarded by

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\(^{379}\) See M. Dockray-Miller, ‘Bateson, Mary (1865–1906)’, in ODNB.

\(^{380}\) See Bateson, ‘Supposed Latin penitential’, 324.

\(^{381}\) See Bateson, ‘Supposed Latin penitential’, 322 n. 16.

\(^{382}\) See Bateson, ‘Supposed Latin penitential’, 325, and see also her table (p. 326) depicting the distribution of Coll.quad. in these manuscripts. The three manuscripts that Bateson did (and could) not list were Antwerp M 82, Stuttgart HB VII 62 and Vendôme 55.

\(^{383}\) See Bateson, ‘Supposed Latin penitential’, 322; and cf. Kerff, Der Quadripartitus, 9. Maassen had used the term ‘Collectio quadripertita’.

\(^{384}\) See Bateson, ‘Supposed Latin penitential’, 322, 325; and cf. Kerff, Der Quadripartitus, 38–46.
Martène–Durand’s almost two centuries earlier that the author of the three-book version of *Coll.quad.* found in Trier 1084/115 was none other than Halitgar of Cambrai, the author of PHAL.800. Martène–Durand had only known the first three books of *Coll.quad.;* but the fourth book, as Bateson pointed out, riddled as it is with chapters drawn from PHAL.800, seemed only to confirm their suggestion.\(^{385}\) Bateson’s argument for Halitgar’s authorship was so convincing at the time that it was accepted without question for the better part of the twentieth century.\(^{386}\) Franz Kerff, however, has since argued that Bateson’s attribution to Halitgar is ‘unsound’ and ‘in no way compelling’.\(^{387}\) Thus, while authorship by Halitgar is not yet out of the question,\(^{388}\) there are no longer any arguments that point definitively to him as the author. *Coll.quad.* is currently considered by scholars of medieval canon law to be an anonymous work.\(^{389}\)

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\(^{385}\) See Bateson, ‘Supposed Latin penitential’, 322–24, esp. her words on p. 323–24: ‘But if Alberic’s [or Aubry’s] statement that Halitgar wrote a book at Ebbo’s request, called “de vita sacerdotum,” and Martène and Durand’s belief that that work was distinct from his “Penitential” need confirmation, this is afforded by the nature of the contents of the fourth book, which Martène and Durand never saw. There can be little doubt that this portion at least is Halitgar’s, for it contains matter so closely similar to that of the “Penitential,” which is unquestionably his, that while Wasserschleben stated his opinion that the fourth book was used by Halitgar, Maassen, on the other hand, argued in favour of the theory that it was the writer of the fourth book who made use of Halitgar. But if Halitgar was the writer of the fourth book the question is set at rest.’

\(^{386}\) See Kerff, *Der Quadripartitus*, 80–1, with n. 24 listing Aronstam, Mordek, Hartmann and Vogel as upholding Bateson’s attribution to Halitgar. To this list can be added Fehr, ed., *Die Hirtenbriefe*, xcix.

\(^{387}\) Kerff, *Der Quadripartitus*, 80.

\(^{388}\) It remains to be seen, for example, whether the fact that *Coll.quad.* 4 quotes PHAL.800 verbatim can be used as an argument against Halitgar’s authorship of the former. As Kerff demonstrated, it rightly cannot be taken as evidence in favour of common authorship; on the other hand, it does not prove that the same author could not have been behind both works. There seems no reason to believe that a medieval canonist would balk at reusing material from one of his previous canonical compilations when compiling a new one. Indeed, the nature of the work involved in making a canonical compilation would seem altogether to promote this kind of working method. It would make sense to select for inclusion in a new collection one’s favourite canons, and canons that were already to hand because previously collected. The argument that this kind of self-quotation is a distasteful literary technique, and one that any self-respecting author would avoid, does not (whatever else may be said of such an opinion) apply in the case of canonical compilation, where the words being (re-)quoted are not the words of the author/compiler but rather of approved canonical authorities. Indeed, if my suspicion that that most fastidious of authors, Ælfric of Eynsham, was the author of *Coll.Wig.A* is true, then in fact this is just what he is seen to be doing when he quotes at length in *Coll.Wig.* canonical material taken verbatim from his own pastoral letters.

\(^{389}\) See Kerff, *Der Quadripartitus*, 81.
Appendix V

Summary

Since the seventeenth century, misconceptions about the contents of A5 have retarded scholars’ attempts to understand and describe accurately the significance of this manuscript specifically, and of Coll. quad. more generally, to the canonical tradition in Anglo-Saxon England. Spelman, who relied upon second-hand report, had created a false impression of A5’s contents, and at the same time had added needlessly to the confusion surrounding the so-called ‘Ecgberhtine compilations’. His account of the manuscript (if it can be called an account) quickly achieved the status of orthodoxy among the English editors who successively parroted him, and thus, in England at least, the Spelmanian view of A5 lasted well into the nineteenth century. But already in the eighteenth, and especially in the early nineteenth century, Continental scholars had been able to make significant steps towards untangling the complicated textual tradition of Coll. quad., of which A5 is only one, and not the earliest or most important, witness. But the researches of these Continental scholars were slow to penetrate English scholarship, due to a conversational divide between English students of Anglo-Saxon history and Continental students of canon law, a divide that still exists today in the former’s general lack of conversance with the findings of the latter, and the latter’s general lack of interest in the canonical traditions of early Insular Europe. This divide accounts for the peculiarly slow and protracted process by which the significance of Coll. quad. to Anglo-Saxon England came to be realized. English scholars’ serious misconceptions about the identity and significance of Coll. quad. in A5 could only be resolved by consultation with Continental manuscript witnesses; and Continental scholars similarly struggled to understand what exactly it was about A5 that had led English scholars to associate its copy of Coll. quad. with Ecgberht so vociferously (the answer, which eluded Continental scholar before Maassen, was the surreptitious insertion of PECG.700 in that manuscript). Once the fruits of Continental research on Coll. quad. became available to English scholars, first through Stubbs and then through Selborne, English scholarship was very quick to seize on their implications; the most important study on Coll. quad. at the turn of the nineteenth century was carried out by an English scholar, Mary Bateson, who demonstrated to the academic world the exact nature of Coll. quad.’s complex textual tradition.
Since Bateson, however, very little indeed has been written about *Coll.quad.*, and Anglo-Saxonists have very nearly ignored it completely. There seem to be three reasons for this: 1) the complexity and centuries-old confusion surrounding canonical works unduly attributed to Ecgberht has resulted in a certain scholarly frustration concerning the subject, and has discouraged Anglo-Saxonists from engaging the relevant texts afresh; 2) since Bateson, the little work that has been done on *Coll.quad.* has been written in either German or French by specialists in the field of medieval canon law; and 3) no complete edition of *Coll.quad.* is yet available; only books 3 and 4 have been printed in full and these in separate editions that are now long out of date. This unfortunate confluence of inhibitive factors has resulted in at least two large lacunae in Anglo-Saxon studies to date: 1) scholarly neglect of one of the more interesting penitential treatises (*Coll.quad.* 1–3) to have circulated in Anglo-Saxon England, a neglect that is the more puzzling because study of penitential law has in fact been a strong suit for Anglo-Saxonists for well over a century now; and 2) neglect of one of the most important canon law texts (*Coll.quad.* 4) to have influenced the late Anglo-Saxon legal tradition. Today, the importance of *Coll.quad.* to Anglo-Saxon England remains almost entirely unknown. Besides its influence on *Coll.Wig.* (itself in need of further clarification), Book 4 seems to have had some influence on the writings of Wulfstan, and possibly those of Ælfric. That more than one copy

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390 Besides the discussion of the relationship between *Coll.quad.* and *Coll.Wig.* by twentieth-century editors of the latter (Fehr, ed., *Die Hirtenbriefe*, xcix–c; Aronstam, ‘Latin canonical tradition’, 34–5; Cross–Hamer, *Canon law*, 32–3), which say surprisingly little about *Coll.quad.* itself or its tradition/reception in Anglo-Saxon England (though Fehr is somewhat exceptional here), *Coll.quad.* has only received brief mention in a handful of articles by Anglo-Saxonists: Wormald, *MEL*, 216 and 218; Mann, ‘Development of Wulfstan’s Alcuin manuscript’, 260–1; C. Cubitt, ‘Bishops, priests and penance in late Saxon England’, *Early medieval Europe* 14 (2006), 41–63, at 58–9; and C. Cubitt, ‘Archbishop Dunstan: a prophet in politics?’, in *Myth, rulership, church, and charters: essays in honour of Nicholas Brooks*, eds J. Barrow and A. Wareham (Aldershot, 2007), 144–66, at 162–63. Wormald’s interest in *A5* went little further than its importance to the Commonplace Book tradition; similarly, Mann’s discussion of *Coll.quad.* is an attempt (ultimately unsuccessful; see above, Chapter 4 n. 166) to demonstrate that a chapter of this collection is quoted in the short Wulfstanian tract on *sacrilegium* known as *De rapinis ecclesiasticarum rerum*. In both of her articles, Cubitt attempts to situate *A5* in the circle, if not the possession, of Archbishop Dunstan of Canterbury (†988). This interesting possibility needs to be explored further.

391 See Kéry, *Collections*, 169. Besides Kerff’s, the main studies have been by (Fournier–)Le Bras, Vogel and Kottje. Only the studies of Vogel, Kottje and Kerff are more recent than the 1960s. The most recent and important study, that of Kerff, is now over thirty years old.

392 See above, Chapter 4 nn. 166 and 178, and Appendix V n. 390.
Appendix V

of *Coll.quad.* was available in England during their time seems probable. As to what influence books 2–3 (and perhaps 1) may have had on Anglo-Saxon literature, this question has yet to be asked, let alone explored. A search for possible parallels between these books and the penitential writings and translations that arose out of the Anglo-Saxon Benedictine Reform may prove fruitful indeed. It is hoped that the transcription of *Coll.quad.* 4 from *A5* provided in Appendix IX will help facilitate such a search.

**Conclusions: the spectre of the ‘Ecgberhtine compilations’**

It has been over a century since the phantom of the ‘Ecgberhtine compilations’ was dispelled for good by the researches of Selborne. No scholar today would make the mistake of ascribing to Ecgberht either of the two canon law collections that editors once printed under his name, *Coll.Wig.* and *Coll.quad.* Nevertheless, the effects of seventeenth-century scholarship on these collections can in some ways still be felt. The corpus of legal works attributed to Ecgberht was once quite considerable: *Coll.Wig.*, *Coll.quad.*, PECG.700, and the *Dialogus* (not to mention several Latin and Old English penitentials). On the strength of these works early-modern scholars surmised that Ecgberht had been a jurist and canonist par excellence, in every way deserving of his reputation down the centuries as a man learned in both secular, penitential and canon law. This opinion of Ecgberht has persisted, even though notions of his authorship of *Coll.Wig.* and *Coll.quad.*, as well as almost every other text once ascribed to him, have since gone by the

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393 See above, Chapter 4 p. 158.

394 Bateson, ‘Supposed Latin penitential’, 322 n. 20, noted that *Coll.quad.* 1.2, 3, 5, are copied out together in a number of Commonplace Book manuscripts (*A1*, pp. 183–85; *A2*, pp. 17–19; and Barlow 37, fols 32v–33r); however a more probable source for these excerpts is Isidore, *Sententiae* 3.36–8, or CAAC.816,20 and 29–30; cf. Bateson, ‘Worcester Cathedral Book’, 713, and Cross–Hamer, *Canon law*, 42. Note, too, that Wulfstan’s *Sermo 16a*, lines 16–17, echoes a passage found in *Coll.quad.* 1.6 and CAAC.816, 26 (ed. Werminghoff, 348, lines 24–5), both ultimately from Julianus Pomerius’s *De vita contemplativa*; however Wulfstan’s immediate source here is in fact Boniface’s *Epistola 78* (ed. Tangl, 167, lines 2–3).

395 In the future I hope to make transcriptions of books 2–3 from *A5* available through the *Carolingian canon law* project.

396 For a comparable example of confusion surrounding textual issues on the part of antiquaries from the Early Modern period to the nineteenth century—which today looks farcical in retrospect—see Jones, ed., *Ælfric’s Letter*, 92–102. Not surprisingly, Bateson’s scholarship played no small role in the sorting through of that confusion also (Jones, ed., *Ælfric’s Letter*, 97–9). In fact, it was Bateson’s work on *Ælfric’s Letter* that gave rise to her seminal article on *A2* and the Commonplace Book of Archbishop Wulfstan: Jones, ed., *Ælfric’s Letter*, 99.
board. Even Ecgberht’s authorship of PECG.700 has been seriously questioned. Scholars today are therefore obliged to view early-modern claims of Ecgberht’s legal expertise with great circumspection. Nevertheless, the one text that remains attributable to him, the *Dialogus*, reveals a lively interest in the intersection between secular and canon law, and evinces the author’s jurisprudential expertise and deep knowledge of canon (especially decretal) law. A reappraisal of Ecgberht in the light of twentieth-century scholarship is now long overdue, and has indeed already begun. Such a reappraisal will treat claims of Ecgberht’s legal expertise with due scepticism and couch assessments of his legal knowledge in appropriately qualified language, as the only reasonable evidence on which to base such claims is the *Dialogus*, itself severely understudied at present.

This review began with a title describing the ‘Ecgberhtine compilations’ as a ‘textual thicket’, a term borrowed from Patrick Wormald, who has done much to help clear a path through these and related textual issues. As Wormald showed, the ridiculousness of the attribution of these canon law collections to Ecgberht is underlined by the fact that no Anglo-Saxon, and indeed apparently no one before the Reformation, seems to have attributed them to Ecgberht. The idea of Ecgberht’s authorship is nothing more, it seems, than a phantom conjured out of half-truths and misunderstandings about manuscript evidence by early-modern English historians. This review of whence this phantom came, and how it was finally put to rest, has revealed how difficult it can be for scholars to escape the allure of an attribution to a named author, how hazardous it can be to rely on early-modern accounts of manuscripts, and how crucial can be a consideration of Continental texts and traditions to a fuller understanding of the nature of Insular canonical documents.

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397 See above, Appendix III n. 27.
398 See above, Appendix III n. 30.
399 An excellent discussion of the legal culture at York during Ecgberht’s pontificate can be found in D. Bullough, *Alcuin*, 230–36; however, Bullough attempts no evaluation of the state of Ecgberht’s legal expertise. But see now Ryan, ‘Archbishop Ecgberht’.
400 On stray bits of additional evidence—including Ecgberht’s apparent interest in the register of letters of Gregory the Great, and Boniface’s consultation with him on points of canon law—see Appendix III.
401 See Wormald, *MEL*, 216 n. 122, where he refers to the important work of Christopher Hohler, writing in 1975, in helping to resolve some of the textual complexities touched on in the above review.
Appendix VI: The contents of Hatton 42 (B6)

In the following list, ‘inc.’, ‘expl.’ and ‘col.’ mean incipit, explicit and colophon, respectively.
For editorial conventions, see below, p. 556.

Part 1: fols 1r–142r

1. fols 1r–130r: Coll.Hib.B
   
   *Inc.* In nomine patris et filii et spiritus sancti amen. Sinodorum explarium *{sic}* innumerositatem conspiciens ... ; *expl.* ... Deinde sub iudice flamme relinquatur; *col.* Finit. Amen. Ego ago gratias deo.
   
   Ed. Wasserschleben, *Die irische Kanonensammlung*: an edition of Redaction A only, with some variants from this witness (siglum ‘8’).

2. fols 130r–132v: ELRF (version A)
   
   *Inc.* Si quis homicidium ex contentione conmiscerit ... ; *expl.* ... quod si iterum peccauerit, dominus canis quod comederit ille reddat.
   

This text, which has been dated to between roughly 550 and 650, was formerly known as the ‘Canones Wallici’. It has been shown by Ludwig Bieler that these ‘excerpta’ are neither canons in any strict sense, nor are they particularly Welsh in character (they are only later taken up into the Leges Wallici). Rather, they share a great deal in common with Frankish law, especially the *Lex Salica*, from which they seem to borrow.¹

3. fols 132v–133v: PADO.600
   
   *Inc.* Marina animalia ad litora delata ... ; *expl.* ... adipem tamen et pelles in ussus uarios habebimus.
   

4. fols 133v–134r: Coll.Hib., Book 66.2–3, 6 and Book 32.21
   
   *Inc.* De modis III quibus neglegitur scriptura ... ; *expl.* ... nutriendus, quod Christus infirmus fuit.
   
   Ed. Wasserschleben, *Die irische Kanonensammlung*: this witness not collated for this material.

The final sentence of Coll.Hib. 66.3—here taken from Greg.Mag. *Hom.in ev.* (ed., Étaix, 44), not Reg.past. as claimed in Wasserschleben’s edition of Coll.Hib.—finishes incompletely (at ‘aut recte iuste’) and, without break, picks up in 66.6 (at ‘qui contemptit præcepta dei’). Further, Coll.Hib. 66.6 does not here end with a comment on the Egyptians—as in Wasserschleben—but with an account of Jeremiah’s testing of the fidelity of the Rechabites (Ier. 35:1–19). Neither change is shared by the corresponding canons found elsewhere in B6 as part of Coll.Hib.B. (fols 65r and 128v–129r).

5. fols 134r–134v: Unidentified

¹ See Bieler, ‘Towards an interpretation’.
Appendix VI

Inc. Talentum DCCCXLIII {DCCCXLIII corr.} unciæ uel XII {milia add. sup. lin.}
CCCC scripas habet ases {assis corr.} XII ...; expl. ... duo gramla\(^2\) in unchia pollicis ut
calculus, uel III ut alii {scil. dicunt}; col. Finit.

An unedited computus of weights and measures.

6. fol. 134v: Unidentified
Macedones menses enumerant, et haec nomina eorum: Dios, Appollonius, Admisius deus,\(^3\)
Feritius, Ditrius, Paraticus, Antimesius, Disius, Paruemus, Laus, Scorpeus, Eperpentius. Et
ita interpretatur {interpretantur corr.} Novuember, Decimber, Iauuarius, Februarius,
Martiuus, Aprilius, Maiuus, Iuuius, Ivluius, Augustus, Septemper, October.—Is, id est uir, Ra,
id est uidens, He1, id est deum.

On the Macedonian names for the months of the year. Bede mentions these names, among others, in c. 14 of his De
temporum ratione.\(^4\) The final sentence is an explanation of the Hebrew etymology of ‘Israhel’. The etymology
given (‘uir uidens deum’) is common in the works of Jerome, and can be found, for example, in his Liber
interpretationis hebraicorum nominum.

7. fols 134v–138r: Gaii institutionum epitome, Book 1 (complete), from Alaric’s Breviarium
Inc. De libertatibus seruorum. Omnes homines aut liberos esse aut seruos ...; expl. ... Qui
uerdo euersores aut insani sunt, omni tempore uitate suae sub curatores esse iubentur, quam
substantiam suam rationabiliter gubernare non possunt.
Ed. G. Hänel, Lex Romana Visigothorum (Leipzig, 1849), 314–22: this witness not
collated.

8. fol. 138r–138v: Table of consanguinity
Six columns: auctor; mei generis; mihi pater; ego illi; filius; aut filia
Twenty-one entries, grouped into five rows: [de patribus]; de patruis; de amitis; de
aunculis; de materteris
Followed by text: Inc. Scemata dicuntur ramosculi quos aduocati faciunt in genere ...; expl.
... sicut acetibus mundi generatio et status hominis finitur, ita propinquitas generis tot
gradibus terminatur.

9. fol. 138v: Chapters on murder from Lex Romana Burgundionum and Alaric’s Breviarium
1. Inc. Homicidam ingenuum tam seruum, si extra ecclesiam inuenitur, morte damnetur
{uel ari (i.e. uel damnari)} add. sup. lin.} ...; expl. ... pro carpentario XL solidus
inferatun.
Ed. L.R. von Salis, Leges Burgundionum, MGH Leges nationum Germanaricarum 2.1
(Hanover, 1892), Title 2.1–6, pp. 125–27: this witness not collated.

\(^2\) gramla] read granula

\(^3\) admisius deus] read audunaius

\(^4\) Bedae opera de temporibus, ed. C.W. Jones, Publications of the Medieval Academy of America 41 (Cambridge,
Mass., 1943). My thanks to Tristan Major for help with this identification.
2. *Inc.* Si quis ad principem {principem *corr.*} confugerit ... ; *expl.* ... quod si
voluntarię convicius fuerit homicidium commississe, c {cum *corr.*} atali\(^5\) sententia
feriatur.

Ed. Hänel, *Lex Romana Visigothorum*, Novellae Valentiniani, Title 3.1, *interpretatio*
(versio *Epit. Aeg.*), p. 276: this witness not collated.

The text has been written out by a (very sloppy) later hand (s. x or xi), and fills the remainder of fol. 138v, most of
which was left blank by the main scribe. The chapter from Alaric’s *Breviarium* is from an abbreviated version
(*Epitome Aegidii*) of an *interpretatio* to a Valentinian novel (*cf. Cod. Theod.*, Novellae, 19.1.4, *interpretatio*). This
novel is in fact referenced by one of the *Lex Romana Burgundionum* excerpts (Title 2.2) in this item, which probably
explains why the *Breviarium* chapter was added at the end.

10. fol. 139r: **Tree of consanguinity**

The tree has been drawn on its side, with the text within it written vertically, and fills the whole page. The diagram
reckons up to seven degrees (counting ‘canonically’).

11. fol. 139v–142r: **Unidentified**

*Inc.* Partes orationis in rethoricha arte III sunt ... ; *expl.* ... regulam de clericorum tunsura
aecclesiastica; *col.* Finit hoc opusculum in dei nomine.

A compendious ‘opusculum’ concerning miscellaneous topics, including rhetoric, legal history and philosophy,
Scripture, measurement, and various matters concerning the church. Chapters are excerpted from Cassiodorus’
*Expositio psalmorum*, Isidore’s *Etymologiae*, *Sententiae* and *De ecclesiasticis officiis*, Jerome’s *Commentarii in IV
epistulas Paulinas*, Gregory I’s *Homiliae in evangelia*, as well as other works. I have not been able to identify the
sources for some chapters. The last complete chapter is the Apostles’ Creed (old Roman type, with each phrase
attributed to an apostle). This is followed by a rubricated initial (used elsewhere to introduce new chapters) and the
words ‘Hanc itaque credentibus t... statuunt regulam de clericorum tunsura aecclesiastica’, followed by the
colophon. Since nowhere else has the ‘opusculum’ touched on the subject of tonsure, it seems that this last is an
incomplete chapter. An erased line (beginning ‘si quis’) follo... the colophon.

12. fol. 142r: **Penitential canons on marriage and abortion**

*Inc.* N {?} eremias \{Ieremias *corr.*\} prophetas dicit: si dimiserit uir uxorem suam ... ; *expl.*
... mulier perdens partum, si post \{sic\} XL dies conceptionis, annum peniteat; si uero post,
III annos peniteat.

A quotation of Ier 3:1, followed by five canons from PTHD.700.\(^6\)

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\(^5\) atali] *read* fatali

\(^6\) See Flechner, ‘Making of the *Canons of Theodore*’, 131–32.
Part 2: fols 142v–188v

13. fols 142v–188v: **Coll.Dion.-Hadr.**
   
   *Inc.* Incipiunt ecclesiasticë regulë sanctorum apostolorum prolata per Clementem ecclesiae romane pontificem ... ; *expl.* ... Et subscripserunt IIII diaconi qui in eodem concilio conuenuerunt.
   
   Ed. Wendelstein, *Canones apostolorum* ...: this witness not collated.

**Materiae:**

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<th>Fols</th>
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</thead>
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<td>Can.apost.</td>
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<tr>
<td>149v–55r</td>
<td>CNIC.325 (with prefaces and creed)</td>
</tr>
<tr>
<td>155r–60r</td>
<td>CANC.314</td>
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<tr>
<td>160r–62r</td>
<td>CNEO.315</td>
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<td>162r–66r</td>
<td>CGAN.355 (with prologue)</td>
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<td>167v–73v</td>
<td>CANT.328 (register of titles on fols 163v–64r, between the prologue and canons of CGAN.355)</td>
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<tr>
<td>173v–78v</td>
<td>CLAO.300 (register on fols 166r–67v, between the canons of CGAN.355 and CANT.328; titles for canons 1–10 repeated on fols 173v–75r)</td>
</tr>
<tr>
<td>178v–80v</td>
<td>CCON.381 (with creed)</td>
</tr>
<tr>
<td>180v–86r</td>
<td>CCHA.451 (no register)</td>
</tr>
<tr>
<td>186r–88v</td>
<td>CROM.721 (with subscriptions)</td>
</tr>
</tbody>
</table>

The Dionysian preface and CSAR.347, CCAR.419, and *Reg.eccl.Cart.exc.* are wanting. No decretals are included.

Part 3: fols 188v–204

14. fols 188v–204v: **Ansegis, Collectio capitularium**, Book 1, with additions of Book 2.21, 33, 41, 45 (and 34: see below)

   *Inc.* Sunt enim aliqui qui culpis exigentibus ... ; *expl.* ... Vt ecclesië antiquitus constitutë nec decimis nec alia ulla possessione priuentur.
   
   Ed. Schmitz, *Die Kapitulariensammlung*, 444–516 and 561–63; this witness not collated.

**Materiae:**

<table>
<thead>
<tr>
<th>Fols</th>
<th>Manuscript</th>
</tr>
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<tbody>
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<td><em>Admon.gen.</em> (789)</td>
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<td>195v–200r</td>
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<td>200v–201r</td>
<td><em>Capitulare missorum in Theodonis villa datum (primum et secundum)</em> (805)</td>
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<td>203r–204r</td>
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</tr>
<tr>
<td>204v</td>
<td><em>Tours</em> (813); <em>Arles</em> (813)</td>
</tr>
</tbody>
</table>

The text has been heavily annotated by Archbishop Wulfstan; the substance of his notes shows that he was comparing Ansegis’s collection against a copy of *Admon.gen.* (789). Ansegis’s *Collectio capitularium* 1.157 has been lengthened with material from *Collectio capitularium* 2.21, and *Collectio capitularium* 1.158 has been replaced...
Appendix VI

by *Collectio capitularium* 2.33. The final chapter of Book 1 (c. 162) is lacking. To the end of Book 1, on fol. 204v, have been added two more canons from Book 2, namely *Collectio capitularium* 2. 41 and 45, concerning the obstinately criminous and the privileges of ancient churches. A later hand (not Wulfstan’s, but rather one that is found making many corrections elsewhere in this codex, especially to items 2 and 13) added ‘ita ut nouis oratorii tribua\'n\'/tur’ to the last of these, thinking it to be from *Collectio capitularium* 2.34 (identical to 2.45, but for the fact that it lacks these five final words). After this another, non-professional hand (the same that wrote item 9) has added an additional chapter: ‘Vt spontanea profesione reus r\'e/um non fatiat, neque illi de atero [sic] credatur, qui se criminoso esse confesus est’. The source of this last is the *interpretatio* to Book 9, Title 1.11 of Alaric’s *Breviarium* (ed. Hänel, 172), but (as in item 9.2) from the *Epitome Aegidii* version.
Appendix VII: Transcription of the Cologne copy (C2) of the Collectio Sanblasiana

Editorial conventions are as follows. The goal of this Appendix, as well as of the following six Appendices, has been to produce a transcription that is as accurate and diplomatic as possible. I have therefore not attempted to emend the text at any point. Manuscript punctuation, capitalization and orthography have been preserved, including scribal distinctions between ‘e/ɛ’ and ‘ae/æ’, ‘u/U’ and ‘v/V’, etc. Abbreviations and suspensions have been expanded silently. Rubrics have been rendered in bold type. Folio changes are indicated within ‘[...]’. Letters and words that are unclear in the manuscript—whether due to erasure or some other cause of obscurity—are indicated within ‘[...]’; so, for example, ‘e[t]’ indicates that the ‘t’ in the word ‘et’ is unclear. Letters and words that are completely obscured are represented by ‘*’s within ‘[...]’; so, for example, ‘et [**]em sciat’ indicates that the first two letters in the second word are no longer visible in the manuscript. Chapter numbers have been added within ‘[...]’ in bold red type in accordance with the numbering in Table 8, above, p. 229; note, however, that these chapter numbers are an editorial invention introduced purely for convenience’s sake, and are not found in the manuscript. Modern scriptural references have also been supplied, and are given within ‘{...}’.

Corrections, additions and other alterations to the text are reported in-line within ‘{...}’, while editorial commentary is confined to footnotes. Extensive marginal additions are also reported in footnotes, so as to minimize textual clutter. Standard notation for textual descriptions is used whenever possible: ‘sic’; ‘corr.’ (indicating the corrected form of the preceding word/phrase); ‘transp.’ (accompanied by indication of the transposed words); ‘add.’ (for in-line additions); ‘add. in mg./add. marg.’; ‘add. sup. lin.’; ‘gl. in mg./gl. marg.’; ‘gl. sup. lin.’; ‘ras.’ (indicating erasure of the previous word, unless otherwise noted); ‘cancell.’ (cancellation of the previous word, unless otherwise noted); ‘expunc.’ (expunction of the previous word, unless otherwise noted). Since nearly every correction appears to be contemporary or nearly contemporary with the text—and so may just as likely represent the work of the main scribe as that of a separate corrector—no attempt has been made to distinguish between different correcting hands; the only exception being when the correction has been made by scratching, in which case a footnote has been provided indicating as much.
Appendix VII

A few words on the scribe’s treatment of subscription lists are necessary. The scribe clearly struggled with his exemplar at these points, as throughout the many subscription lists found in C2 the names of ecclesiastics are rarely paired together with the correct geographical descriptors. Indeed, in many cases the organization breaks down completely, so that one finds examples of two names being paired together (‘theodorus paulus’), two geographical descriptors (‘primisiae calcidonensis’), and sometimes even a descriptor or ecclesiastical title with no corresponding name (‘corepiscopus’). It seems the scribe was working from an exemplar in which the subscriptions lists either were already confused, or were divided into columns clumsily arranged so as to make it difficult for the C2 scribe to decipher what name from column A went with what title or geographical descriptor from column B. In any case, C2’s subscription lists (also divided into columns) are very often impossible to make sense of, and thus pose a problem for the editor. Occasionally it is clear that the scribe has attempted to line two columns up so as to match entries in each (usually names with geographical descriptors); in such cases, I have retained the implied pairing, even when this leads to occasional incongruities (like two proper names beside each other). At other times, however, it is not clear at all how entries in one column relate to those in another; in such cases, I have opted to print column-for-column, and have not attempted to make any pairings.

Much of the work done preparing this transcription was carried out while I worked as a research assistant for both the Carolingian canon law and T-PEN Web projects. Xml-encoded and searchable versions of this transcription are available online on the Web sites for both projects (http://ccl.rch.uky.edu/ and http://t-pen.org/TPEN/index.jsp).
DOMINO UENE

rando mihi patri stefano episcopo dionisius exiguus in domino salutem quamuis carissimus fater {frater corr.} noster laurentius adsidua et familiaris chortatione paruitatem nostram regulam aeclesiasticam de greco transferre pepulerit confussione credo prisca et translationis offensus nihilominus tamen ingestum laborem tuae beatitudinis consideratione suscipi cui christus omnipotens deus solita populus pietate prospiemsummum sacerdoti contulit dignitatem ut in {inter corr.} plurima uirtutes ornamenta quibus ecclesiam domini morum sanctitate condecoras etiam sacratissima iura pontificalibus per dei gratiam degesta conuentibus {conuentibus corr.} intemerata conseruans perfecto regemine clerum plebemque modereris nullatenus nostri saeculi more contentus quo pronis desideramus recta nosse quam facere sed divino adiu[tus {adiutus corr.} iustus {iustus expunct.} auxilio quae fiere praecipius ante perficias ut efficacissimo fidelibus prosis [f. 2r] exemplo magna est si quidem iubentis auctoritas eadem primitus iusa conplentis quatenus inconuulsa aeclesiastic iordini disciplina inuiolabilis permanens ad capessendum perennis praemium christianis omnibus praestet accessum per quem et sancti praesules paternis munientur regulis et oboedientes populi spiritualibus inbuentur exemplis in principio itaque canones qui dicuntur apostolorum de greco transtulimus quibus quia plurimi consensum non praebuere facelem hoc ipsum uestram nolumus ignorare sanctitatem quamuis postea quaedam constituta pontificum ex eipsis canonibus adsumpta esse uideantur unde regulas nicasinodii et deinceps omnium conciliorum siue quae ante ea siue quae postmodum facta sunt usque ad sinodum CL pontificum qui apud constantinopolim conuenerunt sub ordine numerorum id est a primo capitulo usque ad centissimum sexagensimum quinitum sicut habetur [f. 2v] in greca auctoritate decessimns Tum sancti calcedonensis concilii decreta subdentes in his grecorum canonum finem esse declaramus ne quid praeter ea notitiae uestrae creadurere uelle subtrahere statuta quoque sardicensis {sardinensis corr.} concilii adque africanae quae latinae sunt aedita suis a nobis numeris cernuntur esse distincta uniuersarum uero definitionum {difinitionum corr.} titulos post hanc praefationem strictius ordinantes quae in singulis sprasim {sparsim corr.} sunt promulgata concilis sub uno aspectu locauimus ut ad inquisitionem cuiusque rei condendum aliquid adtulisse uideamur

incipiunt capitula canonum

I DE ordinatione episcopi
II De ordinatione praesbyterii diaconis et ceterum
III Nihil aliud in sacrificio prae ter quod dominus statuit offerendum
III Quae species ad altare non sacrificia sed ad benedic[f. 3r]tonem simplicem debent exhiberi
U Quod ea quae in ecclesis offerri non possunt ad domum sacerdodium fidelibus deferantur
UI Ut episcopus aut praesbyter uxorem suam quam debet caste regere non relinquit
UII Ut sacerdotes aut ministri altaris saecularibus curis absteneant
UIII Quo tempore pascha celebretur
UIIII Quod ministri altaris obligatione celebrata debent comnicare
X Quod fidelis laici ingredientes ecclesiam communicare debent
XI Quod cum excommunicatis clericis non sit orandum
XII Quod cum damnatis clericis non sit orandum
XIII Ut nullus fidelium praeter commendicias susci piatur epistulas
XIII Ut ab aepiscopis aliena parroecia minime peruaedatur
XU Ut episcopus qui clericos alterios susci pi communiune pribetur
XUI Quod bigami non admittantur ad clericum
Appendix VII

XUII Quod is qui uiduam uel iectam aut mericem acciperit non admittatur ad clerum
XUIII Qui duo sorores habuerit non admittatur ad clerum [f. 3v]
XUIII Clericum fideiusseorem esse non posse
XX Quod hi qui non sponte enchizati sunt suscipiantur ad clerum
XXI Ut is qui se enchizauit abicitur a clero
XXII Ut clericus qui se eunuchzauit abicitur a clero
XXIII Ut laicus qui se eunuchzauit tribus annis communione pribetur
XXIII Quod omnes ecclesiae ministri si pro criminibus damnati fuerint minime communione pribentur
XXU Quod clerici debent cumiugibus copulari
XXUI Quod episcopus {sic} praebiter {sic} et diaconus peccantes fideles uerberare non debeant
XXUII Quod officium pristinum damnati pro criminibus usurpare non debeant
XXUIII Quod non debeant ecclesiastica officia pecuniis obtenerii
XXUIII Ut ecclesia saeculari potentia minim {sic} peruaodatur
XXX De praebitero qui contempit episcopo seorsum conuentus congregare praesumit
XXXI Quod eunuchzauit ab nullis recipi non debeant
XXXII Quod episcopus aut praebiter aut diaconus sine commendantis suscipiatur epistolis [f. 4r]
XXXIII De priatu episcoporum
XXXIII Quod non liceat episcopum in aliena provincia cleris ordinare
XXXU De ordinatis episcopis
XXXU Ut bis in anno concilia celebratur
XXXUII Ut tantum cura rerum episcoporum ecclesiasticarum episcopus habeat
XXXUIII De dignitate pontificis et quod rerum suarum tantum habeat poestatem
XXXUIII Quod episcopus ecclesiasticarum rerum
XL Pro dispensatione pauperum habeat poestatem
XLI Quod episcopus praebiter et diaconus alatur et ebriosus esse non debeant
XLII Similiter clerici et laici si permanerint in alea communione pribentur
XLIII Quod episcopus praebiter et diaconus non debeant usuras accipere
XLIII Quod non debeant episcopus praebiteris aut diaconus cum hereticis orare
XLU Quod non debeant hereticorum baptismata conprobari quod ecclesiae baptismo baptizatus
XLUII Quod in nomine trinitatis debeat baptismari
XLUII Quod non debeant uno mersio baptismo quasi in mortem domini prouenire

incipiunt capitula canonum apostolorum regulae aeclesiastice sanctorum apostolorum {sic} per clementem prolatae

I EPiscopus a[d]uobus {a duobus corr.} aut tribus episcopis ordinetur

II Praebiter ab uno episcopo ordinetur et diaconus et reliqui clerici

1 episcoporum] epis with macron over i
Appendix VII

III Si quis episcopus aut praesbiter praeter ordinationem domini alia quaedam in sacrificio offerat super altare id est aut mel aut lac aut pro uino sicera quaedam aut uolatilia aut animalia aliaque aut legumina contra constitutionem domini faciens congruo tempore deponatur

III Offerri non liceat aliquid ad altare praeter nouas spicas et uuas et oleum ad luminaria et thimiama id est. [f. 5r] incensum tempore quo sancta celebratur oblatio

U Reliqua poma omnia ad domum primitiae episcopo et praebsbyteris dirigantur nec offerantur in altario certum est autem quod episcopu[s] {episcopi corr.;} et praebsbyteri diuidant diacon[u]s {diaconis corr.} et reliquis clericis

UI Episcopus aut praebsbiter uxorem propriam nequaquam sub obtentu religionis abiciat si uero eicerit excommunicetur sed si perseuerauerit deponatur

UII Episcopus aut praesbiter aut diaconus nequaquam saeculares curas adsumat sin aliter deponatur

UIII Si quis episcopus aut praesbiter aut diaconus sanctum paschae diem ante uernale aequinoctium cum iudeis celebrauerit deponatur

UIIII Si quis episcopus aut praesbiter aut diaconus aut quilibet ex sacerdotali catalogo facta oblatione non communicauerit aut causam dicat et si rationabilis fuerit ueniam consequatur aut si non dixerit communione priuetur tamquam qui populo [f. 5v] causa lessonis extriterit suspicionem faciens de eo qui sacrificauit quod recte non obtulerit

X Omnes fideles qui ingrediunt aecclesiam et scripturas audiunt non autem perseuerauerint in oratione nec sanctum {sanctam corr.} communioem percipiunt uelut inquietudines aecclesiae commoueantes conuenit communioe priuari

XI Si quis cum excommunicato saltem in domo simul [. . .]² habauerit {oraerit corr.} iste communioe priuuerut

XII Si quis cum damnato clerico ueluti cum clerico simul oraerit ut iste damnetur

XIII Si quis clericus aut laicus a communione suspensus seu communicans ad aliam properet ciuitatem et susciptatur praeter commendacias {commendaticias corr.} litteras et qui susciperint et qui susceptus est communione priuentur excommunicatio {excommunicato corr.} uero proteletur ipsa correctio tamquam qui mentitus fuerit et seduxerit ecclesiam dei

XIII EPiscopo non licere alienam parrochia {parrochiam corr.} propria relict a perudedere licet cogatur a pluris nisi forte quis eum rationabilis causa compellat tamquam qui possit ibidem constitutus plus lucri conferre et in [f. 6r] causa legressionis aliciud profecto proficere et hoc non a semetipso praesumat sed multorum episcoporum iudicio et maximae suplicatione perficiat

² A lacuna, or possibly an erasure, of about three characters in length.
Appendix VII

XU Si quis praesbyter aut diaconus aut quilibet de numero clericorum relinquit propriam parrochiam pergam ad alienam et omnino demigrans praeter episcopi sui conscientiam in alienam parrochiam commoretur hunc ulteriori ministrare non patimur praepiciue si uocatus ab episcopo redire contemserit in sua inquietudine perseverans uerumtamen tamquam laicus ibi communicet

XUII Episcopus uero apud quem moratus esse constiterit si contra eos decreta cessationem pro nihilo reputans tamquam clericus forte suscipierit uelut magister inquietudinis commonione priuetur

XIII Si quis post baptismum secundis fuerit nuptiis copulatus aut concupinam esse episcopus non praebiter aut diaconus aut prorsus ex numero eorum qui in ministerio sacro deseruiunt

XIII Qui duas in coniugium sorores acciperit uel filiam fratris clericus esse non poterit

XX Clericus fideiusionibus inseruiens deponatur

XXI Eunuchus si per insidias hominum factus est uel in persecutione si eius sunt amputata uirilia uel si ita natus est et dignus episcopus efficiatur

XXII Si quis abscedit semetipsum id est si quis amputavit sibi uirilia non fiat clericus quia suus homicida est et dei conditionis inimicus

XXIII Si quis cum clerici fuerit abscedit semetipsm omnino damnetur quia suus homicida

XXIII Laicus semetipsm abscidens annis tribus communione pribetur quia suae uitæ insidiatur existens extitit

XXIV Episcopus aut praebiter aut diaconus qui in fornicatione aut periurgio aut furto captus est deponatur non tamen communione dicit enim scriptura non uindicauit deus bis in idipsum Na 1:9

XXV Similiter et reliqui clerici huic condicioni subiacant

XXVI Inuupti autem qui sunt ad clerum profecti praecipimus ut si uoluerint uxores accipiant sed lectores cantoresque tantummodo

XXVIII Episcopum aut praebiterum aut diaconem percutientem fideles dilinquentes aut infideles inique agentes et per huiusmodi volentes timeri deici ab officio suo praecipimus quia nusquam nos hoc dominus docuit e contrario uero ipse dum percuteretur non repercutinbat cum malesciceretur non remaledicebat cum pateretur non comminabatur 1 Pt 2:23
XXUIII Si quis episcopus aut praebiter aut diaconus depositus iuste super certis criminiibus ausus fuerit adtrectare ministerium dudum sibi commissum hic ab aecclesia omnimodo abscidatur

XXX Si quis episcopus aut praebiter aut diaconus per pecunias hanc obtuuerit dignitatem deieciatur et ipse et [f. 7v] ordinator eius et a communione modis omnibus abscidatur sicut simon magus a me petro

XXXI Si quis episcopus saeculi potestatibus usus ecclesiam per ipsos obteineat deponatur et segregentur omnesque qui illi communicant

XXXII Si quis praebiter contemnens episcopum proprium extra collegerit et altere [altare corr.] aliud erexerit nihil habens in quo reprehendat episcopum in causa[m] {causa corr.} pietatis et iustitiae deponatur quasi principatus amator existens est enim tyrannus et ceteri[a] {ceteri cleri corr.} quicumque tali consentiunt laici uero segregentur haec autem fieri post unam et secundam et tertiam obsecreationem episopi conuenit

XXXIII Si quis praebiter aut diaconus ab episcopo suo segregetetur hunc non licere ab alio recipi sed ab ipso qui eum segregauerat nisi forsitan obierit episcopus ipse qui eum segregassee cognoscitur

XXXIII Nullus episcoporum peregrinorum aut praebiterorum aut diaconorum sine commendaticis susciptatur epistolis et cum scripta detulerint discutiantur attentius [f. 8r] et ita suscipiantur et si praecones pietatis exstiterint admittantur {et si add. sup. lin.} minus ne3 quę sunt necessaria subministentur {subministrentur corr.} eis ad communione nullatenus admittantur quia per subreptionem multa prouenient

XXXU Episcopos gentium singularum scire conuenit qui inter eos primus habeatur quem uelut capud existiment et nihil amplius praeter eius conscientiam gerant quam illa sola singuli quae parrocie proprie et uillas quae sub ea sunt conpetunt sed nec ille praeter omnium conscientiam faciat aliquid sic enim unianimitas erit et glorificabitur deus per christum in spiritu sancto

XXXUI Episcopum non audere extra terminos proprios ordinationes facere in ciuitatibus et uillas quae illi nullo iure subjicte sunt si uero conuictus fuerit hoc fecisse praeter eorum conscientiam qui ciuitates ipsas et uillas detenent et ipse et qui ab illo ordinati sunt. deponantur

XXXUII Si quis episcopus non susceperit officium et curam populi sibi commissam hic communione priuetur quoadusque [f. 8v] oboedientiam commodans adquiescat similiter autem et praebiter et diaconus si uero perrexerit nec receptus fuerit non pro causa {sua corr.} sententiae sed pro malitia populi ipse quidem maneat episcopus clerici uero ciuitatis communione priuentur quod eruditores sic inoboedientes populi non fuerunt

3 ne quę] corr. from neque ?
XXXUIII Bis in anno episcoporum concilia celebrantur ut inter se inuicem dogmata pietatis explorent et emergentes ecclesiasticas contentiones absolvant semel quidem quarta septimana penticosten secundo uero duodecim odie mensis hi pereth ei {hyperbereth ei cori.} id est IIII id {sic} octobres iuxta romanos

XXXUIIII Omnium negotiorum ecclesiasticorum {ecclesiasticorum cori.} curam episcopus habeat et ea uelut deo contemplante dispenset nec ei liceat ex his aliquid omnino praesumere aut parentibus propriis quae dei sunt condonare quod si pauperes sunt tamquam pauperibus subministret nec eorum occassione ecclesiae negota depraeendentur

XL Praesbyteri et diaconi praeter episcopum nihil agere [f. 9r] pertemptent nam domini populus ipsi commissus est et pro animabus eorum hic redditurus est rationem sint autem manifeste res propriae episcopi si tamen habet proprias et manifestae dominicae ut potestatem habeat de propriis moriens episcopus sicut voluerit et quibus uoluerit derelinquere nec sub occassione ecclesiasticarum rerum quae episcopi esse probantar interdicit fortassim enim aut uxorem habet aut filios aut propinquos aut seruos et iustum est hoc apud deum et homines ut nec ecclesiae detrimentum patiatur ignoratione rerum pontificis nec episcopus uel propinquus eius sub obtentu aecclesiae proscribantur et in causas incedant qui ad eum pertinent morsque eius injuris infametur

XLI Praecipimus ut in potestate sua res aecclesiae episcopus habeat si enim animae hominum praetiosae illi sunt credeite multo magis oportet eum curam de pecuniis {pecuniis cori.} agere ita ut potestate eius indigentibus omnia dispensentur per praebiteros et diaconos ut cum timore omnique reuerentia ministrentur [f. 9v]

XLII Ex his autem quae indiget si tamen indiget ad suas necessitas {necessitates cori.} et ad peregrinorum fratrum usu ipse percipiat ut nihil {nihil his cori.} omnino possit deesse lex enim dei praecipit ut qui altario deserui sunt de altario pascantur {1 Cor 9:13} quia miles stipendiis proprisi arma contra hostes adsumit

XLIII Episcopus aut praebiter aut diaconus aleae atque ebrietate {ebrietate cori.} deserviens aut desinat aut certe damnetur

XLIII Subdiaconus aut lector aut cantator {cantator cori.} similia faciens aut desinat aut communione priuetur similiter etiam laicus

XLIV Episcopus aut praebiter aut diaconus usuras ad {a cori.} debitoribus exigens autem {autem cancell.} aut emendet aut certe damnetur

XLVI Episcopus praebiter aut diaconus qui cum hereticis orauerit tantummodo communione priuetur si uero tamquam clericos horta[tr]i {hortari cori.} eos fuerint agere uel orare damnetur

XLVII Episcopus uel praebiterum hereticorum suscipientem baptismum damnari praecipimus quae enim conuentio christi ad belia aut quae pars fideli cum infidel {2 Cor 6:15}

XLVIII Episcopus aut praebiter si eum qui secundum ueritatem [f. 10r] habuerit baptismum de uno baptizauerit aut si pullutum ab impiis non baptizauerit deponatur tamquam deridens crucem et mortem domini nec sacerdotes a falsis sacerdotibus omnino discernens
XI Luius. Si quis laicus uxorem propriam pellens alters ad alio dimissam duxerit commotione priuetur

LI L... Si quis episcopus aut praesbiter non trinam mersionem unius misterii celebrud sed semel mergat in baptismo quod dari uidetur in morte domini deponatur non enim dixit nobis dominus in morte me {mea corr:} baptizate sed euntes docete omnes gentes baptizantes eos in nomine patris et filii et spiritus sancti {Mt 28:19}

[III] incipiunt capitula statutorum niceni concilii
I DE his qui se abscondunt uel qui seipsos enuchos faciunt
II DE his qui post baptisma statim ad clericum adplicantur
III De subintroductis mulieribus quas greci funecitas uocant [f. 10v]
III De ordinatione episcoporum
U De hiis qui excommunicantur siue clerici siue laici ab episcopis per suas quae parrochias
UI De praecipuis honoribus quae maiores ecclesias gubernantibus episcopi constituti sunt
UII De honorando episcopo hierusolimitano
UIII De hiis qui seipsos catheros id est munda uocant qui nouatiani dicuntur
UIIII De ordinatione praesbiterorum
X De hiis qui lapii ordinati sunt
XI De hiis qui a fide domini prauearicati sunt sine ulla necessitate sine ablatione patrimonii uel aliquod periculum non pertulerunt sicut factum est in noua persecutione licini
XII De his qui abrenuntiauerunt et iterum ad saeculum sunt reuersi
XIII De poenitentibus exunitibus de corpore
XIIII De diaconibus ne praesbiteris corpus christi tradant uel ante praesbiteros communicent
XU De catecuminis lapsis
XUI De clericis ne de ciuitate ad ciuitatem transeant
XUII Ut nullus clericus aliquem suscipiat uel ordinet in ecclesia sua
XUIII Ut clerici usuras aut sexcupla {sexcupla corr:} non accipiat
XUIII De paulianistis quos homines homoncionitas uocant
XX De diaconis [f. 11r]
XX {sic} Ut dominica die adoratione stetur

incipit praefatio eiusdem concilii
Concilium sacrum uenerandi culmina iuris condidit et nobis congrua frena dedit

Ut bene fundatus iusto moderamine possit intemerata gerens clerens ordo regi
Ponifices summi ueterum praecpta sequentes planius haec monitis expressuere suis

Hinc fidei nostrae se pandit introitus et omnes errorum damnat dogmata sancta uias
quisque dei famulus fuerit christique sacerdos hoc sale conditus dulcia mella fluet

incipit sancti canoni niceni
Cum unisset autem sanctum et magnum concilium apud niceam statuta sunt ab eis haec quae infra scripta sunt et romae directa sunt quae niceae gesta sunt et placuit ut omnia quae statuta
sunt ad episcopum urbis romae siluexrum mitterentur facta est haec sinodus in nicea bithiê
corr.} consulatu constantini agusti et licini uirorum4 clarissimorum consulibus {sic}

I Si quidem ex egritudine uel a medicis secatus est uel a barbaris castratus est placuit ut ist {iste
corr.} permaneat [f. 11v] in clero si quis autem sanus seipsum abscedit etiam si est in clero
cessare debet et ex hoc iam nullam talem orportet {oportet corr.} ordinare sicut ergo de hiis qui
uel affectauerunt uel ausi sunt seipsum abscedere haec quae diximus statuta sunt ita ut si qui uel a
barbaris uel a dominis suis facti sunt eunuchi et probabilis uitae sunt tales hos ergo suscipit
eclesiastica regula ad clerum

II Quoniam multa siue per necessitatem siue quacumque causa urgente contra regulam
aecclesiasticam gesta sunt ita ut homines ex uita gentili nuper adhuc accidentes ad fidem et paruo
tempore catacizati uel instituit statim ad spiritale baptismum unirent et continuo cum baptizati
sunt etiam ad aepiscopatum uel ad praebiterium {sic} profecti sunt recteigitur uisum est de
cetero nihil tale fieri nam et tempore opus est ut sit catecuminus et post baptismum multam
probationem indiget uidens {euidens corr.} namque est apostolicum praeeptum dicens non
neophitum ne forte elatus in iudicium incidat et laqueum diabuli si uero procedente tempore
mortale aliquod peccatum inuentum fuerit in ea persona et concius dubios uel tribus testibus
cessaut a clero qui eiusmodi est si quis [f. 12r] uero praeter haec facit tamquam contraria statutis
sancti huius concilii gerens etiam ipse periclitabitur de statu sui cleri

III Omnimodis interdictit sancta sinodus neque episco po neque praebitero neque diacono[s]
diacono corr.} neque ulli clericorum omnino habere permitti secum mulierem extraneam nisi
forte mate {mater corr.} aut soror aut thia id est uel amita uel amaterta {matertera corr.} sit in
his namque solis personis et horum similis omnibus quae ex mulieribus quae ex mulieribus est suscipio {suspicio
corr.} declinatur qui autem praeter haec agit periclitabitur de clero suo

IIIIPiscopum oportet ab omnibus si fieri potest qui sunt in prouincia episcopis ordinari si uero
hoc deficle fuerit uel urgent e necessitate uel iteneres {iteneris corr.} longitudine certe omni
modo tres episcopi debent in unum esse congregati ita ut etiam ceterorum qui absentes sunt
consensum litteris teneant et ita faciant ordinationem potestas sane uel confirmatio pertinebit per
singulas prouincias ad metropolitanum

U6 Seruetur ista sententia ut hii qui ab aliis excommunionaltur ab alis ad commonionem non
recipientur requiratur sane ne forte quis ex aliqua indignatione amni {animi corr.} aut
contentione [f. 12v] aut qualibet tali commotione stomachi episcopi sui abs[t]enti {absenti corr.}
sunt ut ergo digna haec possint examinatione perquiri recte uisum est per singulos annos in
singulis quibusque prouincias in anno episcoporum consilia fieri ut simul in unum
conuenientes ex omni prouincia huiusmodi examinent quaestiones ut ita demum hii qui ob culpas
suas episcoporum suorum offensam merito contraxerunt digno etiam {etiam corr.} a caeteris

4 uirorum clarissimorum] .uc. with abbreviation stroke

5 The correction was made in two stages; second r has been scratched in above the line.

6 de non {cito add. sup. lin.} uiris {MS u.} excommunicanter gl. in mg.
Appendix VII

excommunicati similiter habeantur quousque in commune uel omnibus uel ipse episcopo suo usum fuerit humaniorem circa eos ferre sententiam habeatur autem concilium semel ante dies quadragessimae ut omnibus si quae sunt simultatibus amputatis mundum solemnem deo munus possit offerri secundo uero agatur circa tempus autem {sic}

UI Mos antiquus perduret in aegipto uel libia et pentapoli ut alexandrinus episcopus horum omnium habeat potestatem quoniam quidem et romano episcopo hoc idem moris est similiter autem et aput antochiam ceteraque prouincias honor suus uniuque seruetur ecclesiae per omnia autem manifestum sit hoc ut si quis praeter uoluntatem et conscientiam metropolitani episcopi fuerit ordinatus hoc concilium f. 13r magnum et sanctum censuit non debere esse episcopum sane si communi omnium consensu rationabiler est probato saecundum ecclesiasticam regulam add. in mg.; duo uel tres animositute ducti per contentionem contradictant obtineat plurimum sententia sacerdotum

UII Quoniam mos antiquus obtenuit et uetus traditio ut eliae id est hierusolimorum episcopo deferat habeat consequenter honorem suum sed et metropolitano sua dignitas salua sit

UIII Si qui uoluerint unire ad ecclesiam catholicam placuit sancto concilio ut ordinetur {ordinentur corr.} et sic maneant in clero ante omnia autem hanc ab eis confessioinem per scripturam exigi oportet ut f. 14r tempore sequatur ea quae in ecclesias cathlica {catholica corr.} obseruatur et sic ubi quidem omnes ipsi {ipsi corr.} fuerint inuenti siue in uicis siue in urbisu clerici ordinentur a catholicis hii qui inueniuntur et sic etiam in clero persistant unusquisque in statua obseruaturius id est communicaturus se de hiis qui forte secundas nuptias experti sunt uel hiis qui persecutionis tempore lapsi sunt quibus tamen poenitentia modus et tempus adscriptum est ut in omnibus sequantur ea quae in ecclesias cathlica {catholica corr.} obseruatur et sic ubi quidem omnes ipsi {ipsi corr.} fuerint inuenti siue in uicis siue in urbisu clerici ordinentur a catholicis hii qui inueniuntur et sic etiam in clero persistant unusquisque in statua [ta] {statu corr.} suo si uero episcopus f. 13v uel praesbiter cathlicaae ecclesiae fuerit ad quem ali[*] qui {aliqui corr.} ex hiis accedent certum est quod episcopum quidem catholicus suam habeat dignitatem

Similiter autem et praesbyter et diaconus debent hii uero qui ab istis ueniunt si forte episcopus fuerit habeat praesbyterii dignitatem nisi forte placeat episcopo cathlico concedere ei etiam episcopalis nominis honorem si uero non placuerit inparcia in clero episcopus aut praesbyter dum tamen ut in ciuitate non uideantur duo episcopo {episcopi corr.} esse et illi omnimo in clero permanere uideantur

UIIIII Si qui[i] {qui corr.} sine examinatione proiecti {proiecti corr.} praesbyterii {praesbyteri corr.} aut episcopi postea examinati confessi sunt peccata sua et cum confessi fuissent contra regulam ueniuntibus homines manus eis temere inposuerunt hos ecclesiasticus ordo non recipit in omnibus enim quod inreprehensibile est catholicus defendit aeclesia

X Quicumque ex hiis qui lapsi sunt et per ignorantiam ordinati sunt uel contentu aut desimulatione ordinantium eorum qui eos ordinauerunt hoc enim non praedictat regulae æcclesiasticæ cum enim conpertum fuerit deponentur

7 in clero corr. from inde?
8 æcclesia corr. from æcclesiæ?
Appendix VII

X {sic} Placuit sancto concilio licet indigni sint misericordia tamen aliquid [f. 14r] circa eos humanitatis ostendi si qui ergo ex animo poenitens {poenitent corr.} tribus annis inter audientes habeantur si tamen fideles sunt et septem annis alii inter penitentes sint duobus item annis extra commonionem in oratione sola participent populi {populi corr.}

XII Si qui uero per dei gratiam uocati primo quidem ostenderunt fidem suam deposito militiae cingulo post haec autem ad proprium uomitum reuersi sunt ita ut pecunias darent et ambirent redire rursum ad militiam isti decim annis sint inter poenitentes {poenententes corr.} post primum inter trienium quo fuerint inter audientes[∗] {audientes corr.} in omnibus uero illut praecipue obseruetur ut animum ac propositum eorum uel fructus penitentiae obseruetur quicumque enim cum omni timore et lacrimis perseuerantibus et operibus bonis conversationem suam non uerbis solis sed opere et ueritate demonstrant cum tempus statutum etiam ab hiis fuerit inpletum et orationibus iam ceperint communicare licebit episcopo etiam humanius circa eos aliquid cogitare si qui uero indifferenter habuerint lapsum suum et sufficere sibi quod ecclesias introierint arbitrentur isti omnimodo tempora statuta conplebunt [f. 14v]

XIII De hiis uero qui recedunt ex corpore antique legis regula obseruabitur etiam nunc ita ut si forte recidit ex corpore necessario uitaes suae uiatico non fraudetur quod si disperatus aliquid recepta communione superuixerit sit inter eos qui sola oratione communicant de omnibus tamen hiis qui ex corpore recedunt in tradenda eis communione cura et probatio sit episcopi

XIII Peruenit ad sanctum concilium quod in locis quibusdam et ciiuitatibus praebsbiteris sacramenta diaconi porrigit quod neque canon neque consuetudo tradidit ut hii qui offerendi sacrificii non habent potestatem hiis qui offerunt corpus christi porrigit sed et illut innotuit quod quidam diaones etiam ante episcopis sacramenta contingant haec ergo omnia amputentur et maneant diaconi intra suam proprium mensuram scientes quia episcoporum quidem ministri sunt praebsbiteris autem inferiores sunt accipient ergo saecundum ordinem suum post praebsbiteros ab episcopo uel a praebsbitero quod si non fuerit in praesenti uel episcopos {episcopus corr.} uel praebsbiter tunc ipse proferat et det sed nec sedere quidem in medio praesbyterorum [f. 15r] liceat diaones extra regulam enim et extra ordinem est ut hoc fiat si quis autem non uult his sufficiens esse post hanc definitionem cesseret esse diaconus

XU Placuit hoc sancto et magno concilio ut tribus annis inter audientes sunt {sint corr.} scripturas et uerbum tantummodo audit post haec uero orent cum cathecuminis

XUI Propter multas perturbationes et frequentes tumultus seditionum quae fieri solet placuit omnimodo abscedi istam consuetudinem quae contra regulam est sic ubi tamen{en} {tamen corr.} fit id est ne de ciuitate ad ciuitatem transeant uel episcopus uel praebsbyter uel diaconus si quis uero post haec statuta sancti huius concilii tale aliquid audere temptauerit infringetur omni genere huiusquemodi conatus et restituetur propriae ecclesiae in qua ordinatus est aut episcopus aut praebsbyter aut diaconus

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9 Scratched correction.
XUII Si qui uero sine respectu dei agentes et timorem dei ante correptur ab ecclesia sua siue praesbiteri siue diaconus seu in quocumque ecclesiasticorum ordine positus fuerint hii non debent suscipi in aeccllesia alia sed et cum omni necessitate cogantur ut redeant ad aeccllesia suas aut si permanerint excommunicaire oportet si quis autem [f. 15v] ausus fuerit aliquem qui ad alteram pertinet ordinari in sua aeccllesia cum non habet consensus episcopi ipsius a quo recesserit clerucus qui in canone continetur irrita sit hiuscemodi ordinatio

XUIII Quoniam multi clerici auaritiae causatur pia {causa turpia correptur} lucra sectantes obliti sunt diuini praeepti quod dictum est qui pecuniam suam non dedit ad usum {Ps 14:5} fenerantes centissimas exigunt statuit hoc sanctum concilium ut si quis inuentus fuerit post hanc diuinitionem usuras accipere uel etiam species frumentorum ad sexquiplum dare omnis qui tale aliquid commentus fuerit ad quaestum deiecietur ex clero et alienus ab aecclesiastico {sic} habebitur gradu

XUIII Si quis confugerit ad aeccllesia catholicam statutum sit rebaptizari eos omnimodo debere si qui uero clerici erant apud eos si quidem inculpati fuerint et irreprehensibles rebaptizati rursus etiam ordinentur ab episcopo ecclesiae catholico si uero examinati minus apti fuerint deprehensi deponi eos oportet similiter idem et circa diacones et de omnibus qui eodem clero inueniuntur eadem forma seruabitur commemorabimus autem de diaconissis quae in hoc ordine inuentae sunt quae nec manus impositionem [f. 16r] aliquam habeant ita ut omni generi {genere correptur} inter laicos habeantur

XX Similiter autem diaconisse quae in catholico canone habentur simili modo id est laicae et tamquam non secratae deputentur Igitur episcopi cum de hiis omnibus prout diuinarum legum reuerentia poscerat decreuissent sed et de observatione pascha antiquum canone per quem nulla de reliquo uarietas orietur aecclesis tradidissent omnibus rite dispositis aecclesium pac et fides in orientis atque occidentis partibus una eademque seruata est haec de ecclesiastica historia necessario credimus inserenda

XXI Quoniam sunt in die dominica ad orationem genua flectantes et in diebus quinquagensimae proptererea est itaque {itaque correptur} constitutum a sancto synodo quoniam consona et conueniens per omnes ecclesiae custodienda consuetudo est ut stantes ad orationem domino uota reddamus

inciipient nomina episcoporum de canonibus nicenis cum prouinciis et ciuitatibus suis
Osius episcopus ciuitatis cortubensis prouinciae hispaniae dixit ita credo sicut superius scriptum est
Uictor et uincentius praesbyterii {sic} urbis romae [f. 16v]
Alexander alexandriae magnae
Alphocration alphocratianensis
Adamantius panepyrrensis
arbitio heraclianensis
pilippus pholomaichaea
Appendix VII

potamion pelusianus
secundus de cummaeos
dorotheus memphensis
gaius tautitanus
antiochus lyciensis
tiberius schediensis
plusianus scediensis
agathos antinochensis
atthas thebatdis \{sic\} de lyco
tirannus bercensis
ulosianus bartensis
dathes libiue superioris antiperensis
zafinos taucitanensis
sarabion de parathonio
secundus libiae inferioris hierosolimitanus
titus palestinae neapolitanus
macharius sebastenus
germanus sebastensis
enuarius eleuteropolitanus
eliodorus hiericunctius
aethius diabolonites
siluanus lypdensis
patrofillius azoti
asclepius squitopolitanus
petrus gazensis
antiochus ailenis
zenon pheniaces capitoliensis
aneas thirius
magnus pholomeus
theodorus e tamasco
hellanicus sidonius
marinus tripolitanus
thadonius palmirensis
filocalus talasie
gregorius a paniadae
anatolius syriæ coles berastensis
eustatius emisenus
zenobius anticenus
theodorus seleuciae \[f. 17r\]
marinus cessariensis

\[10\] About six entries have been erased from the left margin at this point.

\[11\] End of column. About six entries in the bottom margin have been erased.

\[12\] End of column. About twelve entries in the bottom margin have been erased.
gaianus gadarensis
eusebius longinus
sabinus petrus
cinensis macrinus
de parbeto maximus$^{13}$
archelaus samosatenus
epantion doloenus
palladius balanensis
zoillus corepiscopus
bassus gabalitanus
gerontius zeumathenus
manicitis carisienus
eustatus ephiphaniae
paulus artitusae
syricius neocessarienis
seleucius a cyro
petuus {petrus corr.} corepiscopus
pegasius geddanensis
bassones arbocadamae
niconias arabie gabalensis
cyron bostaritanus
alyppius laodicensis
asiens appamenus
philozenus nepheotanus
ascalonitanus hierapolitanus
nicapolitanus salanienses
iamniensis peperius$^{14}$
theodorus stratophilus
ambion tarsenus
narcisus ephifaniensis
moyses nerodanus
niceta cartabalitanus
euremon flabiadensis
paulinus corepiscopus
machedonius adanensis
tarchodamentus mapsuestensis
esicius egeitanus
narcisus alexandriæ minoris
leontius capodociae hieropolitanus
eupsicius cessariensis
heretricius thianeus
thimotheus choboniensis

$^{13}$ A line has been skipped after this entry.
$^{14}$ A line has been skipped after this entry.
elpidius eubistensis [f. 17v]
gennadius philadelfiae
seuerus ybutensis
sopater sodomitanus
seuerus berthanensis
ætilaus mesopotamiae adsonisiadensis
iacobus edesenus
antiocbus nisibiensis
mareas a persida reinitanus
nopolitanus macedoniae
iohannes cyliciae a persida
germanensis persi ¹⁵
trapeziintensis placcus
phitionita procopius
philadelphia phisticius
palplagoniae athenodorus
petronius pompeiolitanus
eupsicius galatiae ienopolitanus
marcellus amastrianensis
dicassius anquirensis
erectus tabiensis
gorgonius gadauitanus
philadelfus cynonensis
gorgonius commanensis
andronius corepiscopus
theophanius corepiscopus
eulaius arminie minoris corepiscopus
euetius arminie minoris sabastenus
aristarces et aristes satalitensis
euthicius diosponti armeni
elpidius amasiae
eraclius ponti polimoneaci commanensis
longinianus zeronensis {zolonensis corr.}
domnus neccessariensis ¹⁶
laodociae afrodrisius
sanabensis eufrosius insylane
sinnadensis melifron
azanensis stratigius
doletianus apollodortis
paulus eusebius cariae
eugenius appamenus
flaccus eucapiensis.

¹⁵ A line has been skipped after this entry.
¹⁶ A line has been skipped after this entry.
eulalius hieropolitanus
thelamacus scomensis
esicius antiropolitanus [f. 18r]
theonas assae iuliopolitanus
manefantus cizicenus
orion ephesianus
eucitius eleniensis
mithres zmirnensis
marinus popanensis
paulus lydiae liolypontianus
arithemidorus andensis
seras sardicensis
ethemasius tyrensis
pholion philadelphiensis
agogitis darensis
florentius tripolitanus
antiochus anciræ ferreae
marcus aureliopotanus
nunecius phirigæ standitanus
maximianopolitanus eusebius
magedensis quirillus cipræ
rodius gelasius
a coo eusebius bitiniae
a lemmo theogenus
conquiritanus maris
euticius neapolitanus
aramius seleuciae
tharsicius lymenensis
patricius apamiensis
policarpus ambladenitanus
academius metropolitanus
eracleus a paro
theodorus bartensis
adon liciae usensis
eudemus bititiae
gallites pampilæ pacaritanus
euresius pergensis
zeuxius thermiensis
domnus siarpitanus
quintianus aspendeuitanus
patricius seleuciae
18
diocessis isauriæ domnus pannoniæ

17 A line has been skipped after this entry.
18 A line has been skipped after this entry.
a phafo nicassius galliarum
salamiensis theoilus gotiae
nicomediae cathirius bosphori
nicenus ab appolloniade
calcedoniae hadrianensis [f. 18v]
anthiocensis quirillus
amonius ericius
eugenius afrodisitanus
letodorus appolloniades
eusebius cipritanus
stefanus isauriae a melito
athenius barathensis
etesius corpissitanus
agapius claudiopolitanus
siluanus seleuciae
faustus isauriae metropolitanus
antonius phanemuticensis
nestor antiochiae
isicius seudritanus
cyrillus corepiscopus
theodorus cumanatensis
anatolius uialbitanus
paulus corepiscopus
quintus larandensis
tiberius corepiscopus
aquila alistrens
corepiscopus19
a cio corepiscopus
prusensis cessariensis
gorgonius corepiscopus
euetius eracliae
theophanes comeonis
rufus sardiensis
eulaius eorope calabriensis
foederis eorope eubensis
marcus daiciae marceanopolitanus
protogenes ephesiensis
marcus calabriæ kartiginis
marcus moesiae thessalonicensis
pistos macedoniae
stratigius affrice adueniensis
cæcilianus boee
alexander macedoniæ epistiensis
dachus daroanæ minoris thessaliae

19 Lacks a corresponding proper noun.
pistos afaiae stobiensis
marcus pannoniae
stragius thessaloniæ douensis
claudianus gotiae
baidius daroaniae phosforensis [f. 19r]

[IV]
I DE praesbyteriis qui immolauerunt et postea certamen iniecerunt
II De diacones qui immolauerunt et postea relucrati sunt
III De his qui fugientes tempore persecutionis conpræchensi sunt de laicis qui similes necessitates incederunt
III De his qui sacrificare coacti sunt et qui ascenderunt templo in ueste lugubri et recumbentes inter alios manducauerunt flentes
U De his qui moenis tantum cesserunt
UI De his qui cum festis diebus paganorum conuiuis interfuerunt
UII De his qui saecundo et tertia sacrificauerunt
UIII De his qui non solum a fide dominica deuiauerunt sed et alii persuaserunt
UIII De diacones qui cum ordinatur in ipsa ordinatione protestati sunt dicentes uelle se habere uxores
X De dispensatas puellas et ab aliii raptas
XI De his qui ante baptismum sacrificauerunt
XII De uicarios episcoporum [f. 19v]
XIII De his qui in clerbo sunt praesbyteri uel dicones {sic}
XIII Si qua de rebus ecclesiae cum episcopus non est praesbyterii uendiderunt
XU IN hoc titulo greca uerba sunt
XUI De his qui in pecodes aut in masculos aut ollim putrefacti sunt aut actenus hoc uitio corrumpuntur
XUII De episcopis {sic} qui suscepti non sunt a sua diocissae in qua fuerunt denominati
XUIII De his qui uirginitatem polliciti prævaricati sunt professione contempta
XUIII Si quis adulterium commiserit
XX De mulieribus quae fornicantur et partus suos necant
XXI De his qui voluntarie homicidium fecerunt
XXII De his qui non voluntarie sed cassu homicidium perpetrauerunt
XXIII De his qui auguria auspicia uei diuinationes quaslibet secundum more gentium obseruant
XXIISi quis sponsam habens sorori eius forsitan intulerit uiolentiam expliciunt tituli

incipiunt canones anciritanes
ISti canones priores quidem sunt nicenis kanonibus expositis sed tamen niceni primo accepti sunt propter auctoritatem sancti et magni concilii quod factum est in niceam [f. 20r]

Cum apud urbem anquiritanam uentum fuisset marcellus anquiritanus uitalis anthiocenus filadelfus iuliopolitanus heraclius zelonensis munecius laodicenus narcissus nerodiensis lupus

20 homicidium] c overwritten with an indistinguishable character
Appendix VII

tarsensis basilius ammasenus eutolus nicomiensis petrus ioconiensis agricolaus cessariensis epidaurus pergamenus ergianus antiochiae phissidiae statuta sunt ab hiis quae infra scripta sunt

I Praesbyteri qui immolauerunt et postea iterum certamen inierunt si hoc ipsum ex fide et non aliquo argumento sibimet praeparentes {sic} egerunt ut\[21\] iterum teneri uiderentur. si ergo ex fide luctati sunt et non ex consensu ad ostentationem ut operentur ipsi fecerunt hos placuit honorem quidem sedis propriae retinere offerre autem illis et sermonem ad populum aut aliquibus officiis fungi non liceat

II Diacones similiter qui immolauerunt postea autem reluctati sunt aliam quidem honorem habere oportet cessare uero debere ad omni sacro ministerio ita ut nec panem nec calicem offerant nec pronuntient nisi forte aliqui episcoporum [f. 20v] conscii sunt labores eorum et humilitatis et mansuetudinis et uoluerent eis amplius aliquid tribuere uel adimere penes ipsos ergo de hiis erit potestas

III De hiis qui fugientes tempore persecutionis conpraehensi sunt uel a familiaribus seu a domesticis traditi uel bona propria amisentur uel sustenerunt tormenta uel etiam carceribus inclusi sunt et tamen se proclamauerunt esse christianos quin etiam perseverante violenti {violenta (sic) corr.} ad id usque perduci sunt ut manus eorum adpraehensas et violenter adtractas super sacrificia inponerent illis scilicet perseverantibus in fide christianos se uociferantibus hoc ergo quod eis inuitis illis cogentibus contigit si luctu et merore animi acerua esse et ferre demonstrant ipsoque humili per bonam conuersationem habitu adita incidentes dolore sed quod inuiti coacti sunt doceant hos tamquam inculpatos a communione non uetati si autem iam prohibiti sunt ab aliquibus a communione maioris diligentia et inquisitionis causa aut per aliquorum ignorantiam statim recipi oportere hoc autem obseruare [f. 21r] conuenit et de clericis et de omnibus laicis laicos sane qui in similes necessitate incederunt causas tamquam nihil peccauerunt maxime si eos probabilis uita commendet ad ordin[\*]ationem {ordinationem corr.} recipi placuit

III De hiis qui sacrificare coacti sunt sed etiam de hiis qui in templis idolorum manducauerunt si quis eorum cum habitu cultiore ad templam perduci sunt adeque ibi adhuc praetiosae uelut mutata caenae participes facti sunt idolorum indefenderer sumentes omnia quae fuerant adposita placuit eos inter audientes uno anno constitui tribus autem aliis annis agere poenitentiam sed ex ipso triennio per viennum tantummodo orationi communicare [c]ertio {tertio corr.} autem anno reconciliari sacramentis quotquot autem ascenderunt templum in ueste lugubri et recumbentes inter alios manducauerunt flentes si conpleuerint poenitentia trienni tempore sine oblatione recipiuntur si autem perduci ad templum non manducauerunt biennio maneant in poenitentia tertia uero anno commincent sed sine oblatione ut dictum est episcopus autem hanc habere licentiam oportet ut perspectam singulorum conuersationem normam regulamque conuersationis adtribuat id est aut [f. 21v] humanius agens secundum uitae modum tempus allicui brebiari aut etiam prolixus {prolixus corr.} quod correctione necessarium uiderit addere discutiatur autem omnium horum et praecedens uita et posterior et ita circa eos sacerdotalis humanitas moderetur

\[21\] ut] corr. from ux ?
Appendix VII

U De hiis qui minis *menis corr.* tantum cesserunt aut ablationem bonorum aut transportationis poena deterriti a fide errauerunt et nunc usque neque penituerunt neque conuersi sunt modo autem tempore huius sinodi se obtulerunt conversationis suae consilium capientes placuit eos usque ad magnum diem inter audientes suscipli ac penitentiam agere triennio et post duo alios annos sine oblatione commonicare et ita demum sex annis perfectis ad perfectum peruenire quod si aliqui ante hoc concilium suscepi sunt ad poenitentiam ex illo temporis inputabitur initio sex anni constituti quod si cui eorum quodlibet mortis periculum aut ex egritudine aut ex alia qualibet causa hiis communio propter uiatricum suum non negabitur

UI De hiis qui cum festis diebus paganorum in remotis eorum locis convivias interfuerunt et suas nihilominus epulas ibidem para[fol. 22r]orient atque comeduerunt plasuit et post bienni poenitentiam suspicantur ita tamen utrumque cum oblatione recipiendi sunt an ad solam communionem admissi debeant unusquisque episcoporum examinat uitae eorum praeteritae et praesentis habita consideratione

UII De hiis qui secundo et tertio sacrificauerunt per uim coacti quattuor annis poenitentiam se subnecctant duobus autem aliis annis sine oblatione communicent septimo uero anno perfectionem recepturum commoneosis

UIII Quotquot autem non solum a fide dem ca *dominica corr.* deuauereut sed insurrexerent etiam in alios et fratres persuaserent et rei facti sunt persuasionis hii per triennium quidem inter cathecuminos habeantur per aliut autem sexennium penitentiae recipient locum alio uero anno id est decimo communionem sine oblatione recipient ut completo decennio perfectione fruantur in eo autem tempore etiam uita eorum et confuertatio consideranda est

UIIIII Diaconi quoque cum ordinantur si in ipsa ordinatione protestati sunt dicentes uelle se habere uxoros neque posse continere hii postea si ad nuptias conuenirent manae in ministerio propter quod his episcopi licentiam [fol. 22v] dederint quicumque sane tacterunt et susciperunt manus impositionem professi continentiam et postea ad nuptias conuenirent a ministerio cesserent deebunt laicam tamen commoneonem percipiant

X Dispensatae puellas et postea ab alius raptas placuit erui et hiis reddi quibus fuerunt ante dispensatae etiam si eas a raptoribus florem pudoris amississe constiterit

XI Eos qui ante baptismum sacrificauerunt et postea baptismum consecuti placuit ad ordinationem promoueri tamquam ab omni crimine lauacri salutaris sanctificatione purgatos

XII Vicarii episcoporum quos greci corepiscopos dicunt non licere praesipiteros uel diacones ordinare sed nec praesibiteris ciuitates sine episcopi praeccepto amplius aliquid imperare uel sine auctoritate litterarum eius in unaquaque parrocia aliquid agere

XIII De hiis qui in clero sunt praesbiterii uel diacones et abstinentibus a carnivus ut eas contingat quidem et si sic uoluerint ab hiis commedendis abstineant quod si tantum eas abominabiles judicauerunt ut nec olera quae cum carnivus coquuntur aemtiment comedenda

22 *modo* corr. from *moda*?
tamquam non consentientes huic regulæ [f. 23r] cessare [*]porte[*] {oportet corr.} a ministerio et ordine suo ut non eas tamquam inmundas contemnantis tamen quibus quidem si abstinere ululant habeant potestatem ita tamen ut si quando cum oleribus coquantur eam tamquam carnibus pulluta non iudicent sed ex his ad cibum adsumant quamuis temperent si quis autem hanc regulam admonitus non oboedierint sed carnes ut dictum est inmundas et abhominandas aestimauerit cessare debet ab ordine suo

ut praesbyteris ecclesiae non liceat uendere

XIII Si ornate initial 's' is thirteen lines high qua de rebus aeccliesiae cum episcopus non est praebsiterii uendiderint placuit rescissu contractu ad ius aeccliesiasticum reuocari in iudicio autem episcopi erit constitutum si praetium recipi debeat anne propter quod sepe contiguit distractarum rerum reditus ampliorem summam pro accepto {praetio add. in mg.} reddidisse

XU IN hoc ergo titulo greca uerba haec sunt periton allegius {allogius corr.} alle non ealogio menontoe quod nos latine possimus dicere de his qui irrationablibiter ursati sunt siue uersantur sensus autem in hac sententia [f. 23v] duplex esse oporter {oportet corr.} qui ex subjectis conicitur aut de his cum pecodibus coitum mixti sunt aut me more pecorum incesta cum pinquis {propinquis corr.} sanguine commixti sunt quotquot igitur ante uicissimum aetatis suae annum tale crimen admoiserunt hii decim annis in penitentia exactem oratione tantum incipient communicari post uicissimum ad communionem cum oblatione suscipientur discutiatur autem et uita eorum quae fuerit tempore penitentiae et ita hanc humanitatem consequantur quod si qui perseverantiam abusi sunt hoc crimen proplioxiore {prolixio cor.} tempore id est uicissimo annum eteate ut uxores habentes in hoc crime inciderint uicissimo quinto annum penitentiam actam ad communionem orationum {admittatur in qua commonium orationum add. in mg.} altero quinquennio perdurantes plenum communionem cum oblatione suscipient quod si aliqui et uxores habentes et excidentes quinquagensimum aetatis suae annum in hoc prolapsi sunt ad exitum uitate tantum commumione mereuatur

XUI Hos eodem sane non solum leprosos crimine huiusquemodi {sic} factus sed alios isto suo morbo replentes placuit inter eos orare qui tempestate iactantur qui a nobis inergumini appellantur [f. 24r]

XUII Si quis episcopi suscti non sunt a sua diocissae in qua fuerint denominati et uoluerint alias aeccliesias occupare et uim facere episcopis quos ibi inuenirint {sic} sediones excitando aduersus eos hos segregari oporter quod si uolunt in praebsiteri sedere honore non repellantur a propria dignitate quod si etiam ibi sediones concitare probantur episcopis ibidem constitutis segregari eos necesse est et nihilominus dignitate praesbiterii pribari

XUIII Quotquot urginitatem politici praeuaricati sunt professione contempta inter digamus qui ad secundas nuptias transierant haberi deebunt urginse autem puellas quae tamquam sorores cum nonnullis uiris habitare ulunt ab eorum consortio prohibemus

XUIIIi Si quis adulterium commiserit septem annis penitentia conpletis perfectioni redditur secundum pristinos gradus

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23 penitentia] corr. from penitentiae ?
XX Mulieres uero quae fornicantur et partos suos necant sed et his quae agunt secum ut utero conceptos excutiant antiqua quidem definitio usque ad exitum uitae eas ab aecclesia remouit humanius autem nunc definimus ut hiis decim annis tempus penitentiae tribuatur. [f. 24v]

XXI Qui voluntariae homicidium fecerint ad poenitentiam quidem se iugiter mittant circa ex[***]itur {exitum corr.} autem uitae communioni digni habeantur

XXII Eos uero qui non voluntate sed cassu homicidium perpetrauerunt priori quidem regula post septem annorum penitentiam communione sociabuntur secundum gradus constitutos haec uero humanios {humanior corr.} difinitio quinquenni tempus tribuit

XXIII Qui auguria auspiciaque siue somnia uel duiinationes quaslibet secundum mores gentium obserbant aut in domus suas huiusmodi homines introducunt in exquirendis aliquam artem maleficiorum aut ut domus suas inlustrent confessi penitentiam si de clero sunt abiciantur si uero saeculares quinquennio agant saecundum regulas antiques constitutas

XXIIIi Si quis sponsam habens sorori eius forsitan intulerit uiolentiam eique inheserit tamquam suae hanc autem deceptam postea duxerit uxorem desponsatam illa uero quae uitium passa est si forte necem sibi intulerit omnes hii qui facti huius conscii sunt decim annis in penitentiam redigantur saecundum canones constitutos [f. 25r]

expliciunt canones anquiritanes

[V]
incipit neecessariensem synodum
I DE praesbytero qui uxorem duxerit
II De muliere si duobus fratribus nupserit
III De hiis qui plures uxores ducunt
IIIi Si quis concupiit** a {concupi a corr.} muliere concubitus eius desiderium habeat
U De cathecuminis lapsis
UI De prignantibus {sic} quia oportet eas baptizari quando uolunt
UII De praesbiteris24 ut conuiuo secundarum nuptiarum interesse non debeant
UIII De hiis qui adulteris mulieribus sociantur
UIIII De praesbiteris25 qui ante ordine {sic} peccant et postea confitentur
X De diaconis similiter
XI Praesbyter ante annorum XXX aetatis suae non ordinetur
XII De hiis qui in egritudine baptizantur
XIII De praespiteris {sic} parrociae
XIIIi De numero diaconorum
expliciunt capitula

incipit synodum neecessari

24 praesbiteris] prae with macron over e
25 praesbiteris] prae with macron over e
ISTi canones secundi sunt anquirensium qui in neecessariam sunt expositi et hii priores sunt nicenis tituli XIII

Conuenientibus sanctis et uenerabilibus episcopis in urbem cessariae uitalis germanus grigorius alfius bassilius [f. 25v] salaminus sedus dicassius heraclius leontius anfion stefanus ericius lupus ualentinus gerontius narcotics longinus sanctius {sanctus corr.} et ceteri statuerunt haec quae infra scripta sunt

I Praesbyter qui uxorem duxerit ab ordine illum deponi debere quod si fornicatus fuerit uel adulterium commiserit extra aecclesiam abiciatur penitentiam uero inter laicos redigi oportet

II Mulier si duobus fratribus nupserit abici debere usque ad diem mortis sed propter humanitatem in extrimis {sic} suis sacramentis reconciliari oportet ita tamen ut si forte sanitatem recuperauerit matrimonio soluto ad penitentiam admittatur quod si defuncta fuerit mulier in huiusmodi consortio constituta difficilis erit poententia {sic} remanenti quae sententiae tam uiros quam mulieres tenere debebunt

III De his qui frequenter uxores ducunt et hiis qui sepius nubunt tempus quidem quod hiis constitutum est obseruabunt conversatio autem et fides eorum tempus abbreuiauit

III Si quis concupita a {a ras.} muliere etiam concubitus eius desiderium habeat non autem subsequatur effectus manifestum est hunc fuisse per diuinam gratiam liberatum [f. 26r]

U Cathecuminus id est audiens qui ingreditur aecclesiam et stat cum cathecuminis si peccare fuerit uisus figens genua audiat uerbum sed ut abstineat ab idulo peccato quod si in eo perdurat omnino debere abici

UI De praegnantibus quoniam oportet baptizari quando volunt nihil enim hoc sacramento commune est pariturae et illut quo de utero eius fuerit aeditum quia uniuscuiusque in illa confessione libertas arbitrii declaratur

UII Praesbyterum conuiuio secundarum nuptiarum interesse non debere maximae cum petatur secundis nuptis penitentiam tribuere quis ergo est praesbyter qui propter conuiuium illis consentiat nuptiis

UIII Si cuius uxor adulterum {adulterium corr.} commississet cum eset liaicus {laicus corr.} et fuerit conprobatum iste ad ministerium ecclesiasticum admiriti penitus non debet quod si in clericum iam constitutum adulterat dato repudio demittere eam debet si uero retinere eius consortium uoluerit non potest suscepto ministerio perfri

UIII Qui admiserit corporale peccatum et hic postea praesbiter ordinatus est si confessus fuerit quod ante ordinationem suam peccauerit [f. 26v] non quidem offerat maneaut autem in illis {alis corr.} officis propter eius studii utilitatem nam cetera peccata censuerunt plurimi

26 praesbiter} praes with macron over e
etiam ordinationem priuari quod si de hiis non fuerit confessus nec ab aliquo poterit manifestae conuinci huic ipsi de se potestas est permittenda

X Similiter et diaconus si in eadem ipsa culpa fuerit inuolutus ipse se a ministerio cohibeat

XI Praesbiter ante annorum XXX actatis suae non ordinetur quamuis sit probilis {probabilis corr.} uiuae sed obseruet usque ad praefinitum tempus dominus enim tricissimo anno baptizatus est et tunc praedicauit

XII Si quis egritudine constitutus fuerit baptizatus praesbiter ordinare non debet non enim fides illius est uoluntaria sed ex necessitate nisi forte postea huius ipsius studium et fides probabilis fuerit aut hominum raritas cogat

XIII Praesbiteri qui congregationales non sunt in aeclesia praesentibus episcopis uel praesbiteris ciuitatis offerre non poterunt nec panem dare in oratione neque calicem27 dabunt quod si absentes sint ciuitatis sacerdotes et fuerit inuitatus in orationem solus poterit dare

XIIIi Diacones septem esse debent secundum regulam quamuis magna [f. 27r] sit ciuitas cui regulae autotoritatis {auttoritatis sic corr.} erit liber actum apostolorum

XVI I DE hiis qui abhominantur nuptias
II De hiis qui abhominantur carnes sedens uel minime
III De seruis qui dominos contemnunt
IIIi De praesbiteris qui coniuges habuerunt
U De hiis qui aeclesiae congregationes humiliant
UI De hiis qui extra aeclesiam congregant
UII De oblationibus aeclesiae nulli liceat commutare
UIII De ea quae in pauperibus conferunt
UIIII De uirginitate {uirginitate corr.} et abstinentia
X De elatis propter nomen uirginitatis
XI De hiis qui gapes {agapes corr.} inuidunt
XII De hiis qui in pallio gloriantur
XIII De mulier{**} {mulieres corr.} qui uirili ueste utuntur
XIIIi De hiis qui de nuptis fugiunt
XX De hiis qui abhominantur martirum congregationes

27 calicem] written over erasure?
XXI Hii canones post sanctum synodum nicenam expositi sunt in gangram titulus \{sic\} XX

**incipit sinodus gangrentium \{sic\}**

DOminis honorabilibus consacerdotibus in armenia constitutis eusebius olimpius elianus bassilius eulalius\(^{28}\) grigiorius papius bassus eugenius filetus epatius eugenius byttinus heracles prerresius qui conuenerunt in gangrensem concylium in domino salutem

Quoniam conueniens sancta synodus episcoporum in gangrensem aecclesiam propter quasdam ecclesiasticas necessarias inquirendas et ea quae saecundum eustasium gesta sunt dinoscenda inuenit multa fieri indecenter ab hiis qui hunc eundem eustasium secuti sunt necessario statuit palam factis omnibus amputare uniuersa quae ab eodem mala commissa sunt. declaratum est enim hos eosdem \[f. 28r\] nuptias accussare quod nullus in coniugale positus gradu spem habeat apud deum unde factum est ut multae mulieres secutae relictis propris uiris et uiri uxoribus destitutis uinculum \{uinculum \corr.\} coniugalem desolverunt continentiam profitentes quam cum retinere non possunt adulteria commiserunt inuenit multa fieri indecenter ab hiis qui hunc eundem eustasium secuti sunt.

declaratum est enim hos eosdem \{f. 28r\} nuptias accussare quod nullus in coniugale positus gradu spem habeat apud deum unde factum est ut multae mulieres secutae relictis propris uiris et uiri uxoribus destitutis uinculum \{uinculum \corr.\} coniugalem desolverunt continentiam profitentes quam cum retinere non possunt adulteria commiserunt inuenit multa fieri indecenter ab hiis qui hunc eundem eustasium secuti sunt.

Quoniam conueniens sancta sinodum episcoporum in gangrensem aecclesiam propter quasdam ecclesiasticas necessarias inquirendas et ea quae saecundum eustasium gesta sunt dinoscenda inuenit multa fieri indecenter ab hiis qui hunc eundem eustasium secuti sunt necessario statuit palam factis omnibus amputare uniuersa quae ab eodem mala commissa sunt. declaratum est enim hos eosdem \[f. 28r\] nuptias accussare quod nullus in coniugale positus gradu spem habeat apud deum unde factum est ut multae mulieres secutae relictis propris uiris et uiri uxoribus destitutis uinculum \{uinculum \corr.\} coniugalem desolverunt continentiam profitentes quam cum retinere non possunt adulteria commiserunt inuenit multa fieri indecenter ab hiis qui hunc eundem eustasium secuti sunt.

**Præsbyteros \(^{29}\)** qui matrimonia contraerunt sperni debere nec sacramenta quae ab eis conficiuntur adtingui loca sancorum partum uel basilicas comemnere et omnes qui illuc conueniunt reprehendere duites fideles qui non omnibus renuntiant quae possident spern apud deum non habere et multa alia quae numerare nulli possibile est singulos quoque eorum pro arbitrio suo constituite unusquisque eorum per tales institutiones ab ecclesiastico canone recedentes tamquam proprias leges sibimet condidisse nec communis hiis omnibus et una sententia est singuli enim prout uidetur et libet ad accusationem ecclesiae nitendo tamquam rector non sit uel addidit decreta uel minuit propter hoc ergo \[f. 29r\] coactum est hoc concilium in gangrensi aecclasia habitum canones istos exponere quibus probantur memorati extra aecclasia esse quod si per penitetiam condemnauerint haec omnia quae male senurent tamquam a se non bene prolata acceptabiles fiant atque adeo singula quae debent condemnae synodus creditit exponenda quod si quis renneruit haec quae hodie constituata sunt tamquam hereticus et anathematizatus et damnatus abiciatur et erit non solum excommunicati uerum etiam et ab ecclesia habeatur extoris donec depraecetur episcopos et de uniuersisque penes eos depraehensa atque depecta sunt prodiderit quid horum suscipiter obseruandum

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\(^{28}\) eulalius \corr. from eulauus ?

\(^{29}\) deuites \{sic pro diuites\} fideles blasfemando accussat gl. in mg.
I Si quis nuptias in accussationem deduxerit et mulierem abhominandam crediderit aut etiam accussandam tamquam non posse coniugatus in regnum dei ingredi anathema sit

II Si quis carnem manducantem ex fide cum relegione praeter sanguinem et idolo immolatum et suffocatum crediderit condemnandum tamquam spem non habentem quod eas manucet anathema sit [f. 29v]

III Si quis sermonem alienum occassione relegionis doceat dominum suum debere condemnere et eius ministerium destituere ac non potius docuerit eum suo domino bona fide et cum omni honorificentia seruire anathema sit

IIII Si quis a praesbitero qui uxorem habui forte discernit quod non habeat eo ministrante de oblatione percipere anathema sit

U Si quis docet domum dei contemptibilem esse debere et congregationes quae in ea fiunt anathema

UI Si quis extra ecclesiam priuam populos congregans {congregans corri.} contemnationem ecclesiasticas sanctiones ipsamque ecclesiam apud se autem ea quae sunt ecclesiae uluerit agere non conueniente presbitero {sic} sœcundum episcopi iusionem anathema

UII Si quis oblationem fructuum uel primitias aecceiae debitam uluerit extra ecclesiam accepere uel dare praeter conscientiam episcopi et non magis cum consilio eius de his agendum putauerit anathema sit

UIII Si quis dederit uel acciperit fructum oblationis extra episcopum uel quemlibet ministrum tamquam ad dispensationem boni operis anathema

UIIIII Si quis uirginitatem uel continentiam professus tamquam abhominabiles nuptias dicat et non solum propter hoc quod continentiae uirginitas bonum sanctumque propositum est anathema

X Si quis propter dominum uirginitatem professus in coniugio possitus per adrogantiam uituperauit {uituperauit corri.} anathema sit

XI Si quis contemnendos duxerit agapem facientes et propter honorem domini pauperes fratres conuocantes et noluerit communicare uocationibus tamquam in nihilum quod fit deducens anathema sit

XII Si quis uirorum putauerit sancto proposito id est continentiae conuenire ut pallio utatur tamquam ex eo iustitiam habiturus et reprehendat uel iudicet alios qui cum reuerentia birris utuntur aut alba ueste uel communi quae in usu est anathema sit

30 ut non sit eclesia nec offerri {sc. eucharistia} sines {sic} iusione episcopi gl. in mg.
XIII Si qua mulier hoc proposito utile iudicans ut uirile ueste utatur ad hoc ut uirili habitu utuntur anathema

XIII Si qua mulier uiro derelicto discedere voluerit soluto uinculo coniugali nuptias contemnendo anathema

XU Si quis derelinquerit proprios filios et non eos alat et quod eis saecundum pietatis debitum necessarium est non praebuerit sed occassione continentiae neglegendos putauerit anathema

XUI Si qui filii parentes maximae fideles desueri et in occassione dei cultus hoc iustum esse iudicantes et non potius debitum honorem parentibus reddiderint ut hoc ipsum in his uenerentur quod fideles sunt anathema

XUII Quaecumque mulier relegioni iudicans conuenire comas amputau erit quas deus ad uelamen eius et memoriam subiectionis illi dedit tamquam resoluens iura subiectiosis {subiectionis corr.} anathema sit

XUIII Si quis iudicans die dominica ieiunauerit eius diei contemnu anathema sit

XUIII Si quis eorum qui in propositu sunt continentiae praeter necessitatem corporalem superbiaieiunia communia totius ecclesie {ecclesie corr.} putauerit contemnenda et suo sensu dicat non esse perfectum {perfecta corr.} anathema sit

XX Si quis per superbia tamquam perfectum se existiman conuentus qui per loca uel per bassilicas sanctorum martyrum fiunt uel accussauerit uel etiam oblationes quae ibidem celebratur {celebrantur corr.} spernendas esse crediderit memoriaeque sanctorum contemnendas putauerit anathema sit [f. 31r]

explicit synodum gangrensem

[VII]
incipiunt titu {sic} statutorum cartaginentium {sic}
I DE statuta niceni concilii observanda
II De trinitate
III De continentia
IIII De terminos patruum non inuadendas {sic}
U Ut nullus clericus fænerit
UI De crismatae {sic} uel reconciliatione et puellarum consecratione
UII De conciliandis infirmis
UIII Ut nulli criminoso liceat episcopum accussare
UIII De excommonicatis
X De hiis qui audient excommonicatis misas et altare erigere
XI De episcopis uel praesbyteris audiendis
XII De ordinendis episcopis
XIII De legatum tripolitanum et de praebiteros uel diacones audiendis
XIII Ut nulli clericorum liceat in pupakan iudicari
XU De spectaculis
XUI Ut clerici non sint conduciores
Appendix VII

XIIII Silent lectores nubere
XIII Clericus quod commodauerit accipiatur
XIIII Ante XX annis nullum promouandum
XX De primatu mauritaniae stifensis
XXI De ordinandis episcopis uel clericis [f. 31v]
XXII Ut corporibus defunctorum eucharitiam {sic} non detur
XXIII Ut saecundo in anno concilia fiant
XXIIII De accusatis episcopis
XXU De praebiteris uel diaconis accusatis
XXUI De coniugia clericorum
XXUII De heredes clericorum
XXUIII Ut episcopi trans mare non proficiscantur
XXUIIIII De scripturis kanonicis
XXX De continentia et de hiis qui sacramenta contractant
XXXI Ut nullus rem aeccliesiae distrahat
XXXII De praebiteris lapsis
XXXIII De rebaptizatis
XXXIIII De clericis audiendis et de apellationibus
XXXU De excommionicatis clericis
XXXUI De accusatis
XXXUII De hiis qui ordines contemnunt
XXXUIII Ut ne quis res ecclesiasticas sibi mancipet
XXXUIIIII Non liceat praebiteris res tituli uenundare
XL Ut non liceat episcopo res tituli uenundare
explicit {sic} tituli

constituta quae apud cartagine acta sunt [f. 32r]
Post consulatum gloriissimorum imperatorum honori XII et theodosi YIII {sic} augostorum
UIII kalendas iunias kartagine in secretario bassilicae fausti

Cum aurilius papa una cum ualentino primae sedis prouinciae numidiae faustino episcopo
eccliesiae potentinae prouinciae italiae piceni legatus ecclesiam {ecclesiae corr.}31 romanae sed
et legatis diuersarum prouinciae prouinciae africanas id est numidiarum duarum uizacenae
{bizacenae corr.}32 mauritaniae sitifensis et mauritaniae cessariensis sed et tripolim et uincentio
culsitano furtunatiano neapolitano et ceteris episcopis prouinciae proconsularis CCXUIII ncnnon
philippo et assello praebiteris legatis romanae ecclesiae aeque33 consedissent {consedissent
corr.} adstantibus diaconis aurelius episcopus dixit post diem praestitutam concilii ut
recordamin fratres beatissimi multa flagitata sunt expectantes fratres nostros qui nunc ad
praesentem sinodum legati aduenerunt quae gestis necessa est sociantur qua de re domino deo
nostro de tantæ congregationis coetu gratias referimus superest ut tam exemplaria niceni concilii

31 Scratched correction.
32 Scratched correction.
33 aeque] corr. te eque by scratching ?
quae nunc habemus et a patribus [f. 32v] constituta sunt quam etiam hic a decessoribus nostris eandem synodum firmantes uel quae secundum eam formam per omnes clericorum gradus a summo usque in ultimo salubriter ordinata sunt in medio proferantur ab uniuerso concilio dictum est proferantur danihel notarius recitauit niceni concilii fidei professio uel statuta ita se habent et cum recitaret faustinus episcopus plebis potestinae prouinciae italiae piceni ligatus {legatus corr.} romanæ aecclesiae dixit iniuncta nobis sunt a sede apostolica aliqua per scripturam aliqua etiam in mandatis cum uestra beatitudine tractanda sicuti et gestis superioribus meminimus hoc est de canonibus ut consueruntur et constitutio eorum et consuetudo quia et aliqua ordine et canone tenentur aliqua consuetudine firmata sunt de hiis ergo primitus si placet beatitudini uestrae tractemus et post ea ceteraque acta uel inchoata sunt inserta firmabuntur ut et ad sedem uenerandam rescripsimus uestris intimam et uersum nos admonuisse papam uidenter clareat et capitula actionum iam inserta sint gestis de ipsis ergo ut superius dixi quod uestrae beatitudini placeat agere debeamus ueniat ergo comminorium in medium [f. 33r] ut scire possit uestra beatitudine quid in eo contineantur et ad singula respondeat

Aurelius episcopus dixit proferatur comminorium quod fratres et consacerdotes nostri actis nuper allegauerunt et cetera quae acta uel agenda sunt subsequenter danihel notarius recitauit comminorium fratris faustino episco et fiiliis philippo et assello praesbyteris zozimus episcopus uobis commissa negotia non latet etiam uos ita ac si nostra ibi imo quia nostra ibi in uobis praesentia est cuncta peragere maximae cum et hoc nostrum possitis habere mandatum et uerba canonicum quae in pleniorem firmitatem huic comminorium inseruimus

Ita enim dixerunt fratres in concilio niceno cum de episcoporum appelatione decernerent placuit ut episcopus {si add. sup. lin.} accussatus fuerit et iudicauerint congregati episcopi regionis ipsius et de gradu suo deiecerint eum et appellasse viderint et confugerit ad beatissimam {beatissimum} aecclesiam {aecclesiae} {aecclesiae corr.} romanæ episcopum et uoluerit audiri et iustum putauerint ut renoueret examen scribere hiis episopis dignetur qui in finitima et propinqua prouincia sunt ut ipsi diligenter omnia requirant et iuxta fidem ueritatis definit quod si quis rogit causam suam [f. 33v] iterum audiri et depraeicatione sua mouerit episcopum romanum ut e latere suo praebiterum mittat erit in potestate episcopi quid uellit et quid existimet si decreuerit mittendos esse qui praesentes cum episopis iudicent habentes auctoritatem eius a quo distinati sunt erit in suo arbitrio si uero crediderit sufficere episopus ut negotio terminum inponant facient {faciunt corr.} quod sapientissimo consilio suo iudicauerit et cum recitaret

Alipius episcopus ecclesiae tagastensis legatus prouinciae numidiae dicit de hoc iam superioribus etiam litter[+] {litteris corr.} rescripsimus et id nos serumuros profitemur quod in niceno concilio constitutum est adhuc tamen me mouet quoniam cum inspiceremus a {a cancell.} greca exemplaria huius synodi niceni ista ibi nescio qua ratione minime inuenimus unde petimus uenerationem tuam sanctae {sic} papa aureli ut quia hoc authentichum concylium nicenum in urbe dicitur esse constantinopolitana aliquos cum scriptis tuae sanctitatis mittere
Appendix VII

dignérís et non solum ad ipsum sanctum patrem nostrum constantinopolitanum episcopum sed etiam alexandrinae et anthiochenae uenerables sacerdotes qui hoc nobis concilium sub adstipulatone litterarum suarum dirigant [f. 34r] ut omnis postmodum ambiguitas auferatur quia nos ita ut frater faustinus adulit minime inuenimus ista nos tamen paulis perseruaturos \textit{sic} ut ante ea dixi donec integra exemplaria ueniunt profitemur petendus est autem litteris nostris etiam uenerabilis romanae ecclesiae episcopus bonifatius ut ipse quoque dignet ad memoratas ecclesiae\textsuperscript{38} aliiquos mittere qui eadem exemplaria praedicti niceni concilii secundum \textit{sic} \textit{secum} \textsuperscript{39} possint scripta perferre

Nunc autem memorati niceni concylii qualia exemplaria habemus hiis gestis sociamus faustinus episcopus legatarius romanae ecclesiae\textsuperscript{40} dixit nec uestra sanctitas praeditus ecclesiae\textsuperscript{41} romanae siue de hoc capitulo siue de alis quia ut \textit{constat gl. (corr.? sup. lin.)} \textsuperscript{42} dicere dignatus est frater et coepiscopus noster alypius \textit{dubios} \textsuperscript{43} esse canones sed \textit{haec add. in mg.} ipsa ad sanctum ac beatissimum papam nostrum scribere dignemini ut et ipse integros canones inquirens cum uestra sanctitatis \textit{sanctitas corr.} de omnibus constitutis tractare possit sufficit autem ut ipse beatissimu \textit{beatissimus corr.} episcopus urbis romae sicuti et uestra sanctitas apud se tractat ita et ipse inquirat \textit{sic} ne contentio inter ecclesias naschi uideatur sed magis caritate fraterna deliberare possitis ipso rescribente quid melius obseruare debeat [f. 34v]

Aurelius episcopus dicit praeter ista quae deprosimus actis necesse est ut etiam nostrae paruitatis litteris sancto fratri et consacerdoti nostro bonifatio singuli \textit{singula corr.} quae tractamus plenissime intimemus ergo si omnibus placet prosecutio nostra ore omnium condiscamus uniuersum concilium dixit placet

Novatus episcopus legatus mauritaniae sitifensis dixit nunc meminimus in hoc praesenti commonitorio lectum etiam de praesbiteris uel diaconis contineri qualiter audiri ab episcopis suis uel a finitimis debeant quod niceno \textit{niceno corr.} concilio minime legimus unde hoc ipsut \textit{sic} iubeat sanctitas uestra nobis recitari

Aurelius episcopus dixit recitetur\textsuperscript{45} ad locum etiam hoc quod deposcitur danihel notarius recitauit de appellationibus autem clericorum id est minoris loci est ipsius synodi certa responsio de qua re acturi sitis credimus inserenda quod aliter \textit{taliter corr.} dictum est

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\textsuperscript{38} ecclesiae] ecle with macron over le
\textsuperscript{39} Scratched correction.
\textsuperscript{40} ecclesiae] eccl with macron over cc
\textsuperscript{41} ecclesiae] eccl with macron over cl
\textsuperscript{42} Scratched gloss/correction.
\textsuperscript{43} Scratched correction.
\textsuperscript{44} Scratched correction.
\textsuperscript{45} recitetur] one or two words have been scratched in above this word
\textsuperscript{46} Scratched correction.
Appendix VII

Osius episcopus dixit quid me adhuc moueat reticere non debeo si episcopus quis forte iracundus quod esse non debet cito aut aspere commoueat aduersus praespirerum siue diaconum suum et exterminare eum de ecclesia uoluerit [f. 35r] proudendum est ne innocens damnetur aut perdat communionem habeat potestatem iectus ut finitimos interpellet ut causa eius audiatur et diligentius tractetur quia non oportet ei negari audientia roganti et ille episcopus qui aut iuste aut iniuste reiecit patienter accipiat ut negotium discutiatur ut aut probetur eius aut emenetur {emendetur corr.} sententia

Agustinus episcopus ecclesiae ippoliensis {ipponiensis corr.} prouinciae numediae dixit et hoc nos seruatuos profitemur salua diligentiore inquisitione niceni conc[l**]ili {concilii corr.}

Aurelius episcopus dixit si hoc etiam omnium uestrae caritatis {caritati corr.} placet responsione firmate uniuersum concylium dixit omnia quae in niceno concilio statuta sunt placent nobis omnibus

Iucundus episcopu[m] {episcopus corr.} ecclesiae suzetulae legatus prouinciae uizacenae dixit quod statutum est in niceno concilio uiolari a quoquam nullatenus potest

Faustinus episcopu[m] {episcopus corr.} legatus ecclesiae romanæ dixit adhuc secundum professionem sanctitatis uestrae tam sancti alyppi quam etiam fratris nostri iucundi aliqua infirmari credo aliqua firmari quod non debeat sed cum iam in dubium ipsi canones uenerint ergo ut placet et nobis [f. 35v] et beatitudini uestrae ad sanctum et uenerabilem ecclesiae romanae episcopum uestrae sanctitatis scribere dignetur ut et ipse quod et sanctus agustinus statuet dignatur est deliberare possit utrum uerum sit et hoc consentiendum sit ac retinendum {retinendum corr.} hoc est de appellationibus inferioris gradus si ergo in dubium uniet et de hoc capitulo iustum est ut beatissimae sedis apostolicae episcopus informari debeat ut solum et probatis canonibus hoc non inueniri possset

Aurelius episcopus dixit etiam quae dudum uestrae caritati intimauimus nunc patemini tam exemplaria statutorum niceni concili sed et quae hic salubriter a nostris decessoribus constituta secundum eiusdem concilii formam et uerum quae nunc ordinata sunt recitari et gestis inseri

Omne concilium dixit exemplaria fidei et statuta niceni synodi quae ad nostrum concilium per beatae recordationis ollim prodecessorem tuae sanctitatis qui interfuit caecilianum episcopum adlata sunt sed et quae patres ea exempla sequentes hic constituerunt uel nunc communi tractatu constituemus his gestis ecclesiasticis inserita manebunt ita ut superius dictum est uenerabilibus uiris antiquitatem et alexandrinae sed et constantinopolitane [f. 36r] ecclesiarem episcopis scribere uestrae beatitudi dignetur ut exemplaria uerissima niceni concili dirigant sub adstipulatone litterarum suarum quo declarata ueritas ea capitula quae in commonitorio praesente fratre et coepiscopo nostro faustino sed et fratres praesbyteri philippus et assellus secum adtulerunt collecta synodus de hoc in secundo tractabimus ut aut ibidem reperta nobis firmabuntur aut si non inuenta fuerint silebunt

47 Scratched correction.
48 ecclesiae] eccl with macron over cc
49 Scratched correction.
50 praesbyteri] ppb with macron over pb; corr. from ppbb
51 nobis] corr. from a nobis
Danihel notarius recitauit niceni concilii fidei professio uel eius statuta ita se habent hic nicenum concilium legitur ut superius lectum est titulos XX uno ex ordine recitauit et cum recitaret statuta niceni concilii in omnibus seruanda

Aurelius episcopus dixit haec ita aput nos habentur exemplaria statutorum quae tunc patres nostri de concilio niceno secum detulerunt cuius formam seruantes ea quae sequuntur \{sic\} constituta a nobis custoditur firmata

**de trinitate uniuersum concilium dixit**

II DEO propitio pari professione fides ecclesiastica quae per nos traditur in hoc coetu glorioso primitus confitenda est tunc demum ordo ecclesiasticus singulorum [f. 36v] et consentu \{consensu \textit{corr.}\} omnium adserendus ad conprobandas fratrum et coepiscoporum nostrorum nuper promotorum mentes ea proponenda sunt quae a patribus certa dispositione accipimus ut trinitatis quam nostris in sensibus consecratam retinemus patris et filii et spiritus sancti unitatem quae nullam noscitur habere differentiam sicut dedicimus ita dei populorum instruimus ab uniuersis episcopis dictum est plane sic accipimus sic tenemus sic docemus fidem euangelicam uestram doctrinam sequentes

**de continentia aurelius episcopus dixit**

II\textsuperscript{52} Cum praeterito concilio de continentia et castitatis moderamine tractaretur gradus isti tres qui constrictione quadam castitatis per consecrationes adnexi sunt episcopus inquam praesbyter et diaconus ita placuit ut condeceat sacros antistites ac dei sacerdotes necnon et leuita uel qui sacramentis diuinis inseriuin continentes esse in omnibus quo possint simpliciter quod a domino postulant inpetrare ut quod apostoli docuerunt et ipsa seruauit antiquitas nos quoque custodiamus Faustinus episcopus ecclesiae potentinae prouinciae niceni legatus [f. 37r] romanæ aecclesiae dixit placet ut episcopus praesbyter et diaconus uel qui sacramenta contractant pudicitiae custodes ab uxoris se abstineant ab omnibus episcopis dictum est placet ut in omnibus et ab omnibus pudicitiae \{pudicitia \textit{corr.}\}\textsuperscript{53} custodiatur qui altario inseruiunt

**de terminis patrum**

III\textsuperscript{54} Aurelius episcopus dixit auaritiae cupiditatem quam rerum omnium malorum matrem esse \{1 Tim 6:10\} nemo quis dubitet proinde inhibendum est ut ne quis alienos fines usurpet aut per praemium terminos patrum statutos transcendat

**ut nullus clericus feneret**

U\textsuperscript{54} NEC omnino quiquam clericorum liceat de qualibet re\textsuperscript{55} fenus accipere quamquam non uellae \{nouellæ \textit{corr.}\} suggestiones quae obscurea sunt uel sub dieruo genere latent inspecti a nobis formam accipient ceterum de quibus apertissimae scriptura sancxit non uerenda sententia est sed sequ[a]nda \{sequenda \textit{corr.}\} proinde quod in laicis reprehenditur id multo magis debet

\begin{footnotes}
\item \textsuperscript{52} ut episcopi praesipiteri diaconi et subdiaconi se abstineant gl. \textit{in mg.}
\item \textsuperscript{53} Scratched correction.
\item \textsuperscript{54} ut clerici non ad ussuram \{sic\} fenerent \textit{gl. in mg.}
\item \textsuperscript{55} \textit{re} \textit{corr.} to ne ?
\end{footnotes}
in clericis praedamnari uniuersi dixerunt nemo contra prophetas nemo contra euangelia facit sine suo periculo [f. 37v]

de chrismatae uel reconciliati|n|ne {reconciliatione corr.;} et puellarum consecratione

UI FOrtunatus episcopus dixit in praeteritis concyliis statuta meminimus ut crisma uel reconcile|lat|io pe[*]nitentum {penitentum corr.;} necnon et puellarum consecratio a prae|sbyteris non fiat si quis emerserit hoc facere quid de eo statuendum sit

Aurelius episcopus dixit audiuit dignatio uestra suggestionem fratris et coepiscopi nostri fortunati quid ad haec dicitis ab uniuersis episcopis dictum est crismsae confectio et puellarum consecratio a praesbyteris non fiat uel reconcileiare quemquam in pulpica missa praesbytero non licere hoc omnibus placet

de reconciliandis infirmis

UII AVrelius episcopus dixit in praeteritis concyliis statuta meminimus ut crisma uel reconciliatio {penitentium corr.} necnon et puellarum consecratio a praesbyteris non fiat si quis emerserit hoc facere quid de eo statuendum sit

uiiII Numidius episcopus maxulitanus dixit praeterea sunt quamplurimi non bonae conversationis qui existimant maiores natu uel episcopos {episcopos corr.} passim uageque in accusatione pulsandos debent tam facile admitti contra apostolicam regulam necne

Aurelius episcopus dixit placeat igitur caritati uestrae ut is qui aliquibus sceleribus irretitus est uocem aduersus maiores natu non habeat accussandi ab uniuersis episcopis {episcopis corr.} dictum est si criminosus est non admittitur

in accusatione episcoporum criminosi non debere admitti

UIII Numidius episcopus maxulitanus dixit praeterea sunt quamplurimi non bonae conversationis qui existimant maiores natu uel episcopos {episcopos corr.} passim uageque in accusatione pulsandos debent tam facile admitti contra apostolicam regulam necne

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de excommunicatis

UIIIII Agustinus episcopus legatus prouinciae numidiae dixit hoc statuere dignemini ut si qui forte merito facinorum suorum ab aeclesia pulsi sunt siue ab aliquo episcopo uel praesbitero fuerint in communione susctei etiam ipse pari cum eis crime teneatur obnoxius refugientes sui episcopi regulare iudicium ab uniuer|s episcopis dictum est omnibus placet

de his qui excommuni|cati audenter agere et sacrificare [f. 38v]

X Alypius episcopus ecclesiae thagastensis legatus prouinciae numidiae {numidiae corr.} dixit nec illut praetermittendum est ut si qui forte praesbyter ab episcopo suo correptus tumore uel superbia inflatus putauerit separatim se sacrificium deo offere uel aliud erigendum altare contra aeclesiasictam fidem uel disciplinam crediderit non exeat inpunitus

Valentinus primae sedis prouinciae numidiae dixit necessario disciplinae ecclesiasticae et fidei congura sunt quod frater noster alpyius prosecuteus est proinde quid exinde uideatur uestræ dilectioni {dicite add. in mg.} proferre ab uniuersis episcopis dictum es {est corr.} si qui praesbyter a praeposito suo correptus fuerit debet utique apud uicinos episcopos conuenire ut ab

56 necne] corr. from nee me?

57 Two signes de renvoi (h and ð) connect this rubric with the canon at the top of the next page.
ipsis eius causa possit audiri ac per ipsos suo episcopo reconciliari quod nisi fecerit sed superbia
magis quod absit inflatus secernendum se ab episcopi sui communioni dixerit {duxerit corr.} ac
separatim cum aliquibus scisma faciens sacrificium deo obtulerit anathema habeatur nihilominus
et locum amittat et si quaerimoniam iustam aduersus episcopum haberit {sic} inquirendum erit

**qualiter** 58 episcopi praebtyeri et diaconi audiantur [f. 39r]

XI FELix episcopus dixit sugero secundum statuta ueterum conciliorum ut si quis episcopus
quod non obtamus in reatum aliquod incurrerit et si nimia fuerit necessitas ut non possint
plurimos congregari ne in crimen remaneat a duodecim episcopis auditur et a UI uel UII cum
proprino episco praebtyer auditur et a tribus dicon[i]s {diaconvs corr.} audiatur

**de ordinandis episcopis**

XII AVrelius episcopus dicit quid ad haec dixit {dicit corr.} 59 sanctitas uestra ab uniuersis
episcopis dictum est a nobis ueterum statuta debere seruari sicut et inuicem priuatis cui[t]us
libet {ciuislibet corr.} prouinciae episcopon tam facile non temere praesumant multae congregati
episcopi episcopum ordinare si uero necessitas fuerit tres episcopi in quocumque loco sint eius
praeccepto ordinare debebunt episcopum et si contra suam professionem uel suscriptionem
uenerit ipse se ab hoc coetu separabit

**de tripolim unus episcopus in legationem uenire et ut praebtyer** {praebvs with macron over
b} ibidem U episcopis audiat

XIII SAne placuit de tripolim propter inopiam prouinciae ut unus episcopus in legationem ueniat
et ut praebtyer ibi quinque audiatu episcopos et diaconus a tribus ut superius memoratum est [f.
39v]

nullus clerucus ad puplicum iudicium ueniat

XIII QUisquis uero episcoporum praebtyerorum et diaconorum uel clerucorum cum in
aecclesia ei fuerit crimen institutum uel ciuiliis causa ei fuerit commota si relictico ecclesiasticos
iudicio puplicis iudiciis purgari si {se corr.} uoluerit etiam si pro ipso fuerit prolata {probata
corr.} sententia locum suum amittat et hoc in criminali in ciuili uero perdat quod euicti si locum
suum obtinere malluerit sane et illut si ex consenso partium qui electi fuerunt iudices etiam a
paucioro numero quam constitutum est non liceat prouocare

**de spectaculis**

XU 60 Placuit ut filii sacerdotum spectacula saecularia non tantum non exhibeant sed nec spectare
eis liceat hoc semper christianis in omnibus interdictum sit ut ubi blasfemiae sunt omnino non
accedant

**ut clerici non sint conductores**

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58 A signe de renvoi (➔) connects this rubric with the canon at the top of the next page.
59 Scratched correction.
60 nullus clericorum in spectaculis ueniet nec se negotis saecularibus mismant *gl. in mg.*
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XUI ET ut episcopi praesbyteri diaconi non sint conductores aut procuratores neque ullo turpi negotio et inhonesto uictum quae rur respicere enim debent scriptum esse nullus militans deo implicat se negotis saecularibus {2 Tim 2:4}

iubentur lectores nubere [f. 40r]

XUII ET ut lectores cum ad annos pubertatis uenerint cogantur uxor uxor duce aut continentiam profiteri

clericus quod uel quantum commodauerit recipiet

XUIII ET ut clericus si commodauerit pecuniam {sic} pecuniam recipiat si speciem eandem speciem quantum ei debetur accipiat

ante XXU annos nullum in ordine promouere

XUIII ET ut ante XXU annis aetatem diaconus nullus ordinetur neque uirgines consecratur et ut lectores populum non salutent

de primatu auritaniae sidibensis {sic}

XX Ilprimatum uero primum cum mauritaniae sitibensis episcopi postularent omne concilium episcoporum numidiae consentiensibus {consentientibus corr.} omnibus primatibus uel uniuersis episcopis prouinciarum africarum propter longi itineris habere permisa est cum consilio carthaginensis ecclesiae factum est

de ordinandis episcopus uel clericis

XXI ITem placuit ut ordinatio episcoporum uel clericorum prius placent concilii intimentur eorum auribus ob ordinatoribus suis ne se aliquid contra statuta concilii fecisse peneteant

XXII ET ut corporibus defunctorum eucharistia non detur dictum est enim accipite et edite {Mt 26:26} cadauera autem nec accipere {accipere corr.} possunt nec edere et ciam {nec iam corr.} mortuos homines baptizari faciat praesbyterum ignauia

ut bis in anno concilia fiant

XXIII Pro qua re confirmandum est in hac sancta synodo ut secundum nicena statuta propter causas ecclesiasticas quae ad perniceam {sic} plebium se uterescunt singulis quibusque [*]annis {annis corr.} concilia fiant ad quod omnes provinciae quae primas sedes habent de conciliis suis binos aut quantos elegerint gatos {legatos corr.} mittant episcopos congregatos ut conuento integro plena possit esse auctoritas

de accusatatis episcopis

XXIIII Aurelius episcopus dixit quisquis uero episcoporum accusatur ad prouinciae ipsius causam deferat accusatur nec a communione suspendatur cui crimen intenditur nisi ad

61 A signe de renvoi (→) connects this rubric with the canon at the top of the next page.
62 primatum read primatum
63 ut preceded by erasure (two–three characters)
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cau[s]am \{causam \textit{corr.}\} suam dicendam electorum iudicum die statuta litteris euocatus minime occurrerit hoc est intra spatum mensis unius ex die qua eum litteris accipisse constituerit quod si aliquas ueras necessitatis causas probauerit quibus eum occurrere non potuisse manifestum est causae suae dicendae intra alterum mensem integram habeat facultatem uerum tamdiu post mensem secundum non communicet donec purgatur si autem nec ad concilium uniuersale \[f. 41r\] anniuersariorum occurrere uoluerit ut uel ibi causa eius terminetur ipse in se damnationis sententiam dixisse iudicetur tempore sane quod non commonicat nec in sua ecclesia nec in parrocia communicet accusator autem eius si numquam diebus causae dicendae defuerit a comunione non remoueat si uero aliquando defuerit subtrahense \{subtrahens se \textit{corr.}\} restituto in communione episcopo ipse remoueat accusatur a commonione ita tamen ut nec ipsi adimatur facultas causae peragendae si se ad diem occurre \{occurrere \textit{corr.}\} non noluisse sed non potuisse probauerit illut uero ut cum agere coeperit in episcorum \{episcoporum \textit{corr.}\} iudicio si fuerit accusatorit \{accussatoris \textit{corr.}\} persona culpabilis ad arguendum non admittatur nisi proprias non tamen ecclesiasticas causas asserere uoluerit

de præsbyteris uel diaconis accusatis

\textbf{XXU} Si autem præsbyteri uel diaconi fuerint accusati adiuncto \textit{\{proprivs \textit{corr.}\} sibi ex uicinis locis proprio\[*\]} \{episcopvs \textit{corr.}\} legitimo numero collegantur \{collegarum \textit{corr.}\} quos ab eodem accusati petierint id est in præsbyteri nomine quinque diaconi duo episcopi ipsorum causam discutiant eadem dierum et dilatationum et a communione remotionum et discussione personarum inter accusatores et eos qui accusantur forma seruata reliquorum autem clericorum \[f. 41v\] causas etiam solus episcopus loci cognoscat et finiat

de coniugiæ clericorum

\textbf{XXUI} ET ut filii clericorum gentilibus uel hereticis aut scismaticis matrimonio non coniugantur

de heredes clericorum

\textbf{XXUII} UT episcopi uel quicumque clerici in eos qui catholici christiani non sunt etiam si consanguiinei fuerint per donationes rerum suarum nihil conferant

ut episcopi trans mare non profisciscantur

\textbf{XXUIII} VT episcopi trans mare non profisciscantur nisi consulto primæ sedis episcopo suae cuiusque prouinciae ut ab eo praecipue possint sumere formatas uel commendaticas \{sic\} epistolæ

de scripturis canonicas

\textbf{XXUIII} ET ut praeter scripturas canonicas nihil in ecclesia legatur sub nomine scripturarum diuinarum sunt autem kanonicae scripturae id est ueteris testamenti genesis exodus leuiticus

\begin{footnotes}
\footnote{nullum excommonicandum ante audientia \textit{gl. in mg.}}
\footnote{adiuncto \textit{corr. from adiunctos} ?}
\footnote{qui libio \{sic\} in aecclesia leguntur \textit{gl. in mg.}}
\end{footnotes}
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numeri \{sic\} deuternomium iesu naue iudicum ruth regnorum libri quattuor
paralippemeronorum \(^{67}\) libri duo iob psalterium salomonis libri quinque propetarum esaia
hieremias ezechiel daniel libri duodecim prophetae rerum tobias iudith hester hestrae libri duo
machabeorum libri duo novi testamenti euangelii libri quattuor \[f. 42r\] actuum apostolorum \{sic\}
liber unus epistolae pauli apostoli numero XIII petri apostoli duas iohannis tres iacobi una iudae
una apocalypsis iohannis liber unus Hoc \(^{68}\) etiam fratri et consacerdoti nostro sancto bonifatio
urbis romae episcopo uel alis earum partium episcopis pro confermando isto canonae innotescunt
quia et a patribus ita accipimus in aeclesia legendum

de continenentia \{sic\} et deus qui sacramenta contractant
XXX Addimus itaque fratres carissimi praeterea de quorumdam clericorum quamuis lectorum
erga uxores proprias incontinentia referetur placuit quod et in diuersis conciliis firmatum est
subdiacones qui sacra ministeria contractant et diaconi praesbyterii sed et episcopi secundum
priora statuta etiam ab uxoribus se continere ut tamquam non habentes uideantur esse quod nisi
feicerint ab aeclesiasticum remoueantur officio ceterus autem clericos ad hoc non cogi nisi
maturiore aetate ut superius dictum est annorum XXX ab uniuerso concilio dictum est quae
uestra sanctitas sancsit iuste moderate et sancte et deo placita sunt confirmentur in omnibus \[f.
42v\]

XXXI Ut nullus rem aeclesiae fendat \{vendat corr.\} quod si reditus non habet et aliqua
necessitas nimia cogit hanc insinuandam esse primato proovinciae ipsius ut cum statuto numero
episcoporum utrum facienda sit arbitrentur quod si tanta urguet necessitas aeclesiae ut non
possit ante consulere saltim uicinos testes conuocet episcopus curans ad concilium omnem
referre ecclesiae necessitates quod si non fecerit reos \{reus corr.\} deo et sancto concylio uenditur
honore amiso teneatur

de praespiteris labsis
XXXII Item confirmatum est et si quando praesbyteri uel diaconi in aliqua grauiori culp
convicti fuerint qua eos a ministerio necesse sit remoueri non eis manus ue tamquam
penitentibus uel tamquam fidelibus laicis inponatur

de rebaptizatis
XXXIII Neque permittendum ut rebaptizati ad clerica gradum promoueantur

de clericis audiendis et de appellationibus
XXXIII Item placuit ut praesbyterii et diacones uel ceteri inferiores clerici causas quas
habuerint si de iudicio episcoporum suorum quaesiti fuerint uicini episcopi eos audiant et inter
eos quidquid causae fuerit finiant consentientes eorum episcopi quod si et ab eis prouocandum
putauerint non eis permittatur nisi ad primatus suarum \[f. 43r\] prouinciarum aut ad uniuersale
concilium sicut de episcopis sepe constitutum est ad transmarinum autem qui putauerit
appellandum a nullo intra eadem \{sic\} prouinciam in communionem susciptatur

\(^{67}\) paralippemeronorum] paralippem with macron over final n

\(^{68}\) placuit etiam legi omnium martirum passiones cum anniuersaria omnium episcoporum gl. in mg.
de excommuni \{sic\} clericis

XXXU Item placuit uniuro conclyio ut qu[**] \{qui corr.\} excommonicatus fuerit pro suo neglecto siue episcopus siue quilibet clericus et tempore excommonicationis suae ante audientiam commonionem præsumpserit ipse in se damnationis iudicetur protulisse sententiam

de accusatis

XXXUI Item placuit ut accusatus uel accussator in eo loco unde \{ubi corr.\} est illi qui accusatus si metuit aliquam uim temerariae multitudinis locum sibi \{a\legat \{elegat corr.\}\} proximum quo non sit deficile testes perducere ubi causa eius finiatur

de iis \{sic\} qui ordines contemnunt

XXXUII Item placuit ut quicumque clerici uel diaconi pro necessitatibus ecclesiaram [*]non \{non corr.\} obtemperauerint episcopis suis uolentibus eos honorem ampliorem in sua aecclesia promouere nec illic in suo gradu ministrent unde recedere noluerunt

ne quis res ecclesiasticas sibi mancipit

XXXUIII Item placuit ut episcopi praesbyterii diaconi uel quicumque clerici qui cum nihil hebentes ordinantur et tempore [f. 43v] episcopatus uel clericatus sui agros uel quaecumque prædia nominis suo conparant tamquam rerum dominicarum inuasionis crimine teneantur nisi admoniti in ecclesiæ eandem ipsa contulerint si autem ipsis propriae aliquld liberalitate alicuius uel successione cognitionis obuenirerit faciant inde quod eorum proposito congruit quod si a suo proposito retrorsum exobitauerint \{exorbitauerint corr.\} honore ecclesiastico indigni tamquam reprobi iudicentur

ut non liciat \{sic\} praesbyteris tituli uenundari \{sic\}

XXXUIII Ita etiam placuit ut praesbyterii non uenda \{uendant corr.\} rem ecclesiæ ubi sunt constituti nescientibus episcopis suis quomodo nec episcopo licet uendere prædia ecclesiæ inconsulta concilio uel cuncto praesbyterio sine necessitate ulla

de rebus tituli non inuadendos

XL ET ut episcopo non liceat matrici ecclesiae rem tituli praesbyteri sui usurpare

XLI Aurelius episcopus dixit iuxta statuta totius concylii congregati et meæ me[n]diocratis \{mediocratis corr.\} sententiam placet facere rerum omnium omnium conclusionem uniuris tituli designati et degesti huius diei tractatum ecclesiastica gesta suscipient ea uero quæ adhuc expressa non sunt cum cognouerimus diei ante quod nos fraternos nostros aus tumum episcopum philosophum et assellum praesbyteros uenerabilis fratri [f. 44r] et coepiscopo nostrum bonifatio rescribemus et subscriberunt

Aurelius episcopus huic scidulae relictae nobis suscripti \{subscripsi corr.\}

Valentinus episcopus episcopus primæ sedis provinciae numidiae suscribisci. \{subscrib as corr.\}

Faustinus episcopus æcclesiae potentiae provinciae piceni legatus sanctae ecclesiae romanæ huic gestae suscribri \{subscrib as corr.\}

Alypius episcopus ecclesiae thagastensis legatus provinciae numidiae suscribisci \{subscrib as corr.\}

Agustinus episcopus æcclesiae hipponi regie legatus concilii huic cartulae pro me et eodem concilio suscribishi \{subscrib as corr.\}

Possidus episcopus æcclesiae calamensis legatus provinciae numidiae inferioris suscribisci

Vincentius episcopus culsitanae æcclesiae suscribisci
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Fortunatus episcopus neapolitanae ecclesiae susscribi
Pentadius episcopus arpitaniae ecclesiae suscribi \{subscribi \textit{corr.}\}
Rufinianus episcopus ecclesiae mazansis suscribsi
Praetextatus episcopus sicilibensis ecclesiae suscribsi
Quoduuldeus episcopus ucrense ecclesiae suscribsi \{subscribsi \textit{corr.}\}
Candidus episcopus abitinensis germanicianorum ecclesiae suscribsi \{subscripsi \textit{corr.}\}
Maximianus episcopus aquaensis regiunem legatus prouinciae uizacinae suscribsi
Iucundus episcopus sufetulensis legatus prouinciae uizacenae suscribsi
Maximinus episcopus suffetanus legatus prouinciae zacenae suscribsi \{f. 44v\}
Hirianus \{Hilarianus \textit{corr.}\} episcopus horrei celiensis legatus prouinciae uizacenae suscribsi \{sic\}
Nouatus episcopus sitifensis suscribsi
Ninellus episcopus susurranensis legatus prouinciae mauritaniae tsitifensis \{sitifensis \textit{corr.}\} suscribsi
Laurentius episcopus iocositanus legatus prouinciae mauritaniae cessariensis suscribsi.
calonianus episcopus utinensis ecclesiae suscribsi
Numerianus episcopus raguriensis legatus eiusdem prouinciae suscripsi
LEo episcopus moptensis legatus eiusdem prouinciae suscribsi
Alius leo episcopus legatus prouinciae sitifensis suscribsi
ET ceteri episcopi CCXUIII diuersarum prouinciarum suscriberunt \{sic\}
Philippus praebsbyter legatus sanctae ecclesiae romanae hiis gestis suscribsi
Assellus praebsbyter legatus sanctae ecclesiae romanae hiis gestis suspripsi ut gesta
collimus per nos directa

INcipit epistula ab omni concilio supra scripto ad bonifatium urbis romae episcopum scripta et
cum gesta quae ibidem aput cartaginem confecta per faustinum episcopum et philippum et
assellum praebsbyteros directa

\textit{incipit epistola aureli} \{f. 45r\}
Dominus beatissimo et honarabili fratri bonifatio episcopo aurelius ualentinus primatus prouinciae
numidiae et ceteri qui praesentes adsumus episcopi numero CCXUIII\textsuperscript{69} ex\textsuperscript{70} omni concilio
uniuerso affricano salutem

Quoniam dominus placuit ut de hiis quae nobiscum egerunt sancti fratres nostri episcopus
faustinus et fratres praesbyterii philippus et assellus beate memoriae papae zozimo a quo ad nos
mandata et literas adulerunt sed tuae uenerationi qui in eius locum es diuinitus constitutus
humilitas nostra rescribere et ea breuiter insinuare debemus quae utrorumque concordia
terminata sunt non ea quae prolixis gestorum uoluminibus continentur in quibus quidem salua
caritate non tamen sine paruo a[l]tercationis \{altercationis \textit{corr.}\} labore demorati sumus ea
gestis delibantes \{sic\} quae nunc ad causam pertinent quamquam et ille si adhuc esset in corpore
hoc acciperet gratius quod uideter pacatius terminatum domin[a]e \{domine \textit{corr.}\} frater
appyarius praebsbyter de cuius et ordinatione et excommunicaione fuerat \{f. 45v\} exortum non
s[a]lum \{solum \textit{corr.}\} sicensis \{sicensis \textit{corr.}\} uerum etiam totius affricanae ecclesiae non leue

\textsuperscript{69} CCXUIII \textit{corr.} from CCXUII ?
\textsuperscript{70} ex] preceded by erasure (one character)
scandalum de omnibus erratis suis ueniam petens communioni es restitutus prior autem coepiscopus noster siccensis urbanus quod in eo corrigendum uisum est sine ullo dubitacione correxit quia uero paci et quieti ecclesiae non tantum ad praesens sed etiam in posterum prospecticendum fuit quoniam talia multa praeecesserant ut uel similia uel etiam grauiora deinceps praecari {praecauri corr.} oporteret placuit ut de siccensis ecclesia retento scilicet honore gradu sui praesbyter remoueretur appiarius et accepto epistolio ubicumque alibi uellet et posset praesbyteri munere fungeretur quod eidem ipsi per litteras proprias postulanti concessimus sine dificultate sane priusquam haec causa isto termino clauderetur inter alia quae diuturnis disceptationibus versabamus quia ratio ipsa poscebat ut apud acta ecclesiastica fratibus nostris faustino episcopo phillippo atque assello praesbyteros {praesbyteris corr.} quae rerum ut promerent quidquid eis nobiscum agendum fuisset inuinctum nonnulla quidem sine ullo scripto prosecuti sunt uerbis sed cum haec potius flagitaremus quod in litteris ferrent commnonitorium protulerunt quod recitatum [f. 46r] est nobis etiam gestis quae secum ad uos deferunt est adlegatum in quo eis quattuor quaedam nobiscum gerenda mandata sunt

I Unum de appellationiobus {appellationibus corr.} episcoporum ad romanæ ecclesiae sacerdotem

II Alterum ne ad comitatum inportune episcopi nauigent

III De tractandis episcoporum praesbyterorum et diaconorum causis aput finitimos episcopus si a suis excommunicati perperam fuerint

III Quantum de urbano episcopo excommunicando uel etiam romae uocando nisi ea quae uidebantur corrigenda corregeret quorum omnium de primo et tertia id est ut romam liceat episcopo prouocare et clericorum causae aput suarum prouinciarum episcopos finiantur iam priori anno etiam nos litteris nostris ad eundem uenerabilis memoria {memoriae corr.} episcopo {episcopum corr.} zozimum {zozimum corr.} datis insinuare curauimus ut ea seruare sine ulla eius injuria paulisper sineret usque ad inquisitionem statorum {statutorum corr.} niceni concilii et nunc de tua poscimus sanctitate ut quemadmodum ea aput nicean a patribus acta sunt uel constituata sic ea nobis omnibus facias custodiri et ibi aput uos ista quae in commonitorio adtulerunt facias exerciri id est ut episcopus si accussatus fuerit et iudicauerint congregati episcopi re[li]giosis {regionis corr.} ipsius et de gradu suo deiecerunt eum et appelleas uideatur et confugerit ad beatissimum romanæ ecclesiae episcopum et uoluerit audiri [f. 46v] et iustum putauerit ut renoueretur examen scribere hiis episcopis episcopis {episcopis corr.} dignetur qui in finitima et propinquœ prouincia sunt ut ipsi diligenter omnia requirant et iuxta fidem ueritatis definiant quod si is qui rogat causam suam iterum audiri depraeccatione sua mouerit episcopum romanum ut a latere suo praesbyterum mittat erit in postestate episcopi quid uellit et quid aestimet et si decreuerit mittendus esse qui praesentes cum episcopis iudicent habentes auctoritatem eius a quo distincti sunt erit in suo arbitrio sibi {si corr.} uero crediderit sufficere episcopos negotio ut terminum inponant faciet quod sapientissimo suo concilio iudicauerit

Item de praesbyteris et diaconis si episcopus quis iracundus quod esse non debet cito aut aspere commoueat aduersus praesbyterum siue diconum {diaconum corr.} suum et exterminare eum de ecclesia uoluerit prouidendum est ne innocens damnetur aut perdat
Appendix VII

communionem habeat potestatem ictus ut finitimos interpellet ut causa eius audiatur\textsuperscript{71} et diligentius tractetur quia non oportet ei negare audientia roganti et ille episcopus qui aut iuste aut iniuste reiecit patienter accipiat ut negotium discutiatur ut aut probetur eius aut emendetur sententia haec itaque usque ad aduentum uerissimorum exemplariorum \{exemplariorum \textit{corr.}\} niceni concilii inser\[f. 47r\]ta gesti sunt quae si ibi quemadmodum constituta sunt ut quemadmodum ipsud \{add. sup. lin.\} nos frates ex apostolica sede directum alligauerunt et commonorium continentur eo ordine uel apud uos in italia custodirentur nos nullomodo talia qualia commorare \{sic\} iam nolimus uel tollerem cogirem uel intollerabilia patiemur \{sic\} nam et credimus adiuuante misericordia domini dei nostri quod tua sanctitate romanae ecclesiae praesendente \{praesedente \textit{corr.}\} non erimus iam istum tyfum passuri sed seruabuntur erga nos quae nobis etiam non deserentibus custodiri in omnibus debeat cum fraterna caritate secundum sapientiam atque iustitiam quam tibi donauit altissimus etiam ipse praespicis esse seruanda nisi forte aliter sed \{corr.\} habeant canones niceni concilii quamuis enim plurimos codices legememus sed nusquam in niceno concilio in latinis codicibus legememus quemadmodum in supra dicta commonorium quae inde a uobis directa sunt tamen quia hic in nullo codice greco ea potuimus inuenire ex orientalibus ecclesis ubi perhibentur eadem decreta posse etiam authentica repperiri magis nobis desideramus adferri pro quo re tuam quoque uestionem obsecreamus ut scribere etiam ipse digneris ad illarum partium sacerdotes hoc est ecclesiae constantinopolitanæ et anthocææ \{sic\} et alexandrinae et alis etiam si tua placuerit sanctitate ut inde ad nos eodem canones \{f. 47v\} qui a patribus aput niceni concilii constitutos ueiante \{ueniant \textit{corr.}\} pot[\***u]ssimum \{potissimum \textit{corr.}\} hoc beneficiem cunctis occidentalibus ecclesis cum domini adiutorio conferente quis enim dubitet exemplaria esse uerissima in grecia concilii niceni synodi congregati quae de tam diuersis \{locis add. sup. lin.\} et nobilibus grecis ecclesiis allata et comparata concordant quod donec fiat haec quae in commonorium supra dicta nobis alligata sunt de appellatione episcoporum ad romanæ \{romanæ \textit{corr.}\} ecclesiae sacerdotem et de clericorum causis apud suarum prouinciarum episcopus terminandis nos usque ad probationem seruatures esse profitemur et beatitudinem tuam in uobis ad hoc nos adiuramus \{adiuratam \textit{corr.}\} in dei uoluntate \{uoluntate \textit{corr.}\} confidimus cetera uero quae in nostrorum synodo gesta uel firmata sunt quoniam supra dicta frates nostri faustinus episcopus philippus et assellus praesbyteri secum ferunt \{ferunt \textit{corr.}\} si dignatus fueris tuae sanctitate et suscriberunt \{subscriberunt \textit{corr.}\} talia \{sic\} manu

DEUS noster te nobis annis plurimis custodiat beatissimæ \{beatissime \textit{corr.}\} \textsuperscript{72} frater alypius quoque agustinus possidius marianus et ceteri subscrib\[b\]serunt \{subscriberunt \textit{corr.}\} explicit \textit{epistola} \{\textit{epist}[o]la \textit{corr.}\} \textit{ad bonifatium urbis romæ episcopum data}

\textbf{Incipit epistola attici episcopi ecclesiae constantinopolitanæ ad bonifatium \[f. 48r\] urbis ramae \{\[r\][o]mae \textit{corr.}\} episcopum}

\begin{flushright}
Data cum exemplaris niceni concilii de greco in \[b\]latinum \{latinum \textit{corr.}\} translatis a beatissimis cyrillo et attico episcopis alexandrinae et constantinopolitanæ ecclesiae et directis per innocentium praesbyterum et marcellum subdianosum ecclesiae kartaginsis us superius rectatum \{recitatum \textit{corr.}\} est fides niceni concilii cum titulis XX epistula uero ita continetur
\end{flushright}

\textsuperscript{71} audiatur \textit{corr. from audia} ?

\textsuperscript{72} Scratched correction.
atticus episcopus ecclesiae constantinopolitanae sancto fratri bonifatio urbis romae episcopo salutem edidi cannones {sic} sanctorum patrum olografa manu suscriptos a me amen greca elmenta litterarum numerus etiam exprimere nullus qui tenuiter uel greci sermon[e]s {sermonis corr.} notitiam habet ignorat ne igitur in faciendis epistolis canonicas quas mos latinus formas apellat aliqua fraus falsitatis tenere {temere corr.} praesumeretur hoc a patribus CCCXVIII niceam congregatis saluberrime inuentum est et constitutum ut formatae epistolae hanc calculationis seu supputationis habeant rationem id est adsumatur in supputationem prima greca elmenta patris et filii et spiritus sancti id est UOCA {PIOCA corr.} quae elmenta octogenerium septuagensimum et primum significant numerus quoque petri apostoli prima litera [f. 48v] id est [n] {II corr.} qui numerus octaginta significat eius qui scripsit episcopi prima littera cui scribatur {scribatur corr.} secunda accipientis tertia littera ciuitatis quoque de qua scribatur {scribatur corr.} quarta et indictionis quacumque est id temporis idem qui fuerit numerus adsumatur atque ita hiis omnibus grecis litteris quae ut diximus numerus exprimunt in un {unum corr.} ducit unamque cum collecta fuerit summam epistolam teneat qui accipit hanc omni cum cautella requirat expraessum addat XCUIIII . CIE 74 praeterea separatim in epistola etiam nonagenarium et nonum numerum qui secundum greca elmenta significant amen I . XLUIII . L 75

Nam numerus noster non detenetur in epistola grecus sed latinus explanatur quem directa unionimiter cum episcopo osio et uictorino et uincentio praesbyteri ad episcopum urbis romae siluestrium per nomen eorum servantes gremium direximus sedi apostolicae explicit

i[n]ci|pit epistola sancti aureli episcopi ad sanctum caelestinum episcopum urbis romae de aduentu appari

Domino dilectissimo et honorabili fratri caelestino aurelius palatinius antonius totus seruus dei terentius fortunatus martinus ianuarius optatus celticus donatus theassius uincentius fortunatus {fortunatianus corr.} {et ceteri add. in mg.} qui in uniuersali africano concylio [f. 49r] kartaginis adsumum optaremus si quemadmodum sanctitas tua de aduentu appari laetatos uos fuisse misis per conprasbyterum nostrum leonem litteris intimauit ita nos quoque de eius purgatione haec scribatur cum laetitia intimauit ita nos quoque de eius missum sicut per eius opera praesbyterio antea redditus fuerat ita nunc posset de tantis criminibus a thabracenis obiectis eo laborante purgari cuius tanta acta uel inmania flagitia decursum nostri concylii examen inuenit ut et memorati patrocinium potius quam iudicium ac defensoris magis opera quam disceptatoris iustitia superarent nam primum quantum obsterit omni congregationi diuersas iniurias {iniurias corr.} ingerendo quasi ecclesiae romanae adserens priuilegia et ulens eum a nobis in communionem suscipi quem tua sanctitas crediderit {credens corr.} appellasse quod probare non potuit communione reddiderat quod minime tamen

73 ΠΟΧΑ read ποπα (= 80 + 400 + 80 + 1)
74 CIE read ΚΟΘ (koppa theta = 99)
75 I . XLUIII . L read I . XL . VIII . L (i.e. AMHN)
licuit quod etiam gestorum melius lectioni cognoscis triduano tamen laboriosissimo agitato iudicio cum duessa eidem obiecta adfictissimi quaereremus uel moras cum diuersa adflictissimi quaereremus uel moras coepiscopi nostri faustini uel terguersationis ipsius appiari quibus nefandas turpitudines occulte conabatur deus iudex iustus fortis et longanimis magno compendio reseccauit tertiore quippe ac putidioque obstinatione conpraesso qua tantum {tandum corr.} libidinum caenum inpudentia negationis uolebat obruere deo nostro eius conscientia choartante et occulta quae in illius corde tamquam in uolutabro criminen iam damnabat etiam hominibus puplicate repente in confessionem cunctorum obiectorum flagitiorum quae dolosus negator erupit et tamdem {tandem corr.} de omnibus incredibilitibus ob propriis ultroneus seipse conuicit adquie ipsum quoque nostram spem qua eum et credebamus et obtabamus de tam pudendis malus posse purgari conuertit in gemitum nisi quoniam ipsam nostram mexitiam uno tantum solacia mitigauit quod et nos ex labore diuturnioris questionionis {sic} absolutis et suis uulneribus qualcumque mellidavidam {medellam corr.} et licet inuitus suae conscientiae ac reluctante confessione prodictit domine frater praefato itaque debita {debita corr.} salutationis officio inpendio depraecamur ut deinceps ad uestras aures hinc uenientes non facilius admittatis nec a nobis incommunis in concilium utraque uellitis excipere quia hoc etiam niceno concilio {f. 50r} definitum facile aduentat uenabilis tua nam etsi de inferioribus clericis uel de laicos uidetur ibi praecaueri quanto magis hoc de episcopis uoluit obseruare ne in sua prouincia a communiione suspensi a tua sanctitate praepropere {uele indebite add. in mg.} uideantur communiones restitui praesbyterorum quoque et sequentium {sequentium corr.} clericorum inproba refugia sicut de dignum est repellat sanctitas tua qui et in nulla patrum definitione hoc ecclesiae derogatum est affricanae et decreta nicena sui inferioris grados {infecrior gradus corr.} clericos siue ipsos episcopos sui metropolitanis apertissime commiserunt prudentissime iustissimeque uiderunt quae cumque negotio in suis locis ubi horta fuerint finienda nec unicuique prouidentiae gratiam sancti spiritus {spiritus corr.} de futurum quae aequitas a christi saecedotibus {saecerdotibus corr.} et prudenter uideatur et constantissime teneatur maxime quia unicuique concessum est et si iudicio offensum fuerit cognitorum ad concilia suae prouinciae uel etiam uniuserales prouocare nisi forte quisquam est qui credat uniciulibet posse deum nostrum examinis inspirare iustitiam et innumerabilibus congressatis in concilium saecedotibus denegare aut quomodo ipsum transmarinum iudicium ratum erit ad quod testium necessariae personae uel {f. 50v} propter sexus uel propter senectutis infirmatem uel multis aliis intercurrentibus impedimentis adduci non poterunt nam ut alii tamquam a tuae sanctoratis latere mittatur in nullo inuenimus patrum synodo constitutum quia illut quod pridem per eundem coepiscopum nostrum faustinum tamquam ex parte niceni concilii exinde transmisistes in concilis uerioribus qui dicuntur et accipientur niceni a sancto cyrillo coepiscopo nostro alexandriniae antestite ecclesiae et a uenabile consacredote nostro attico constantinopolitanus misis quae et tam ante hoc per innocentium praebytterum qer {per corr.} quem directi sunt et per marcellum subdiaconum nostrum uenerabilis memoriae bonfatio episcopo decessori uestro a nobis transmissa sunt in quibus tale aliquid non putuimus repperire eucuctoribus etiam clericos quibusque potenti bus nolite mittere nolite conce[r]dere {concedere corr.} ne furiosum tyfum saeculi in aeclesia christi quae lucem simplicitatis et humilitatis diem deum uidere cupientibus praefert 78 uideamur inducere

76 Scratch correction.
77 prouocare] corr. from prouocarem ?
78 praefert] corr. from prae[**]t ?
Appendix VII

nam de fratre nostro faustino amodo iam suis nefandis nequitis de christi ecclesia a semetipso separatus dolendo apiario securi sumus quod eum prouitae ac moderatione tuae sanctitatis salvam fraterna caritate [f. 51r] ulte {ulterius corr.} affrica minime patiatur et alia manu deus noster sanctitatem tuam aeuo longiori orantem pro nobis custodiat domine frater

[VIII]
incipiunt tituli canonum calcidonentium {sic}
I DE hiis qui praemio ordines adipiscuntur
II De accusatores episcoporum
III Ut clerici conductores non sint
IIII De hiis qui uitam solitariam sectantur et quod honore fungatur
U Ut nullus clericus de ecclesia sua transeat
UI Nullo absoluto liceat ordinare
UII De hiis qui profitetur se clerici esse uel monachi
UIII De dispensatoribus ecclesiae
UIIII De causis clericorum
X Ut nulli clericorum liceat de ecclesia sua discerdere {discedere corr.}
XI Non temere dandis epistolis synodiciis
XII Ut in una prouincia unum debere esse et metropolitanum episcopum
XIII Ut nulli clericorum liceat in alterius ciuitate ministrear
XIIII Ut nullus clericus uxorem hereticam uel paganam accipiatur
XU Quod {sic} annorum uelari debeant diaconisas
XUI De uirginibus et monachis
XUII De parrociis rusticas
XUIII De coniuratis
XUIIII Ut secundo in anno concilia fiant [f. 51v]
XX De non susciendiis alterius ecclesiae clericis et de susceptoribus eorum
XXI De accusatores episcoporum
XXII Ut nullus clericus aliena diripiat
XXIII De clericis et monachis excommonicatis
XXIIII De sacra monasterium
XXU De ordinandis episcopis et de reditus æcclesiarum
XXUI De dispensatores æcclesiarum
XXUII De corruptores mulierum
expliciunt tituli

incipiunt statuta
Quingensimo anno sub imperatore pissimo marciano constituta quae per singulas synodus a sanctis patribus constituta sunt actenus habere firmitatem censuerunt dicentes

de hiis qui praemio ordines adepsiscuntur
I SI quis episcopus ordinance per pecuniam fecerit et uendiderit rem quae nisi per gratiam dei non adquiritur et sub pecunia ordinauerit episcopos aut praebysteros uel diaconus uel eorum quemquam qui in numero clericorum continentur aut accepta pecunia fecerit economum uel defensorem aut ostiarium uel quemcumque huiusquemodi pro turpitudine lucri qui hoc fecisse probatur sui gradus periculum sustinebit sed [h]is {is corr.} qui [f. 52r] ordinatur nihil ex ordinatione quae per negotiationem processit utilitatis adquirat sed fiat dignitatis uel rei quae ipsi pro pecunia commissa est alienus si quis autem in his tam turpibus et nefaris lucris medius
interfuisset uidetur et is quidem si clericus fuerit degradetur si uero laicus aut monachus anathematizetur

**de accusatoribus episcoporum clericorum**

II CLEricos uel laicos uolentes episcopos uel clericos accussare non indebitae nec quodcumque accussandum suscipi debere nisi prius eorum oppinio\(^{79}\) fuerit discussa

**ut clerici conductores non sint**

III PEruenit ad sanctum sinodum quoniam quidam clericorum propter lucri turpitudinem alienarum possessionum conductores efficiantur \(\{\text{efficiuntur corr.}\} \) et causis saecularibus tractantibus ministeria dei neglegent et saeculareium domos discurrentes et patroniorum curas propter avaritiam sussipientes igitur sancta et magna synodus constituit nullum deinceps neque episcopum neque clericum neque monachum conducti titulo possessiones habere liceat nec causarum saecularium posse ordinationibus commiscerii \(\{\text{sic}\} \) nisi forte uocetur aliquis secundum leges ad minoris ætatis tutellam quae excussare non licet [f. 52v] aut ciuitatis episcopus ecclesiasticarum rerum curam clerico uoluerit committere aut orfanorum uel uiduarum quae propria prouidentia carent uel personarum talium quae auxilium ecclesiasticum postulant propter timorem dei se quis autem ea quae constituta sunt deinceps uiolare temptauerit ecclesiasticae damnationi subiaceat

**qui uitam solidarim sectantur quo honore fungantur**

III Quoniam uero quidam sub protetxu \(\{\text{sic}\} \) habitus monachilis ecclesias et conuentus et res communes disturbant ciuitates indiscerte circumeuntes necnon et monasteria sibi constituant studentes placuit et nulli eorum usquam aedificare liceat neque monasterium constituere neque oratorium absque ciuitatis episcopi voluntate monachu\(\{\text{sic}\}^*\) \(\{\text{monachi corr.}\}\) uero qui sunt per singulos ciuitates et per prouincias episcopos subditos esse censemus et quietem dilegere et ieiunis esse contentos et orationibus in illis locis obseruare in quibus saeculo renuntiae uidetur nequaquam autem ecclesiasticis uel saecularibus rebus communicare nec inportunitatem inferre deser\(\{\text{desertis corr.}\}\) propris monasterii nisi forte quaesiti fuerint propter causam necessariam ab episcopo ciuitatis sane placuit [f. 53r] ut nullus seruum suscipiant in suis monasteris ut \(\{\text{ad corr.}\}\) monachum faciendum sine propri domini voluntate qui uero hoc constitutum excesserit a commonione eum suspendi decreuit sancta synodus irritam esse huiusquemodi manus impositionem et nusquam posse ministrear ad ordinandis \(\{\text{ordinantis corr.}\}^{80}\) iniuriam

**de episcopis uel clericis qui se de ciuitate ad alia transferunt**

U PLAcuit ut canones qui a sanctis patribus constituunti sunt de hiis ipsis suam habeant firmatatem

UI Nullum absolute liceat ordinari neque praespiterum neque diaconum neque penitus quemquam de hiis qui sunt in ecclesiasticco ordine nisi specialiter ecclesiae ciuitates \(\{\text{ciuitatis corr.}\}\) aut possessioni aut martyrii aut monasterii qui ordinandus est pronuntietur qui uero absolut\(\{\text{e}\}\) ordinantur decreuit sancta synodus irritam esse huiusquemodi manus impositionem et nusquam posse ministrare ad ordinandis \(\{\text{ordinantis corr.}\}\) iniuriam

\(^{79}\) oppinio corr. from oppinio\(\{\text{n}\}^*\) ?

\(^{80}\) Scratched correction.
UII De professis clericis et monachis qui semel sunt in clero ordinati aut monachi facti
constituimus ut neque ad militiam neque ad dignitatem saecularem venire si uero hoc ad ripuerint
et non penitentes ad hoc reuertantur [f. 53v] quod propter deum prius elegerunt anathematizentur

de dispensatoribus

UIII Clerici qui praeficiuntur dispensatione pauperum uel monasteriorum et bassallicis
martyrion sub episcoporum qui in unaquaque ciuitate sunt saecundum sanctorum patrum
traditionis potestate permanent ne per suam temeritatem episcopi sui
moderationem declinent qui autem huiusmodi dispositionem quolibet modo subuertere ausi
fuerint et episcoo suo non dederent consueta si quidem clerici fuerint canonicæ damnationi
subiaceant si autem monachi aut laici fuerint a commonione cessent

UIIII Si quis clericus cum clerico causam habeat placuit ut episcopum suum non deserant et ad
iudicia saecularia currant ad prius ut dictum est apud episcopum suum examinet
causam aut certe cum uoluntate ipsius episcopi causa uentiletur apud quos partes utrasque
uoluerint si quis autem contra haec uenire temptauerit canonices interdictis subiacebit si uero
clericus quis habeat causam cum extraneo episcopo uel cum suo apud sinodum provinciae
iudicetur si autem episcopus aut clericus disputationem habeat cum metropolitano episcopo ad
primam sedem recurrant aut ad sedem [f. 54r] constantopolitanam et ibi causam difiniant

X Ut nullus clericus in duabus ministrat ciuitatum ecclesiis debet utique militare in qua primo
ordinatus quis est et non ad quam quasi maiorem per uanae gloriae desiderium confugit eos uero
qui hoc temptauerint ecclesiæ propriae restituendos esse in qua primo ordinati sunt et ibi tantum
ministrare si qui tamen iam ex alia in aliam ecclesiam translatus est in nullis causis prioris
ecclesiae uel ad ipsam pertinentibus martyris uel pauperum rebus habeat facultatem tractandi eos uero qui ausi fuerint post hoc constitutum magni et uniusaliis istius synodi aliqumd
contrarium agere in hiis quae nuper sancta synodus interdixit proprium amittant gradum

non temere dandis epistolis synodicas

XI Omnes pauperes et reuera agente solacis oportet pacificis ecclesiasticis tantum litteris
prosequi et non synodicas quoniam synodicia litteras hiis tantum dari conuenit qui bone esse
opinionis uidentur

ut in una prouincia unum debere esse metropolitanum episcopum

XII Peruenit ad nos quoniam quibus ecclesiasticis statuens se potestatibus conferentes per
pragmat[*]cum unam prouinciam diuiserunt in duo ac per hoc duo in una
prouincia sunt metropolitani episcopi [f. 54v]
Igitur nunc constituit magna synodus nihil tale deinceps temptari ab episcopis et qui aliquid
huiusmodi ad ripuerint proprium amittant gradum quaecumque uero ciuitates per sacras litteras
nomine metropolitano funguntur ipse solae honorem consequuntur et is qui huic ecclesiæ praest
episcopus utique proprio iure quod reuera conuenit et metropolitanæ ciuitati

ut in aliena ciuitate clerici non ministrent

XIII {sic} Peregrinos clericos et lectores in aliena ciuitate sine synodiciis litteras episcopi sui
penitus nusquam ministre {ministrare corr.} debere

ut nullus clericus hereticam uel paganum ducat uxorem
XU Quoniam in quibusdam provincis lectores et saltus nubere permittantur constituit sancta synodus non licere quemquam uterius hereticam mulierem accipere eos uero qui iam ex tali matrimonio filios procrearunt et si quem {quidem corr.} filios suos apud hereticos baptizauerunt postmodum uero posse eos in catholica communione percipere si autem non sunt baptizati iam non debere eos apud hereticos baptizari nec {ad add. sup. lin.} coniugium cum heretico coniungi neque cum iudeo neque cum pagano nisi forte se transferre ad fidem orthodoxam promiserint personae quae [f. 55r] coniungenda sunt cum orthodoxis si quis autem huius sanctae synodi constitutum uiolare temptauerit canonum damnationi subiaciatur

quot annorum ordinari debeat diaconisaec

XUI Placuit non eas ordinari ante annum quadragensimum et hoc cum diligenti probatione si uero accepta ordinatione et certo tempore ministerio obsuerans nuptis se tradiderit ad iniuriam dei gratiae huiusmodi mulier anathematizetur cum eo qui illi coniungit tur

de urginibus et monachis

XUIII Nec eam qui se domino deo virginem deuouit eodem modo nec monachis nubere licebit si uero hoc facere uolerint a commonione suspendantur confidentibus autem decreuimus ut habeat auctoritatem eiusdem loci episcopus misericordiam humanitatemque largiri

de rusticas parrociias

XUIII Rusticas parrociias quae sunt in singulis provinciis inconuulsas manere constituimus apud episcopos qui detenere eas uidentur maximae si eas annis XXX ditenentes inuiolatæ {inuiolatæ corr.} dispensauerunt si uero intra XXX annis facta est aut fiat de illis quaesitio his licere quaestionem mouere apud synodum suae provinciae qui uim pertulisse {pertulisse corr.} adserunt [f. 55v]

Si quis autem a metropolitano suo episcopo male tractetur apud primam sedem provinciae suae uel apud constantinopolitanam causam dicat siquit superius conpraehensum est si qua uero potestate imperiali ciuitas noua constituta est aut certe constituatur ciuilibus et publicis formulis etiam ecclesiasticarum parrociarum ordo celebretur

de coniuratis

XUIII COniuratoris uel conspirationis crimen aput extrinsecas leges penitus amputari solere multo magis in ecclesia dei hoc ne fiat prohiberi oportet igitur si clerici aut monachi inuenti fuerint coniurati aut per coniurationem calumniam facientes episcopos uel quibuslibet clericis proprium amittunt gradum

ut secundo in anno concilia fiant

XX PERuenit ad aures nostras quoniam in quibusdam provinciis non sunt episcoporum synodii saecundum canonum constituta et ex hoc multa rerum ecclesiasticarum quae corripienda sunt uel concorrigenda neglegi sancta igitur synodus constituit ut saecundum canones patrum aput niceam bithiniae constitutius bis in anno in id ipsum episcopos per singulas provincias conuenire ubi metropolitanus episcopus constituerit et omna {omnia corr.} quaecumque emerserint corrigere episcopi uero qui non conuenenterint et in propris possiti ciuitatibus [f. 56r] et non profecti

81 diaconisae diaco with macron over c
sed absentes maximae subpeditante salute et a necessariis et excussabilibus occupationibus liberi fraternitatis intuitu corripiantur

**de non suscipiendos alterius ecclesiae clericos et de susceptoribus eorum**

**X**

Clericos in ecclesia militantes sicut iam constitutum est non licere in alterius ciuitatis ecclesia militare sed illa esse contentus in qua in principio ministre meruerunt extra eos qui amisa patria ad aliam ecclesiam pro necessetate *sic* uenerunt qui uero episcoporum post hoc constitutum alterius ecclesiae clericum suscip[a]rit *susciperit corr.* placuit a commonione suspendi et eum qui suscipit et qui susceps est quousque clericum qui translatus est fecerit ad suam reuerti ecclesiam

**de accusatoribus episcoporum**

**X**

Clericos uel laicos qui episcopos accussant siue quoslibet clericos omnino si[u]e *sine corr.* iudicio eos non suspiciet nisi prius eorum estimatio fuerit diligentius examinata

**ut nullus clericus aliena deri piat**

**XXIII**

Clericis non licere post mortem episcopi sui deripere ea quae illi competere possunt sicut et anterioribus canonibus cautum est alioquin eos de gradibus suis posse periclitari

**de clericis ac monachis excommoncatis** [f. 56v]

**XXIII**

Peruenit ad aures sanctae synodi quoniam quidam clerici et monachi quibus nec aliquid ab episcopo suo commissum est interdum etiam ab ipsius commonione suspensi ad constantinopolitanum *constantinopolitanam corr.* ciuitatem pergunt et ibidem diu remorantes ecclesiasticam disciplinam disturbant *disturbant corr.* quorundam autem etiam domus subuerunt sancta ergo constituit synodus prius quidem huiusmodi *huiusmodi corr.* homines per sanctae ecclesiae constantinopoleanae defensorum admonere ut a ciuitate discedat *discedant corr.* uerum si inter negotia et interpudentiam fuerint remorati eos etiam inuitos per eundem defensorum iactaret ad loca propria reuocari

**de sacrata monasteria**

**XXI**

Quae deo semel sacrata sint monasteria secundum episcoporum consensum oportet in perpetuum monasteria nunupari *nuncupari corr.* et eorum res monasterii reseruari et non debere ulterius canacula saeculiiar[i]a *sic* fieri si qui uero hoc fieri permissaret canonici interdictis subiaciat

**de ordinandis æpiscopis et de reditis ecclesiarum**

**XXUI**

Quoniam metropolitanorum quidam sicut cognouimus commissos sibi neglegunt greges et ordinationes episcoporum fieri differunt placuit sanctae synodo intra tres [f. 57r] menses episcoporum ordinationes fieri et nisi forte necessitas inexcussabilis dilationis tempus protrahi coegerit alioquin eos poenae ecclesiasticae subiacere ecclesiae uero reditus uiduatae aput economum ipsius aecclesiae integros conservari conuenit

**de dispensatoribus ecclesiae**
QUoniam in quibusdam ecclesiis repperimus sine economis res ecclesiasticas tractant episcopi placuit omnino ut omnis ecclesia habens episcopum etiam economium habere de proprio clero qui res ecclesiasticas dispenset cum consensu episcopi sui ne cum dispensatione testimonio fuerit res ecclesiasticae dispersae sint ad contumiliam pontificis inrogandam si uero hoc non fecerint reos eos sanctis subiacere canonibus

de corruptoribus mulierum

Eos uero qui mulieres diripiunt hospitalitatis solaciis nomine aut illos qui conhibire aut consensum rapientibus praebere uidentur sancta constituit synodus ut si quidem clerici fuerint proprium amittant gradum si uero laici anathemazati et suscripserunt paschasia episcopus statui et suscrpsi luculensis episcopus statui et suscripsi bonifatius praesbyter legatus sanctae ecclesiae romanae statui et suscripsi et ceteri episcopi infra scripti [f. 57v]
Anatholius heleuterius iulianus thodorus zalasius fotius esebius basilius lucianus iohannis diugenese cirus constantinopolitanus constantius legatus calliniclus a cessariae capodociae patricius acyrinensis stefanus bizeae eraclensis cecropius metropolitanus cizice claudiopolitanus galogerus metropolitanus amasie seleucus syria meltius sardensis florentius ioconiae onesiforus antiochiae pissidae pergamus nicaenus anastassius sinadensis marinianus bostrensis constantius afrodisiadae petromanus mirensium romanus nicomediae eunomius afrodisenus francia gangrensia petrus calcidoniae laodiciae quiriacus tyri acyla

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82 economis] corr. from oeonomiis ?
83 There is no break in the text between the end of this canon and the beginning of the subscription list (at et suscripserunt).
seuci metropolitanus daniel
sebastiae fonteianus
anazarbi helias
melitinsulepolicarus
pamene leucius
tinensis amachis
ieropolitana andreas
sebastianopolitanus posinuntanus
theoctiscus bize arcadiopolitanus
lucianus dionensis
trifon thabiae
iulianus sydensis
amphilocius edisse
libas ariathiae
acacius sinoensis
anthiocus fasiliensis liciae
fronto prouinciae
philippus balburensis
patricius acassitanae lyciae
gemellos straticiaxe
stefanus poemaniensis {poemaniensi corr.}
consensus irocessariae
eulalius phioiniensis
hermias abide cleesponti [f. 58r]
troenadensis romanus
eudoxiadae musonius
chaldensis acacius
sallagasiensis tatticus
blandi menecrates
aliensis helias
irensis eustochius
seggensis dorilensis
auallensis landinopolitanus
eusebius athalae
alchimedisi achaiae
dionidisius sozopolitanus {sozopolitanus corr.}
andreas flomeliensis
oolmius sebastianus
alus diocliae
modestus brabilensis
eufrandis fibrilae
iohannis thermensis
eulalius erachiae {eracliae corr.}
helpdius paniados

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84 cleesponti] uel fors anolesponti ?
theodorus phorfireonensis
olyppius anoriensis
thomas orcisti
mysterius theodopolitanus
longinos acarasseon
manesses bubensis
nicaolaus nisiae
ariaratiae theodoritus
zelonensis florentius
cyras nepholemus
blandi eulandrensis
docimensis lyggiadensis
mirus eucaripae
philippus ieropolitanus
quiriaceus laodiciae
abircius bassilinopolitanus
mersalinus tii
eroncius kadonensis
apragmonius timenuntii
daniel theosiopolitanus
mathias hadrianiae
thoman thelmeson
dauid iuliopolitanus
zondotos nacolae
meliphtongus lampsaci
basilius amistrulos
danihel mili
themistricis ionopolitanus
alphiuss salagassene
renus karasseon
fontianus stratonicae
nicaolaus amazonis
eupitius alauandon
iohannis andrianopolitanus [f. 58v]
cormopolitanus lystron
paulus canoniensis
plutarcus ydesiensus
eugenus larandaniensis
rufinus throados
acholius tripolitanus
plonius corepiscopus
iohannis ocyrensis
rusticianus pipnensis
bassilius medalu
iacobus aurocessis
ephifanius haecmoniensis
acilius aenuensis
gennadius potaron
acarius caralitanus
cyrinus cotonuensis
marcianus caracesis
eugenius cirritanus
obrimus germaniciae
theodoritus emissae
iohannis eliopolitanus
uranius rosuensis
damianus paneades
iulianus claudiopolitanus
olympius tirrannus
theodorus paulus
derfensis rufinus
subdianus pentapolitanus
patricius chefrenus
philippus martiopolitanus
indimus enzitinensis
saba laudicenis fortinices
theodorus corepiscopus
noches philadelfiae
zebonnus adreonensis
mara gentos canotasenus
ualens philippolitanus
paternos flauiados
eulogius zeumatenus
proculus cyrcensis
theodosius alchidensis
hormisda balensis
iohannis euleucubilo
euolcius marianensis
ambramius eothicianus
romulus marcus
thimotheus iohannis
eusebius bassilianus {bassianus corr.}
paulus aretusa
germanico carroniensis
neoeccsariae ephifaniensis
adanae aretussae
ireopolitanus caroniensis
palti corepiscopus
corepiscopus\ 85 [f. 59r]

** expliciunt canones calcidonenses**

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85 Lacks a corresponding proper noun.
incipiunt tituli canonum constantinopolitanum

Hi canones expositi *sic* sunt ab episcopis CL congregati in unum constantinopoli quando ordinatus est beatus nectarius episcopus

I Ut permaneant quae in nicea sunt legitime et immobiliter constituta
II De anathemate arrianorum eonomiorum macedonianorum sabelli fo[n]tini *{fotini corr.}* marcellini et appollinarius
De singulis parrociis ordinandis et de primatu episcoporum metropolinarum
{metropolitanorum *corr.*}
De maximis indisposita ordinatione
De primatu ecclesiae constantinopolitanae

Hii kanones prolati sunt ab episcopis centum quinquaginta congregati in unum constantinopoli quos inclitae recordationis theodosius imperator pater archadi et honori principum conuocauit quando beatus nectarius constantinopolitanæ ecclesiae damnato maximo sortitus est pontificatus officium

I Non transgredi fidem sanctorum patrum CCCXUIII qui in nicea bithiniae conuenerunt sed permaner *{permanere *corr.*} eam firmam et dominam censemus

II Anathema esse omnem heresem id est eunomianorum arrianorum marcellianorum *{macedonianorum *corr.*} et semiarriarum *{semiarianorum *corr.*} et sabellianorum et marcellianorum fonitianorum et apollianariatorum *{apollianariatorum *corr.*}

III Quae debeantur aegipto anthiociae et constantinopolim ut extra terminos non ingredire alienos neque confusionem facere ecclesiis sed secundum kanones obseruare ut alexandrinum quidem episcopum quae in aegypto sunt gubenare *{sic}* et orientales episcopos orientem solum gubernare seruatis quae in nicenis canonibus primatus anthiocenae ecclesiae et assiae gubernationes episcopos quae per assiam sunt parrociis solum gubernare qui uero sunt ponticae tantum qui sunt traciae tratiarum solum non vocatus aut *{autem *corr.*} episcopos super parrociam alienam non debere ingredi ad ordinandum et pro aliquibus alios gubernationibus ecclesiasticis seruato quod scriptum est de parrociis canone et constitutum ut per singulas prouincias prouinciae synodus gubernet su[e]cundum *{secundum *corr.*} ea quae in nicea constituta sunt

Quae autem in barbaris gentibus sunt ecclesia dei ita gubernari oportet secundum quod obtinuit a patribus consuetudo constantinopolitanam *{constantinopolitanum *corr.*} autem episcopum habere primatum honoris post romanum episcopum propterea quod urbs ipsa sit iunior roma

III De maximo cynico et aduersum eius iniquitates et delubra eius quae in constantinopolim facta est in omnibus placuit ut neque maximum *{f. 60r* episcopum fuisse aut esse neque ipsos qui ab eo ordinati sunt in quoqcumque *{quocumque *corr.*} grado clerici uel quolibet facta sunt infirmata esse censemus
De primatu ecclesiae constantinopolitanae
UNcipit quod constitutum est de primatu ecclesia constantinopolitanae a synodo calcidonense consulato pissimi atque amatoris Christi imperatoris nostri Flavii Marciani Augusti UI fa.\textsuperscript{86}
nouembris in calcidonae metropolitanae ciuitatum bithiniae per gratiam dei et constitutio\textsuperscript{sic} pissimorum et fidelium imperatorum synodo congregata in basilica sanctae et uictoris martyr\textsuperscript{sic} euphemiae consueuante ea praecibus suis sancta synodus dictit ubique sanctorum patrum termini subiacentes et quem nunc legimus centum quinquaginta reuerentissimorum episcoporum qui congregati sunt sub dieue \textit{correc.} memoriae magni theodosi qui fuit inparatur \textsuperscript{sic} in hanc regiam ciuitatem \textsuperscript{sic} constantinopolitanam iuniorem romam cegnoscentes \textsuperscript{corr.} sanctae ecclesiae constantinopolitanae ciuitatis iuniores \textsuperscript{corr.} \textsuperscript{87} romae quia sedi magnae romae pro eo quod regnarent sancti patres statuerunt ei primatum ita ut nunt \textsuperscript{corr.} et nos in hoc constitutum firmantes uenerabiles CL primatum reddidimus iuniori romanae sanctae sedi rationabiliter iudicantes ut quae regno et senato honorificatur ciuitas obitineat et firmitatem primatus secundum magnam romam et in ecclesiasticis causis magnificam eam esse \textsuperscript{f. 60v} sicut et romam et secundam post eam esse censemus et ut ponticam et assianam et traciam gubernationem metropolitani solum habeant ut iam qui in barbaricis sunt episcopi ide \textsuperscript{corr.} supra specta dioecesae ordinatentur a supra dicta sancta sede constantinopolitanae ecclesiae et ut singulum metropolitanum de memorata parroquia cum prouinciarum episcopis ordinent prouinciae episcopum sicut diuini kanones censuerunt manus impositionem autem sicut superius dictum est metropolitanis episcopis memoratorum dioecesum ab episcopo constantinopolitano fieri debere electionem autem facere et secundum et consuetudinem ad eum referre oportet et suscripserunt

Nectarius constantinopolitanus episcopus statui et suscripsi paschasius episcopus legatus sanctae ecclesiae romanae statui et suscripsi luculentus praesbyter legatus sanctae ecclesiae romanae suscripsi bonifatius praesbyter legatus sanctae ecclesiae romanae suscripsi et ceteri suscripserunt
timotheos rufus
dorotheus auxentius
cyrrillus palestini elianus
gelassius zonon fenicis
maer paulus
dionisius nestabius
friscianus philippus
saturninus braccus
thimotheus alexandrinus
bassilidis oxyinco \textsuperscript{sic}
mucinus hierusolimitanu
alexander cessariensis capodociae
præsbyterum hiericonitis
melicius sirae coles diopolitanus
pelagius nicopolitanus
acacius sebastenus \textsuperscript{f. 61r}

\textsuperscript{86} fa.] \textit{with a macron over f; read kal. for kalendas/rum ?}
\textsuperscript{87} Scratched correction.
Appendix VII

scitopolitanus asapius et balbus
ascalones helpedius
iamnenses uranidius
tyrii cilum
sonodis seuerus
ptolomaidae eulogius
damascenus uitus
paneadensis amramiun
britanniensis maras mesopotamiae
bibliensis batenis
aradi iouenus
archis per theodosium theodotus acustoeufratres
anthiochiae anthiochus
laedicensis {laodicensis corr.} isiodorus
bereæns usiuinus
iohannis apamenus
bizona seleuciae
eusebii ephifaniae
marcianus seleucopoli
petrofillus laristenus
seueros palti
flauianus et helpidius praesbyteri antioceni
eusebii chaldieae
domnos gabaleae
bassiliius rafanæuitanus
boetrum æterius
dionisiadis bosforius
etarensis olympius
constantines gregorius
nespoleos simpesius isauriæ
edisse montanus
caruitanus claudiopolitanus
batumuniensis pro {sic} paulimpium praesbyterum
amadis philotheus
constantinae spistus
emarias musonius
hierapoleus marinus
samasteus theodosius
cirote arthemius
perriensis neunius
maris montanus
diodorus ciliae eusebii
ciriacus lolliensis
germaniæs tarsenus
ÆRIUS ephifanes
filionius {filonius corr.} corigynus
olympius zephyriensis
tofilus alxandiæ {sic} pompeiopolitanus
eladius capodociae montiestias
grigorius pro \{sic\} alyppium praesbyterum [f. 61v]
carias tuisianus
nisius midos
tyano eraclides
coloniae theodolus
parnasi pammenius
nazazu amphilocci licaonii
selucus theyrillus
ieropolita aristofanes
philadelphiae paulus
celendrinus ininius
dalisandi darius
anthiochiae leontius
titiopolitanus theodosius
selinuntos eutratius
diaccassariae dafanes
olbiensis eugenius
iulius cipri popbi
theopropus trimitununt[o]s \{trimitununtus corr.\}
thurin tamasius
nemus cethi
trilus pamphiliae egeon
gaius lyrbysenus
lorinus \{sic\} coliparsu
theodolus \{theodolus corr.\} caricissitanus
ysicius cotenuensis
casso eustatius
banentu patricius
thieissitanus lucius
syalytanus lollianus sozopolitanus pro simplium \{sic\} praesbyterum
ariasto tyrannus praesbyter
icondi auxaninus praesbyter
cumanadensis helladius praesbyter
stupatru theosebius filominas pro \{sic\} bassum praesbyterum
lystro tatanianus licie
corinus pionius
mistiae eudimi
pertun patricius
ydisenius lupicinus
canenuensis macedo
derius romanus
posadun hermeus
illirius isaurum
seuerus am blandum
optimus pissidiæ anthiochiae
theomistius handriano praesbyter
attalus prostatun
amantius etadun
faustus limenun
ioniuus {ioninus corr.} salagesitanus
calenicus thimatun [f. 62r]
metropolitanus olympius
parluxu theodolus
narpoleus eustatius
amuranus pansopius pontum asiae
apameus martyrius misiæ
canau marciopolitanus
meronensis terentius scitiae
comatis aetherius
patarunensis sabastianus
ynomandun agrius spaniae
limerun yminontu
sandun
pasilidun
bubuteun
tantianus
uitus frigiae salutariae
eusanius
nectarius frigie pacatianae appias
theodorus eumeniae pro {sic} profitirum praesbyterum
haedicius cariae
leontius
eufrasius bituniae
dorotheus
atarbius ponti polemoniaci per cirillum lectore {sic}
araxu neecessariae
primisiae calcidonensis
eucarpii prussenus
afrodiansiae hiberonus
cimirum tomeum
nicomediae cersonisi
ichae anchialis

expliciunt canones constantinopolitanæ

[X]

incipiunt capitula synodus sardicensis

I De episcopis etiam laica communione priuandis qui ciuitates mutauerint
II De episcopis elienam {sic} sedem praecipi temeritate petentibus
III Ut inter episcopos conprovinciales audiant episcopi
III Quandop liceat in aliena prouincia episcopis ordinare episcopos
U De non faciendis episcopis per uicos et medicas {sic} ciuitates
UI De tractanda synodus prouinciali per uicarios episcopi urbis romae si fuerit appellatum
UIII Quandop et in quibus causis liceat episcopis ad commitatum uenire [f. 62v]
UIII Diaconi ad commitatum dirigendi sub prosecutione metropolitini {sic} episcopi
UIII De pupillis et uiduis
Appendix VII

X Ut habeat potestatem episcopi in canali constituti discutiendos episcopos euntes ad conmitatum
XI De his qui ignorant synodi constituta
XII De laicis cito non faciendis episcopis
XIII Quamdiu episcopus in alia civitate peregrinare debeat
XIII Ut nulli episcopo liceat praeter sua ecclesia abesse nisi tribus ebdomatis
XU De clericis excommunicatis ab aliis episcopis minime susciendi
XUI Ut habeant potestatem excommunicati finitimos episcopos rogare se audiendos
XUII De non sollicitandis clericis alienis
XUIII De non ordinandis clericis alienis
XUIIIV De praesepiteris ul diaconibus qui thessalonica ueniunt
XX De susciendi his qui propter periculum et persecutionem fugiunt

expliciunt capitula

incipiunt canones sardicensis

de episcopis etiam laica commonione priuandis qui ciuitates mutauerunt
I Osius episcopus dixit tam mala consuetudo quam ipsa rerum perniciosa corruptela quae funditus eradicanda est ut non liceat episcopo [f. 63r] de civitate sua ad aliam tranpire ciuitatem manifesta est enim causa qua hoc facere quis temptet cum nullus in hac re inuentus sit episcopus qui de maiore ciuitate ad minorem transiret

Unde appareat avaritiae ardore illos inflammari et ambitioni seruire ut dominationem exercerent si omnibus hoc placet ut huimusmodi per niceas {pernice corr.} seiuus et austerius uindicetur ita ut nec laicam habeat communem qui talis est responderunt uniueri placet

II Osius episcopus dixit etiam si talis quis exstiterit furiosus uel temerarius et fortasse talem excussionem adtulerit adeste uersans quod populi litteras acciperit manifestum est autem illum potuisse praemio paucos et mercide corrumpere ut seditiosis clamoribus in ecclesias agant qui sinceram fidem non habent ut ipsum petere uideantur episcopum omnino ha fraudes remouendas esse ut {et corr.} damnandas ita ut nec in fine saltim laicam communem talis accipiat siue episcopus seu praesbyter ista committens si ergo placet haec sententia respondite responderunt quae dicta sunt placent

ut inter episcopos discordes conprovinciales audient episcopi
III Osius episcopus dixit illud quoque necessarie statuendum est ut episcopus de prouincia ad aliam prouinciam in qui {qua corr.} sunt episcopi non transeat nisi forte a fratribus fuerit suis {suis fuerit transp.} [f. 63v] inuitatus ne uideamur ianuam caritatis claudere hoc tantum {hoc tantum cancell.;} illud quoque add. in mg. prouidendum est ut si in una prouincia forte aliquis episcopus contra fratem suum episcopum quod absit litem habuerit nullus ex iis de alia prouincia aduocet episcopus ad iudicium quod si aliquis episcopus adiudicatus fuerit in aliqua causa et putauerit bonanam {bonam corr.} causam se habere et petierit ut iterum iudicium renouetur si placet uobis omnibus ut sanctisimi apostoli {apostoli corr.} petri memoriam

88 episcopi alienam sedem precipi temeritate {sc. appetentes} gl. in mg.
89 inter duos episcopos si litis orta fuerit gl. in mg.
honoremus scribatur uel ab hiis qui examinarunt iudicium uel ab episcopis qui in proxima
provincia morantur romano episcopo et si iudicauerit renouandum esse iudicium renouetur et det
iudices siue prouauerit {si uero probauerit corr.} talem causam esse ut ea non fricentur
{refricentur corr.} quae acta sunt quae creuerit romanos episcopos confirmata erunt si ho[*]{hoc
corr.} ergo omnibus placet statutur synodus respondit placet

Gaudentius episcopus dixit addendum si placet huic sententiae quam plenam sanctitatis
protulisti ut cum aliquis episcopus depositus fuerit eorum episcoporum iudicio qui in uicinis
locis commorentur et proclamauerit agendum sibi negotium in urbe roma alter episcopus in eius
cathedram post appellationem eius qui uidetur esse depossitus omnino {non add. sup. lin.}
ordinetur in loco ipsius nisi causa fuerit in iudicio romani episcopi terminata [f. 64r]

quando liceat in aliena prouincia episcopus ordinare
III Osius episcopus dixit si contigerit in una prouincia in qua plurimi fuerint episcopi90 unum
forte remanere episcopum ille uero per neglegentiam noluerit ordinare episcopum et populi
confugerint ad uicinos prouinciae episcopos debere illum prius conuenire episcopum qui in
eadem prouincia morabatur et ostendere quod populi petant sibi rectorem hoc iustum esse ut et
ipsi ueniant et cum eo ordinerent episcopum quod si conuentus litteris taceretur et desimumeretur
nihilque rescripsisset tunc satisfaciendum esse populo ut conueniant ex uicino prouinciae[91]
{provincia corr.} episcopii et ordinrent eis episcopos

de non faciendis episcopis per uicos et modicos et modicas ciuitates
U91 Llicentia uero danda non est ordinandi episcopum si aut uicus aliquis aut modica ciuitas cui
satis fuerit unus praesbyter uoluerit petere episcopum si ordinari ad hoc ut uiles cat nomen
episcopatus nollo {sic} mod {modo corr.} permittituis qui ex alia prouincia fuerint iniitati f[u]cere {facere corr.} episcopos nisi in hiis ciuitatis quae semper episcopos habuerunt aut si
qua talis quae tam populosa est ut mereatur habere episcopum si hoc omnibus placent synodus
respondit placet92 [f. 64v]

de tractata sinodo prouinciali
93 Osius episcopus dixit placuit autem ut si episcopus accussatus fuerit et iudicauerint
congregati episcopi regionis ipsius et de gradu suo deiecerint eum si appellesse uideatur qui
deiectus est et confugerit ad beatissimum urbis romae episcopum et uoluerit audiri se si iustum
putauerit ut renouetur examen scribere hiis episcopis digne et in finitima et propinquua
provincia sunt ut ipsi diligenter omnia nequarit et iuxta fidem ueritatis definiant quod si is qui
rogat iterum causam suam audiri depraeationem sua mouerit episcopum romae ecclesiae ut
[*****] {de latere add. in litura} suo praesbyterum mittat erit in eius potestate quid uellit et
quid estimet et si decreuerit mittendos esse qui praesentes cum episcopis iudicent habentes eius
auctoritatem a quo distinatu erit in suo arbitrio si uero crediderit sufficere episcopos
provincialiaes et negotio terminum inponant faciet quod sapientissimo consilio suo iudicauerit

90 episcopi unum] corr. from episcoparum ?
91 episcopus in modicas ciuitates non fiant gl. in mg.
92 The final line of this page has been left blank.
93 de appellatione episcoporum gl. in mg.
quando episcopi uel in quibus causis ad comitatum ire debere

Osius episcopus dixit: inportunitas nimia et injuste frequentior petiones {petitiones corrig.} fecerunt nos non tantum habere gratiam nec fiduciam dum quidam non cessant ad comitatum ire; episcopi et maxime afrī qui sicut cognouimus fratres et coepiscopi nostri grati salutaria consilia spernunt atque [f. 65r] contemnunt ut non solum ad comitatum multas et diuersas ecclesiae profutura non perferant causas nec ut fieri solet aut oportet ut pauperibus ac uiduis aut pupillis subueniatur sed et dignitates seculares et administrationes quibusdam postulant haec itaque prauitas ollim non solum murmurationes sed et scandala excitat honestum est autem ut episcopus intercessionem suam hiis praestet qui aliqua iniqua ui opprimuntur aut si uidia adfligitur aut pupillos {pupillus corrig.} expoliatur tamen et ista nomina si iustam habeant causam et petitionem si uobis ergo fratres carissimi placet decernite ut nullus episcopus ad comitatum accedat nisi forte hii qui religiosissimi imperatores litteris fuerint evocati uel inuitati sed quoniam sepe contigit ut ad misericordiam ecclesiae confugient qui inuiriames patiuntur et qui peccantes in exiliium uel in insulas damnantur aut certe quanquamque sententiam suscipiunt ideoque subueniendum est et sine dubitatione eis petenda per ecclesiam indulgentia si ergo et hoc uobis placet decernite uniuersi dixerunt placet et constituatur.

diaconi ad comitatum dirigendi

Osius episcopus dixit hoc quoque prouidentia uestra tractare debet ut quia decreuistis ne episcoporum inportitas {inportunitas corrig.} depuauet et notetur {notetur corrig.} ad comitatum pergendo quicumque uero quales superius commemorauis praeces haberint {sic} uel [f. 65v] acciperint per diconum {diaconum corrig.} suum mittant quia persona ministri non erit inuidiosa et quae inpetrauerit celerius poterit referre et hoc consequens esse uidetur ut de qualibet prouincia ad metropolitanum episcopum praecees mittant ut ille per diaconum eius suum supplicationes mittat tribuens commendaticas {sic} epistolae pari{sic} ratione ad fratres et coepiscopos nostros qui illo tempore in his regionibus et urbibus commoran tur in quibus felix et beatus augustus rem puplicam gubernat si uero habet quis episcoporum amicos in palatio et aliquid cupiat quod tamen honestum sit inpetraire per eos ad imperatorem non prohibeat per diaconum suum rogare et significare eis quos scit benigna intercessione sibi absentis posse praestare qui uero romam uenerint sicut dictum est sanctissimo fratri et coepiscopo nostro romanæ æcclesiae praecees quas habent tradant ut et ipse prius examinet si honestae et iuste sunt et praestet diligentiam ad quae sollicitudinem ut ad comitatum perferantur uniuersi responderunt placere sibi et honestum esse consilium.

de pupillis et uiduis

Alypius episcopus dixit si enim propter pupillos et uiduas uel laborantes qui causas non iniquas habent susceperunt peregrinationis incommoda habebunt aliquid iustae rationis nunc uero

94 ut episcopi ad comitatum non uadant gl. in mg.
95 afrī] three dots above this word
96 diuersas] corrig. from diuersus ?
97 pari] four (?) illegible characters (inci- ?) written above this word.
cum ea [f. 66r] postulent praecipue quae sine inuidia omnium et sine repraehensione esse non possunt non necesse est ire illos ad comitatum

**Qui in canali sunt constituuti episcopi habeant potestatem discutiendos episcopos ad comitatum euntes**

GAudentius episcopus dixit salubriter prouidendum est utque {sic} ex consu {consensu corr.} omnium sacerdutom {sacerdotum corr.} et deo placitura et hominibus probabilia tenere actenus et possint et si metus huic sententiae coniunctatur {sic} scimus enim etiam ipsis sepiissimae propter paucorum inpudentiam sacrum ac relegiosum sacerdotale nomen fuisse repraehensum si igitur aliquis contra omnium sententiam nisus voluerit ambitioni magis placere quam deo debet etiam scire se causam esse dicturum et honorem aude dignitatem amissurum quod ita demum conpleri poterit si unusquisque nostrum qui in canali est constitutus cum progredientem uiderit episcopum inquirat transitum eius causas uideat quo tendit agnoscat et si quidem eum inuenerit ad comitatum uelle transire requirere eum debere condicion e superius conpræhensa si inuitatus ut ei facultas eundi permittatur sin uero ut superius meminit sanctitas uestra propter desideria et ambitiones ad comitatum ire temptauerit neque litteris eius suscribatur neque in communionem recipiat si uobis placet deuere magis placere sibi hoc constitutum [f. 66v]

**de hiis qui ignorant synodi constituta**

XI OSius episcopus dixit sed et moderatio necessaria est diligctissimi fra[ra]tres {fratres corr.} ne subito adhuc quidam non scientes quid decretum sit in sinodo uenerint subito ad ciuitates quae in canales sunt debet ergo episcopus ciuitatis ipsius admonere et instruere illum ut ex eo loco ille ad comitatum suum diaconum mittat admonitas tamen ipse redeat in parrociam suam

**de laicis cito non faciendis episcopis**

XII OSius episcopus dixit et hoc necessarium arbitror ut deligentissime tractetis ut si forte diues aut scolasticus de foro aut ex administratione fuerit episcopus postulatus non prius ordinetur nisi ante lectoris munere et officio diaconi et ministerio praebiteri {sic} per ordinem fuerit perfunctus ut singulos gradus si dignus fuerit promoueatur ad episcopatus honorem potest enim per has promotiones quae habent utique prolixum tempus probari qua fide sit quaue modestias grauitatis et ferecundia et si dignus fuerit inuentus diuinno sacerdotio inlustretur nam nec cumenienst est nec ratio uel disciplina patitur ut temere ac leuiter ordinetur episcopus aut praebiter aut diaconus maxime qui sit neoptus {neophitus corr.} quod beatissimus apostolus magister gentium ne hoc fiat prohibuisse uidetur sed hii qui longi temporis examinati sunt quorum merita et uita probatur [f. 67r] uniuersi dixerunt placere sibi haec omnia

**quamdiu episcopus in aliena ciuitate peregrinari debeat excepto graui necessitate**

XIII OSius episcopus dixit ut {et corr.} hoc quoque statuere debetis ut episcopus ex alia ciuitate cum uenerit ad aliam ciuitatem uel ex prouincia sua ad aliam prouinciam ambitioni

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98 priuari honore euntes ad commitatum si non ulla causa *gl. in mg.*
99 quomodo laici promoueantur *gl. in mg.*
100 ut episcopus in aliena XXI dies non amplius resedeat *gl. in mg.*
Appendix VII

magis seruiens quam deuotioni et voluerit in alienam ciuitatem multo tempore residere et {forte add. sup. lin.} contigerit ut episcopus ciuitatis ipissi {sic} non tam instructus sit nec tam doctus is uero qui aduenerit incipiat contemnere eum et frequenter facere sermonem ut dehonestet et infirmet illius personam ita ut ex hac occassione non dubitet reliquere adsignatam sibi ecclesiam et transire ad alienam define ergo tempus quia et non susc[er] corr. episcopum coepiscopum suum inhumanum {sic} est et perniciosum si deutius {sic} resideat ne fiat ergo prouidendum est nemini autem amplius liceat quam superiore tempore quod fratres nostri constituerunt remorari ut si qui laicus in ea in qua commanens ciuitate tres dominicas id est per tres septimanas non celebрасse conuentum communione priuaretur si ergo haec circa laicus constituta sunt quanto magis nec licet nec decet episcopum si nullam tam grauem habeat necessitatem nec tamen difficilem rationem diutius abesse ab ecclesia sua ut populum constristet {sic} uniuersi dixerunt placere sibi [f. 67v]

tut non liceat episcope pluribus ebdomadibus abesse

XIII OSius episcopus dixit quia nihil praetermitti oportet sunt quidam frateres et coepiscopi nostri qui non in ea ciuitate praesident in qua ordinati sunt episcopi uel certe paruam rem illic habent alibi autem idonea praedia habere noscuntur uel affectiones proximorum quibus indulgent actenus igitur permetti eis oportet ut accedant ad suas possessiones et ut disponent uel ordinent fructum laboris sui ita tamen ut post tres dominicas id est post tres ebdomadas si morari necesse sit in suos potius fundis m[u]rentur {morentur corr.} aut si est proxima ciuitas in qua praesbyter est ne sine ecclesia facere uideantur dominicum illuc ueniant ut nec res eius domesticae per eius absentiam detrimentum sustineant et non frequenter ueniendo ad aliam ciuitatem {sic} in qua est constitutus episcopus careat suspicionem ambitionis adque iactantiae uniuersi dixerunt placere sibi

de excommonicatis ab aliis minime susciendi

XU OSius episcopus dixit hoc quoque omnibus placet ut siue praesbiter siue diaconus siue quis clericorum ab episcopo suo communione fuerit priuatus et ad alterum perrexerit episcopum et scierit ille ad quem confugerit eum ab episcope suo fuisse abiectum non oportet ut ei communione indulget quid quod corr. si quis fecerit sciat se aput congre[f. 68r]gatis episcopis pro eo causam esse dicturum uniuersi dixerunt hoc statutum et pacem seruabit et concordiam custodiet

excommonicati apud uicinos episcopos audiendi

XUI OSius episcopus dixit quod me adhuc mouet reticere non debeo si episcopus quis forte iracundus quod esse non debet cito aut aspere moueatur aduersus praesbyterum siue diaconum suum et exterminare eum de ecclesia uolerit prouidendum est ne innocens damnetur aut perdat communionem et ideo habeat potestatem iste qui deiectus est finitimos rogare episcopos ut eius causa audiatur et diligentius tractent quod non oportet negari auditioe roganti et ille episcopus qui ut iuste aut inuiste abiecit eum patienter accipiatur ut negotium discutiatur ut aut probetur eius temeritas aut emendetur sententia prius tamen quam omnia diligenter et fideliter fuerint examinata eum qui fuerat a communione separatus ante cognitionem nullus alius {alius corr.}

101 episcopos] with macron over pi
102 esse] corr. from est ?
de non sollicitandis clericis alienis

XUII IAnuarius episcopus dixit illut praeterea statuat sanctitas uestra ut nulli episcopo liceat alterius ciuitatis clericorum sollicitare et in suis parrociis ordinare uniuersi dixerunt quia ex hiis contentionibus soleat discordia nasci prohibet omnia iam sententia ut ne quis hoc facere audeat

de non ordinandis clericis alienis sine consensu episcopi sui

XUIII Osius episcopus dixit et hoc uniuersi constuimus quicumque ex alia parrocia alienum ministrum sine conscientia uel voluntate sui episcopi uoluerit in ordine promouere non sit rata eius ordinatio quicumque autem hoc usurpare temptauerit a fratribus et episcopis nostris admoneri debet et corrigi

de clericis qui thessalonica ueniunt

XUIIIII Aestius episcopus dixit non ignoratis fratres carissimi quanta et qualis sit thessalonicensium ciuitas quod sepe ad eam ueniunt ex alis regionibus praesbyterii et diaconi et non sunt contenti et breui tempore morentur aut resedant ibi et aut certe uix post longa spatia ad sua redire cogantur uniuersi dixerunt ea tempore quae constituta sunt circa episcopos et ad horum personas obseruare debent

de suscippiendis qui propter peiculum persecutionem fugaut

XX Osius episcopus dixit suggerente fratre et coepiscopo nostro olympio hoc etiam placuit ut si aliquis uim perpessus est et inique expulsus propter doctrinam uel catholicam fconfesionem uel defensionem ueritatis fugiens pericula innocens et deuotus ad aliam uenerit ciuitatem non prohibeatur demorari quamdiu aut redire potuerit aut injuria eius remedium accipiat quia durum est eum qui persecutionem patitur non recipi sed etiam et larga benelioentia et humanitas ei est exhibenda omnis synodus dixerunt uniuersa quae constituta sunt catholicca ecclesia in uniuerso orbe diffusa custodiet et suscriberunt qui conuerant

Osius
annianus
uicentius
ianarius
calipodius
florentius
domitianus
castus

103 Scratched correction.
104 de capua beneuentiet {sic pro beneuento} et neapolim legati romanorum gl. in mg.
praetexyatus \{sic\}
maximus
bassus \(^{105}\)
porfirius
macercellus
eutherius
asclepius
moytus
protogenis
ab spania cordubensis
ab spania
de castalona
de capua legatus sancte ecclesiae romanae
de neuento \{sic\} legatus
sancte ecclesiae romanæ
neapolitanus \(^{106}\)
legatos sancte ecclesiae romanæ
ab spadonis de emerita
ab spadonis de astorica
ab spanis de cessarea agusta
ab spanis de barcilona
a tuscia
a machedonia de diacletianopolim
a machedonia de philipis
a machedonia de anchira \(^{107}\)
a procia de candos
a palestina de gaza
a tessalia de thesuis
ab acaia de serica \{sic\}
dioscorus
himereus
a tracia de caimopolim
ab italia de uerona
a machedonia de \[**]raclianopolim \{heraclianopolim corr.\}
ab acaia de chebe \(^{108}\) praesbyter \(^{109}\) [f. 69v]
ab acacia de ligmedon
ab acaia de blatena

\(^{105}\) Column A ends.
\(^{106}\) Column B ends.
\(^{107}\) Column C ends.
\(^{108}\) chebe praesbyter] chebeps with macron over ps
\(^{109}\) Column D ends.
ab ¹¹⁰ asia de thenedos
a thessalia de larissa
a macedonia de thessalonica
a dacia de aquis ripensis
a dardania de scupis
ab acacia de marcarce
alexandriae
ab acia de naiso
a madonia de particopoli
ab acaia de magari
a dardaniae de ulpianis
a dacia ripensi de castra martis
aquileiensis
ab acaia de patras
a nicopolim
a pannonis
arius
asturius
thocras
deas
stercorius
ierenius
martyrius
dionisius
seuerus
ursacius¹¹¹
protassius
marcus
uerrissimus
ualens
palladius
gerontius
alexander
euticius
thidious
alexander
et ceteri
a palestina
de arabia
ab acaia
a pofoebus
de canusio

¹¹⁰ ab asia] *corr. from basia*
¹¹¹ Column A ends.
ab acaia de secoro
ab acaia de neapolim\textsuperscript{112}
ab acaia de elyda
rafenensis
ab italia de brixia
mediolanensis
ab asia de siscia
a gallia de lugdono
a dacia ripense de sciopolitanus
a macedonia de diu
a macedonia de breui
ab acaia de ceprisima
ab acaia
ab asia de motonis
ab acaia de moremis
suscripserunt

\textbf{[XI]}
\textit{incipiunt statuta canonum anteoccensum}
I De hiis qui contradicunt nicenis canonibus et de sanctum pascha
II De hiis qui se ab ecclesia separant et in domibus communicant
III De inaudentes parrocas alienas
III\textsuperscript{I} De excommunicatis qui praesumant agere
U De hiis qui occultae ab ecclesia segregant \[f. 70r\]
UI De excommunicati cleri uel laici
UII De dandis epistolis
UIII De non susciendi clerici peregrinis
UIII\textsuperscript{I} De metropolitanis
X De hiis qui uocantur corepiscopi
XI De hiis qui imperatoribus supplicant
XII De hiis qui degradati imperatori supplicant
XIII De episcopis qui in aliena parrocia ordinant
XIII\textsuperscript{I} Si accussatus episcopus \textit{sic} inter prouinciales minime iudicium conueniat
XU De condemnatis episcopis
XUI De vacantes episcopos
XUII De hiis qui ad episcopatum uocantur et contemnunt
XUIII De ordinato et non suscepto episcopo
XUIII\textsuperscript{I} De episcopis ordinandis
XX Ut secundo in anno synodus fiat
XXI Ut nullus episcopus de propria migret aecclesia
XXII De hiis qui in aliena parrocia ordinant quemquam
XXIII Ut nulli episcoporum liceat post se successorem elegere
XXIII\textsuperscript{I} De rebus ecclesiae et quae sunt episcopi
XXU Et ut episcopus potestatem habeat res ecclesiae gubernare

\textsuperscript{112} Column B ends.
incipiunt statuta anteoccensium in dedicatione
Sancta et pacissima synodus qui a deo congregata est antiochia hiis qui secundum prouincias unianimes sanctis et comministris in domino salutem gratia et ueritas domini salvatoris nostri iesu christi uisitans sanctam antiochenam ecclesiam [f. 70v] et in unum nos congregans communi et uno sensu in spiritu pacis multa quidem alia corrigit {corrigenda corr.} in omnibus autem et corrigit ex praeccepto sancti et pacifici spiritus bene habere placuerunt {placuerit corr.} cum multo tractatu et iudicio omnium nostrum in hoc ipso congregatis episcopis aput antiochenam ciuitatem ex deuersis prouinciis ad notitiam uestram suggerimus credentes domini nostri gratia et pacis in spiritu sancto cui et ipsi consentientes per uirtutem eius sicet nobiscum praesentes et orationibus cooperantes magis autem confirmati et spiritu sancto coagentes haec ipsa nobiscum consentientes et constituentes et haec ipsa quae placuerunt adsignantes et confirmantes per spiritum sanctum consonanter sunt autem quae instituta sunt canones ecclesiastici qui subiecti sunt a sancta et pacissima synodo quae in antiochia congregata est

de hiis qui contraria temptant niceni canonibus et sanctam pascha
I Omnes qui temptant soluere terminos sanctae et magnae synodi qui in nicea constituti sunt sub praesentia pissimi imperatoris constantini de sacratissimi festiuitate sancti {sancti corr.} paschae saluatoris domini nostri ut excommunicauros et expulsos esse a sancta ecclesia si permanserint in eo stantes et contendentes contra ea quae bene sunt constituta et hoc si de laicis si autem de hiis quae praesunt ecclesiae episcopos uel praesbiter aut diaconos post hoc constitutum praesumpserit ad euerendum populum et per turbationem ecclesiarum [f. 71r] et singulums cum iudaeis uel ante iudaeos celebrari pascha uoluerit hunc sancta synodus ab se et ab ecclesia alienum esse censuit quia non solum sibi facit peccatum sed et multis praedametionem et distruptionem esse auctorem et non solum tales deieci de ministerio sed etiam et eos qui temptant communicare cum eis etiam degradati omnino fraudari oportet honore quem sanctus canon et dei sacerdotium accipit

de hiis qui se auertur {auertentur corr.} ab eclesia et in domibus communicant
II Omnes qui ingrediuntur domum dei et sacras scripturas audiunt et non communicant eucharitiam {eucharistia corr.} cum populso sed auertent se a sancto munere prae nescio quem {quam corr.} inquietudinem et in suis domibus communicant de hiis censemus proici ab ecclesia quamdiu confessi fructum ostendant conversionis et supplicationis et tunc possunt meriri {sic} indulgentiam nam non licere eis cum excommunicati fuerint neque in domo communicare uel conuenientes simul orare quia 113 ecclesiae sanctae non condepraecantur neque eos in alia ecclesia suscepi qui in ecclesia alia non congregantur si autem uisus fuerit aliquis episcoporum aut praesbiterorum aut diaconorum aut quicumque de canone ecclesiae excommunicatis communicare nunc et ipsum excommunicatum esse pro eo quod [m]ssus {nisus corr.} est confusionem facere canonis ecclesiae [f. 71v]

de hiis qui de alis parrociis in alias inmergunt

113 quia] corr. from quae ?
III SI quis praebiter aut diaconus\textsuperscript{114} uel aliqui ex sacro ministerio derelinquens suam parrociam ad aliam uadat etiam omnino post tarditatem in alienam parrociam temptat multo tempore non ministrare si forte euocatus a proprio episcopo\textsuperscript{115} ut reuertatur ad parrociam suam et correpus non audiat et si permanserit inquietudine omnino degradari eum a ministerio et nullam eum spem habere ad reuertendum si autem degradatum pro hac culpa suscipiat eum alius episcopus et ille culpatur cum eo a commonione synodo eo quod destructat dispositiones ecclesiasticas

de hiis qui degrati \{degradati corr.\} praesumunt scarosanctum \{sic\} agere

III SI quis episcopus a synodo depositus aut praesbyter aut diaconus a proprio episcopo excommunicatus praesumpserit aliquid ministerio agere ipse in se damnationem firmavit siue episcopus similiter secundum morem consuetudines \{consuetudinis corr.\} numquam eis licere in alia synodo spem ad restituendos habere neque satisfacti\{s\}nis \{satisfactionis corr.\} locum eis datur sed et qui eis communicauerint omnes abiecit sancta ecclesia praeterea si agnoscentes sententiam contra memoratus \{memoratos corr.\} datam temere uoluerint eis communicare

de hiis qui se ab ecclesi \{ecclesia corr.\} detrahunt et occulte congregantur \[f. 72r\]

U SI quis præsbyter aut diconus \{sic\} contemnens suum episcopum separauerit se ab ecclesia et secretius congregans alta restuat \{restatuat corr.\} et uocante episcopo non obaudierit ei subiacerne neque obedire et primo et secundo euocante contemserit nonuerit se omnino degradari et medicinam non mereri neque suam dignitatem habere posse si autem permanserit conturbans et resultans ecclesiae quia potestates foris sunt sicut re[b]ellem \{reuelle corr.\} deebunt corregere

de hiis qui excomm \{excommunicantur corr.\}\textsuperscript{115} clerici uel laici

UI SI quis a proprio episcopo excommunicatus fuerit non eum debere ab alio suscipi in communione \textsuperscript{116} si non primo eum reuocauerit proprius episcopus aut in synodo occurrens satisfaciat et agnouerit synodos causa eius susciipiatur aut si de eo secundam sententiam dixerint definitum est in eo institutum siue laicos \{laicvs corr.\} uel praesbyter aut diaconus et omnes qui sunt in canone ita iudicandos

de dandis epistolos

UII UT non liceat praesbytero qui in locum est canonicas epistolos dare nisi solum ad uicinos episcopos epistolos dirigere inreprehensibles autem coreiscopis dare pacificas

de non susciipiendis peregrinis nullum sine formata susciipi peregrinum de metropolitanus uiuscuiusque \{sic\} prouinciae quos per uniuersam prouinciam debemus agnoscere\textsuperscript{117} \[f. 72v\]

\textsuperscript{114} diaconus] followed by an erasure (one character)

\textsuperscript{115} The correction was made in two stages; a later hand adds \textit{cantur} above the line.

\textsuperscript{116} communione] \textit{corr.} to \textit{communioni} by scratching ?

\textsuperscript{117} The rubric incorporates all of CANT.328.8.
Appendix VII

UIII Metropolitanus et praeesse episcopis et sollicitudinem suscipere totius prouinciae pro eo quod in se metropolim undique concurrunt omnes qui causas habent unde placuit et honore praeponantur et nihil agere plus aliquid liceat ceteris episcopis sine ipso secundum antiquum a patribus nostris manentem canonem nisi solum hoc quantum cuiusque pertinet parrociam et quae sub ipsa pertinent loca singulos autem et unumquemque episcopum potestatem habere gubernandam secundum uniuscuiusque uenerationem et prouisionem facere totius loci qui est sub eius ciuitate ut ordinet praesbyteros et diaconos et cum iudicio singula perspicere et nihil altius agere aut praesumere sine metropolitano episcopo et neque ipsum liceat sine ceteris consilio.

de hiis qui uocant corepiscopi

UIIIII Qui in locis aut uicis sunt constituti corepiscopi non audeant manus inponere ordini cuique sed placuit sanctae synodo circa eos suam mensuram {mensuram corr.} et gubernare quod subiacent eis ecclesias et eam sufficere sollicitudini et iubamini constituere autem subdiaconos et exorcistas et lectorum et eorum subficere prosectione et neque praesbyterum aut diaconum ordinares praesumant sine ciuitatis episcoporum {episcopo corr.} cui suiaet {subiacet corr.} ipse et loca ipsa si uero temptauerit aliquis transgredi patrum costituta {constituta corr.} degradari eum ab honore quo fungitur et corepiscopum fieri et a ciuitate in qua fuerat abieci [f. 73r]

de hiis qui apud imperatorem supplicant

X Si quis episcopus vel praesbyter aut si quis de canone sine conscientia aut litteris qui in prouincia sunt episcoporum et maxime metropolitani pergat ad imperatorem hunc diffamari et expelli non solum a communione {sic} sed etiam et dignitate qua fungitur propter quod molestus exitit pissimii {pissimis corr.} imperatoribus nostris extra dispositionem {sic} ecclesiae si autem necessario euocatus ad imperatorem eundi et hoc cum tractatu et conscienti {conscientia corr.} metropolitani prouinciae episcopi et qui in ea sunt et eorum scribunt {scribuntis corr.} instrui debeat

de hiis qui degradati imperatori supplicant

XI Si quis a proprio episcopo degradatus praesbyter aut diaconus aut episcopus a cuncto synodo et molesti fuerint ad aures imperatorum oportet etiam uniuersos in uniueralsi synodo conuenire et quae dicunt se iustitiam habere adlegant apud plurimos episcopos et in eorum discussione et iudicio spectare sem si autem in hoc anoxiati molesti fuerint imperatori censemus hos in nulla uenia peruenire neque locum satisfactionis habere neque spem futurae {sic} restituitionis {sic} spectare

de episcopis qui in aliena parrociay ordinant

XII Placuit ut nullus episcopus audeat alienam parrociay ingredi et ordinare in ecclesias aliiuos ad profectum sacri ministerii neque si comitari secum fecerit socios nisi rogatus abierit per litteras metropolitani et qui cum eo sunt episcopi et sic ad ordinandum transeat si autem nullo uocante [f. 73v] comitetur inquiete ad ordinacionem aliiuorum et dispositionem ecclesiasticarum rerum non ad eum pertinentium inaniter quidem ab eo acta sunt et ipsum non susci {susci corr.} propter inquietudinis suae et inrationabiliter nimiaetatis {sic} suae quae oportet iudicium ferre de eo et depositum abiciatur a sancto synodo

de episcopis qui adpetuntur et inter prouinciales {sic} iudices non conueniunt
XIII Si quis episcopus in aliqubis criminibus accusatus et iudicatus postmodum\textsuperscript{118} eueniat ut pro eo dissonare qui sunt in prouincia episcopii aliorum innocens qui iudicatur adserentes aliorum \{alienorum \textit{corr.}\} autem reum \{rerum \textit{corr.}\} pro elimatione discussionis totius causae placuit sanctae synodo ut metropolitanum episcopum et qui ex uicina sunt prouincia non uocentur \{conuocentur \textit{corr.}\}\textsuperscript{119} et colligas aliquos qui iudicent et dubietatem dissoluant et per hoc firmare cum conprouincialibus quae eis recte uidentur

de contemnatis episcopis

XIII Si quis episcopus in aliqubis criminibus accusatus ab omnibus iudicetur qui sunt in prouincia episcopii si omnes ex uno consensu unam contra eum proferant sententiam hunc nullo modo ab alio se iudicare sed permanere firmam et consonantemque \{sic\} a prouincialibus episcopis data sententia

episcopis uacantibus

XU Si quis episcopus uacans qui suam relinquens ecclesiam et ad episcopum qui suam relinquens uacare attingit et iudicat pro eo dissonare qui sunt in prouincia episcopii quos etiam oportet per litteras suas et sic cum consensu plurimorum eti etiam pro eo dissonare qui sunt in prouincia episcopii data sententia

de hiis qui uocati et episcopatum contemnunt

XUI Si quis episcopus ordinatus proesse populo nonuenter et ministeria non suscipient nec adsentiat pergere in commissam sibi ecclesiam hunc esse alienum a commone quousque correptus suscipiat ut postremo disponat de ipso perfecta synodus qui sunt in prouincia episcopii

de ordinato episcopo et non suscepto

XUII\textsuperscript{120} Si quis episcopus ordinatus et in parrociam in qua ordinatus est non eat non suo uitio sed populo uitante aut pro alia culpa non ab eo facti hunc autem censemus habere dignitatem et ministerium quousque correptus suscipiat ut postremo disponat de ipso perfecta synodus qui sunt in prouincia episcopii

de ordinandis episcopis

XUIII Episcopum non ordinari absque synodo uel praesentia metropolitani prouinciae quia ipso praesente melius et cum codem omnes qui sunt intra prouincia episcopi quos etiam oportet per epistalam \{sic\} metropolitanum postulare et si omnes occurrerint melius si autem minime hoc tantum plures esse praesentes oportet et aliis per litteras suas [f. 74v] constientes \{consentientes \textit{corr.}\} et sic cum consensu plurimorum siue praesentia siue electione fieri oportere ordinationem si autem aliter extraque \{sic\} ordinata sunt fiant non valere ordinationem si autem secundum ordinationem canonom fiant et aliqui contradicant per propriam intentionem optinere multorum electionem omnino non ualeant

\textsuperscript{118} postmodum \textit{corr. from} ponit modum?

\textsuperscript{119} Scratched correction.

\textsuperscript{120} ut episcopatum ordinem non contemnatur gl. in mg.
ut secundo in anno synodus fiat

XUIII Propter aeclesiasticas necessitates et quaerellorum perfectiones optime haberi placuit sancta synodo ut per singulas prouincias episcoporum fieri concilia secundo in anno semel congregrari post tertiam ebdomadam festiuitatis paschae ut in penticosten celebrare synodus positi et commemorare metropolitanus prouinciarum episcopos secundam autem synodum idus octobris quae est decima perberethei et in ea synodo praesbyteros supplicare et diacones et omnes qui lessi sunt in canone et a synodo iudicatum mereri et numquam liceat aliquibus inter semetipsos synodum facere absque eos qui certas habent metropolitanas ciuitates

ut nullus episcoporum de propria migrat ecclesia

XX ET ut episco non liceat apparociam [a parrocia corr.] in aliam parrociam transire neque per volunetatem suum neque a populis uim passum neque ab aliquibus episcopis coactum permanere autem eum uoperere in qua ordinatus est a deo in principio aeclesiae et non eum transire sicut iam dudum terminum prolatum est [f. 75r]

de hiis qui ordinantur ab aliorum parrociis episcopi

XXI EPiscopum non subintrare alienam ciuitatem quae non ei subiaceat neque in locis qui ad eum non pertinent neque ad ordinationem alicuius neque consecrare praesbyterum vel diconum in locis alienorum episcoporum nisi forte postulatus cum consensu proprii episcopi si quis autem hoc temptauerit infirma esse manus inpossitio ordini eius et ipse confusionem a synodo patiatur quia quod uindicare non potest ordinare non debet

ut nullus episcopus post se susceptorem elegat

XXII Nulli episcoporum licere sibi constituere successorem in exitum uitae suae et si aliquid tale factum fuerit infirma esse debet electio uel ordinatio eius illut autem obseruare dispositione ecclesiastica instituente non aliter fieri nisi cum sinodo et iudicio episcoporum et maxime electio clericorum ut post transitum quiescentis potestatem habent elegere et ordinare eum qui dignus est

de substantiae ecclesiae et quae sunt episcopi

XXIII Quae sunt ecclesiastica optime et diligenter debent custodiri sicut oportet cum bona scientia et timore fidei scientes quia apud eum sunt qui omnia respicit deus quae et gubernari oportet cum iudicio et potestate episcopii qui creditum habet populum et omnia quae intra ecclesia congragantur probata autem et certa esse quae sunt ecclesiae cum notitia praespiiterum praespiiterorum corr. [f. 75v] et diaconorum et omnia eos scire et non ignorare quae sunt propriae ecclesiae et nihil eos lateat ut cum euenerit episcopus exire de saeculo scientes ea quae sunt ecclesiariarum ecclesiae rerum corr. per neglegentiam perire minime patiatur ut neque propria episcopi pulsantur occassione ecclesiasticalerum rerum iustum enim et beneplacitum est

\[121\] optime] corr. to optime by scratching ?

\[122\] neque a populo uim passus gl. in mg.

\[123\] [u]t nulli episcoporum lice[a]t successorem sibi [f]acere gl. in mg. (text in gutter partially obscured in digital image)
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deo et hominibus ut et propria sua episcopus quibus ipse uoluerit derelinquat ita tamen ut quae ecclesiae sunt ipse in uita sua custodire et non patiatur aliquod ecclesiae detrimentum et neque episcopi occassione ecclesiae res prae scribi et in causas cadere qui ad eum pertinent heredes ut et ipsi post mortem de eo blasphemiae non detrahi

ut episcopus potestatem habeat res ecclesie gubernare

XXIII Epi scopus hebeat {sic} rerum ecclesiae gubernationem ad omnes qui expetunt cum omni ueneratione et timore dei accipere et ea quae opus sunt ad necessaria eius et qui aput eum suscipientur fratrum necessarii ut in nullo impedimento occassionis fraudari aliquos secundum apostolum dicens habentes autem escas et tegmentum hiis contenti sumus {1 Tim 6:8} si enim in hiis non sufficit et conuertat res ecclesiae in proprias et domesticas necessitatis { neccessitates corr. } et lucra ecclesiae et possessionum fruges non cum notitia praesbyterorum et diaconorum tractet sed cum domesticis suis et adfinibus aut fratribus aut filiis praestet potestatem ut per eos tales abscondeuere certas res ecclesiae hunc autem conviunctum subiacere synodo [f. 76r]

provinciae si autem et aliter incussetur episcopus ab hiis qui cum eo sunt praesbyteris eo quod quae pertinent ad ecclesiam siue de agris siue ex aliqua substantia æcclesiae in semetipso usurpantes et pauperes tribulentur accusamentum aut et blasphemiam fieri rationibus qui sic autem gubernauert igne per rectionem {correctionem corr. } lucrare aput sanctam synodum et suscibserunt

Eusebius praesens omnibus suscripsi
Theodorus omnibus constitutis in sancta synodis praesens suscripsi
Tharcudamanto nicitama theodousni {sic} theodotus marci anus antholius alphion siricius
manicius mocinius eutherius narcisus archelaus bassas paulus isicius
Theodotus moyses
Agapius eustatus suscibserunt ordinuius {sic}

expliciunt canones antiochenses

[XII]
canonem constitutum gradus uel reglegio {relegio corr. } qualiter custodiatur a siluestrio episco po urbi romae

incipit synodus romam facta a siluestrio episco po

DOmino constantino agusto codem tempore cum multi nobiles gaude rent quod constantinus habitizatus esset a siluestrio episcopo urbi romae et mundatus fuisset a lebra per hunc beneficium quod accipit a domino iesu christo per siluestrium episcopum coeptit integre pradicare {sic} dominum iesum christum et confi teri eius beneficia siluester igitur episcopus urbis romae congregans fratres praebiteros et coepiscopos uel diaconos suos ciues romanos et quoniam mater ecclesia genuerat filium carissimum constantinum integre igitur siluester episcopus [f. 76v] urbis romae ornare legibus canonicos ecclesiae statum cupit atque in hunc modum canonem subter adnexum constituit

Collegit autem uniuersum synodum episcoporum cum consilio agusti uel matris eius et fecit parari in urbe roma internas {in termas corr. } domitianas quae nune cognominantur traianas collegit autem in gremio sedis saue decentos octoginta quattuor episcopos quibus agustus constantinus uelcula uel annonas omni loco praeparare praecepti et alii LUII episcopi a partibus rinocoruris quorum chirographus in eorum consilio {concilio corr. } declaratur et XLII praesbyteri urbis romae et diaconos U subdiaconos sex acholiti eius consilio facti XLU et exorcistae XXII lectores urbis romae XXU notarii ecclesiae XXIII qui gesta diuersorum martirum excipientes narrabant hos omnes etiam dum uno examen articulo sanctitatis col legeret
internas {in termas corr.} supra dictas ista uero ut nemo laicorum praesens uideretur nomina autem episcoporum haec sunt
catus {castus corr.}
ciprus
petrus
abundius
seuerinus
lucianus
capax
herculanus
iohannis
biuulgus
andres
petrus
renouatus
renatus
herenus
laurentius
botudorus
leo
abundantius
ualerianus
almatius
honestorus
uictor
plenus
delphinus
amabilis
cresconius
ambrosius
lucas
hermogianus {hermogianus corr.}
agustus
felix
barbarus
secundinus
citonatus
reparatus [f. 77r]
gaudentius
sebastianus
greces
iohannis
marcus
fidelis
symmachus
probianus
assellus
crispinas
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rusticas
faustus
turdus
maiorianus
iobianus
paulus
constantius
concordius
xyxtus
neapitianus
redemptulus
detherius
amabilis
syrus
quadratus
mirabilis
audatius
turcilianus
exsuperantius
yppolitus
gordianus
pardhidamus
sollius
martialis
caritosus
concordius
ianuarius
felicianus
redus
auxilius
exitiosus
santulus
coricosus
nepus
tiburetius
petrus
petrus
siluestrianus
turturanus
leuntius
anastasius
acapitus
uerustinulus {sic}
asellus
iacobus
felicissimus
quadratus
alexander
pilippus
uolusianus
petirus {petrus corr.}
probinus
honestosus
areston
uacauda
thimotheus
bonifatius
tranquillinus
calculus
xyxtus
catellus
ephifanius
uictor
abedeo
contentus
apronianus
prbus {sic}
repostibus
paulus
et fidelissimus
homobonus
luminosus
uitalis
pcarpilio {carpilio corr.}
quoduultdeus
uitalis
renatus
uiuulus
a[n]driforus {a[n]drifos corr.}
herenus
petrus
marinus
priscilianus
caritogatius {sic}
ianarius
caelestus
epifanius
laurentius
humanus
urbanus [f. 77v]
micinus
caecilius
priscus
thiburtius
nonnosus
anthimus
agapitus
uindemius
hii sunt de orbo\(^{124}\) rama \(\{sic\}\) non longe
de greci autem isti sunt
petrus
anathasius
hermes
nicostratos \(\{nicostratus corr.\}\)
olimpius
demeter
theodolus
anastassius
thespias
firminus
cleopatris
honorius
simplex
exitiosus
exiohannes \(\{sic\}\)
thimotheus
hermes
paulus
metronius
stefanus
alexander
constantinus
andreas
exsuperantius
firmus
quirillianus
anastasius
hermogenius
seuerus
acontius
thomas et thomas
iohannis
caecilianus
theodolus
theophilus
prisphilus
festus
almacus
undecius
concordius

\(^{124}\) orbo] corr. to orbe ?
deutherianus
thomas
quadratus
thimotheus
potestas
andres
philiphus
thomas
uictorinus
seuerianum
dominicus
eulogius
demeter
nepotianus
exsuperantius
seuastianus
theodorus
claudius
dethrianus
rufinus
spesindeo
reparatus
petrus
assellus
arcanus
eufimius
crysolatus
latzarus
leo
anthimius
andreas
cataron
uultibus
anastasius
hermes
senperuiuus
titus
orfensis
epifanius
albinus
petrus
iohannes
exsuperius
theodolus
iohannes
audax
iohannis
eufimius
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honorius [f. 78r]
felix
petronius
andreas
requisitus
bacauda
terfilius
zenon
caritosus
maiorianus
leo
hermes
demeter
andreas
spesindeo
anastatius
leo
uultius
fortonatus \textit{sic}
ciaecilianus
oniostratus
thimotheus
iacolius \textit{iacobus corr.}
orftus \textit{sic}
zenon
quadra
fausilis
marcus
paulinus
orfensis
concordius
priscus
herculanus
leoninus
androtilus
eufimius
squi
martinus
anastasius

Dum hii omnes uenissent in synodum et aliquorum chirogafus \textit{sic} cucurrit et opinio sanctitatatis \textit{sic} et sederunt in easdem spectu \textit{aspectu corr.} thermarum supra dictarum Praesbyteri autem romani omnes uel diaconi clerusque uel gradus sequentes a terga episcoporum steterunt nemo enim sedit in eodem loco

\footnote{loc] \textit{corr. from loca ?}
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episcopus pontifex urbis romae Erat enim ibi et calpurnius qui primo gentilis et postea christianus et praefectus urbis

Dicit autem silvester episcopus urbis romae rationem hanc

Audite me fratres et coepiscopi et uniuersus ordo ecclesiae

Quoniam bonum est ut fixas continas habeat ecclesia ut regiae ecclesiae non uaticinentur sed sit firma et habeat et cladeat ostium propter persecutionem et habeat firmum murum unde expugnet aduersarios cognitum loquor et probo kalistum et uictorinum qui arbitrio suo fecerunt creatura creatorem et iobianum qui in sua extollentia diceset [f. 78v] non pascha urbe die suo nec mense sed decima kalendas maii custodire ego enim lex sicut {sicut lex transp.} memorat in uestro iudicio commendo sermonem ut introducantur hii tres quidem primo arbitrio calistum damnari conroboetur examen qui calistus ut docuit ipelaianum \(^{126}\) ut arbitrio suo sumat unam personam esse trinitatis non enim coequant[a] \(\text{coequante corr.}\) patre et filio et spiritu sancto uictorinum itaque praecipue praesulum regionis antestitem quae in sua ueritas quidquid utlet adfirmabat ueritatem et uictorinum utlaianum et iobianum non pascha die suo custodire ego sicut ueritas habet cassetur et nostro iudicio comneinetur et filiorum nostrorum agugorum praecurrat auctoritas condemnandum uictorinum episcopum et introierunt omnes ut sui sermonis damnarentur iudicio

Damnauit autem ippolitum diaconum ualentianistam \(\text{ualentinianistam corr.}\) et calistum qui in sua extollentia separat trinitatem et uictorium \(\text{uictorinum corr.}\) episcopum qui ignorans lunae rationem sub arbitrii sui tenaci derumpebat ueritatem et praesentia episcoporum supra dictorum et praebitorum clerique \(^{127}\) gradorum damnauit ippolitum uictorinum et calistum et dedit eiis extra urbes suas postea autem fecit gradus in gremio synodi ut non praesbyter aduersus episcopum non diaconus ad\(\text{[s*]}\)uersus \(\text{aduersus corr.}\) praesbyterum non subdiaconus aduersus diaconum non acolitus aduersus subdiaconum non exorcista aduer \(\text{sic}\) aholitum non lector aduersus exorcistam non ostiarius aduersus lectorem det accusationem aliquam et non damnabitur præsul nisi in septuaginta duo neque praesul summus a quemquam uicabinetur quoniam scriptum est non est discipulos \(\text{discipulus corr.}\) super magistrum \(\text{Mt 10:24} [f. 79r]\) praesbyter autem nisi in quadraginta quattuor testimonia non damnabitur

Diaconus autem cardinarius constructus urbis romae nisi in XXXUI non condemnabitur subdiaconus aholitus exorcista lector nisi sicut scriptum \(\text{sic}\) est II uel III in testimonia \(\text{cf. 1 Tim 5:19}\) filios et uxorem habentem et omnino christum praedicantem sic datur mystica ueritas

Commoneo autem uestram \(\text{uestrum corr.}\) consortis munimen ut de hereditus aeclesiae quattuor partes fiant et quota pars exiguatur ab acclesia \(\text{sic}\) unam partem pontifici cum fratribus demedium aeclesias releuandas demedium praesbyteris et duas diaconibus cum omni clero uel peregrinis dixit siluere urbis episcopus et constituit \(\text{constituit corr.}\) hunc ordinem ut si quis de clero uel uniuersi loci quod commune est transiret de hoc mundo ut si neminem de sua generositate haberet consortem quidquid paupertas eius haberet conferret

\(^{126}\) ipelaianum read pelagianum; crossed out and uel sabellium \(\text{with a signe de renvoi} \) added in the margin. Wirbelaueer (Zwei Päpste, 234 n. to line 90) suggests the original reading is id est pelaianum; however, i (here unpunctuated) is nowhere else employed for id est by the scribe, though the scribe does once use \(i.\) \(\text{punctuated} \) for id est, on line 21 of fol. 108v.

\(^{127}\) cleroque corr. to cleroseque by addition of scratched s?

\(^{128}\) Scratched correction.
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ecclesiae et exinde quattuor partes fierent sicut supra dictum est constituit enim uoce clara silvester episcopus urbis romae ut nemo praesbiterorum chrismam conficeret dicens quoniam christus a c[*]risma {chrisma corr.} uocabitur et diaconi non essent plus nec amplius per parrociarum {parrochiarum corr.} examen nisi duo et diaconi cardinales urbis romae UII ita tamen ut dalmaticas uterentur et pallio linostimata leua eorum tegentur silvester autem uoce clara dicebat ad coepiscopos ut a subdiacono usque ad lectorem omnes subditi essent diacono cardinali urbis romae in ecclesia honore represensatans tantum pontifici uero praespiter diaconus subdiaconus acholitus exorcista lector in omni loco represensatans obsequium siue in publico siue in gremio ecclesiae tantum pontifici nullum autem subdiaconorum ad nuptias transire praecipimus [f. 79v] ne aliqua praevaricatione sumperit nullus lector uel ostiarius uassa sacratratra {sacra corr.} continget nullus acholitus rem sacratam a praespitero iam alicuius nullis nisi tantum subportaret quidquid ei alicerat et noissenimus calpurius {sic} praefectus urbis suscresbit agustus constantinus cum matre sua helena agusta tunc dedit orationem sedens in eodem loco et discesserunt alia autem die uenerunt omnes praesbyteri130 urbis romae et diaconi et episcopi omnes CCLXXIII in thermas domitianas {corr. domitianas} quae nunc traianus et sedet sedem suam in eadem loco ibi autem fecit UII regiones et diuidit diaconibus {diaconibus corr.} erant autem diacones isti fabianus marcus liberius arcadius iulius ordinavit autem et alios duo priscum et theodorum uniuersi praesbiteri et diacones et cleros hoc poposcerunt a siluestrio episcopo ut eos ordinaret

Ibi autem in termas hos duos priscum et theodorum subordinavit non ordinavit aut consecravit eos nisi in gremio bassilicae consecrarentur et praesente synodo constituit ut nullus131 ex laica persona ad honorem acholitus usque ad episcopatum subleuaretur [f. 80r] nisi prius fuisset lector annis XXX dieinde una {una corr.} die exorcista et postea caperet onus {bonus corr.} aholiti et faceret {sic} in eodem ordine acholitus133 annos X ut acciperet onus subdiaconi et faceret in eodem ordine XXX praesbiteris examen ut esset diaconus cardinalis quia prima sede erat constitutus ut seruaret annis septem hoc enim quod si quis desideraret ordinem praesbitterii ita exigeretur ut in septem annos succedat clero romano probaretur doctrinae natiuitatis generositatis et consilio non expetens praedam a quem quamoppinione clara firma omnes praesbiteri declararent et firmarent et sic ad ordinem praesbitterii accederent et faceret in eodem ordine annorum tres et si exigat ordo uel

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129 Scratched correction.
130 praesbiteri corr. from praesbiteris ?
131 nullus corr. from nullus ?
132 aholiti corr. from atholiti ?
133 acholitus a small stroke (i ?) added atop the o
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dispossitio uel cura pietatis aut sanctitatis ut ad onus \{honus corr.\}\(^{134}\) episcopatus accederet ut omnis clerus peteret ordiniari ex uno uoto perenni quod ita gestum sit quod sermonibus siluestri episcopi nihil opponebat synodus sed magis firmabant pra[c]edixit \{praedixit corr.\} autem et hoc siluester episcopus urbis romae audite sancti et coepiscopi nemo abscondat quod ei uidetur iustitia abiurgare responderunt omnes episcopi et dixerunt clamantes cum uniuersis praesbyteris cleroque uinet iustitia et pietas a te non discendit quoniam a nobis nihil iudicabitur in opinione dictorum tuorum quoniam sapientia non est nisi in patientia fuerit constructa

Dixit\(^{135}\) autem siluester episcopus quoniam si sapientia non est nisi in patientia quidquid sermonese fixero uestro chirographo confirmetur \[f. 80v\] nemo enim det poenitentiam nisi XL annorum penitentibus b antidit \{sic\} enim omnis praedicantes date nemo enim nisi uelamen caelestem acciperit primum coniugii per manus sacerdotis ad clericius honorem accedat functus\(^{136}\) est enim testimonium clericici aduersus laicum dixerunt nemo enim clericum quemlibet in publico examinet nisi in ecclesia nemo enim el[a]ricus \{clericus corr.\} uel diaconus aut praesbyter propter causam quamlibet intra in curia quoniam omnis curia a cruore dicitur et immolatione\(^{137}\) simulacrarum quod si quis clericus accusans clericum in curia introierit anathematae suscipiat numquam rediens ad matrem ecclesiam a commomione autem non priuetur propter tempus turbidum nemo enim quisquam peccantem clericum caedae adtinguaut non praesbyter non diaconus non episcopus supra clericum uel seruitorem ecclesiae ad caedem perducat sed si ita causa exigat clerici triduo priuetur honore ut penitens redeat ad matrem ecclesiam nemo enim diconus \{diaconus corr.\} aduersus praesbyterum offerat crime\[^{138}\] urpitudinis \{crimen turpitudinis corr.\} nemo enim praesbyter a die honoris praesbyterii sumat coniugium ut si quis neglecto egerit XII annos eum dicimus priuari honore quod si quis hoc puplice egerit dictum condemnetur in perpetuum nemo enim iudicauit primam sedem quoniam omnes sedes a prima sede iustitia desiderant temperari neque ab agusto neque ab omni clero neque a regibus neque a populo iudex iudicabitur et suscriberunt CCLXXXIII episcopi et XLU praesbyteri et quinque diaconi et duo sequentes et augustus constantinus et mater eius helena et fixit canonem hunc siluester episcopus in urbe roma \[f. 81r\] et omnibus episcopis aspersit actum in traianas thermas III kalendas iunii domino constantino agusto III et prisco I consule

\[XIII\]

incipiunt gesta liberi episcopi collectum quod aspersum fuerat geste huius secretum per damasum diaconum quia praesbiter et post episcopus romanus

Anno nono regni constantis regis nepotis constantini agusti magni uiri erat quidam sacerdos urbis nomine liberiuus episcope praesul christum praedicans sicut eductus fuerat a marco episcope urbis rome qui eum ordinauit diaconum in ciusmat in gremio bassilicae constantiniæ semper in trinitate fixus patrem et filium et spiritum sanctum praedicans et laudans deum deo et lumens de lucem totum a toto plenum a pleno non creatum sed genitum non ex nihil \{nihilo corr.\} sed

\(^{134}\) Scratched correction.

\(^{135}\) non est sapientia nisi \{corr. from sapientiam si ?\} in patientia fuerit structa gl. in mg.

\(^{136}\) testimonium clerici aduersus laicum non admitti gl. in mg.

\(^{137}\) immolatione] followed by an erasure (one character) ?
ex patre unius substantiae cum patre spiritum uero sanctum deum nostrum non ingenitum neque
genitum non creatum neque factum sed de patre procedentem et patris et fili \{sic\} semper cum
patre et filio coeternum ueneramur unum tamen deum quia ex uno patre totum quod patris est
deus natus est filius et in patre totum quod inest totum genuit filium pater filium generans non
minuit nec amisit plenitudinis suae dieitatem\[138\] \{sic\} totum autem quod deus pater est id esse et
filium ab eo natum certissime confitentes cum spiritu sancto unum deum pessime confitemur
credimus iesum christum dominum nostrum dei filium per quem omnia facta sunt quae in caelis
et quae in terra uisibilia et inuissibilia \{sic\} propter nostram salutem discendisse de caelo qui
quam \{numquam \textit{corr.}\} desierit esse in caelo et natum de spiritu sancto ex uirgine maria uerbum
caro factum est non amitid quod erat sed coepit esse quod non erat \[f. 81v\] non demutatum sed
deum permanentem etiam hominem natum non putatue sed uere non aereum sed corporeum non
phantasseum sed carneg ossa sanguinem sensum et animam habentem ita uerum uerum et
uernum deum uerum hominem et
erum deum unum eundemque uerum hominem fuisse nullo modo ambigimus hunc
eundem dominum iesum christum adinplessse legem uel prophetas passum sub pontio philato
 crucifixum secundum scripturas tertia die a mortuis resurrexisse adsumptum in caelis sedere ad
 dexteram patris inde uenturum iudicare uiusos et mortuos exspectamus et saeculum per ignem hoc
cum legisset ex libro antiquo edoctus a libro siluestri episcopi romanorum eo quod et puplice
prae dicaret quia in nomine iesu christi crucifixi a lebra \{sic\} mundatum fuisse per siluestrium
constantinum agustum patrum constantis

Erat enim constans non integre christianus sed quasi temptatu \{temptator \textit{corr.}\} bartizatus tamen in trinitate non tamen integre confitebatur trinitatem bartizatus autem ab
eusebio nicomediense in nicomedia in aquillone uilla hic uero dicebat alios filios habuisse de
maria joseph hoc cum audisset liberius episcopus urbis romae coepit deridere eum et clara uoce
christianis accusare et dicere ex omni virtute non erit tuum regnum quia non times dominum
deum tuum hoc cum multi referrent regi constantio iratus est uehementer et iusit eum extra
claretatem habitare habitabat autem ab urbe roma miliario tertio quas \{quasi \textit{corr.}\} exsul in
cimiterio nouelliua uia salaria

Ueniens autem dies paschae uocaut uniuersos ieiues romanos et diaones et
setit in eodem cimiterio et dixit nolite timere quoniam quam omium uobis sem non habito in ciuitate
romana sed habetis \[f. 82r\] uicarium ecce fratem et praebiterum damascum \{damascum \textit{corr.}\} \[139\] ciuscuius \{cuius \textit{corr.}\} testimonium uos mihi perhitis \{perhibetis \textit{corr.}\} cuius
corps et mente uoce clara uos praedicatis respondit autem dionius praebit \[140\] ad liberum
episcopus urbis romae et dixit prae sael sanctae \{sancte \textit{corr.}\} \[141\] et innocens a corruptione et
fortis in palmarium christi tu enim bene scis quoniam petrus apostolus quando negabat egrotatbat
uenit accessio et iterum \{negauit \textit{add. sup. lin.}\} uenit tertio febris et negauit recessit febris et
ploruit amare et dulce medicus autem nondum uenerat uenit medicus post tertianum tipus fecit
medicamentum et curavit qui defecerat ter negando ante passionem post resurrectionem ter
amando reficitur respice medicamentum crismatis crismatis sacramentum non nos accusset illa
Appendix VII

columba quoniam tu conficis crismate et in nomine eius quem uoce clara praedicabas ipsum uocem teneamus quia uox domini repeti [non] {[non] ras.} potest {mutari add. sup. lin.} non potest audiri cum tremore potest Respondit autem liberius episcopus urbis romae et dixit domini et sancti conpraesbyterii nolite cogitare de crastino sic enim dixit magister crastinus enim dies ipse de se cogitauit {Mt 6:34} hoc enim commenemus {commenemus corr.} iohannis in desertico ideo erat desertum quia nondum uenerat auctor babtismi ille enim dum uenisset discendit spiritus sanctus in speciae columbæ et mansit super aquas et super auctorem babtismi et sacerdos quod accipit exhibet sacramentum Respondit damascum {damasum} praebiter et dixit exhibe nobis celebrare pascha ego in humilitate loquor onus enim quem tu super te baiulas nos subleuare non possimus quia ignoras ubi babtizas baptiza in pilue ubi magister peluis illa non lignum sed totus mundus [f. 82v] est hunc sermonem accipit liberius cum magno honore et gaudio plorabat et dicit ad eum eris maior minister sicut et ille qui nobis dedit babtismum sic dixit ad plebem qui est uester minor fiat maior Respondit siricius diaconus et dixit iuba ori meo praesul et infunde fauare {sic} patres nostri in tipo babtismi transierunt per medium mare nam in fluminibus et in paludibus oportet babtizari dicit liberius episcopus iuste locutus es erat enim ibi non longe a cyimiterio {sic} nouellae cymiterius ostrianus ubi petrus apostolus babtizauit

Eodem tempore paschae babtizauit promiscui sexus numero quattuor milia XII quia omnes romani uel a longe alii uicini romanorum desiderabant ad eodem babtizari ue[h*]niens {uniensis corr.} autem eodem tempore bellum super danubium ingentissima pars barbarorum quasi intra octauarum pascha et audiens constans dixit uere propter hunc sacrilieum quia quod numquam factum est fecit superstitionem uanitatis ideo haec plaga multitudinis barbarorum {barbarorum corr.} ingenis uenient super romania et ambulauit ad bellum et proiectus est cum grandi amaritudine et dicebat dum exiret portam ciuitatis sacrilegum liberius qui dixit patruum meum fuisse lebrosum et babtizatum a siluestrio episcopo et mundatu {solum corr.} super quadrupedes {quadrupedes corr.} danubii et concidero barbaros rediens ad urbem romanam uolucrribus caeli 143 et bestis terræ carnes eius immolabo ipsum {solum add. sup. lin.} liberium non enim alios ne dicant et adfirmet me esse persecutores autem in pugna danubii constans rex fortiter urgeretur ueniens autem dies penticosten satis protestus {protestatus corr.} sexus promiscuus urgeretur [f. 83r] ad babtismum propter metum persecutionis dicit autem dionisius praebiter Quare non babtizas ad primum pontificem nostrum petrum apostolum Respondit damasus et dixit fac erat enim obscurus sensus liberi episcopi dicens patruus eius fabricauit ecclesiam hanc et construxit quadrupedes super aqua desuper cadauera hominum fecit autem

142 Scratched correction.
143 caeli corr. from caelis?
cuniculos duos et exinanuit \textit{sic} locum illum qui est a dextera introeuntibus in basilicam beati petri apostoli habebat enim ibidem fontem quae non sufficiebat et cecidit montem damasus manu sua et introiuit plus quam consuetum est et construxit fontem et nuntiauerunt hii omnes liberio episcopo quid actum fuisset et iusit conuenire omnes praesipiteros cleriscoque et uniuersos gradus uel fideles et uoce clara dixit uocat petrus oues suas ecce homo fidem seruans christum audiens et me peccatorem fecit ouile ouium et dedit eloquio meo dulcitudinem mellis propter quod ego gaudio quia non demisit [f. 83v] petrus introire lupum et deuastare \textit{corr.} oues eius sciatis babtismum me praedicare in basilica petri apostoli hoc omnes cum gaudio susciperunt

Erat enim proximus dies penticosten fecit conuenire monasteri \textit{corr. monasteria} et plebem sanctam christianorum et cum laetanis uenit ad beatum petrum apostolum dedit autem cum introisset hanc orationem DEUS qui misisti filium tuum et ostendisti creaturae creatorem respite super uineam istam et emunda ab ea spinas et tribulos et produc palmites eius in fortitudinem et dona in eis fructum ueritatis ut te deum et dominum nostrum iesum christum respice super uineam istam et emunda ab ea spinas et tribulos et produc palmites eius in fortitudinem et dona in eis fructum ueritatis

144 There is no break in the text between the end of the \textit{Gesta Liberii} and the beginning of the \textit{Gesta de Syxti III purgatione} (at \textit{ipse xystus}).
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bassus respondid {sic} ad xistum episcopum nemo enim [f. 84v] iudicauit dominum in consilio
serui {qui add. sup. lin.} nam misit et uniuersa praedia eius occupauit exiens autem xystus
episcopus uenit ad ualentianianum {sic} agustum et coepit rogare eum de ingentitate epifanii
tantum ut chirgaffo {sic} agusti munitus per ecclesiam uindicaretur et coepit studiosse sicut
decet ecclesiam semper subleuare grauatos

Iratus autem marinianus episcopus de quae supra dicta sunt uenit ad bassum dicens quasi
de malitia xisti episcopi et quod per petrum audierat seruum episcopi eo quod consecratam
{consecratam corr.} chrisogonitem stuprasset consilio inito coeperunt ambo accusare eum
agusto ualentianino ita ut accenderetur agustus uel mater eius furore et suspenderunt se ab
inuicem a communione xystus autem episcopus urbis romae sciens omnia quae de eo ad agustum
intimabantur et quia a communione multos populos 
{multus populus corr.} romanus
segregauerat uenit in basilicam beati petri apostoli et fecit quasi supra sscriptum {scriptum
corr.} uerbum et per leonem diaconum populo enarrabat dicens si delicta mea contra me sunt
semper probatio quare non f[ic]et {fiet corr.} coepit omnis urbana plebs clamare et dicta eius
agusto uel clerus urbis probaret examine audito hoc agustus ualentianianus dixit pia petitio et iusit
fieri secundum dicta et rogauit uniuersum sanatum 
{senatum corr.} urbis romae et xystus
episcopus rogauit praebysteros urbis romae uel clerum nam et monasteria seruorum dei et
sederunt in uno in uno conflictio in basilica heleniana quod dicitur sessoriam et coepit studiose clamanus
dicere ad agustum intrent qui separauerit filium a matre ecclesiis et coepit studiis clamanus
ritur qui separauerit filium a matre ecclesiis et coepit studiis clamanus
dicere ad agustum intrent qui separauerit filium a matre ecclesiis et coepit studiis clamanus

145

Scratched correction.
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reuocauit ad communionem ita ut de saeculo ambo sic transirent et damnauit eos UII kalendas septembris ita ut {ut cancell.} tamen ut xystus episcopus sedens in sede sua sic se iudicabat dicens et proferret euangelia per eadem doctrina dicebat non seruus supra dominum neque discipulus supra 146 magistrum et quia dixerunt bassus et marianus de me peccatore quod scorti adsimili re {adsimilarer (sic) corr.} 147 negotium relegit euangelia in loco ubi scriptum est sedente iesu et scribente digito in terra et quia non inueniebant iudei quomodo eum damnarent adulteram adduxerunt ei et hoc respondebit iesus si quis ex uobis est sine peccato mittat super istam lapidem et per haec uerba euangelica iudicabat sedem suam actum in basilica heliana {heliena corr.}

[XV]

hoc indiculum colligit archidamus praesbyter 148 et ipse quasi in cartarum ecclesiam conlocauit [f. 86r]

ERat quidam sacerdos nomine pilicronius {policronius corr.} episcopus hierusolimitanus id per inprudentiam senectutis dicebat quod hierusalem prima sedis esset et ore superbo et quasi de superiore adfirmat se pontificem esse et sumnum sacerdotem et quasi in sua senectute semper infidentia con[c]o[ra]batur {conroborabatur corr.} ita ut acciperet remunerationem et ordinaret praesbyteros diaconos et nisi accipisset satis dignum non ordinabat episcopum et quia quod ei pro ut uidebatur copulenta quod canon urbis damnauit diaconus aethiopos uel aegyptos in suo gregmio {gregmio corr.} ordinabat et ecclesiam quamlibet sic ubi in eius regione parrociarum ad dedicandas rogaretur non dabat auctoritatis suae faculatem nisi decim libras auri accipisse[n]t {accipisset corr.} remunerationem nam clerus omnino urbis hierusolimitanae non ascendebat gradum suum currens nisi dedisset remunerationem hoc auditu xystus episcopos {episcopos corr.} urbiurom conuocauit uniuersum synodum episcoporum uel praesbyterorum romanorum clerique in basilicam constantinianam et ibi sedens cum coepiscopo cleroque adstante omne de urbe roma intimabat eis policronium hierusolymitanum quod catholicas calcauit uel apostulos testatur gratis accissistis {sic} gratis date et intimauit eis uniuersum uelamen cordis eius quia aliosque ciues quod non licet ad ordinem sociebat ecclesiae hierusolimitanae et quia uniuersas ecclesias cum praemio et muneribus consecrabat sedentibus [f. 86v] itaque LXX et unum episcopos et XLUII praesbyteris et UI diconibus {diaconibus corr.} iisuit introire eufimium episcopum qui hoc supradictum de policronio pontificem {pontificem corr.} su[o] {suum corr.} uoce clara accussare testabatur ordinait autem uniuersos synodus et elegit de suo ordine tres episcopos castum felicem et abundantium et duos diaconos ciues romanos lollianum et leonem et tres praesbyteros urbis romei archidanum {archidamum corr.} petrum et demetrium et misit in hierusalem ut secundum dicta eufimii quidquid integrum inuenissent in ore eius docente testibus uel XI qui uera testificarent secundum dictum eufimi episcopi aduersus policronium episcopum hii episcopi castus felix et abundantius et diaconos lollianum et leon et praesbyteros archidamus et petrus et demetrius policronio secum dum {secundum corr.} dictum xysti episcopi urbis romei uel LXX et unum episcoporum synodum et XLUIII praesbyteros ciues romanorum nam etiam et chirograffum {chirograffum corr.} agusti

146 supra] corr. from super ?

147 The correction was made in two stages; -r has been scratched in above the line.

148 praesbyter] p with macron above
ualentiniani et theodosi episcopi constantinopolitani quidquid eis docuisset eufimius episcopus de episcopo et pontifice suo polycronio ambos symul polycronium et eufimium extra ciuitatem damnarent et uenientes autem in urbem hierusalem introierunt feria sexta et hii octo cum eufemio episco po iam sabbato suspenderunt eos ab inuicem a communione feria autem prima celebratae sunt misae a casto episco po qui directus fuerat a xysto episco po et coepiscopis suis uel a synodo feria autem secunda conuenerunt uniuersi episcopi de illis regionibus et uenerunt in eadem ciuitatem quasi synodus numero LXX et sex episcopi isti epifanius paulus palum ciriacus rob orus bulus bonosus [f. 87r] castinus eufemius iohannes barbentius cycero uictor iacobus familiaris montanus iustus felix speciosus festus agustinus

ippolitus
zosimus
paulus
theodolus
pandus proditus
praseus
holocaustus
iohannes
urbicus
leo
geminus
policronius
gorgonius
auentius
clemens
hon oratus
quirinius
theodulus
habetdeo
restitutus
paulus
spesindeo
scelbianus
sebastianus
andreas
petronius
petrus
pelagius
deutherius
sabinus
fortunatus
tranquillianus
secundus
olymbrius {olybrius corr.}
anastius
simmachus
zohilus
re uocatus
castus
triton
fabius
iunius
ualentinus
picimus
carizosus
ET sederunt cum supra dictis qui directi fuerant ab urbe roma et docuit omnia eufimius in conspectu synodi Respondit castus episcopus ex directione xisti episcopi et dixit uncat nos iustitia introductur testes numero competenti XL ut saecundum canonem catholicum urbis romae damnetur ciutatem {a ciutate corr.} 149 prima autem die synodi tantum probatio fuit eufimi qui dum probasset omnia quae testificabatur prima polllicitatione damnatus est et accipit anathema {anathemate corr.} dum docuisset omnia et suscripserunt omnes episcopi in eius damnationem leo diaconus urbis romae dixit ex te enim damnaueris quoniam pontificem qui te consceraruit {consceraruit corr.} coepiscopum condannabas {condemnabas corr.} et accussabas cecidit autem in terra ante omne concilium episcoporum et ibi confitebatur se peccasse respondit abundantius episcopus misus a urbe roma et dixit non licet quemquam accussare pontificem suum quoniam iudex non iudicabitur alia autem die conuenerunt in basilica [f. 87v] sanctae resurrectionis domini nostri iesu christi et ibi sederunt iudicantes eum ibi autem cum anathemate damnauerunt eufimium usque in ultimum temporis sui et suscrpserunt {sic} omnes in eius damnationem episcopi uero LXXUI et duo diacones cardinalis {cardinales corr.} 150 romani et tres praesbyteri et tres episcopi qui directi fuerant suscribent in eius damnationem et dum damnassent eum extra ciutatem iudicabat et policronium episcopum hierusolimitanum quare ordinasset diaconum ethiopum nomine uictorem et quia ad decim libras auri ecclesias consecrabat damnauerunt eum extra ciutatem et dederunt ei uel constituerunt praeidia tria ecclesiae ita tamen ut locus eius intactus seruaretus {seruaretur corr.} in gremio urbis hierusalem et dum cessissent ei usufructaria {usufructaria corr.} 151 praedia suscribebant omnes episcopi III et praesbiteri III et diacones duo et sedem suscripserunt omnes episcopi III et praesbiteri III et diacones duo et sedem suscripserunt ibidem episcopo {episcopo corr.} quasi uicarium in loco eius nomine theodolum de bethlem urbem {urbe corr.} 152 et suspenderunt sedem eius ita ut ex[*]ra {extra corr.} ciutatem habitaret in praeidia supra dicta et uenerunt ad urbem romam festinantes supra dictos simul cum agusto ualentiniano et allegauerunt uulnera eius gaudebat autem augustus in damnationem eufimi episcopi qui exstitit accussatur policronii pontificis sui et suscribebant in damnationem horum duorum omnis synodus et agustus ualentinianus yustus episcopus urbis romae manu propria conclusit

Post menses autem nouem obesa est ciuitas hierusalem famæ non tantum famæ [f. 88r] quantum inopio paupertatis polycronius autem qui ex episcopo uendidit puplice prædia aeclesiae supra dicta pauperibus et clericis populoque hierusolimitano erogatuit uel sparsit ueniens autem priscus diaconus urbis hierusalem accussabat iterum polycronium et dixit quod ei

149 Scratched correction.
150 Scratched correction.
151 Scratched correction.
152 Scratched correction.
temporale concessum fuerat uendidit populo cleroque asparsit hinc xistus episcopus audiens gaudio conroboratur et intimauit augusto ualentiniano rem quam gestum audisset Respondit leo diaconus et dixit xistum episcopum iube occurrere synodum per auctoritatis tuae munimen subueniat domui qui super aquam habuit fundamentum et accipiat continas et fundamenta lapidea ut tui munimen pontificii non ruinet domus aedificata misit autem praeccepta per uniueras ciuitates et occurrerunt omnes episcopi et sederunt cum augusto in eadem bassilica constantini[m] {constantiniana corr.} et cognitionibus aeuatibus xistus episcopus quali[*]ter {qualiter corr.} policronium releuaret Respondit ualentinianus augustus et dixit non aestuare pater quia meruit policroni sicut et uidua quae misit aerea minuta duo in gazofilacium ubi omnes habundanter miserunt illa enim nihil habens nisi tantum duo illa minuta et respondit dominus noester et quid dixit autem xistus episcopus quia omnibus plus misit haec autem omnem [f. 88v] uictum suum quod habuit misit Respondit leo diaconus ergo praesul qui mitauit {imitauit corr.} uiduam non uiduetur tunc leuauerunt se omnes episcopi uel qui eodem loco erant gaudio laetanias faciebant plus enim gaudii plorahat {plorabant corr.} omnes et direxit epistolae[m] {epistolam corr.} hanc ad urbem hierusalem beatissimo policronio episcopo et coepiscopis xystus episcopus urbis romae et uniuerus synodus clerusque omnis {et add. sup. lin.} augustus releuationis tuae officia et munimen ruinae non obliuiscor pati quoniam redi ad uxorem supra qua temptabas adulterare non enim uiduetur uxor casta nec uir prudens maculetur pecunia non scorti consilio quoniam templum qu[em] {quod corr.} deicerat eufimius policroniae aedificetur redi ad uxorem sine macula et custodi dicta apostolica ora pro urbem romam {urbe roma corr.} actum autem ualentiniano UII et abieno dum introissent hii octo in hierusalem X kalendas a prulis et reuocauerunt policronium episcopum in urbem hierusalem cum magnu honore et sedite {sedit corr.} eandem annis UII et menses sex et requieuit in pace hoc indiculum collegi {collegit corr.} archidamus praesbyter et ipse quasi in tartario {cartario corr.} ecclesiae collocauit

[XVI]
dioclitiani et maximiani agustorum tempore [f. 89r]
Cum multi in uita sua sparsu {asparsu corr.} mentis sua {suae corr.} uacilitate mentiebantur origine dicentes quod deorum superstitionem uanitatis super se sentirent et ad sacrificandum eodem tempore multi inducendentur per pecuniam ut turificarent diis marcellino itaque {itaque corr.} episcopo urbis romae uenit quidam nomine urbanus qui erat pontifex capitolii et repletus multitudine malitiae coepit cum eo habitare {habere corr.} altercationem de turificandum diis dicens ad marcellinum episcopum urbis romae si christus uester quem dictis natum de uirgine maria quod apud semetipsum prima luce misi magi ab herode obtulerunt ei munere {munera corr.} quae aurum tus et murra ita ut scirent sacerdotes per quid placeret {placarent corr.} hunc quem dictis resurrexisse et sedere desuper dicit ei marcellinus episcopus non obtulerunt ei

153 hoc indiculum ... ecclesiae collocauit] in other witnesses this phrase stands as the title to the preceding text (Gesta de Polychronii accusatione)
154 Scratched correction.
155 Scratched correction.
156 The correction was made in two stages; n has been scratched in above the line.
Appendix VII

ut sacrificarent uanitati sed ideo ut deum et dominum nostrum eum [num]quem {quem corr.}
negabant ostenderent urbanus ad eadem respondit dicens una nocte simul adstemus ante dominos
inperatores inuictissimos dioclitianum et maximianum atque clementissimos principes et dabo
tibi questionem de turificandum ueniente autem die quo dicunt uulcanibus dicit ei urbanus
faciamus hinc et inde duas carthulas quasi incrementa petitionum et adferamus clementissimis
principibus fecerunt autem ambo simul sicut dixerat [f. 89v] urbanus et uenientes ad
sacratissimos principes offerebant eis marcellinum {marcellinus corr.} itaque urbis episcopus
fidem seruans christum praedicans dicit ad principes quid mihi et uobis principes terribiles
uniuero mundo quoniam uma est superstition turificandi dicit urbanus loque {loquemini corr.}
ad nos con pontifices clementissimi [t]atque {atque corr.} inuictissimi principes quoniam deum
ioem atque inuictum herculem corporei fabricantur et ioem quem dicimus caelum terram
mareque simul cum saturno menstruant quare ergo hoc marcell[*]nus {marcellinus corr.}
pontifex sicut et ego non turificat maiestatibus dicit itaque dioclitianus non execrare hominem
hunc quoniam nostrae clementiae non difficultat {sic} exhibet inflammari sed eius consilium
accipiamus utrumque quoniam non probauimus eum nostrae serenitati esse obscum nec eum
contra deos immortales dare sententiam romanicus {romanus corr.} itaque et ex alexander
secrere dixerunt dioclitiano si hunc domine itaque inuictissime princeps consilio teneuris
blandimentis omne urbano plebem habebis unitatem et gentes per sacrificia
fidelissima obiurgare dicit autem dioclitianus ad marcellinum episcopum urbis romae udeo
prudentiam tuam quoniam magna est ut nostra sit amicia {amicitia corr.} quam diis et
uniuero mundo sit inimica ueni itaque eloquentia tua nostrum incrementum satia fauore
eloquium ueniens autem ad templum uesteianum et ad is[f. 90r]dem et introduxit episcopum qui
dum introissent erunt cum eo duo diaconi gaius et innocentius et tresbyteri {tresbyteri}
urbanus castorius et iubenalis dum uidissent eum introiuntet non tamen mittentem et turificantem fugerunt hii
omnes ad con praesyberitos et inueniunt eos in uaticanum {uaticanum corr.} palati neroniani et
dixerunt rem quam gestam uidissent eundes autem multi christiani propter ueritatis exemplum
abierunt et uiderunt eum mittentem et turificantem et factum amicum principum qui abierunt ab
eo ut testimonium exhiberent ueritati isti sunt bonosus maximus
carpilio
ciprianus
olympus
priscus
herculis
androfemus
benenatus
epiphanius
crispinus
uctor
maximus
proininus
urbicus
concordius

157 Scratched correction.
158 tresbyteri] tresb with macron over sb
neapolus
refrigerius
sebastianus
calpurnius
iulianus
theodolus
alexander
romanos \{sic\}
baiulus
quiriacus
theodolus
caritosus
omitazio
honoratus
crescentio
pulsanus
homo
bonus
caritto
tespias
marinus
fabius
crispinianus
herculentius
epiforus [f. 90v]
crispianus
habetdeo
crescens
rapula
habentius
exquiro
orfitus
ciprianus
benerius
carpulianus
constantius
ursus
ualentinianus
priscus
abundantius
seuerus
probus
faustus
antonius
quirillus
aloidus \{albidus corr.\}
petus
nonnosus
Appendix VII

honestulus
aurelianus
inpeditus
furinus
domitianus
agapitus
tinulus
himulus
capillatus
nepotianus
concordius
bonifatius
reparatus
giugundinus {iugundinus corr.}
auxentius
cyprius
bonushomo
corporalis
salustius
origanus
benerosus
bene
tus
maior\textsuperscript{159}

Hii omnes electi sunt uiri libra occidua qui testimonium perhibent uidente \{uidentes corr.\}\textsuperscript{160} autem eum marcellinum turificasse factus itaque synodus non tamen collecti sunt in integro sacerdotes qui \{quia corr.\}\textsuperscript{161} curriculus urgebatur persecutionis ueniens autem episcopus marcellinus negat se turificasse nam dixit et hanc sententiam proposuit quia dimiserunt eum qui cum eo esse uidebatur in eodem loco praebyterii urbanus castorius et iubenalis et diacones gaius et innocentius synodus autem uniue\{sus corr.\} hoc dixerunt cuncto iudicio tu enim eros iudex ex te enim damnaberis \{f. 91r\} et ex te justificaueris tamen nos \{nostra corr.\}\textsuperscript{162} praecrient ulla uero dum ueneris ad iudicium tuum ex te damnaueris et ex te justificaberis tu enim iudex tu reus praebiteri autem uel diacones quoniam pontifecem qui eos creuit \{sic\} in ordinem praebyterii uel diaconatus honorem et dimiserunt arcam et euacunter \{euacuerunt corr.\} horreum eos \{hii corr.\}\textsuperscript{163} ad probandum amisso ordine intrent examen quoniam euacuerunt horreum debuit enim pontifex mori cum quinque quam uiuat suo iudicio condemnatus introibit autem uniuersus synodus in cripta cleopatrense in ciuitate sessuana et quia multitudo referebatur in cripta synodi quiuageni \{quinquageni corr.\} introibant prima autem die synodi introierunt ad

\textsuperscript{159} LXXXIII \textit{add. (et postea ras.?) in mg.; referring to the number of names (not counting Bonusus and Maximus) listed in columns on fol. 90r–v}

\textsuperscript{160} Scratched correction.

\textsuperscript{161} Scratched correction.

\textsuperscript{162} Scratched correction.

\textsuperscript{163} Scratched correction.
damnandum urbanum castorium et iubenalem praesbyteros et diaconos gaium et innocentium hii sunt qui introierunt episcopi audientes {non add. sup. lin.} tamen iudicantes pontificem petrus castorius habetdeo castinus uictor felicianus parterius maiorinus castalius laurentius paulus {bonosus add. sup. lin.} felix minimus spesindeo tranquillinus anastasius castinus uictor beneser {beneserantius corr.} iohannes epifanius castus iacintus herculanus sabinus oritis gaudiosus reparatus amblesus {sic} ciprus fortunatus quadratus anastius ciprianus pascasius innocens ualerius serbulus serassianus {cerassianus corr.} constantius quintilianus montanus catellus polycarpus anatasius hermias nepotianus petrus aristionitus [f. 91v] hii introeuntes in cripta propter metum agustorum uno ore quassi CCC uno die eius consilio iudicantes et damnauerunt urbanum castorium et iubenalem praesbiteros et diaconos gaum {gaium corr.} et innocentium qui euacuerunt horreum et dimisserunt arcam apertam ut introret {introiret corr.} inmundus et comederet triticum ipsos {bonosus add. sup. lin.} etiam {sic} damnauerunt et iudicabant non tamen iudicabant pontificem quia hoc ex uno ore erant conroborati ut intra hos LXXII testimonia ipse iudex ipse reus ipse semetipsum ea praesentia eorum innocentem se seruaret et infidelem se damnaeret quoniam in LXX et II libra occidua reparatione resurgit annus hoc itaque gestum miraculum ut introiret unus de testimonia talis unius uxoris filios sicut et hic qui habet uxorem et filios adulteraurit super uxorem et dedit uxori repudium et introierunt alii X et ali III dicentes nos te uidimus mittentem et turificantem herculi iobi et patysyno dicit autem marcellinus qui dis Respondit unus eorum et dixit quo die excidisti purpuram et induisti coccum et gaudebat super te dioclitianus eo quod satis paulonante {paulo ante corr.} negebas {negabas corr.} et ante eius tribunal turificabas anatanianus episcopus et {et cancell.} dixit {ita sunt quae testificantur isti et respondit petrus episcopus et dixit add. in mg. loquere expontifex et iudica autem {causam corr.} tuam et suscupserunt quinquaginta episcopi qui supra scripta {scripti corr.} sunt in XIII uiros qui ex uno ore loquebantur de LXXII et firmabant iudicium Alia autem {tria corr.} die uenerunt XXXIIII praesbyterii urbis romae et in eorum iudicio urbani castorii et iubenali praesbyterorum et gai et innocenti diaconorum damnationem integram respexerunt ipsi de suo ordine suo iudicio iustitiam tenuerunt dicentes amisso ordine negent se esse horum qui socii ecclesiae uenientes autem post saecundum diem post damnationem praesbiterorum urbani castori et iubenali gai et innocenti diaconos uenerunt a[l]lii {ali corr.} quinquaginta {sic} episcopi et introirent {sic} in cripta {sic} ut tertia pars synodi conpleretur et dum ingressi fuissent in crita {cripta corr.} propter tempestatem temporis introibit et marcellinus urbis episcopus cum eos {eis corr.} adhuc itaque nomen tenens episcopatus nondum enim fuerat damnatus nisi numere {sic} saecundum ordinem synodi libra probaret exemplum introibit autem castinus bonus quiriacd dominicus alexander fenerosus felix iohannes crispus deusdedit honestatus maiorianus uita carpurianus anastasius petrus crescentio domininus ursus agatho onestatus marcus urbanus ualentinus sallustius crescens firminus spectator sebastianus ulcius benenatus tristator seraus marcus montanus atherius anthimus placentianus ambrosius quirillus andreas philippus magnus exsuperantius adriano petrus gorgonius simplex uictor ueneriosus introibant autem [f. 92v] in

164 ipsos] corr. from ipso ?
165 quia] q with horizontal cross through descender
166 scratched correction.
167 quinquaginta] corr. from quia quaginta ?
cripta respondit anastasius et anthimus episcopi et dixerunt tuo ore iudica causam non nostro iudicio solue condicionem Respondens autem sebastianus episcopus dixit noli in nostro iudicio sed collige in sinu tuo causam tuam et introduc testes ut testificentur ueritatem quoniam ex te justificaberis et ex ore tuo condemnaberis quoniam recte antecipantes nostri et coepiscopi damnauerunt sicut et nostro ore petimus uno consorti iudicio damnari urbanum castorium et iubenalem praebiteros gaium et innocentium diaconos quia aeris speculam fregerunt et tepefactum aedem miserunt in fornace iam cocta iterum coquuntur a sole et pluia in eodem probantur ut sint super habitaculis hominum mora autem non faciente ut in damnationem eorum interdictorum subscriberunt hii quinquaginta episcopi ut amiso ordine introirent in sinodum ecce introierunt et XIIII testes qui dicebant se marcellinum uidisse turificantem respondit unus episcopus nomine sallustius dicite coram ueritatem respondit petrus et dixit ad marcellinum episcopum iam audi expontifex iudica causam tuam quoniam ex ore tuo iustificaberis et ex ore condemnaberis quoniam omnia membra sana esse non possunt si caput mestauit respondit marcellinus episcopus et dixit uoce clara non sacrificavi sed tantum grana leuatis manibus pruna conbussi leuaverunt se omnes quinquaginta episcopi dicentes ad XIIIII testimonia quid uidistis hanc facientem quod ex ore suo testatur quasi uno ore dicentes et subscribserunt omnes quinquaginta in uerum testimonium XIIIII uirorum ita ut XXIII conplerentur cum anticipantis {anticipatis corr.} unus autem de episcopis nomine quirinius dixit infudisti cor tuum pontifex malitia quod decim et UIII annis sic caueras castitate praesul uulnerasti membra tua propter legem non recedam de omne introitus sinodi omnem {omne corr.} purporeum cor tuum alia autem die constituerunt hii ducenti episcopi ut quasi et ipsi introirent quinquagenii in synodum et facta conlocutione in uno cum hos anticipantes centum sederunt in eadem ciuitate omnes ex uno examine tricenti et allegauerunt quoniam XII unciae in libra probabitur sensus autem in LXX et II conparatur damnabitur praesul respondit quiriacus episcopus dixit ad marcellinum pontificem malitia quod decim et UIII annis sic caueras castitate praesul uulnerasti membra tua propter legem non recedam de omne introitus sinodi omnem {omne corr.} purporeum cor tuum alia autem die constituerunt hii ducenti episcopi ut quasi et ipsi introirent quinquagenii in synodum et facta conlocutione in uno cum hos anticipantes centum sederunt in eadem ciuitate omnes ex uno examine tricenti et allegauerunt et damnauerunt hos urbanum castorium et iubenalem {iubenalem corr.} praebiteros gaium et innocentium diaconos Respondit sebastianus episcopus haec tribunal nostro sermone nostro chirografo nostro eloquio nostro auxilio nostra constantitia {constantia corr.} et uritate fixa et praeclara disposizione auditiones exhibemus ligamen non enim nostro ore iustificaberis aut nostro ore condemnaeberis sue tunicam tuam in te quam paulo ante non induebas putam modo excusa sua ex corde tuo et ex manibus tuis inuoluerie in peccato tuo marcellinae expontifex romae respondit {f. 93v} urbanus episcopus ad sebastianum episcopum et dixit introducantur testes uierriliter numero XL et IIII ut libra occidua conpleatur et dissipetur a multis quod a multis fabricatum est et introierunt testes tranquilissimus priscus bonus serulius ciprianus romanus quadriatus {quadriatus corr.} arestotes pias {sic} quadrus epiforus maximus gordianus gaudiosus saturninus urbanus reparatus priscus benerosus romanus exsuperius crispianus barbarus leforianus {sic} bacauda ambrosius terula iohannes iuentius procurulus octauianus romanus ualerius iacintus mellitianus petrus claudius exper probus nicoirius probatianus ursinus urbataius Singulis autem adstantibus in gremio CCCtorum episcoporum et XXX praebiterorum et introierunt et XXUIII supra dicti testes ut libra occidua conpleretur quoniam XII unciae in libra probabitur sensus autem in LXX et II conparatur damnabitur praesul respondit quiriacus episcopus dixit ad marcellinum non cognoscis uniuersum

168 Scratched correction.
169 Scratched correction.
170 introducantur corr. from introducan?
uelamen cordis tui iudica enim causam tuam et lacera machinationem tuam non ex nobis
iudicaberis tuo enim iudicio condemnaberis et nostro testimonio explicaberis moetas {metas
corr.} 171 quoniam nos in damnationem tuam nihil opponimus causael nihil defendimus sed
damnamus hos qui euacuerunt templum et demiserunt fabricam manu desuper constructa ut
introierent lupi et facerent speluncas et comedef[f. 94r]unt agnos inmaculatos et eos qui ex uetere
ad nouum uenerant inueterarent et enim non condemnus {condemnamus corr.} quoniam ex ore
tuo iustificaueris et ex ore tuo condemnaueris Tunc marcellinus episcopus coram omnibus {omni
corr.} 172 synodo cecidit in terram ibi autem iacens et ibi eum moram facientem damnuerunt
synodus et praesbiteri XXX uoce clara chirogrophum {chirogrpho sic corr.} 173 firmo
urbanum castorium et iubenalem praesbiteros et gaium et innocentium diaconos et subscripterunt
pars dextra {dextera corr.} praesbyterorum horum humanus capuanus castorius innocentius
audax homo bonus petrus quiriacus herculanus {herculanus corr.} serenus iohannis nepotianus
ciprianius corporanus eusebius castinus uictor matheus spesindeo uiros uinomalous collecticicis
ualentinus priscilianus iulianus castorius et dicones {sic} isti hermes yxty {sic} petrus
subscribersunt autem in damnationem 174 horum quinque urbani castori et iubenalis
praesbyterorum et gai et innocentii diaconorum et in sinu autem CCC episcoporum capud cinere
conuolutum marcellinus episcopus urbis uoce clara dicoat peccau coram uobis et non
possum in ordine esse sacerdotum quoniam auctor me corruptit auro suscrireunt autem in eius
damnationem et damnauerunt eum extra ciuitatem sacerdos autem nomine helciadis episcopus
subscribersit primus in eius damnationem non tantum tempore quod exigebat ordo sed etiam in
futuro [f. 94v] saeculo quod etiam et ipse uoce clara dicebat iuste ore suo condemnatus est et ore
suo anathematis suscepit maranathis quoniam ore suo condemnatus est nemo enim uniquam
iudicavit pontificem nec praesul sacerdotem sumnum quoniam prima sedis non iudicabitur a
quemquam hoc autem audito dioclitianus dum esset in bello persarum audiquid quod CCC
episcopi et XXX praesbiteri et tres diacones in eius damnationem conuenirent dum subscribens
omnes ipse omnium primus manu sua proprio marcellinus conclusit in sua anathemata
subscribers
IRatus autem dioclitianus in eadem ciuitatem misit et multos episcopos ad martyrrii
coronam traxit factum est autem nihil aliud dum primo damnati fuissent tres praesbyterii et duo
diacones damnatus est autem et marcellinus episcopus suo iudico {iudicio corr.} X kalendas
septembris dioclitiano agusto UUIII et maximiano UUI

[XVII]
siricius episcopus urbis romae hiero {sic} episcopo tarrocinensis
Directa ad decessorem nostrum sanctae recordationis damassum fraternita
tis tuae relatio me iam
in sede ipsius constitutum quia sic dominus ordinavit inuenit quam cum in conuentu fratrum {sic}
solicitius legeremus tanta inuenimus que reprehensione et correctione sint digna quanta
optaremus laudanda cognoscere et quia necesse nos erat in eius labores curasque succedere cui

171 Scratched correction.
172 Scratched correction.
173 Scratched correction.
174 damnationem] damne with macron over e
Appendix VII

per dei gratiam successimus in [f. 95r] honorem facto et {ut corr.} \textsuperscript{175} oportebat primitus meae profectio\textsuperscript{n}is indicio ad singula prout dominus aspirare dignatus est conlацияe tuae responsum competens non negamus quia\textsuperscript{176} offici nostri consideratione non est nobis dissimulare non est tacere libertas quibus mai\textsuperscript{r}or cunctis christian\textae\ae\ religio\textae\ postquam omnibus qui grauantur quin immo haec portat in nobis beatus apostolus petrus qui nos in omnibus ut conuimidus {confidimus corr.} \textsuperscript{177} administrationis suae protegit et tue\textet{t} heredes prima itaque pagine tuae front\textsuperscript{e} signasti baptizatus {baptizatos corr.} \textsuperscript{178} ab impiis arrianis plurimos ad fidem catholicam festinare et quosdam de fratri\textae\ nos\textit{t}ris eosdem denuo baptizare uelle quod non licet cum hoc fieri et apostolus utet et canones contradicant et post cassatum arim\text{in}ense con\textsuperscript{c}y\text{lium} misa ad prouinc\textae\ a uenerande memoriae pro decessore meo liber\textit{i} {liberio corr.} generalia decreta prohibe\textit{an}t quos nos cum n\textsuperscript{ou}tian\textae\ al\textit{\i}sque heretec\textae\ sicut est in synodo constitutum per i\textit{nu}oc\textit{a}tionem solam se\textit{p}t\texti{iformis} spiritus episcop\textae\s manus impositione catholic\textae\ conuentui sociamus quod etiam totus ori\textae\s occidensque custodit a quo tramite uos quoque post haec minime conuenit deu\textit{a}ri si non uultis a nostro collegio synodal\textae\ sententia separati

debaptismati

Sequitur deinde baptizatorum prout unicuique libetum fuerit inprobabilis et emenda confussio quae nostri consac\textsuperscript{erdotibus} quod\textsuperscript{179} commot \{commoti corr.\} dicimus [f. 95v] non ratione auctoritatis al\textit{ci}uius sed sola temeritate praesumitur ut passim ac libere natali\textae\ christi seu parationis \{aparationis corr.\} necnon et apostorum \{apostolorum corr.\} seu martyrum festi\textit{ui}tatibus innumer\textae\ ut adseris plebes bapisti\textae\ misterium consequantur cum ho \{hoc corr.\} sibi priu\textit{ilegium} et aput nos et aput omnes ecclesi\textae\s dominicum specialiter cum penticoste su\textit{a} paschae defendat quibus solis per annum diebus ad fidem confluentibus generalia bapist\textit{matis} tradi conuenit sacramenta his dumtaxat electis qui ante quadr\textit{aginta} uel eo amplius dies nomen dederint et exors\textit{mis} et cotidian\textae\s orationibus atque ieiun\textit{is} fuerint expiati quatenus apostolica inpleatur illa praec\textit{ceptio} expurgato fer\textit{mento} ueterum qua\textit{s} exiens unusquisque de saeculo et regnum perd\textit{at} et utiam Quicumque etiam discr\textit{imen} naufragii hostilitatis incursi\textit{on} obsidionis ambiguum uel cuiuslibet corporalis egritudinem disperationis inciderint et sibi unico credulitatis auxilio po[f. 96r] poscerint subueniri eodem quo poscunt momento \{momento corr.\} temporis expet\textit{itae} regenerationis praemia consequantur hactenus sufi\textit{c}ient nunc praefatam erratum in hac parte

\textsuperscript{175} Scratched correction.
\textsuperscript{176} quia] q with horizontal cross through descender
\textsuperscript{177} Scratched correction.
\textsuperscript{178} Scratched correction.
\textsuperscript{179} quod] q with macron above
\textsuperscript{180} Scratched correction.
erratum in hac parte sufficiat nunc praefatam transp. regulam omnes teneant sacerdotes qui nolunt ab apostolicae petrae supra quam christus uniuersem construxit ecclesiam solidate {soliditate corr.} duelli

de christianis qui idolis contaminant
Adiectum est etiam quosdam christianos ad apostassiam quod dici nefas est transeuntes et idolorum cultu et sacrificiorum contaminatione profanatos quos a christi corpore et sanguine quo dudum redempti fuerant renascendo iubemus abscedi et si resipiscentes forte aliquando fuerint ad lamenta conuersi hiis quamdiu uiuunt agenda penitentia est et in ultimo fine suo reconciliationis gratia tribuenda quia dicente domino nolumus mortem peccatoris sed ut conversam et uiuam {Ez 33:11}
De coniugali autem uelatione requisisti si despensatam alii puellam alter in matrimonium possit accipere hoc ne fiat modis omnibus inhibemus quia illa benedictio quam nupturae sacerdos inponit apud fideles cuisdam sacrilegi instar est si uella transgressione uioletur

de penitentibus [f. 96v]
De his uero non incongrue apostolicam sedem dilectio tua credidit consularum qui acta penitentia tamquam canes ac sues ad uomites pristinos ad uolubra redeundum et militiae cingulum ad ludicras voluptates et noua coniugia adpetieri concubitos quorumpromissam in continientiam generati post absolutionem filii prodiderunt de quibus quia iam suffugiam non habent penitendi id duximus decernendum ut sola intra ecclesiam fidelibus oratione iungantur sacrae cuiusdem celebritati quamuis non mercantur intersint ad dominicae mensae conuiuio segregentur ut lacrimantes et ipsi in se sua errata castigent et alis exemplum tribuant quatenus ad dominum cepint proficiisci per communionis gratiam uolumus subleuari quam formam et circa mulieres quae post penitentiam talibus se pullutionibus deuenxerunt seruandam esse censemus Praeterea monachorum quosdam atque monacharum abiecto proposito sanctitatis in tantam protestar is demeros esse [*]las[istar]tuam {lascium corr.} ut prius clanculo uelut sub monasteriorum praetexto inlicita se sacrilegia se contagioucis misicerunt [f. 97r] postea uero in abruptam conscientiae desperationem perducti de inlicitis complexibus libere filios procrearint quod publicae leges et ecclesiastica iura condemnant haec {has corr.} igitur inupdicas detestabilesque personas a monasteriorum coetu ecclesiastico que conuentibus eliminandis esse mandamus quatenus retrusae in suis ergastulis continuo lamento deflentes purificatorem possint penitentiam gratiam uolumus subleuari quam formant et circa mulieres qua post penitentiam talibus se pullutionibus deuenxerunt seruandam esse censemus

Praeterea de monachis et de monachas {sic} gl. in mg.

181 de monachis et de monachas {sic} gl. in mg.
182 capiti corr. to capite by scratching?
Appendix VII

{populi peccata non sibi ait lacrimas posse sufficere quanto nos possumus dolore percelli
cum eorum qui in nostro sunt corpore deplorare praecipue quibus
saecundum beatum paulum instantia cotidiana et sollicitudo omnium ecclesiarum indesinenter
incumbit quis enim infirmatur et ego non infirmor quis [2 Cor 11:29] plurimos enim sacerdotes christi atque leuitas post longa consecrationis suae
tempora 183 tam de coniugibus propriis quam etiam de turpi coitu sobolem dedicimus procreasse
et crimen suum hac praecriptione defendendere {defendere corr.} qua in ueteri testamento
sacerdotibus ac ministris generandi facultas legitur aetrubata dicat mihi nunc quisquis ille est
sectator libidinum praeceteorque uitiorum si estimat quia in lege moysi passim sacris ordinibus a
deo nostro laxata sunt frena luxoriae cur eos quos committebantur sancta sanctorum praemonet
dicens sancti estate quia et ego sanctus sum dominus deus uester {Lv 20:7} cur etiam procul a
suis domibus anno uicis suae in templo habitare iussi sunt sacerdotes hac uidelicet ratione ne uel
cum uxoribus possint carnale exercere commercium ut conscientiae integritate fulgentes
acceptabile deo munus offerrent quibus expleto deseruationis suae tempore uxorius usus solius
successionis causa fuerat relaxatius quia non ex alia nisi ex tribu leui quisquam ad dei
ministerium fuerat praecventus admitte unde et dominus iesus cum nos in suo inlustrasset aduentu
in euangelio protestatur quia legem uenerit inplere non solvere et ideo ecclesiae cuius sponsus est
formam castitatis uoluit splendore proprio {f. 98r} radiare ut in die iudicii cum rursus aduenerit
sine macula et raga eam possit sicut per apostolum suum institut repperire quorum sanctionum
omnes sacerdotes et levia insolubili lege constringimur ut a die ordinationis nostrae
sobrietati ac pudicitiae et corda nostra mancipemus et corpora dummodo per omnia deo nostro in
his quae cotidiae offerrimus sacrificiis placemus {placeamus corr.} qui autem in carne sunt
dicente electionis uassae deo placere non possunt uos autem iam non estis in carne sed in spiritu
si tamen spiritus dei habitare iussi sunt deo nostris sanctis sanctisque dei spiritus qui in carne sunt
deo non possunt habitare et quia aliquanti de quibus loquimur {loquimur corr.} ut tua sanctitas retulit
ignoratione labos esse se deflent his hac condicio misericordiam dicimus non negandum ut sineullo honoris augmento in hoc quo
detected sunt quamduo uixerint officio perseverent si tamen post haec continent ab omnia dei
nec umquam posse ueneranda adsec-tare misteria a quibus se ipsi dum obscenis cupiditatibus [f. 98v]
inhiant priuauerunt et quia exempla praesentia
cauere nos praemonet in futurum quilibet episcopus atque {atque corr.} diaconus
quod non optamus deinceps fuerit talis inuentus iam sibi nunc per nos omnem indulgentiae
aditum intellegat obseratum quia ferro necesse est excidantur uulnera quae fomentorum non
senserint medicinam

Dedicimus etiam licenter ac libere inexplorate uitae homines quibus etiam fuerint
numerosa coniugia ad praefatas dignitates prout cuique libuerit adspirare quod non tantum illis
qui ad haec inmoderata ambitione perueniunt quantum metropolitanis specialiter pontificius
inputamus qui dum inhibitis ausibus cohibent deour nostri quantum in se est praecepta contemnunt
et ut taceamus quod altius suspicamur ubi illud est quod deus noster data per moysen lege
constituit dicens sacerdotes mei semel nubant {cf. Lv 21:13–14} et alio loco sacerdos uxorem

183 tempora tam] corrected to temperatam and then back again to tempora tam

184 Scratched correction.
uirginem accipiat non uiduam non repudiatam non meretricem \{Lv 21:13–14\} quod secutis \{secutus \textit{corr.}\} apostolus ex persecutore praedicatur unius uxoris uirum \{1 Tim 3:2; 3:12; Tit 1:6\} tam sacerdote quam diaconum fieri debere mandavit quae omnia ita a uestrarum regionum despiciuntur \{despiciuntur \textit{corr.}\} episcopis quasi contrarium magis fuerint constitueta et quia non est nobis de \[f. 99r\] huiusmodi usurpationibus neglegendum ne nos indignandis \{indignantis \textit{corr.}\} \[186\] dei uox iusta corripiat qui dicit uidebas furem et currebas cum eo et ponebas tuam cum adulteris portionem \{Ps 49:18\} quid ab uniueris post haec ecclesie sequendum sit quid uetandum generali pronuntiatione decernimus

\textbf{ut unam tantum mulierem sciat quia \{sic\} ecclesiae militat}

QUicumque itaque se ecclesiae uouit obsequis a sua infantia ante pubertatis annos babtizari et lectorum debet ministerio sociari qui accessu adolescensiae \{sic\} usque ad tricissimum annum si probabiliter uixerit una tatum \{tantum \textit{corr.}\} \[187\] et ea quam uirginem communi per sacerdotem benedictione percipit uxoret \{uxore \textit{corr.}\} contentus acolitus et subdiaconus esse debebit postque ad diaconi gradum si se ipse primitus continentia praeeunte dignum pro baberit accedat ubi si ultra quinque annos laudabili ministraret congrue praesbiterium consequatur et exinde post decennium episcopalem cathedram poterit adipsisci si tamen per haec tempora integritas uitae ac fidei eius fuerit adprobata

\textbf{de laicis quia \{sic\} ad clerum uenire festinant}

QUi uero iam aetate grandeus melioris propositi conversaione prouocatus ex laico ad sacram militiam \[f. 99v\] peruenire festinant desideri sui fructum non aliter obtinebit nisi eo quo babtizatur tempora \{tempore \textit{corr.}\} statim lectorum aut exorcistarum numero societur si tamen unam eum habuisse uel habere et hanc uirginem accipisse constet uxor et hanc uirginem communi per sacerdotem benedictione percipit. Uxoret \{uxore \textit{corr.}\} contentus acolitus et subdiaconus esse debebit postque ad diaconi gradum si se ipse primitus continentia praeeunte dignum pro baberit accedat ubi si ultra quinque annos laudabili ministraret congrue praesbiterium consequatur et exinde post decennium episcopalem cathedram poterit adipsisci si tamen per haec tempora integritas uitae ac fidei eius fuerit adprobata

\textbf{de monachis}

Monachs \[188\] quoque quos tamen morum grauitas et uitæ ac fidei institutio sancta commendat clericorum officiiis adgregari et optamus et uolumus ita ut qui intra tricissimum \[f. 100r\] aetatis annum sunt in minoribus per gradus singulos cresce \{crescente \textit{corr.}\} tempore promouentur ordinibus et sic ad diaconati uel praesbyteri insignia maturae aetatis consecratione perueniant nec

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185 Scratched correction.
186 Scratched correction.
187 Scratched correction.
188 monachs] \textit{corr. from monachs}?
saltim ad episcopatus culmen ascendant nisi in hiis easdem quae singulis dignitatis
superioribus praefiximus tempora fuerint custodita

Ille quoque nos par fuit praedidere ut sicut penitentiiam agere cuiquam non conceditur
clericorum ita et post penitudinem ac reconciliacionem nulli umquam laico liceat honorem
clericatus adipsici quia quamuis sint omnium peccatorum contagione mundati nulla tamen
debent gerendorum sacramentorum instrumenta suscipere qui dudum fuerint uassa uitorum et
quia hiis omnibus quae in reprehensionem ueniunt sola excussatio ignorancei obtenditur cui
nos interim solius pietatis intuitu necessesse est clemener ignoscere

de clericis penitentibus ul bigamus sequae [sic] mulierem accipiat uxorem in ordine quo
inuenti fuerint in eo permaneant
Quicumque penitens quicumque bigamus quicunque uiduae maritus ad sacram militiam indebite
et incompentente [incompenter corr.] inrepsit hac sibi condicione a nobis ueniam intellegat
relaxatam ut in magno debeat computare beneficio si adempta sibi omni spe promotionis in hoc
quo inueniur ordine perpetua [f. 100v] stabilitate permaneat si ultra ad sacram ordines quamquam de talibus crediderint
adsumendum de suo et de eorum statu quo contra canones et interdicta nostra prouexerint
congruam ab apostolica sede promendam esse sententiam

Explicitus ut arbitror fratres carissime uniuersa quae degesta sunt in querella et ad
singulas causas de quibus per filium nostrum bassianum praesbyterum ad romanam ecclesiam
utpote ad caput sui corporis retulisti suicientia quantum opinor responsa reddidimus nunc
fraternitatis tuae animus [animos corr.] a nobis salubri ordinatione disposita sub litterarum
prosecutione mittantur et quamquam statuta sedis apostolicae uel canonum uenerabilia
definita nulli sacerdotum dei ignorare sit liberum utilius tamen pro antiquitate sacerdotii tui
dilectioni tuae esse admodum poterit gloriosum si ea quae [f. 101r] ade te speciali nomine
generaliter scripta sunt per unianimitatis tuae sollicitudinem in uniuersorum fratrum nostrorum
notiam perferantur quatenus et quae a nobis non insulterede sed prouide sub nimia cautella et
deliberatione sunt salubri constituta intemerata peruertere et omnibus in posterum
excussionibus aditus qui iam nulli apuit nos patere poterit obstruatur
explicit data III idus februarias arcadio et bauthono consulibus

[XVIII]
BONifatius episcopus honorio augusto ecclesiae meae cui deus noster meum sacerdotium uobis
res humanas reginitibus deputavit cura constringit ne causis eius quamuis a corporis
incommoditate detener conuentus a sacerdotibus uniueris et clericis et christianae plebis
perturbationibus agitatis apud aures christianissimi principis desim si quid enim secus quam
oportet eueniat non uos id facere qui cunta [sic] aequa moderatione conponistis sed nos per
nostram tacentes desideam uidebimur quod ciuitatis quietem et ecclesiae pacem peruertere ualeat
admississe cum enim humanis rebus uobis divinae cultu religionis domino fauente praesidentia nostra
culpa erit si non id sub uestra gloria quam certum est diuinis semper rebus animo rumpiere
{prumptiore corr.} fauisse firmo et stabiile custodiat quod per tot annorum seriem et sub illis
etiam principibus obtinuit quos nulla nostrae religionis cura [f. 101v] constrinxit id est ut stetur
licitis et sub uestra imperio clementia minime quaesin liceunt formaidentur ipsa enim
deuotionem tuam christianissime imperator meo quidem sermone sed suo uenerabili appellat
affectu quam christus deus noster uestri uidus {fidus corr.} rector et gubernator imperii uni
despensatam sibi et intactam uirginem seruat ut non in eam aliquos patiamini insidiantium
procellarum fluctus inlidi et quietam faciemia tempestatis insolitae tumore turbari gloriosissime
{sic} et tranquillusim imperator auguste ipsa ergo quae uni despensata uestra tamen mater est
ecclesia in hac pietaatem uestram legatione quam suis sacerdotibus commisit adpellat praeterita
praesentiaque repetit uobis iniquis imperantibus creuit meus modo tuus est populus tam
fidus deo quam tibi qui est principi christiano ecce enim inter ipsa mysteria inter praeces suas
quas pro uestri fidelitate dependit imperii teste aput quem et de cuius sede agitur sancto petro
sollicitis pro relegionis obseruantia uocibus clamat cum sollicita petitione miscetur oratio ne hos
in uarias res semel auulsa distrahat et a cultu solito temptatore se sollicitante dissipat agere
pluribus princeps christianissime nisi aput te suarum causarum et in oppraesionibus
idolorum in hereticorum correptionibus fide tua diuino cultu pariter cum imperio semer {sic} [f.
102r] florente uicisset habet pium refugium tuae mansuetudinis animum cum relegionis
uenerationis oniunctum {uenerationi coniunctum corr.} cum quidquid huic proficiat uos
adpetit semper augustus sancto ac uenerabili bonifatio papae urbis
in commodum aptate reddam dedicimus sanitati et ideo reuertentibus uenerabilibus uiris
custodiant nec aliquid seditiosis conspirationibus temptare conentur cum certum sit partium
studia profutura explicit data kalendas iulii

[XIX]
Rescriptum honoris augusti ad bonifatium papam in qua statuit ut si denuo ordinati fuerint
duo ambo de ciuitate pellantur cum certum sit nulli partium studia profutura

incipit epistola honoris agosti ad bonifatium papam in qua statuit ut si denuo ordinati
fuerint {sic} duo ambos de ciuitate pelli
Uector honorius inclytus triumphatur semper augustus sancto ac uenerabili bonifatio papae urbis
romae scripta beatitudinis tuae debita reverentia grate gratias quod sanctimoniam
egimus omnipotenti {omnipotenti corr.} deo post longum
incommodum aptate redditam dedicimus sanitati et ideo
sacerdotem sed illum solum in sedem apostolicam permansurum quem ex numero clericorum
noua ex ordinatione diuinum iudicium et uniuersitatis consensus elegerit unde id obseruandum
est ut omnes tranquillam mentem et pacis animos ex serinitatis nostrae admonitione
custodian nec aliqaud seditiosis conspirationibus temptare conentur cum certum sit partium
studia profutura explicit
XX

zozimus episcopus esyhio

Exigit dilectio tua praecipua apostolicae sedis in quo patrum decreta consentiunt et significas nonnullus ex monachorum [f. 103r] populi coetu quorum sollicitudo quamuis frequenter habetur aliena quippe ne contra patrum praecipua qui ecclesiasticis disciplinis per ordinem non fuisse inbutus et temporis adprobatione diuinis stipendis eruditus nequaquam ad summum ecclesiae sacerdotium aspirare praesumeret et non solum in eo ambitio inefficax habetur urum in ordinatores eius ut carerent eo ordine quem sine ordine contra praecipua patrum crediderint praesumendum unde miramur ad dilectionem tuam statuta apostolicae sedis non fuisse perlata laudamus igitur constantiam propositi tui frater carrissime nec aliud de pontifici tui uetere censura auctoritatis genus exspectandum fuit quam ut talibus ambitionibus pro praecipuis patrum in proinciu fidei constitutus occurreris siquid auctoritate tuae quod nos non opinamus estimas deuisse supplicemus obsiste talibus ordinationibus obsiste superbiae et adrogantiae ueniencia tue facti praecipua patrum tecum apostolicae sedis auctoritas Si enim officia saecularia principem locum non ueste subium actionis ingressis sed per plurimos grados examinatiis [f. 103v] temporibus deferunt quis ille tam adrogans tam inpuendus inuenitur ut in cælesti militia quae pensius ponderanda est et sicut aurum repetitis ignibus est explorandum statim dux esse desideret cum tiro ante non fuerit et prius uellet docere quam discere aduerscat in domini castris in lectorem primitus gradu diuini rudimenta servit et illi uile sit exorcistam acholitum subdiaconum diaconum per ordinem fieri nec hos [hoc corr.] saltu sed statitis maiorum ordinatione temporibusiam uero ad praesbyteri fastigium talis accedat ut et nomen aetatis inpleat et meritum probitatis stipendia ante acta testantur iure inde summi pontificis locum sperare deebet facit enim hoc nimia remisio consacerdotum nostrum qui pompay multitudinis quaerunt et putant ex hac turba aliquid sibi dignitatis adquiri hinc passim numerosa popularitas etiam his locis ubi solitudo est talium reperitur dum parrocas extendi cupiunt aut quibus alium praestare non possunt diuinos ordines largiuntur sed socii est enim omne quo magum est proinde ne quid meritis dilectioni tuae derogemus ad te potissimum scripta direximus in omnium fratrum et coepiscoporum nostrorum facies ire notiitiam non tantum eorum qui in ea prouincia sunt sed etiam qui uicinis dilectioni tuae deuince ut loci maiore minime dubitet sibi non constare rationem si hoc putat post tot prohibitiones inpune temptari contumaeliae enim studio fit quidquid interdictum totiens usurpatur haec autem singulis gradibus obseruanda sunt temporae si ab infantia ecclesiasticis ministeriis nomen deederit inter lectores usque ad uicissimum aetatis annum continuata observatione perduret si maior iam et grandebus accesserit ita tamen ut post baptismum statim si diuinae militiae desiderat mancipari siue inter lectores siue inter exorcistas quinquinio teneatur deinde acholitus uel subdiaconos quattuor annis et sic ad benedictionem diaconatus si mcnearur {mereatur corr.} accedat in quo ordine quinque annis ssi inculpate gesserit herere deebet exinde subfragantibus stipendis per tot gradus datis proprae fidei documentis praespetiis sacerdotium poterit promoveri {de add. sup. lin.} quo loco si illum exactor ad moono {bonos corr.} mores uita produxeerit summum pontificatum sperare deebet hac tamen lege seruata ut neque bigamus

189 esyhio with macron above io
neque poenitens ad hos gradus possit admitti sane ut etiam defensores ecclesiae qui ex laicis
fiunt supradicta obseruatione teneantur si meruerint esse in ordine clericatus
data UIII kalendas martius dominis nostris honorio XU et theodosius christus UIII agusti
zozimi [f. 104v]

[XXI]
caelestinus episcopus uniuersis episcopis per apuliam et calabriam constitutis
Nulli sacerdotum suos liceat canones ignorare nec quicquam facere quod patrum possit regulis
obuiaire quae enim a nobis res digna seruabitur si decretalium norma constitutorum pro
aliquorum libito licentia populis permisa frangatur audiuimus quasdam propriis destitutas
rectoribus ciuitates episcopos potere sibi uelle de laiciis \{sic\} tantumque fastigium tam uile
credere ut hoc qui non deo sed saeculo militauerint aestimant nos posse conferre non solum male
de suis clericis in quorum contemptu hoc faciunt iudicantes sed de nobis pessime quos credunt
hoc posse facere sentientes quod numquam auderent si non quorumdam illic his consentiens
sententia conhiberet ita nihil quae frequentius sunt decreta profaciunt \{profaciunt corr.\} ut hoc
quasi numquam de hac parte scriptum fuerit ignoretur quid proderit per singula clericos stipendia
militasse et omnem egisse in dominicis castris aetatem si \{sic\} qui hiis praefuturi sunt ex laicis
requiruntur qui uacantes saeculo et omnem aeclesiasticum ordinem nescientes salto praepropero
in alienum honorem ambiant inmoderata cupiditate transcedere \{sic\} et in alid uita egenus
\{itaue genus corr.\} calctt aeaerentia aeclesiastica disciplinae transire talibus [f. 105r]
itaque fratres carissimi uii \{qui corr.\} iuris nostri id est kanonum gubernacula custodimus
necesse est quod si easdem et fraternitatem uestram epistolis commonemus ita nihil quae
ordinem clericatus admissant et sinat fieri unde \{sic\} et illum decipliat et sibi casam generet quibus
reus constitutis decratalibus fiat docendus est populus non sequendus nosque scient eos quid
licet quidue non liceat commone non his consensum praebere debemus quisquis uero conatus fuerit
dispotare prohibita sentiet censuram sedis apostolicae minime defuturam quae enim sola
admonitionem auctoritate non corrigimus necesse est per seuertatem congruentem regulis
uindemus per totas hoc quae propriis rectoribus carent ecclesias uolumus innotescat ut nullus
sibi ipse aliquo forsitan blanditus inluadat
data XII kalendas agusti florentino et dionisio consulibus

[XXII]
caelestinus uniuersis episcopis per biennensem prouinciam costitutis \{sic\}
CUperemus quidem de uestrarum ecclesiarum ita ordinatione gaudere ut congratularemur potius
de profectu quam aliquid admisum contra disciplinam ecclesiasticam doloremus ad nostram
enim laetitiam et benefacta conperu eniunt et meroris aculeis nos quae fuerint malefacta

\[190\] audiuimus ... laciis \textit{this passage appears to have been marked as a locus selectus by means of two large X’s scratched into the left margin}\n\[191\] ut laici non inponantur clericis in honore ecclesiae \textit{gl. in mg.}\n\[192\] Scratched correction.\n\[193\] de laicis non cito faciendis episcopis \textit{gl. in mg.}
conpungunt nec silere possumus dum ad hoc ab inlicitis reuocemus ut {in ? add. sup. lin.}^{194} aliuos officii nostri prouocemur instrictu in speculis a deo constituti ut {in \? add. sup. lin.}^194 aliquos officii nostri prouocemur instrinctu in speculis a deo constituti ut uigilantiae [f. 105v] nostrae diligentiam conprobantes et quae cohercenda sunt resecemus et quae obserruanda sunt sanciamus circa quamuis lonqinqua \{sic\} spiritualis tamen cura non defecit sed se per omnia qua dei nomen praedicatur extendit nec notitiam nostram subterfugiunt quae in euersionem regularum non\[ni\]ellae \{no\[ni\]ellae corr.\} praeumpsionis auctoritate temptant dedicimus \{ecclesiam corr.\}^{195} enim quosdam domini sacerdotes superstitirosa \{superstitionis corr.\}^{196} potius cultui inseruire quam mentis uel fidei puritate sed non mirum si contra ecclesiasticum morem faciunt qui in ecclesia \{ecclesiam corr.\}^{197} non creuerunt sed alio uenientes itenere \{sic\} secum haec in ecclesiis quae in alia conversatione \{conversacionem corr.\} habuerunt intulerunt amici pallio et lumbos praecincti credentes se scripturae fidem non per spiritum sed per litteram conpleutos nam si ad hoc ista praeccepta sunt ut taliter seruerentur cur non fiunt pariter quae sequuntur ut lucernae ardentiae \{Lc 12:35\} in manibus una cum baculo teneantur habent suum ssta \{ista corr.\} misterium et intellegentibus ita clara sunt ut ea magis qua decet significatione seruenunt nam in lumborum praecinctione castitas in baculo regimen pastorale in lucernis ardentibus boni fulgor operis de quo dicitur opera uestra lucent \{Mt 5:16\} indicatur habeant tamen istum forsitan cultum morem potius quam rationem sequentes qui remotioribus habitant locis et procul a ceteris degunt unde hic habitus in ecclesiis gallicanis [f. 106r] ut tot annorum tantorumque pontificem in alterum habitum consuetudo uestantur discernendi a plebe uel ceteris sumus doctrina non uestrae conversatione non habitu mentis puritate non cultu nam si studere incipimus noutati traditum nobis a patribus ordinem calcabimus ut locum superuacuis superstitionibus faciamus rudes ergo fidellium mentes ad talia non debemus inducere docendi enim sunt potius quam ludendi nec opponendum est eorum oculis sed mentibus infundenda praeccepta sunt erant quidem multa quae pro disciplina ecclesiastica uel ipsius rei dicere ratione possumus sed ab his ad alia deucamur

de penitentia

Agnouimus^{198} penitentiam morientibus denegari nec illorum desideris anuui qui obitus sui tempore hoc animae suae cupiunt remedio subueniri horrimus fatior \{fateor corr.\} tantae impietatis aliquem reapiriri ut de dei pietae disper quasi non posit \{sic\} ad se quouis tempore concurrenti succurrere et periclitantem sub onere peccatorum hominem pondere quo se expedire desiderat liberare quid hoc rogo allit est quam morienti mortem addere eiusque animal sua crudilitate ne absoluta esse possit occidere cum deus ad subueniendum paratissimus inuitans ad penitentiam sic promit\[f. 106v\]tat peccator inquum quamcumque die conuersus fuerit peccata eius non inputabuntur ei \{Ez 33:12; 33:16\} et iterum nolo mortem peccatoris sed tantum conuertatur et uiuat \{Ez 33:11\} salutem ergo hominis adimit quisquis mortis tempore penitentiam denegaret et disperuit de clementia dei qui eum ad subueniendum morienti sufficere uel momento posse

^{194} Scratched correction.

^{195} sacerdotes falleis utentibus \{read pallii utentes\} repraehendit gl. in mg.

^{196} Scratched correction.

^{197} Scratched correction.

^{198} de penitentia ultimo tempore gl. in mg.
non credidit perdidisset\textsuperscript{199} latro praemium in cruce ad christi dexteram pendens si illum unius horae penitentia non iunisset \{luisset corr.\} cum esset in pena penetuit et per unius sermonis professionem habitaculum paradisi deo promittente promeruit

Uera ergo ad deum conversio in ultimis possitorm cum potius est aessimanda non tempore profeta hoc taliter adserente cum conuersus ingemueris tunc saluus eris \{cf. Is 30:15\} cum ergo sit dominus cordis inspector quousque tempore non est deneganda penitentia postulanti cum illi se obliget iudici cui occulta omnia nuerit reuelari

Ordinatos uero quosdam fratres karrisim episcopos qui nullis ecclesiasticis ordinibus ad tante dignitatis fastigium fuerint instituti contra patruum decreta huius usurpatione qui se hoc recognoscit fecisse dedickers cum ad episcopatum his gradibus quibus frequentissime cauti est debat peruenire ut minoribus initiatis officiis \{f. 107r\} ad maiora firmentur debet enim ante esse discipulus quisquis doctor esse desiderat ut possit docere quod dedicit omnis utiae inititum \{institutio corr.\} ad id quo \{quod corr.\} tendit se ratione confirmat

Qui minime litteram operam dererit praeeceptor esse non potest litterarum qui non per singula stipendia creuerit ad meritum stipendi ordinem non potest peruenire solum sacerdotium inter ista rogo uilius est quod facilius tribuitur cum difficilius inpleteur sed iam\textsuperscript{201} non satis est laicos ordinare quos nullus fiere \{fieri cor.\} ordo permittit sed etiam quorum crimina longe lateque per omnes pene sunt nota prouincias ordinantur danihel nuper misa relatione ex orientalibus ad nos partibus ab omni quod tuerat uirginum monasterio nefaris est obiectionibus accusatione multiqua a multis obiecta flagitia in quam laterarum parte quasitatis est ut si suae innocentiae confiderent contra se iudicium postulatum minime declinarent missae ad arelatensem episcopum per fortunatum subdiaconum nostrum ut ad iudicium distinarentur epistolae tantis grauatus est testimonis tanta facinorum accusatione pulsatus sacrarum ut dicitur uirginum pullutus incesto episcopus adseritur ordinatus in nostris libelli scrinis continentur quorum aduos \{f. 107v\} quoque exemplaria direximus in pontificia dignitatem hoc tempore quo ad causam dicendam missis a nobis litteris uocabatur obrepsit sacro nomini absit iniuria facilius est ut hanc dignitatem tali dando ipse amiserit ordinatus quam eam obteneat ordinatus conuicto sociabitur qui eum sibi credidit largiando pontificio sociandum qualis enim ipse sit quisquis talis ordinari ostendit hiis ergo in medium nunc deductis cum plerique aestrum sint \{qui add. in mg.\}\textsuperscript{202} apostolicae sedis statuta cognouerint nobiscum tempore aliquanto uersati ad disciplinae normam nostris conuenta adorptionibus omnia fraternitas uestra gratam festinet primum ut iuxta decreta canorum unaquaque prouincia suo metropolitano contenta sit ut decessoris nostri data ad carbonensem episcopum continent constituta nec usurpationi locus alicui sacradori in alterius concidadur iniuria sit concessis sibi contentus unusquisque limitibus

ut clerici si emeritis extranei non anteponantur

\begin{footnotes}
\item[199] latronem commemoratur positum penitu \{sic\} ipse et domino promittente paradissum meruisse gl. in mg.
\item[200] h appears to have been cancelled by scratching
\item[201] iam cor. from uim ?
\item[202] Scratched correction.
\end{footnotes}
Appendix VII

Alter\footnote{alter corr. from alteri ?} in alterius prouincia nihil praesumat nec emergat in suis ecclesis clericis peregrinis et extranei et qui ante ignorati sunt ad exclusionem eorum qui bene de suorum ciuitum merentur testimonio praeponantur

de ordinatione episcopi in aliena ciuitate si in clero [f. 108r] ipsius non fuerit talis inuentus

NE nouum quoddam de quo episcopi fiant institutum uideatur esse colligium si ullus inuitis detur episcopus\footnote{episcopus] epis with macron over pi} cleri plebis et ordinis consensus et desiderium requiratur tunc alter de altera elegatur ecclesia si de ciuitatis ipsius clericis cui est episcopus ordinans nullus dignus quod evenire non credimus potuerit repiperi primum enim illi reprobandi sunt ut aliqui de alienis ecclesis merito praeponantur

sit facultas restitendi si uiderint praegrauari

HAbeat unusquisque suae fructum militiae in ecclesia in qua suam per omnia officia transegit aetatem in aliena stipendia minime alter obrepate nec alii debitam sibi alter aut debitam uindicare mercidem sit facultas clericis resinis tendisse \( ? \) uiderint praegrauari et quos sibi ingeri extraneorum agnouerint not timeant refutare qui si non debitum praemium uel liberum de eis qui eos recturi sunt debent habere iudicium abstineatur ab illicitis ordinationibus nullus ex laicis nullus bigamus nullus qui sit uiduae maritus aut fuerit ordinetur sed inreprehensibilis et qualem elegit apostolus fiat per mysen \( \text{sic} \) dominus praecipit uirginem accipiat sacerdos uxorem subsecuquit [f. 108v] et suplet apostolus eodem locutus est spiritu unius uxorius uirum debere episcopum consecrari \cf{1 Tim 3:2; Tit 1:6} ad hanc ergo elegantur formolam sacerdotem qui sequantur danihel ut diximus qui accussationem pontifici honore subterfugere posse se credit et ad fastigium tantum accussatores suos fugiendo peruenit a sanctitatis uestrae coetu interim se nouerit segregatum qui se nostro iudicio diabet \{debet corr.\} obieceri si conscientia sua nouit conscientiam se habere massiliensis uero ecclesiæ sacerdotem qui dicitur quod dictu nefas est in nece frater gratulatus ut huic qui eius sanguine cruentatus aduenerat portionem eum \{cum corr.\} eodem habiturus occurreret ex uestro eum audiendum colligio diligamus id\footnote{id est] .i. MS} est mandamus

explicit data UIIII kalendas agusti felice et tauro consulibus

\[XXIII\]

innocentius uictorio episcopo ratomagensi [f. 109r]

ETsi tibi frater carissime pro merito honore sacerdotii quo plurimum polles uibendi \{iuuiendi corr.\} et docendi \{usu add. sup. lin.\} ecclesiasticae nota sunt omnia regulae neque sit aliquid quod de sacris lectionibus tibi uideatur ignotum tamen quia romanæ ecclesiæ normam atque auctoritatem magnopere postulasti uoluntati tuæ morem admodum gerens degetas uite et morum probationibus disciplinas adnexas litteris meis misi per quas aduentant ecclesiæ

\[\]
regionis uestrae populi quibus rebus et regulis christianorum uita in sua cuiusque professione debat continere qualisque in urbe roma ecclesis ordo serueret erit dilectioni tuae per plebes finitissimas et consacerdotes nostros qui in illis regionibus propris ecclesias praelident regularum hunc libro quasi didascalicum atque monitorem sedulo insinuare ut et nostros cognoscere et ad finem confluentium mores ualeant docendi sed utilitate formare aut enim propositum suum ex hac nostri congruenti lectione cognoscent aut si quid adhuc desideratur facile poterunt ex bona imitatione supplere INcipiam igitur adiuuante sancto apostolo petro per quem et apostulatus et episcopatus in christo cœpit exordium ut quoniam plures sepe emerserunt causae quae in aliquantis non erant causae sed crimina ut de cetero sollicitudo sit [f. 109v] unicuique sacerdoti in sua ecclesia curam habuisse modi habere sicut beatus praedicat apostolus paulus talem ecclesiam deo exibendum non habentem maculam aut rugam {Eph 5:27} ne aliuis morbis uis affluat conscientia nostra contaminata uioletur propter eos igitur qui uel ignorantia uel desidia non tenent ecclesiasticam disciplinam et multa non praesumenda praesumunt recte postulasti ut in illis partibus istius modi quam tenet ecclesia romana forma serueretur non quo noua praecepta aliqua imperentur sed ea quae per desideam aliquorum neglecta sunt ab omnibus {sic} obseruari cupiamus quae tamen apostolica et patrum traditione sunt constituta scriptum est nam ad tesolonicenses apostolus paulo monenti state et tenete traditiones nostras quas tradidi uobis siue per uerbum siue per epistolam {2 Th 2:15} illud certe tuam debet mentem vehementius excitare ut ab omni labe sæculi istius immunes {immunis corr.} {207} ante dei conspectum et securus inueniaris cui multum {multum corr.} enim creditor plus ab eo exigitur in usura poenarum ergo {208} quoniam non probis {pro nobis corr.} tantum sed et pro populo christi praestare cogimur ratione disciplinam dominicam populum erudire debemos quosdam enim assis extetisse qui statuta maiorum non tenentes castitatem ecclesiae suae praesumptio violarent populi fauorem [f. 110r] sequentes et dei iudicium non timentes ergo ne silentio nostro existimemur his praebere consensum dicente domino per prophetam uidebas furem et currebas cum eo {Ps 49:18} haec sunt quae deinceps intuitu diuini iudicii omnem catholicum episcopum expedit custodire primum ut extra conscientia metropolitani episcopi nullus audeat ordinare præsumtum ne furtiuum beneficium praestitum uideatur hoc enim et synodus nicena constituit

de penitentibus
Si quis uero post remisionem peccatorum cingulum militiae saecularis habuerit ad clericatum admitteri omnino non debet si quae autem causae uel contentiones inter clericos tam superioris ordinis quam inferius fuerint exortae ut saecundum synodum nicena congregatis eiusdem prouinciae episcopis iurgium {iudicium corr.} terminetur nec alicui liceat sine praebide tamen romane ecclesiae cui in omnibus causis debetur reuerentia custodire relicticis his sacerdotibus qui in eadem prouincia dei ecclesias gubernant nuto diiuo ad alias conuolare prouincias quod si quis forte praesumpserit ab officio clericatus submotus et inuiriaram reus ab omnibus iudicetur si

{206} utilitate] corr. from ut ibi- ?
{207} Scratched correction.
{208} ut episcopus populo doceat gl. in mg.
ut mulierem clericus non duxerit uxorem

Quia scriptum est sacerdos uxorum uirginitem accipiat non uiduam nec iectam \{f. 21:13\} utique qui ad sacerdotium labore suo et utitae probitate contendit cauere debet ne hoc praecedio \{praecepsionem corr.\} impeditus peruenire non possit

Ut is qui muli \{sic\} licet laicus duxit uxorem siue ante baptismum siue post non admirantur ad clericum quia eodem uitiio uidetur exclusus in baptismo enim crimina dimittitur \{dimittuntur corr.\} non accepte uxoruis consortium relaxatur Ne is qui secundam duxerit uxorem clericus fiat quia scriptum est unius uxoris uirum \{f. 3:2; 3:12; Tit 1:6\} et iterum sacerdotes mei semel nubant \{cf. Lv 21:13–14\} ac ne ab aliquibus existimetur ante baptismum si forte quis accipit uxorem et ea de saeculo recedente \{recedente corr.\} alteram duxerit in baptismo esse demissum satis errat a regula quia in baptismo peccata remittitur non acceptarum uxorum numeros aboletur cum utique uxor ex legis \[*\]praeeptio \{praeeptio corr.\} ducatur in tantum ut et in paradiso parentes humani generis cum iungerentur ab ipso domino sunt benedicti et salomon dicat a deo praeeparabitur uiro uxor \{Prv 19:14\} quam formam etiam sacerdotes omnes seruare \{f. 111r\} ussus ipse ecclesiae demonstrat satis enim absurdum est aliquem credere uxorem post baptismum non computari cum benedictio quae per sacerdotem super nubentes inponitur non materiam delinquenti dedisse sed formam tennesse a deo legis institutae doceatur

de hiis qui ante baptismum aut post baptismum ducunt uxorcs

Quod si non putatur uxor esse computanda quae ante baptismum ducta est ergo nec filii qui ante baptismum generati sunt pro filiis haberentur ut \{Aut corr.\} de aliena ecclesia clericos ordinare nullus usurpet nisi eius episcopus praecibus exoratus concedere uoluerit quod etiam nicena uidetur synodus continere abiectus a saua ecclesia clericus ab altera non succipiatur ecclesia Uenienentes \{Uenientes corr.\} a nouationis uel montensibus per manus tantum impositionem suscipientur quia quamuis ab hereticis tamen in christi sunt nomine babtizati praeter eos qui si forte a nobis ad illos transeuntibus rebabtizati sunt hii si repiscentes \{reipiscentes corr.\} et ruinam suam cogerentes redire mollauerint sub longa poenitentia et satisfactione admissendii sunt praeterea quod dignum et pudicum et honestum est tenere ecclesia omnimodo debet ut sacerdotes et leuitae cum uxoribus suis non misceatur quia ministeri cotidiani necessitatibus occupantur scriptum est enim sancti estote quoniam et ego sanctus sum dominus deus uester \{f. 19:2\} nam priscis temporibus de templo dei sacerdotes anno uicis suae non discedebant sicut de zacharia legimus nec domum suam omnino tangebat quibus utique propter sobolis successionem uxor usus fuerat relaxatus quia ex alla tribu et praeter semine aaron ad sacerdotium nullus fuerat praeeptus accedere quanto magis hii sacerdotes uel leuitae pudicitiam ex die ordinationis suae seruare debent quibus uel sacerdotium uel ministerium sine successione est nec praeterit dies qua uel a sacrificiis diuinis aut a babtismatis officio uacent nam

209 Scratched correction.

210 Scratched correction.

211 Scratched correction.
si beatus apostolus paulus ad chorinteos scripsit dicens abstinente uos ad tempus ut u[o]cetis
{uacetis corr.} orationi {1 Cor 7:5; cf. 1 Th 5:22} et hoc utique laicis praecepit multo magis
sacerdotes quibus et orandi et sacrificandi iuge officium est semper debeat ad {ab corr.}{212}
hiuusmodi consortio abstinere qui si contaminatus fuerit carnali concupiscencia {concupiscencia
corr.}{213} quo pudore uel sacrificare usurpauit aut qua conscientia quo uel merito exaudiri posse
se credit cum dictum sit omnia munda mundis coquinatibus autem et infidelibus nihil est
mundum {Tit 1:15} sed fortasse licere hoc credit quia scriptum est unius uxoris uirum {1 Tim
3:2; 3:12; Tit 1:6} non permanentem in concupiscencia generandi dixit sed propter continentiam
futuram neque enim [f. 112r] integros corpore non admisit qui ait uel em autem omnes sic esse
sicut et ego {1 Cor 7:7} et apertius declarat dicens qui autem in carne sunt deo placere non
possunt uos autem iam non estis in carne sed in spiritu {Rm 8:8–9}

De monachis qui diu morantes in monasterii post[**] {postea corr.} ad clericatus
ordinem perueniret non debere eos a priori proposito discendere aut enim sicut in monasterio
fuit et quod diu seruauit in meliori gradu positus quae forma seruatur in clericis maxime cum uetus regula hoc habeat ut quisquis corruptus babtizatus clericus esse uoluerit se omnino uxor non ducere praeterea frequenter quidam a
fratribus nostris curiales uel quibuslibet publicis functi honoribus occupatos {occupatos corr.}{214}
facere clericos contendunt quibus postea maior tristitia cum de reuocandis eis aliquid ab
imperatore praecipitur {praecipitur corr.} quam gratia nascitur de ascito constat enim eos in ipsis
munis etiam uoluptates exhibit quas a diabulo inuentas esse non dubium est et ludorum
munerum aparatibus aut praeesse aut interesse sit certe in exemplum sollicitudo et
instabat

Item quae christo spiritaliter nupserunt et uelari a sacerdote meruerunt si postea uel
publice nupserint ut fuerint occulue corrupta non eas admittendas esse ad agendas paenitentiam
{nis corr.} is cui se inuexserat de hac uita decesserit si enim de hominibus saeculi haec
custodituir ut quaeccumque uiuente uiro alteri lupserit habeatur adultera nec eis laicitate
praecepit nisi unus ex his sequi necdum sanctam multo concedatur nisi unus ex his fuerit definitus quanto et illa tenenda est quae
ante inmortalis se sponso coniuxserat {coniuxserat corr.} et postea ad humanas nuptias transire
eliget ha uero quae necdum sacro sunt uelamine consecrate tamen in propostito uirginali
promiseram permanere licet uelate non sint si forte nupserint hiis agenda aliquo tempore
poenitentia sit quia{215} sponsio eius a deo tenebatur nam si inter homines solet bonae fidei
contractus nulla ratione dissolui quanto ista pollicitatio quam cum deo peigiti solui sine uindicta
non debet quod si apostolus paulus quae a proposito uiduitatis discesserunt [f. 113r] dixerit eas

212 Scratched correction.
213 Scratched correction.
214 Scratched correction.
215 quia corr. from qua ?
Appendix VII

habere damnationem quia primam fidem inritam fecerunt {1 Tim 5:12} quanto magis uirgines quae pactionis suae fidem minime seruauerunt haec itaqua regula frater si plena uigilantia fuerit ab omnibus dei sacerdotibus custodita cessaut ambitio dissensio conquiescit heresis et scismata non emergent locum non accipiet diabus seuiendi manieb unianimitas iniquitas superata calcabitur uritas spirituali feruore flagrabit pax praedicata labis in mente seruabitur inplebitur et dictum apostoli ut unianimes unum sentientes permaneamus in christo nihil per contentionem nobis neque per inanem gloriam {Phil 2:2–3} uindicanentes non hominibus sed domino nostro saluatori placentes cui est honor et gloria data XU kalendas martias honorio augusto UI et aristeneto consulibus

[DSIR.384.260]

incipit epistola papae sirici per diuersos episcopos misa

OPtarem semper fratres karissimi dilectionis et pacis uestrae sinceritati gaudia nuptiare {nuntiare corr.} ita ut uiuissim discurrentibus litteris sospitatis indicio gauderetur at uero quia non patitur quietem nos ab incursatione {sic} sua uacare hostis antiquus ab initio mendax inimicus ueritatis aemulus hominis quem ut decipet se ante decipit pudicitiae adversarius luxoriae magister crudilitatibus pascitur abstinentia [f. 113v] quiuindies fugit eiuium ministris suis praedicantibus dum dicit esse superfluam spem non habens de futuris apostoli sententia percusus {sic} dicentis manducemus et bibamus cras enim moriemur {1 Cor 15:32} O infelix audacia o desperata mentis astutia iam incognitus sermo hereticorum intra ecclesiam cancri more serpebat ut occupans pectus totum hominem praecipitaret in mortem et nisi dominus sabaoth laqueum quem parauerat disrupisset scena tanti mali et hypocressis pulpucta multorum simplicium corda traxerat in ruinam quo facile ad dieterem partem mens humana transducit ulolens per spatiosa uolitare quam arte uiae iter cum labore transire qua de re necessarium satis fuit dixerunt mihi quae illi gesta sunt ad uestram conscientiam cognoscendam mandare ne ignorantia cuiuspiam sacerdotes {sacerdotis corr.} pesimorum hominum ecclesiam inrumpentium sub religioso nomine contagio uiolaret sicut scriptum est domino dicente multi uenient ad uos in uestitu ouium intus sunt lupi rapaces a fructibus eorum cognoscetis eos {Mt 7:15–16} hii sunt fidelicet {uidelicet corr.} qui quasi utile Christianos se iactant ut sub uelamento pii nominis gradientes domum orationis ingressi sernem {sermonem corr.} serpentine disputationis effundant ut sagittent in obscuro rectos corde {Ps 10:3} atque a ueritate catholica uertendo ad suae doctrinae rabiem diabulico {Mt 22:12} sauciantes catholicas noui et ueteris testamenti ut dixi continentiam pervertentes spiritu diabulico interpretantes inlecebroso atque uicto sermone aliquantos christanos coeperint iam uastare intra se contenentes nequitiae suae uirus uerum elati blasfemias

216 Scratched correction.
217 Scratched correction.
218 Scratched correction.
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{blasfemihas corr.} conscriptione temeraria puptcae prodiderunt et disparatae mentis furore concepsti passim in fuorem gentilium puplicauere a fidelissimis christianis uiris genere optimis relegione praeclaris ad meam humilitatem subuecta scriptura honorifica uidetur esse uallata ut sacerdotali iudicio detecta diuinae legi contraria spiritalia sententia delfentar nos sane nuptiariam uut non aspennentes accipimus quibus uelamine intersumus sed uirgines quas nuptiae credant deo deuotas maiore honorificentia numeramus facto igitur [f. 114v] praebiterio constitit doctrinae nostrae christianae legi esse contrarium unde apostoli securi praeceptum quia aliter quam quid {quid corr.} accipimus adnuntiabant omnium nostrum tam praebiterorum et diaconorum {diaconorum corr.} quam etiam totius cleri unam scito fuisse sententiam ut iouianus ausentius geniales germanator felix plotinus mercurianus ianuarius et ingeniosus Qui auctores nouae heresis et blasfemiae inuenti sunt diuina sententia et nostro iudicio in perpetuum damnati extra ecclesiam remerantem quod cudsituras {sic} sanctitatem uestram non ambigens haec scripta direxi per fratres et conpraebiteros meos crescentem leonardum et alexandrum qui relegiosum officium fide possint adimplere feren
t

[XXIV]

incipit epistola innocent {sic} papae ad exsuperium episcopum tolasarum {sic}

INnocentius exsuperio episco tolosano consulenti tibi frater karissime quid de proposita specie unaquaque sentirem pro captu intellegentiae mea {meae corr.} quae sunt uisa respondi quid sequendum uel dulcior ratio persuaderet uel auctoris positionis ostendere uel uestis series temporum demonstraret et quidem dilectio tua institutum secuta prudentium ad sedem apostolicam refferre alluit quid debeter de rebus dubius custodire putius quam usurpatione praesumpta [f. 115r] quae sibi uiderentur de singulis opinire cur enim magis pudendum putemus discere aliquid quam omnino nescire mihi quoque ipsi de conlatione docibilitas accedit dum praescrutatis {sic} rationibus ad proposita respondere conpellor eoque fit ut aliquid semper addiscat qui postulatur docere proponam igitur singula subiciamque responsa

de incontinentia legendum sirici papae

Proposuisti quid de hiis obscuri debeat quos in diaconi ministeris aut in officio praebiteri positos incontinentes esse aut fuisse generati fillii prodederunt de his et diuinarum legum est disciplina et beatae recordationis uiri sirici episcopi monita euidentia commemorarunt ut incontinentes in officis talibus positi omni honore ecclesiasticum priuarentur nec admittantur accedere ad tale ministerium quod sola continentia procuravit eos uestis a uitius mundus sacrae legis auctoritas iam inde quid continentiae praecepto in templo anno uicissitudines suae habitatione praecipit sunt sacerdotes ut seruentes sacris oblationibus puros et ab omni lae purgatos sibi uindicent diuina misteria neque eos ad sacrificia fas sit admitter qui exercent {exercenst corr.} uel cum uxore carnale consortium quia scriptum est sancti estote quoniam et ego sanctus sum dominus deus uester {Lv 19:2} quibus utique propter sobolis successionem propter ea [f. 115v] uxorius ussus fuerat relaxatus quia ex alia tribu ad sacerdotium nullus fuerat praecipitem accedere quanto magis sacerdotes uel leuitae pudicim {sic} ex die ordinationis suae seruare debent quibus uel sacerdotium uel ministerium sine successine {sic} est nec praeterit dies qui uel a sacrificiis diuinis aut a batbismatis officio uacent nam si paulus {paulus corr.} ad chorinteos scribist dicens abstineo uos ad tempus ut uacsetis orationi {1 Cor 7:5} et hoc uitque laicens praepicit multo magis sacerdotum quibus et orandi et sacrificandi iuge officium est semper debebunt ab huiusmodi consortio abstineri qui si contaminatus fuerit carnali concupiscientia quo pudore uel sacrificare usurpauit aut qua conscientia quoue merito exaudiur se credit cum dictum sit omnia munda mundis coinquinitis autem et infidelibus nihil est mundum {Tit 1:15} sed fortasse hoc licere credit quia scriptum est unius uxorius uirum {1 Tim 3:2; 3:12;
Tit 1:6} non permanentem in concupiscentia generandi hoc dixit sed propter continentiam futuram neque enim integros corpore non admisit qui ait uellem autem omnes sic esse sicut et ego \{1 Cor 7:7\} et apertius declarat dicens qui autem in carne sunt deo placere non possunt uos autem iam non estis in carne sed in spiritu \{Rm 8:8–9\} et habentem filios \{1 Tim 3:4\} non generantem hoc dixit sed ea plane dispar et diuia sententia est nam si ad aliquos forma illa ecclesiasticae uitae pariter et disciplinae quae \[f. 116r\] ab episcopo siricio ad prouincias commeauit non probabitur peruenisse hiis ignorantia uenia remittetur ita ut de cetero penitus incipient abstinere et ita gradus suos in quibus inuenti fuerint sic retentent ut ad potiora eis non liceat ascendere quibus in beneficio esse debet quo \{quod corr.\} hunc ipsum et locum quem tinent \{sic\} non amittunt si qui autem scissæ \{sic\} formam uiuendi missam a siricio deteguntur neque statim cupiditates libidinum abiecisse illi sunt modis \{omnibus \{omnibus corr.\}\} submouendi qui post admonitionem cognitant praepondendam arbitrati sunt uoluptatem

de hiis qui post babtismum omni tempore incontinenter uiuunt
ET hoc quaesitum \{quaesitum corr.\} \[^{219}\] est quid de hiis obseruari oporteat qui post babtismum omni tempore incontinentiae uoluptatibus dediti in extremo fine uitae suae penitentiae simul et reconciliationem communiones exposcunt de hiis \{his corr.\} obseruatio prior durior posterior uero interveniente misericordia inclinatio nam consuetudo prior tenuit ut concederetur penitentia sed communione giraretur nam cum illis temporibus crebre persecutiones essent ne commonisionis concessa facilitas homines de reconciliatione suos non reuocaret a lapsu merito negata communio est concessa penitentia ne totum penitus negaretur et duriorem remisionem fecit temporis \[f. 116v\] ratio sed postea quam dominus noster pacem ecclesis suis reddidit iam terrore depulso communione dari obeuntibus \{sic\} placuit et propter domini misericordiam quasi uiatricum profecturis et ne nouatiani heretici negantes ueniam asperitatem et duriam \{duritiam corr.\} sequi uideamur tribuitur ergo cum penitentia extrema communio ut homines huiusmodi uel in supremauis suis permittente salvatore nostro a perpetuo exitio uindicentur.

III Quaesitum est etiam super hiis qui post babtismum administrauerunt et aut tormento sola exercuerunt aut etiam capitalem sententiam protulerunt de hiis nihil legimus a maioribus definitum meminerant enim a deo potestates has fuisse concessas et propter uindictam noxiorum gladium fuisse permissum et dei esse ministrum uindicem in huiusmodi datum quem admodum igitur reprehenderent factum quod auctore domino uident esse concessum de his ergo ita ut actenus seruatum est sic habemus ne aut disciplinam fuertere aut contra auctoritatem domini uenire uideamur ipsis autem in ratione reddenda gesta sua omnia seruabuntur et illut desideratum est sc[u]ri \{sciri corr.\}.

III Cur commonicantes uiri cum adulteris uxoribus non conueniant cum contra uxoribus in consortio adulterorum uiorum manere uideantur super hoc christianarum regio adulterium in utroque pari sexu ratione condemnat sed uiros suos mulieres non facile \[f. 117r\] de adulterio accusant et non habent latentia peccata uindicat uiri autem liberius uxoribus adultera \{adulteras corr.\} aput sacerdotes defferre consuerunt et ideo mulieribus prodito earum crimine communio denegatur uiorum autem latente commissso non facile alius ex suspicionibus abstinentur qui utique submouebitur si eius flagitiwm detegatur cum ergo par causa sit interdum probatione cessante uindicatae ratio conqaciesit.

[^{219}]: Scratched correction.
de aduocatis qui secum facinus promunt sententiam

U Illut etiam sciscitare uoluisti an praeces dictantibus liberum concedatur utique post baptismi regenerationem a principibus poscere mortem allicuis uel sanguinem de reatu quam rem principes numquam sine cognitione concedunt sed ad iudices commissa ipsa uel crimina semper remittunt ut causa cognita uindicetur quae cum quaesituri fuerint delegata aut absoutio aut damnatio pro negoti qualitate profertur et dum legum in inprobus exercetur auctoritas erit dictator inunmis

de uiris ac mulieribus quae soluto foedere nuptiali aliis se matrimoni copulant

UI DE hiis etiam requisuit dilectio tua qui interueniente repudio ali se matrimoni copularunt quos in utraque parte adulteros esse manisfestum est qui uero uel uxore uitiente uamuis dissociatum uideatur esse coniugum ad aliam copulam festinarunt neque possunt adulteri non uideri [f. 117v] in tantum ut etiam haec personae quibus talesconiuncti sunt etiam ipse {ipsae cor.} adulterium commississe uideantur saecundum illud quod legimus in Evangelio qui demiserit uxorem suam et duxerit aliam mecbabitus simuliter et qui demisam duxerit mecbatur {Mt 19:19} et ideo omnes ab communisibus abstinendos de parentibus autem aut propinquos {propinquis cor.} eorum nihil tale statui potest nisi si incentores inlsci consorsi fuise detegantur

de libris canonicis

UII QU[libri cor.} recipiantur in canone breuis adnexus ostendit haec sunt quae desiderata moueri uoce uoluisti moysi libri U id est genesis. exodi. leuitici. numeri. deuternomi. et iesu nauei. iudicium I. regnorum. libri IIII. simul et ruth I. profetarum libri XUI. solomoni libri quinque psalterium item historiarum. iob. liber unus tobiae liber unus hester I. iuiih {sic} unus machabeorum II. haestrae II. paralippiminon. libri II. item noui testamenti euangeliorum IIII. apostoli pauli XIIII epistolae. iohannis III epistolae. petri II epistolae. iudæ I epistola. iacobi una actus apostolorum. apocalypsis iohannis Cetera aut quae sub nomine mathiae siue iacobi minoris uel sub nomine petri et iohannis quae a quodam leucio scripta sunt uel sub nomine thomæ et si qua sunt alia non solum repudianda uerum etiam noueris esse damnanda [f. 118r]

explicit innocenti

[XXV]

incipit eiusdem innocenti

Innocentius rufo eusebio eustatio claudio maximiano eugerio gerontio iohanni policronio calicratio zosimo profuturo nicetae hermogeni assiologo terentiano herodiano et mariano episcopis machedonibus et diaconibus in domino salutem

Magnae magna gratulatio habuit cum post tot discrimina totius ut ita dixerim mundi uitalis archidiaconus uestrarum portitor literarum ex illis partibus ad nos usque directus aduenit quem cum uidissemus iflico {ilico cor.} ut oportebat percunctati de uestro statu sumus uerum ubi repperimus uos ex sententia degere deo nostro uberes gratas {gratias cor.} retulimus quod suos famulos suisque alaribus seruientes et in aduersis tuetur et in prosperis gurnb Bare {sic} dignatur

220 Scratched correction.
221 Scratched correction.
Appendix VII

qui cum tradidisset epistolas praecipi ilico recensiri\textsuperscript{222} in quibus multa posita peruidi quae stuporem mentibus nostris indicerent\textsuperscript{223} facerentque nos non modicum dubitare utrum aliter putaremus an illa ita essent posita quemadmodum personabant quae cum sepius repeti fecissem aduerti sedi apostolicae ad quam relatio misa quasi ad caput ecclesiarum currebat aliquam fieri inuriam cuius adhuc in ambiguum sententia duceretur unde de quibus iam dudum scripsisse \textsuperscript{scr.} memini nunc iterare \[f. 118v\] formam argumentis evidentiioribus relationis regeminenta percunctatio uestra compellit

I EOs qui uiduas accipisse suggeruntur uxoribus non solum clericos effectus agnoui uerum etiam usque ad infulas summi sacerdoti peruenisse quod contra legis esse praecepa nullus ignorat nam moyses legislator clamitet ut sacerdos uxorem virginem accipiat \{Lv 21:13\} ac ne in hoc praeccepto aliquid putareur ambiguum addidit \{sic\} non uiduam neque eiectam \{Lv 21:14\} contra quod praecptum diuina auctoritate submissum nulla defensio mandati alterius opponitur nisi consuetudo uestra quae ut ipsis fatemini ex ignorantia et ut uericundius dicam non ex apostolica traditione et integra ratione constituta est nos autem omnesque per orientem occidentemque ecclesias nouerit uestra dilectio haec penitus non admittere nec ad ultimum ecclesiastica \{ecclesiastici \textsuperscript{corr.}\}\textsuperscript{224} ordinis locum tales adsumere et si reperti fuerint remouere
dehis qui ante babtismu ducunt uxorhes et dicunt qui \{quia \textsuperscript{corr.}\}\textsuperscript{225} per babtismum coniugium crimina esse abluta

II Deinde ponitur non dicio \{dici \textsuperscript{corr.}\}\textsuperscript{226} oportere digamum eum qui cathecuminus habuerit atque amiserit uxorem si post babtismum fuerit aliam sortitus eamque primam uideri quae noua \{nouo \textsuperscript{corr.}\} homini copulata sit quia illum coniugium per babtismi sacramentum cum ceteris criminius sit \[f. 119r\] ablutum quod cum de una u\[s\]ique \{utique \textsuperscript{corr.}\} dicitur certe si tres habuerit in uetere possitus homine uxor eurit ei quae post babtismum quarta est sic interpertantibus prima uirginisque nomen accipiet quae quarto ducta est loco quis oro istud non uideat contra apostoli esse praecptum qui ait unius uxoris uirum oportere fieri sacerdotoe \{1 Tim 3:2; 3:12; Tit 1:6\} sed obicitur quod in babtismo totum quidquid in uetere homine est gestum sit solutum

III Dicite mihi cum pace uestra loquor crimina tantum dimittantur in baptismo an et illa quae saecundum legis praecpta ac dei instituta conplentur uxorem ducere crimenes et non est crimen si crimen sst \{est \textsuperscript{corr.}\} ergo praeuta \{praefata \textsuperscript{corr.}\}\textsuperscript{227} uenia dixerim erit auctor in culpa qui ut crimina committerent in paradiso eum \{cum \textsuperscript{corr.}\} ipse ita eos iungeret benedixit si

\textsuperscript{222} recensiri] \textsuperscript{corr. to precensiri by scratching ?}

\textsuperscript{223} indicerent] \textsuperscript{corr. from iudicerent ?}

\textsuperscript{224} Scratched correction.

\textsuperscript{225} Scratched correction.

\textsuperscript{226} Scratched correction.

\textsuperscript{227} Scratched correction.
uero non est crimen quia quod deus iunxit nefas est crim
in appellari et solomon addidit etenim a deo praeparabit uiro uxor \{Prv 19:14\}

\textbf{III} Quomodo creditur inter crimina esse demisum quod deo auctor elegitur \{sic\} consummatum quid de talium filiis percsentur numquam non erunt admittendi in hereditatis consortio qui ex ea suscepti sunt quae ante baptismum fuit uxor erutique appellandi uel naturales uel puri \{spuri \corr.\} quia non est legitimum matrimonium nisi illut ut uobis uidetur \[{f. 119v}\] quod post baptismum adsumitur ipse dominus cum interrogaretur a iudeis si liceret demitter \{demittere \corr.\} uxorem atque exponeret fieri non debere addidit ergo quod dominus iunxit homo non separat \{Mt 19:6; Mk 10:9\} ac ne de hiis locutus esse credatur quae per baptismum sortiuntur meminerit hoc et iudeis interrogatum et iudeis esse responsum quaero et sollicitus quao si una eademque sit uxor eius qui ante cathecuminus postea sit infidelis \{fidelis \corr.\} filiosque ex ea cum esset cathecuminus susceperit ac postea alios cum fidelis utrum sint fratres appellandi an non habeant postea defuncto patre heredes secundae hereditatis consortium quibus filiorum nomen abstulisse creditur regeneratio spiritualis quod cum ita sentire atque judicare absorbendum est quae malum\textsuperscript{228} ratio est hoc defendi et uacua opinionem magis iactari quam aliqua auctoritate roborari cum non possit inter peccata deputari quod lex praecipit et dominus \{deus \corr.\} iunxit

\textbf{U} Numquid si quis cathecuminus uirtutibus studuerit humilitatem sectus fuerit patientiam tenuerit elymoysinas fecerit morti distinguat quaerent patientia adulteria exoruerit castitatem tenuerit quao si haec cum factus fidelis fuerit amittit quia per baptismum totum quod uetus homo gesserit putatur auferri aspiciamus gentilem hominem cornilium orationibus \[{f. 120r}\] adque elymoysinis reuelationem petrumque ipsum uidisse ne per baptismum haec illi abluta sunt propter quae ei baptismum uidetur esse concessum si ita creditur mihi credite non modicum erratur quia quidquid bene gestum fuerit et secundum praecipit et dominus non et possit agenti deperiere quod quia ex dei mandato efficiter non potest dici peccatum quod peccatum non est solui inter peccata credi omnino non debet eritque intregum aestimare aboleri non posse prioris nomen uxoris cum non demisum sit pro peccato quia ex dei sit uoluntate conpletem

\textbf{de hiis qui ab hereticis ordinantur}

\textbf{UI} Uentum est ad tertiam quaestionem quae pro sui dificultate longiorem exigit disputationem cum nos dicamus ab hereticis ordinatus \{ordinatus \corr.\} uulneratum per illam manus impositionem habere caput ut ubi uulnus infixum est medicina adhibenda est ut sanitatem possit recipere quae sanitas post uulnus secuta sine cicatrice esse non poterit atque ubi penitentiae remedium necessarium erit illic ordinationis honorem lucem habere non poterit quod testamentum inmundus inmundum erit quomodo id ei tribuitur quod munditia ac puritas consueuit accipere sed contra adseritur eum qui honorem amissit dare non potest ne illum aliquid accipisse quia nihil in dante remainserat quod ille possit accipere adquiescimus et uerum est

Certe qui quod non habuit dare non potuit damnationem utique quam habuit \[{f. 120v}\] per prauam manus impositionem dedit et qui conparticeps factus est damnato quomodo debeat honorem

\textsuperscript{228} malum] \textit{this word has been underlined}
accipere inuenire non possum sed dicitur uera ac iusta legetimi sacerdotis\textsuperscript{229} benedictio aufert omne uitium quod a uituso fuerat iniectum

Ergo si ita est adplicentur ad ordinationem sacrilegi adulteri atque omnium criminum rei quia per benedictionem ordinationis crimina aut uita putatur auferri nullus sit penitentiae locus quia id potest praestare ordinatio quod longa satisfactio praestare consuebit nos \textit{nostra corr.}\textsuperscript{230} uero lex est ecclesiae uenientibus ab hereticis quia tamen illic baptizati sint per manus impositionem laicam tribue communionem nec ex his aliquem in clericatus homonem uel exiguum subrogare at uero hii qui catholica ad heresim transierunt quos non aliter oportet nisi per penitentiam susci apud uos non solum penitentiam non aguunt uerum etiam honore cumulantur sed anysuii fratris nostri quondam aliorumque consacerdotum summa deliberatio haec fuit ut quos bonus ordinauerat ne cum eodem remanerent ac fieret non mediocre scandalum ordinati recipierunt uicimus ut opinor ambigua iam ergo quod pro remedio ac necessitate temporis statum est constat primitus non fuisset ac fuisse regulas ueteres quas ab apostolis aut apostolicis uiris traditas ecclesia romana custodit custodiendasque mandavit hiis qui\textsuperscript{231} eam audire consuerint sed necessitas temporis id fieri magnopere postulabat [f. 121r]

Ergo quod necessitas pro remedio inuenit cessante necessitate debet utique cessare pariter quod urguebat quia alius est ordo legitimus alia usurpatio quam tempus fieri ac praesens impellit sed canones aput niceam constituunt de nouationis \textit{sic} fieri permiserunt prius ille canon a patribus institutus ponendus est ut possimus aduertere uel quid uel qualifier sensum ab eisdem sit uel praepceptum de hiis iniquid qui nominant seipsos catharos quia alius est ordo legitimus alia usurpatio quam tempus fieri ad praesens inpellit sed canones aput niceam constituunt de nouationis \textit{sic} fieri permiserunt prius ille canon a patribus institutus ponendus est ut possimus aduertere uel quid uel qualifier sensum ab eisdem sit uel praepceptum de hiis iniquid qui nominant seipsos catharos quia alius est ordo legitimus alia usurpatio quam tempus fieri ad praesens inpellit sed canones aput niceam constituunt de nouationis

\begin{quote}
A nouationis alisque hereticis reuertentes debere in suum ordinem recipi quod ita esse etiam illud maxime quod de paulianistis dictum est poterit confirmare a quibus uenientes etiam batizari praecipiunt
\end{quote}

Numquid nam iam de paulianistis iubent omnes qui ab hereticis reuertuntur erunt hoc exemplo baptizandi quod cum nullus audeat facere de ipsis tantum esse praepceptum ratio ipsa demonstrat denique batizatus rite ab euangelista philippo petrus et iohannis sola manus impositione consummatur illos uero quos apostolus [f. 121v] paulus iohannis baptismatae batizatos repperit interrouitque \textit{corrs.} an spiritum sanctum suscipissent fatentibus se illit ne quidem nomen audisse iusit eos baptizari uidetis ergo rite baptizatos illo dono iterari non posse et aliter sola aqua lotos baptizari in nomine patris et filii et spiritus sancti necessarium peruerderi et de nouationis tantum iusum esse lucida manifestatione relegitur quod idcirco destinctum esse ipsis duabus heresisibus ratio manifesta declarat quia paulianiste in nomine patris et filii et spiritus sancti neminem baptizabant et nouationis hisdem nominibus tremendis uenerandisque baptizant nec aput istos de unitate potestatis duinae hoc est patris et filii et spiritus sancti quaestio aliando commota est et ideo de omnibus segregatis haec sola electa est

\textsuperscript{229} sacerdotes] sacer with macron over er

\textsuperscript{230} Scratched correction.

\textsuperscript{231} qui] minuscule q with cross through descender; the scribe uses the same abbreviation for quia when writing half-uncial script
cui istud crederent concedendum quia nihil in patris et filii et spiritus sancti sacramento peccarent

de catholicis qui ad heresim transseant
SI quis vero de catholica ad heresim transiens aut fidelis ad apostatas iam reversus non resipiscens redire voluerit numquid eadem ratione poterit ad clerum permitti quorum comisum non nisi longa penitentia poterit aboleri Nec post penitentiam clericum fieri ipsis canones sua auctoritate permittunt Unde constat qui de catholica ad bonosum transire damnatum adque se passi sunt uel [f. 122r] cuperent ab eodem ordinari non oportuisse ordinationes ecclesiasticj suscipere dignitatem qui commune omnium iudicum ecclesiarum deserentes suam peculiariter in bonoso uanitatem sequandam sequendam esse dixerunt

de hiis qui a bonosco ordinati sunt
Sed multos constat uim passos atque inuitos attractos repugnantesque ab eodem ordinatos dicat mihi uolo quisque hic credit si non post ordinationem bonosi interfuit cum conficeret sacramenta si comuni eos participantius 232 ecclesiasticj susciperi dignitatem qui commune omnium iudicum ecclesiarum deserentes suam peculiariter in bonoso uanitatem sequandam sequendam esse dixerunt

de hiis qui a bonosco ordinati sunt
sed multos constat uim passos atque inuitos attractos repugnantesque ab eodem ordinatos dicat mihi uolo quisque hic credit si non post ordinationem bonosi interfuit cum conficeret sacramenta si comuni eos participantius ecclesiasticj susciperi dignitatem qui commune omnium iudicum ecclesiarum deserentes suam peculiariter in bonoso uanitatem sequandam sequendam esse dixerunt

232 Scratched correction.
appendicitatem est declarata benignitas ut in spiritu ductam ac reductam sententiam boni semper indeferenter sequantur nam fater haec me primum res bene habet erga eustathium diaconum quod nec contra fidelem quicquam locutus sit nec contra loquentem admiserit nec ad mortem crimen aliquod admississe uel iactatum umquam uel uictum recognoverim et qui in his saluus est si quo pacto conversiones amabilest non habet habendus est ut minus pro tempore dilectus non ut inimicus aestimatus diabulo in perpetuum mancipandus {mancipandus cor.} cognosco illum inter illas simultates ac turbines contra multorum studia non dico qualia diuerra sensisse et hinc cum res calamitatesque ipsae emendatae sint adhuc huius diozeniani et quiriaci subdiaconorum non potuisse apud uos reuuiuscere commendatione extinguite quaesio ab illo praedictisque quorumcumque uidetis animos ac non iustas æmulationes ut ipse aput nos integer aput uos cum suis reparatus profunda pace non ficta peruidens caritatem omnibus uobis ac singillatim occurrat caritas uinculisque nullis modis a christo solutur uobiscum pariter in perpetuum conexa laetetur in domino data {data cor.} ides decembris flauio constantino U consulibus [f. 123v]

[XXVI]

leo episcopus rustico episcopo narbonensi

Subditis responsionibus et ad eiusdem consulta respondens* epistolam fraternitatis tuae quas hermes archidiaconus tuus detulit libenter accipieris diuersarum spes non ita patientem {patientia cor.} legentis honoresas ut aliud earum inter concurrentes undique sollicitudinis fuerit praetermissum unde toti sermonis tui allegatione concepta et gestis quae in episcoporum honoratorumque examinac confecta sunt recensitis sabiniano et leoni praesbyteris actionis tuae interdum medullarius et sibi accipieties unde toci sermonis tui quos {quos cor.} quam formam quamque mensum debes tenere iusticiae tuo relinquo moderamini suadens tamen caritatis hortatu ut sanandis egris spiritalem debeas adhibere medicinam et dicente scriptura noli esse nimium iustus {Ecl 7:17} mitius agas cum eis qui zelo pudicitiae uidentur modum excississe uindicis ne diabulus qui decipit adulteros de adulteris exultet utioribus

Miro autem ditionem tuae in tantum scandalorum quacumque occassione nascentium aduersitate turbari ut vacuum ab episcopos laboribus optare te dicas et male in silentio atque otio uitam degere quam in his quae tibi com[f. 124r]misa sunt permanere dicente uero domino beatus qui perseverauerit usque in finem {Mt 24:13} unde erit beata perseverantia nisi de uirtute paenitentis nam saecundum apostolicam praedicationem omnes qui vopulerint in christo pie uiuere persecutionem patientur {2 Tim 3:12} quae non in eo tantum computanda est quod contra christianam pietatem aut ferro aut ignibus agitur aut quibuscumque supplicis cum persecutionem {persecutionem cor.} seuitiam supeante et dissimilitudines morum et contumaciae inoboedientium et malignarum tel linguarum quibus extra conflagrationem cum omnia semper membra pulsentur et nulla piorum portio a temptatione sit libera ita ut periculis nec ostia care[n]nt {careant cor.} nec labores quis inter fluctus maris nauem diregit si gubernator abscedit quis ab insidiis luporum custodieat oues si pastoris cura non uigilet quis denique latronibus obsistet et furibus si spectatore in prospectu explorationis locatum ab intentione sollicitudinis amor quietis abducat permanendum ergo est in opere credito et in labore susceper constanter tenenda est iustitia et benigne praestanda clementia odio habeantur peccata non homines

233 Scratched correction.
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corripiantur tumidi tollerentur infirmi et quod seuerius castigari necesse est non seuentis plectatur animo sed medentis ac si vehementior tribulatio incubuerit non ita expauiscat[f. 124v]mus quasi illi aduersitati propriis uiribus resistendo cum et consilium nostrum et fortitudo sit christus ac sine quo nihil possimus per ipsum cuncta possimus qui confirmans praedicatores euangelii et sacramento ministro ecce ego iniqu uobiscum sum omnibus diebus usque ad consummationem saeculi {Mt 28:20} et iterum haec iniqu locutus sum uobis ut in me pacem habetis in hoc autem mundo tribulationem habebitis sed bono animo est quia ego uici mundum {Jo 16:33} quae pollutiones quia sine dubio manifestae sunt nullis debemus scandalis infirmani ne electioni dei uideamus ingrati cuius tam potestia sunt adiutoria quam uera promissa

De consultationibus autem dictionis tuae quas separatim conscriptas archidiconus {sic} tuus detulit quid sententiendum {sentiendum corr.} sit inter praesentes oportunius quaeretur si nobis conspectus tui copia proueniret Nam cum quaedam interrogationes modum intellegientiae uideantur excedere intellegio eae conloquii apio esse quam scriptis quia sicut quaedam sunt quae nulla possint ratione conuelli ita multa sint quae aut pro consideratione aetatum aut pro necessitate rerum oporteat. temperari illa semper condicione seruata ut in hiis quae uel dubia fuerint aut obscura id nouerimus sequendum quod nec praecipuis euangelici contrarium nec decretis sanctorum patrum inueniatur aduersum [f. 125r]

Nulla\(^{234}\) ratio sinit ut inter episcopos habeantur qui nec a clericis sunt electi nec a plebis sunt expetiti nec a provincialibus episcopis cum metropolitani iudicio consecrati Unde cum spe {sepe corr.}\(^{235}\) quaestio de male accepto honore nascatur quis ambigat nequaquam istis esse tribuendum quod non doceatur fuisse conlatum si qui autem clerici ab istis pseudoeipiscopis {pseudoeipiscopis corr.}\(^{236}\) in eis ecclesias ordinati sunt qui ad proprios episcopos pertinebant et ordinatio eorum consensu et iudicio praesidentium facta est postest rata haberi ita ut in ipsis ecclesiis perseverent

Aliter autem uana habenda est creatio quae nec loco fundata est nec auctoritate munita

**de praebyro\(^{\text{sic}}\) eul diacono qui recognito crimine suo penitentiam puplicum petat utrum eis per manus inpostione {sic} danda sit**

Alienum est a consuetudine ecclesiastica ut qui in praebbyterali honore aut diaconi gradu fuerint consecrati hic pro crimine aliquo suo per manus impositionem remedium accipient penitendi quod sine dubio ex apostolica traditione discendant saecundum quod scriptum est sacerdos si peccauerit quis orabit pro illo {1 Sm 2:25} unde huiusmodi lapsis ad promerendam misericordiam dei priuata est expetenda successio ubi illis satis [f. 125v] factio si fuerit digna sit etiam fructuosa

**de hiis qui alterio ministrant et coniugies habeant utrum eis licito misceantur**

LEX continentiae eadem est altaris ministri quae episcopis atque praebysteris quae cum essent laici siue lectores licito ex {et corr.} uxores ducere et filios procreare potuerunt sed cum {ad add. sup. lin.} praedictos peruenuerunt gradus coepit eis non licere quod licuit unde et de carnale

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\(^{234}\) incipiunt inquisitiones *gl. in mg.*

\(^{235}\) Scratched correction.

\(^{236}\) Scratched correction.
fiat spiritale coniugium oportet eos nec demittere uxoribus et quasi non habeant sic habere quo et
salua sit caritas conubiorum et cesset operatio nuptiarum

de praesbytero et diacono qui filiam suam uirginem illi uiro in coniugium dederit qui iam
habebat coniunctam mulierem ex qua etiam filios susciperet
Non omnis mulier uiro iuncta uxor erat uiri quia nec omnis filius heres est patri nuptiarum autem
foedera inter ingenuos sunt legitima et inter aequales multo prius hoc ipsud domino constituite
quam inimium romani iuris existenter itaque aliud est uxor aliud concubina Sicut aliiu ancilla aliud
libera propeter quod etiam apostolus ad manifestandum harum personarum discretionem
testimonium ponit ex genesi ubi dicitur ad abrahae eiece ancellam et filium eius non heres erit
filius ancellae cum filio meo isaac 237 {Gn 21:10} [f. 126r]
Unde cum societas nuptiarum ita ab initio constituta sit ut praeter sexum coniunctionem
haberet in se christi et aeclesiae sacramentum dubium non est eam 238 mulie {sic} non pertinere
ad matrimonium in qua docetur nuptiale non fuisse myterium {sic} igitur cuuislibet loci clericus
si filiam suam uiro habenti concubinam in matrimonium dederit non ita accipiendum est quasi
eam coniugato dediderit {dederit corr.} nisi forte illa mulier et ingenua facta et dotata legitime et
puplicis nuptiis honestate uideatur

de puellis quae concubinas habentibus nupserint
Paterno arbitrio uiris iunctae carent culpa si mulieres quae a uiris habeantur in matrimonio non
fuerint

de hiis qui mulieres ex quibus filios relinquunt et uxoribus accipiunt
Quia aliiu est nupta aliiu concubina ancilla et a thoruo abieceret et uxorom certe ingenuitatis
accipere non duplicatio coniugii sed prefectus est honestatis

de hiis qui un {sic} egritudine poenitentiam accipiunt et cum se leuauerint agere eam
nolunt
CUlpanda est talium neglegentia sed non penitus deseranda {sic} ut crebris cohortationibus
incitati quod necessariae expetierunt fideliter exequantur nemo enim desperandus est dum in hoc
corpore constitutus est quia non numquam [f. 126v] quod diffidentia aetatis differtur consilio
maturiore perficitur

de hiis qui penitentiam iam deficientes accipiunt et ante commonionem
HOrum causa dei iudicio reseruanda est in cuius manu fuit ut talium obitus usque ad
commonionis remedium differtur nos autem quibus uientibus non communicamus mortuis
communicare non possumus

de hiis qui dolore nimio per urgente rogant dari sibi penitentiam et cum uenerit
praesipiter daturus quo petebat si dolor parum per qui euenerit excussunt et nolunt
accipere quod offertur

237 isaac] corr. from isacc ?
238 eam] corr. from eum ?
Appendix VII

DISsimulatio haec potest non de contemptu esse remedii sed de metu grauius delinquendi unde penitentia quae dalata {delata cor.} est cum studiosius petita fuerit non negetur ut quoquo modo ad indulgentiae medicinam anima uulnerata perueniat

**de hiis qui penitentiam professi sunt si in foro ligare cognovit**
ALIut quidem est debita iuste reposcere aliut propria perfectionis amore contemnere sed inilictorum ueniam {postulatem add. in mg.} oportet multis etiam licitis abstinere dicente apostolo omnia licent sed non omnia expedient {1 Cor 6:12} 
Unde si penitens habet causam quam neglegere forte non debeat melius expetit ecclesiasticum quam forense iudicium [f. 127r]

**de hiis qui in penitentiam uel post {uo (?) add. sup. lin.} penitentiam negotian tur**
QUalitas lucri negotiantem aut excussat aut arguit quia est honestus quaestus et turpis ueruntamen penitenti utilius est dispensione pati quam periculos negotiationis obstringi quia difficile est inter ementis uendentisque commercium non interuenire peccatum

**de hiis qui {post add. sup. lin.} penitentiam ad militiam reuertuntur**
CONtrarium omnino est ecclesiasticis regulis post penitentiae actionem redire {redire cor.} ad militiam saecularem cum apostolus dicat nemo militans deo implicat se negotiis saecularibus {2 Tim 2:4} Unde non est liber al[i]qua eis {a laquaeis (sic) cor.} diabuli qui se malitia {militia cor.} mundana uoluerit implicare

**de hiis qui post penitentiam uxor e concubinas sibi coniungunt**
IN aduliscentia constitutus si urgeunte aut metu aut captuietat is periculo penitentiam gessit et postea timens lapsum incontinentiae iuuenalis copulam uxoris elegit ne crimen fornicationis incurreret rem uidetur fecisse iuuenalem si praeter coniugem nullam omnino cognoverit in quo tamen non regulam constituimus sed quid sit tollerabilius aestimus {aestimamus cor.} nam saecundum ueram cognitionem nihil magis ei congruit qui penitentiam gessit quam castitas perseuerans et mentis et corporis [f. 127v]

**de monachis qui ut militare coeperint aut uxor es accipere**
Propositum monachi proprio arbitrio aut uoluntate suscipere deseri non potest absque peccato quod enim quis uobit {uouit cor.} deo debet et redde Unde qui relicta professione ad militiam uel ad nuptias deulotus punicipae penitentiae satisfactione purgandus est quia etsi innocens militia et honestum potest esse coniugium electionem meliorum deservisse transgressio est

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239 Scratched correction.
240 Scratched correction.
241 Scratched correction.
242 Scratched correction.
243 Scratched correction.
de puelli quae aliquandiu inhabiti {in habitu corr.} relegiose fuerunt non tamen consecratae sis {si corr.} post nupserunt
Puellae quae non parentem coactae inperio sed spontaneo iudicio uirgitatis {uirginitatis corr.} propositum atque habitum susceperunt si postea nuptias eligent praeuaricantur etiam si consecratio non accessit cuius utique non fraudatrentur {fraudarentur corr.} munere si in proposito permanerent

de hiis qui a parentibus paruuli derelicti sunt et utrum babtizati sunt non potest inuener {inueneri corr.} an debeant babtizari
SI nulla extant indicia inter propinquos aut familiares nulla inter clericos aut uicinos quibus hii de quibus quaeritur babtizati fuisse doceantur agendum est ut renascantur ne manifeste pereant in quibus quod non ostenditur gestum ratio non sinit ut uideatur iteratur [f. 128r]

de hiis qui paruuli ab hostibus capti sunt et non se sapiunt babtizatos sed sciunt se aliquotiens ad ecclesiam a parentibus ductos utrum possint uel beant {sic} cum romaniam uenerint babtizari
Qui posunt {possunt corr.} meminisse quod ad ecclesiam ueniebant cum parentibus suis possunt recordari an quod eorum parentibus dabatur acceperent sed si etiam hoc ab ipsorum memoria alienum est conferendum eis uidebitur quod conlatum esse nescitur quia non temeritas interuenit praesumpsonis ubi est diligentia pietatis

de hiis qui ex affrica uel auritani {sic} uenerunt et nesciunt in qua secta sint babtizati quid circa eos debeant
NON se isti babtizatus nesciunt sed cuius fidei fuerint qui eos baptizauerunt se nescire profitentur unde quoniam quolibet modo formam baptismatis acciperunt baptismandi non sunt sed per manus impositionem uirtute spiritus sancti quam ab hereticis accipere non potuerunt catholicis copulandi sunt

de hiis qui paruuli quidem babtizati agentibus capti sunt et cum illis gentiliter confixerunt cum ad romaniam uenerint si commonionem petierint quid erit obseruandum [f. 128v]
SI conuiuo solo gentilium et escis immolaticis ussi sunt possunt iesuis et manus impositione purgari ut deinceps idoloticis abstinentes sacramentorum christi possunt esse participes si autem aut idolis immolauerunt aut homicidiis uel fornicationibus contaminati sunt ad communionem eos nisi per penitentiam puplicam non oportet admitti
explicit papae leonis ad rusticum narbonensis

[XXVII]
incipit epistola papae leonis ad mayros {sic} episcopus
Cum in ordinationibus saecerdotum {sacerdotum corr.} quaedam aput uos inlicite usurpata crebrior fama narraret ratio pietatis exigunt {exigit ut corr.} pro sollicitudine quam uniuersae

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244 Scratched correction.
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246 Scratched correction.
aecclesiae ex divina institutione {sic} dependimus rerum fidem studeremus agnosceretur siccere hicem curae nostrae fratri et consacerdoti nostro potentio delegantes quid de episcopis quorum culpaulis {culpabilis corr.} ferebatur electio urchas haberet inquireret nobisque omnia fideliter indicaret unde quia idem plenissime cuncta reserat et sub quibus qualibusque rectoribus quaedam christi plebs in partibus provinciae cessariensi habatur sincerera {sincera corr.} nobis relatione patefecit necessarium fuit ut dolorem cordis nostrae fratri et consacerdoti nostro potentio delegantes qui de episcopis quorum cuipuluis {culpabilis corr.} ferebatur electio ueritas haberet inquireret nobisque omnia fideliter indicaret unde quia idem plenissime cuncta reserat et sub quibus qualibusque rectoribus quaedam christi plebs in partibus provinciae cessariensi habatur sincerera {sincera corr.} nobis relatione patefecit necessarium fuit ut dolorem cordis nostrae fratri et consacerdoti nostro potentio delegantes qui de episcopis quorum cuipuluis {culpabilis corr.} ferebatur electio ueritas haberet inquireret nobisque omnia fideliter indicaret unde quia idem plenissime cuncta reserat et sub quibus qualibusque rectoribus quaedam christi plebs in partibus provinciae cessariensi habatur sincerera {sincera corr.} nobis relatione patefecit necessarium fuit ut dolorem cordis nostrae fratri et consacerdoti nostro potentio delegantes qui de episcopis quorum cuipuluis {culpabilis corr.} ferebatur electio ueritas haberet inquireret nobisque omnia fideliter indicaret unde quia idem plenissime cuncta reserat et sub quibus qualibusque rectoribus quaedam christi plebs in partibus provinciae cessariensi habatur sincerera {sincera corr.} nobis relatione patefecit necessarium fuit ut dolorem cordis nostrae fratri et consacerdoti nostro potentio delegantes qui de episcopis quorum cuipuluis {culpabilis corr.} ferebatur electio ueritas haberet inquireret nobisque omnia fideliter indicaret unde quia idem plenissime cuncta reserat et sub quibus qualibusque rectoribus quaedam christi plebs in partibus provinciae cessariensi habatur sincerera {sincera corr.} nobis relatione patefecit necessarium fuit ut dolorem cordis nostrae fratri et consacerdoti nostro potentio delegantes qui de episcopis quorum cuipuluis {culpabilis corr.} ferebatur electio ueritas haberet inquireret nobisque omnia fideliter indicaret unde quia idem plenissime cuncta reserat et sub quibus qualibusque rectoribus quaedam christi plebs in partibus provinciae cessariensi habatur sincerera {sincera corr.} nobis relatione patefecit necessarium fuit ut dolorem cordis nostrae fratri et consacerdoti nostro potentio delegantes qui de episcopis quorum cuipuluis {culpabilis corr.} ferebatur electio ueritas haberet inquireret nobisque omnia fideliter indicaret unde quia idem plenissime cuncta reserat et sub quibus qualibusque rectoribus quaedam christi plebs in partibus provinciae cessariensi habatur sincerera {sincera corr.} nobis relatione patefecit necessarium fuit ut dolorem cordis nostrae fratri et consacerdoti nostro potentio delegantes qui de episcopis quorum cuipuluis {culpabilis corr.} ferebatur electio ueritas haberet inquireret nobisque omnia fideliter indicaret unde quia idem plenissime cuncta reserat et sub quibus qualibusque rectoribus quaedam christi plebs in partibus provinciae cessariensi habatur sincerera {sincera corr.} nobis relatione patefecit necessarium fuit ut dolorem cordis nost
patrum uenerabiles sanctiones cum de sacerdotum electione loqueretur eos demum idoneos
sacris administrationibus censuerunt quorum omnes actates a puerilibus exordiis [f. 130v] usque
ad prouectiones annos per disciplinae ecclesiasticae stipendia cucurrissent ut unicuique
testimonium aetates exordiis usque ad prouectiones annos per disciplinae ecclesiasticae
ipendia cucurrissent ut unicuique testimonium prior uita praeberet nec possede eius prouectione dubitari cu
moribus castis pro actibus strenuis celsioris loci praemium debetur si enim ad honorem
mundi sine suffragio temporis sine merito laboris indignum est perueniri et notari ambitus solent
pros prohibitatis documenta non adiubant quam dilegens et quam prudens habenda est
[dispensatio cor.]; diuinorum munerum et caelestium dignitatum ne in aliquo apostolica et canonica decreta violantur et (in add. sup. lin.) hiis ecclesia domini regenda
credatur qui legitimarum institutionum insci et totius humilitatis ignari non ab infimis sumere
incrementum sed a summis uolunt habere principium cum ulde iniquum sit et absolutum ut
inipiti magistris noui antiquis et rudes praefererent eremiti exinde ex quidem magna necessitates est
ut sicut apostolus dixit uasa diversa sunt quaedam aurea et argentea quaedam vero lignea
et fictilia sed horum ministerium eorum hominum species figuratur qui nullis adhuc
virtutum nitent ita in aureis [f. 131r] et argenteis hii sine dubio declarantur qui per longe
eruditiones ignem et per fornacem (fornacem corr.) diuturni laboris exacti aurum probatum et
argentum purum esse meritum qui quidem magna necessitates est
ut sicut apostolus dixit uasa diversa sunt quaedam aurea et argentea quaedam vero lignea
et fictilia sed horum ministerium eorum hominum species figuratur qui nullis adhuc
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et fictilia sed horum ministerium eorum hominum species figuratur qui nullis adhuc
virtutum nitent ita in aureis [f. 131r] et argenteis hii sine dubio declarantur qui per longe
eruditiones ignem et per fornacem (fornacem corr.) diuturni laboris exacti aurum probatum et
argentum purum esse meritum qui quidem magna necessitates est
ut sicut apostolus dixit uasa diversa sunt quae,

Ceteros uero quorum plicet hoc tantum reprehensionis incurrir quod ex laicis ad
officium episcopale delecti sunt neque ex hoc quod uxor habet possunt esse culpabiles
susceptum sacerdotium tenere permittimus non praeiudicantes apostolicae sedis (corr.)
statutis nec processorum nostrorum nostrisque decretis qui semel salubrider constitutum est
primum uel saecundum in ecclesia gradum aut tertium quisquam quibuslibet laicorum suffragiis
fulsus asendat (sic) priusquam ad hoc meritum per legitima augmenta perueniat quod enim nunc
uctumque tolleranda quaedam vero penitus amputanda si secundas nuptias inierunt uel uiduarum
se coniugio sociarum in sacerdotio manere non patimur et multo magis illum qui simul duarum
est maritus uxor[em] {uxorum corr.} uel illum qui prima uxor [f. 131v] demisa alteram duxisse
perhibetur priuandos honores decernimus

Ceteros uero quorum plicet hoc tantum reprehensionis incurrir quod ex laicis ad
officium episcopale delecti sunt neque ex hoc quod uxor habet possunt esse culpabiles
susceptum sacerdotium tenere permittimus non praeiudicantes apostolicae sedis (corr.)
statutis nec processorum nostrorum nostrisque decretis qui semel salubrider constitutum est
primum uel saecundum in ecclesia gradum aut tertium quisquam quibuslibet laicorum suffragiis
fulsus asendat (sic) priusquam ad hoc meritum per legitima augmenta perueniat quod enim nunc
uctumque uenia est inultum postmodum esse non poterit si quisque id quod omnino interdicimus
usuipare {usurpare corr.} praeexpectur qui remissio peccati non dat licentiam delinquendi nec
quod potuit aliqua ratione concedi amplius patiemur inpune committi

DONatum autem saiacenensem ex nouatiano cum sua ut conperimus plebe conuersum ita
dominico gregi uolumus praesidire ut libellum fidei suae ad nos meminerit dirigendum quod et

247 Scratched correction.
nouatiani dogmatis damnet errorem et plenissime confiteatur catholicam ueritatem maximum quoque ex laico licet repraehensibiliter ordinatum tamen si donatista iam non est et ab spiritu scismatice prauitatis alienus est ab episcopali quam quoquo modo \{quomodo corr.\} adeptus est non repellimus dignitate ita ut et ipse libello \[f. 132r\] ad nos edito catholicum se esse manifestet

De aggaro uero et tiberianus quorum a ceteris qui ex laicis ordinati sunt in hoc causa diuersa est quod eorum ordinationi atroces tumultus et saeuae seditiones \{seditiones corr.\}\textsuperscript{248} memorantur esse famulata uestro iudicio cuncta commissimus ut relata habiti aput uos examinis fide quid de supraddictis statuendum sit scire \{sic\} possumus Illae autem famulae dei quae integritatem pudoris oppressione barbarica perditorum laudabilius erunt in humilitate ac uerecundia sua si se in contaminatis non audeant comparare virginius quamuis enim omne peccatum et voluntae nascatur et poterit \{sic\} corruptione carnis mens et uita non pollui tamen hoc eis aberit si quod potuerint animo non amittere doleant se uel corpore perdidisse Cum itaque de omnibus quae fratri potenti relatio continebat plenissime dilectionem uestrarum uideatis superest ut concordii obediencia salubris suscipiatis \{suscipiat corr.\}\textsuperscript{249} hortatis \{hortatibus corr.\}\textsuperscript{250} et nihil per concentationem \{sic\} agentes sed ad omnem \{omne corr.\}\textsuperscript{251} studium deuotionis unianimes diuinis et apostolicis constitutionibus \{sic\} seruatis et in nullo patiamini pia canonum decreta uiolari quae enim nunc certarum remissimus consideratione causarum antiquis deinceps custodienda sunt regulis ne quod ad tempus pia lenitate commissimus iusta post haec ulterior plectamus\textsuperscript{252} \[f. 132v\]

\textbf{XXVIII}

\textbf{incipit papae leonis ad aquilieinensem episcopum}

Relatione sancti fratri et coepiscopi nostri septimi quae in subditis habentur agnouimus quosdam praebatertos ac diacones ac diuersi ordinis clericos quos pelagiana siue celestianiana \{celestiniana corr.\} heresis habuit implicatos ita in uestra prouincia ad communionem catholicam peruenisse ut nulla ab eisdem damnatio proprii exigeretur errosis et pastoralibus exuibiis nimium ormantibus \{dormitantibus corr.\} lupos ouium pellibus tectos in ouile dominicum non depositis bestialibus animis introisse et quod per auctoritatem canonum decretorumque nostrorum insontibus quidem \{non add. sup. lin.\}\textsuperscript{253} creditur usurpasse ut relictis ecclesiis in quibus clericatuum aut acciperant aut recipieran instabilitatem suam per diuersa circumferant amantes semper errare et numquam in fundamento apostolico permanere quociam qui nullo discussi examene \{sic\} in nullo sunt praeciduo sua \{suae corr.\} professionis obstricti hunc maxime expetunt fructum ut sub uelamento commusionis plurii domos sedere et per falsi nominis incipientiam multorum corda corruprunt quod utique efficer \{efficere corr.\} non possent si ecclesiarem praesules necessariam diligentiam in talium receptione seruassent nec cuquam

\textsuperscript{248} Scratched correction.
\textsuperscript{249} Scratched correction.
\textsuperscript{250} Scratched correction.
\textsuperscript{251} Scratched correction.
\textsuperscript{252} Other versions of this text continue hereafter.
\textsuperscript{253} Scratched correction.
eorum euagari in diuersa licuisset ne ergo hoc ulterius audeatur neue per quorumdam neglegentiam introducta pernicies ad euersionem multarum tendat animarum hoc nostri auctoritate praeepti industriae tuae fraternitatis indicimus ut congregata apud uos synodalium sacerdotum omnes siue praesbyterii siue diaconi uel cuiuscumque ordinis clerici qui de pelagianorum celestianorumque consortio in communione catholica mea inquinae decreta synodalia et quae ad excissionem huius heresis apostolicae sedis confirmauit auctoritas amplecti se et in omnibus adprobare plenissime et apertis ac propria manu scriptis protestationibus eloquantur nihil in erno obscurum nihil inueniat quoniam nouimus hanc istorum uersutiam ut in quacumque pericula dogmatis execrandi qua dammandorum soliditate disseruerint nihil sibi sensum suorum aestimet esse non saluum. Cunque omnes definitiones suas ad subrepiendi faciliteram inprobarse se simuluent adeque deponere hoc sibi tota arte fallendi nisi intellegantur expectioni ut gratia dei secundum merita dari accipientem sentiat quae utique nisi gratis datur non est gratia sed mercis retribuitique meritorum dicente beato apostolo gratia salui facti est per fidem et hoc non ex uobis sed dei donum est ex add. super. lin. operibus ne forte quis extollatur ipsius enim sumus figuramentum creati in christo iesu in operibus bonis quae praparauit deus ut in illis ambulemus Eph 2:8–10

Omnis itaque honorum operum donatio divina preparatio est quia non prius quisquam iustificatur uto quae uniuersum principium iustitiae et bonorum fons atque origo meritorum est sed ab istis ideo per naturalem industriam dicitur praeeuenturi quae ante gratia proprio clara sit studio nullo uideatur pecati originalis uel nare sauciata falsumque sit quod ueritas ait quoniam filius hominis uenit quaerere et saluare quod perierat {Lk 19:10}

Cauendum ergo dilectioni tuae est magnaque diligentia prouidedendum ne scandala suscitentur et de excisso ollim dogmate aliquid in prouincia tua eiusdem mali germen oriatur

Quod non solum in radicibus suis crescat sed etiam sanctae ecclesiae subolem ueneno sui oris inficiat qui correctos se uideri volunt ab omni suspicione se purgent{f. 134r}

ET oboediendo nobis probo esse se nostros quorun si quisquam salubrius praeeptis satisfacere detractarit siue ille clericus siue sit laicus ab ecclesiae sociate pellatur ne perdita animae suae salutis insediatur alienae illam quoque partem ecclesiasticae quia et ollim a sanctis patribus et a nobis sepe decretum est ut nec in praesbyteratu gradu nec in diaconatus ordine clericoab ecclesia ad ecclesiam cuipiam transire sit liberum ut in integrum reuoces admonemus ut unusquisque non ambitione infectus non cupiditate seductus non persuasione hominum deprauatus ubi ordinatus est perseveret Ita ut si quis sua quaerens non quae iesu christi ad plebem et ad ecclesiam suam redire neglexerit et ab honoris

254 Scratched correction.
255 clericus] corr. from dericus?
256 Scratched correction.
priuilegio et a communiones {communionis corr.} uinculo habeatur extraneus non autem dubitet
dilectio tua nos si quod non arbitramus neglecta fuerunt quae pro custodia canonum et prouidei
{pro fidei corr.} integritate decernimus uehementius commuendostringa quia inferiorum ordinum
culpe ad nullos magis refferendae sunt quam ad desides neglegentesque rectores qui multam
sepe nutriunt pestilentiae {pestilentiam corr.} dum austeriorem dissimulat adhibere medicinam
explicit ad aquilicensem episcopum

[XXIX]
incipit papae leonis ad septimum episcopum [f. 134v]
LEctis fraternitatis tuae litteris uigorem fidei tuae quem ollim noueramus agnouimus
congratulantes sibi quod ad custodiam gregum christi pastoralem curam uigilanter exsequeris ne
lupi qui sub specie oium subrintrarent bestiarum seuitia semplices quosque delacerent et non
solum ipsi nulla correctione proficiant sed etiam ea quae sunt sana corruunt ad que ne uiperea
possit obtrinere fallacia ad metropolitam episcopum provinciae uinetiae scripta direximus
quibus ad status sui periculum cognosceret si quisquam de pelaganorum et caelestinianorum
consortio ueniens in communionem catholicam sine professione letime {legitime corr.}
satisfactionis habeatur saluberrimum enim est et spiritalis medicinae utilitati plenissimum ut siue
praesbyteri siue diaconi uel cuiuslibet ordinis cleric[i] qui se correctos uideri uolunt errorem suum
et ipsos erroris auctores damnari a se sine ambiguitate fateantur ut sensibus prauis et dudum
peremptis nulla sperandi supersit occassio nec ullum membro ecclesiae talium possit societate
uiolari

Cum per omnia illis professio coeperit propria obuira circa quo etiam illam canonum
constitutionem {sic} praeципim custodiri ne ab his ecclesis ad quos proprie pertinente salutar
abscidere et pro suo arbitrio ad loca sibi non deputata transire cum quod {recta add. in mg.} non
permittitur inculpatis multo [f. 135r] minus debeat licere suspectis proinde dilectio tua cuius
deuotione uigurum curam suum atque erroris auctores damnari a se sine ambiguitate fateantur ut sensibus prauis et cum supradicto metropolitano
det operam ut circum spectet ac uelociter inpleantur quæ ad totius ecclesiae in locomitatem
{incolomitatem corr.} et laudabilerunt sunt suggesta et salubriter ordinata amen

[XXX]
incipit sinodus episcopalis calcidonensis abitus a quincentis et XX episcopis contra
euthicentem
Uenerabilius{sic} totius mundi conuentus qui ex gratia dei nostri et decreto
clementissimorum et relegiosorum imperatorum valetiani {sic} et marciani augurorum
adunatus in calcidonense metropolitano bithiniae uiciuitatem {sic} in martyrrio sanctae et atque
uictrices eumiae decreuit quae subter conprehensam sunt

Dominus et salvator noster iesus christus fidei intellectum discipulis confirmare praecipit
pacem meam do uobis pacem meam {relinquo uobis add. in mg.} {Io 14:27} et ne ulla dissensio
inter suus ex reegiositate uenerabili oriatur sed ex ea quod ueritatis ostendatur praecomn
quoniam non desit per sordiculas quasadam malignus insidiere pietatis seminis seminibus sed sempem noui
quiddam aduersus ueritatem indagatur ob hoc dominus noster habens prouidentiam humani
generis hum clementissimum ac fidelem aduersus emolum nobis concessit principem qui

257 istam episcopus {episc with macron over pi} iam scius sym {sic; corr. to scripsi in ?} codice praespiteri tribuni
gl. in mg.; cf. Paris, Bibliothèque nationale, Lat. 3836 (secundum Schwartz, ACO 2.2, p. 11): ista epistola iam
scripsi in codice presbiteri Tribuni
undique ad se sacerdotes conuocauit ut gratias {gratia corr.} domini [f. 135v] nostri iesu christi cooperante totam falsitatis noxam adresus abieciat et ueritatis eam conrobore per sectas sed et pertissimorum patrum innouamus fidem tricentorum decim et octo symbolum omnibus praedicantes et quod sincera agitione animo concoepisse cognoscimus sacerdotes {adtitulantes add. in mg.} notabimus

Et post haec conuenerunt in urbem constantinopolitanam numero centum quinquaginta etiam hii hanc confirmant fidei nos uero hunc ordinem et omnes fidei formulas custodientes decernimus sæcundum effessantium concilium quorum auctores uenerabilis memoriae caelestinus urbis romae et quirillus alexandrinae ecclesiae urbis episcopus unianimiter sentientes iuste praececellere inculpaulitis fidei expositionem trecentorum decim et octo uenerabilium ac beatissimorum patrum qui in niceanis temporibus diuæ memoriae constantini imperatoris conuenerunt {conuenerunt corr.} etiam obtinere uero et centum quinquaginta uenerabilium episcoporum apud constinopolim quae decreta sunt ad interemptionem secrarum {sectarum corr.} pululantium et crescentium manifestatione huius catholicae et apostolicae fidei nostrae symbolum tricentorum decim et octo et centum quinquaginta

Credimus in unum deum patrem omnium factorem caeli et terræ uisibilium omnium et inuisibilium et in unum dominum iesum Christum [f. 136r] filium dei unicum de patre natum ante omnia saecula deum uero natum non factum eiusdem substantiae qua pater est per quem omnia facta sunt qui propter nos homines et propter nostram salutem discendit incarnatus est de spiritu sancto et maria uirgine homo factus crucifixus pro nobis sub pontio pilato sepultus resurrecti die ascendit ad caelos sedet ad dexteram patris inde uenturus ad iudicium uiuos et mortuos Cuius regni non erit finis et in spiritum sanctum {spiritu sancto} adoratur et glorificatur qui locutus est per prophetas in unam catholicam atque apostolicae ecclesiam confitemur unum baptismum in remisione peccatorum speramus resurrectionem {resurrectionem corr.} mortuorum uitam futuri saeculi amen.

Sufficerat quidem ad plenariam pietatis agnitionem sanctum hunc et salutare diuinae gratiae secretum de patre enim et filio et spiritu sancto decet nos plenaria perfecte domini nostri iesu incarnatio quibus fideliter credulis adest sed quoniam hii qui ueritatis destruerunt conantur praeconio quasdam inuocationes pro nobis sub pontio pilato sepultus resurrectus tua die ascendit ad caelos sedet ad dexteram patris inde uenturus ad iudicium uiuos et mortuos Cuius regni non erit finis et in spiritum sanctum {spiritu sancto corr.} dominum et uiuificator qui locutus est per prophetas in unam catholicam et apostolicae ecclesiam confitemur unum baptismum in remisione peccatorum speramus resurrectionem {resurrectionem corr.} mortuorum uitam futuri saeculi amen.

258 Scratched correction.

259 Uenerabilis looks like uenenabilis

260 Scratched correction.
confirmauerunt non quod aliquid deesset priscae fidei superadicientes sed aduersus eos qui tebantur \{nitebantur \textit{corr.}\} diuini spiritus conceptione aduersari et domini nostri potestatem corrupere hos ergo scripturis diuinis adtestantibus \{adtestantibus \textit{corr.}\} euidentius manifestantes propter illos uero qui substantiae secretum euertere insecrabant {insectabantur \textit{corr.}} diuini spiritus conceptione aduersari et domini nostri potestatem suscipit aduersus nostori amentiam in quibus manifesta expersio certi adque salutaris symboli desiderantibus \[f. 137r\] epistolam adque archiepiscopi leonis primæ sedis quae distinata et directa uidebatur ad uenerabilem sanctae memoriae fluianum ad intercidendam euidentiam malignitatem quamuis sancti petri confessioni concordantem et unam adque similem paginam uisa est aduersus obrectantium audaciam euidentem edere congregent integre fidei credentibus Nam et eos qui quasi uiuariam \{sic\} dei uiui substantiam secretalem nituntur diuidere oppugnant hos etiam qui passibilem audient dicere diuinitatem unici filii hos repellendos et de omni synodo oportet nec non et hos qui duplicem naturae commixtionem confusione domini nostri argumentantur inpugnare et qui caelestem uel etiam alterius constare substantiam quam ex nobis adsumpsit formam serui ipsos ergo figuram delerantes uel insanientes \{sic\} hos qui duas ante nativitatem domini naturas unam post unationem \{sic\} fingentes excommunicare oportet

Sequamur igitur patrum nostrorum sententiam unum et eundem confites \{confitentes \textit{corr.}\} dominum iusum christum conveniunt edocentes perfectum eundem in diuinitate perfectum eundem carnalem hominem deum certum eundem hominem certum eundem ex anima rationabili et corporis substantia patri in diuinitate similis item et nobis per omnia in humana substantia similem praeter \[f. 137v\] peccatum ante saecula ex patre progenitum saecundum diuinatem sed in ultimis diebus eundem propter nos et propter nostram salutem ex maria uragine di\[njini \{diini \textit{corr.}\} numinis creatrice secundum hominem unum eundemque christum filium dominum nostrum unicum in duplici natura inconfuse inmutabilem indiuise cognoscendum in nullo duplicis naturae distantia interempta propter unitatem salva propriaetate naturae utriusque sub una persona non sub una substantia convenientes neque in duas figuras duisms atque partitam sed unum eundem filium unicum deum unum iusum christum sicut antiquitus profetae pro eo etiam ipse nos iusus christus erudit et patrum nobis tradidit symbolum quorum itaque cum omni uritate et suauitate \{nobis \textit{add. sup. lin.}\} ordinatam \{sic\} statuit uenerabilis et mundana ecclesia nullam aliam fidem licere cuiquam proferre aut edere uel docere uel tradere alterum symbolum conponere uolentibus ad scientiam ueritatis ex paganitarum et iudaicæ aut hereticæ cuiuslibet sectæ convertens hos uero siue sint episcopi aut clerici alienos esse ab episcopatu seu clericiatu \{clericatu \textit{corr.}\} sint sed et si monachi sint aut laici hos excommunicare iubemus explicit synodus mundanum id est uniuersali apud calcidonia

\[XXXI\]

\textbf{incipit de synodo nicaeno scripta papae} \[f. 138r\] \textit{damassi ad paulinum an\[ti\]ochene urbis episcopum}

Credimus in unum deum patrem omnipotentem creatorem uisibilibus et invisibilibus et in unum dominum nostrum iusum christum filium dei natum ex patre unigenitum hoc est ex substantia patris deum ex deo lumen ex lumine deum uerum ex deo uero natum non creaturam neque substantiae cum patre quod crete \{sic\} dicunt homousion per quem omnia facta sunt siue quae in caelo siue quae in terra qui propter nos homines et propter nostram salutem discendit incarnatus est homo factus passus est et resurrexit tertia die ascendit in caelis uenturus inde iudicare uiuos et mortuos et spiritum sanctum neque facturam neque creaturam sed de substantia deitatis Eos
Appendix VII

autem qui dicunt erat tempus quando non erat et priusquam nasceretur non erat et quia ex nullis
exstantibus factus est uel ex alia subsistantia {sic} dicentes mutabilem et convertibilem filium
dei hos anathematizat catholica et apostolica ecclesia

Post hoc concilium nicenum quod in urbe a {a ras.} constantinopolitana concilium
congregatum est a catholicis episcopis addiderunt de spiritu sancto et quia postea hic error
inoleuit et {ut corr.} quidam ore sacrilegio auderent dicere spiritum sanctum factum esse per
filium

Anathematizamus eos qui non tota libertate proclamant eum cum patre et filio unius
potestatis esse atque substantiae [f. 138v]

Anathematizamus quoque eos qui sabelli sequuntur errorem eundem dicentes esse petrem
{patrem corr.} quem et filium

Anathematizamus arrium atque eunomium qui pari impietate licet sermone dissimili
filium et spiritum sanctum adserunt esse creaturas

Anathematizamus macedonianos qui de arri {sic} stirpe uenientes non perfidiam
muntauere {muntauere corr.} sed nomen

Anathematizamus fotinum qui aebionis heressim instaurans dominum iesum christum
tantum ex maria confitetur

Anathematizamus eos qui duos filios adserunt unum ante saecula et alterum post
adsumptionem carnis ex uirgine

Anathematizamus eos qui pro hominis anima rationabili et intellegibili dicunt dei uerbum
in humana carne ursatum cum ipse filius sit uerbum dei et non pro anima rationabili et
intellegibili in suo corpore fuerit sed nostram id est rationabilem et intellegibilem sine peccato
animam susceperit atque saluauerit

Anathematizamus eos qui uerbum filium dei extentione aut collectione et a patre
separatum et insubstantium et finem habitaturum esse contendunt

Eos quoque qui de ecclesies migruerunt tamdui a communione nostra habemus alienos
quamdui ad eas redierint ciuitates in quibus primum sunt constituti quod si alius alio
transmigrante in loco uientis est ordinatus {sic} tamdui uacet [f. 139r] sacerdoti dignitate qui
suam deseruit ciuitatem quamdui suam deseruit cisiuatem quamdiu successor eius quiescat in domino

Si quis non dixerit semper patrem semper filium semper spiritum sanctum esse anathema
sit

Si quis non dixerit filium natum de patre id est de substantia ipsius diuina anathema sit

Si quis non dixerit uerbum domini uerum deum filium dei deum sicut uerum deum
depatrem eius et omnia posse et omnia nosse et patri aequalem anathema sit

Si quis dixerit quod non {non expunct.} in carne constitutus filius dei cum esset in terra
in caelis cum patre non erat anathema sit

Si quis dixerit quod in passione crucis dolorem sentiet {sentiebat corr.} filius dei deus et
non caro cum anima quam induerat forma serui quam sibi acciperat sicut ait scriptura anathema
sit

Si quis non dixerit quod in carne quam adsumpsit sedet ad dexteram patris in qua
uenturum est iudicare uiuos et mortuos anathema sit

Si quis non dixerit spiritum sanctum de patre esse uere ac propriae sicut filius de diuina
substantia et deum uerum anathema sit

Si quis non dixerit spiritum sanctum omnin posse omnin nosse et ubique esse ficut {sicu
corr.} filium et patrem anathema sit

Si quis dixerit spiritum sanctum facturam esse aut per filium factum anathema sit [f.
139v]
Si quis non dixerit omnia per filium et spiritum sanctum patrem fecisse id est usibilia et inuisibilia anathema sit
Si quis non dixerit patris et filii et spiritus sancti unam diuinitatem potestatem maiestatem potentiam unam gloriadam dominationem unum regnum atque unam voluntatem ac ueritatem anathema sit
Si quis non dixerit tres personas ueras patris et filii et spiritus sancti aequales semper uiuientes omnia continentia usibilia et inuisibilia omnia potentes omnia iudicantes omnia uiuicantes {uiuicantes (sic) corr.} omnia facientes omnia quae sunt saluanda saluentes anathema sit
Si quis non dixerit adorandum spiritum sanctum ab omni creatura sicut filium et patrem anathema sit
Si quis de patre et filio bene senserit de spiritu autem non recte habuerit hereticus est
Quod omnes heretici de filio dei et spiritu sancto male sentientes in peruidia {sic} iudeorum et gentilium inueniuntur
Quod si quis patiatur deum patrem dicens et deum filium eius et deum spiritum sanctum deos dicere et non deum propter unam diuinitatem et potentiam quam credimus esse et scimus patris et filii et spiritus sancti subtrahens autem filium aut spiritum sanctum ita ut solum existmet {sic} esse deum patrem dici aut credi unum deum anathema sit omnis immo iudei [f. 140r]
Quod nomen deorum in angelis et sanctis hominibus a deo est possitum et donatum de patre et filio et spiritu sancto propter unam et equalem diuinitatem non nomen deorum aut dei nobis ostenditur atque indicatur ut credamus quia in patre et filio et spiritu sancto solum babtizamur et non in archangelorum nominibus aut in {in expunct.} angelorum quomodo heretici aut iudei aut etiam gentiles dementes faciunt
Haec ergo est salus christianorum et {ut corr.} credentes trinitati id est patris et filii et spiritus sancti in eam ueram solam unam diuinitatem et potentiam maiestatem et substantiam eiusdem haec sine dubio credamus

[XXXII]
incipit expositio fidei
CREdimus unum deum patrem omnipotentem et filium eius unicum dominum nostrum conceptum de spiritu sancto iesum christum deum et dominum nostrum et spiritum sanctum deum non tres deos sed patrem et filium et spiritum sanctum sanctum unum deum {esse add. in mg.} confitemur non sic unum deum quasi solitarium nec eundem qui ipse sibi pater sit ipse et filius sed patrem uerum qui genuit filium uerum ut est deus deo lumen de lumine uita ex uita perfectum de perfecto totum a toto plenum a pleno non creatum sed genitum non ex nihilo sed ex patrê unius substantiae cum patre spiritum uero sanctum deum non ingenitum neque genitum non creatum nec factum sed patris et filii semper in patri et filio coæternum [f. 140v] ueneramur unum tamen deum quia ex uno patre totum quod patris est deus natus est filius et in patri totum quod patris est deus natus est filius pater filium generans non minuit nec amisit plenitudinis suae deitatem totum autem quod deus pater est id esse et filium ab eo natum certissime tenentes cum spiritu sancto unum deum piissime confitemur explicit

incipit eiusdem serm {sic}
CREdimus iesum christum dominum nostrum dei filium per quem omnia facta sunt quae in calis {cælis corr.} et quae in terra usibilia et inuisibilia propter nostram salutem descendisse de caelo qui numquam desierit esse in caelo natum de spiritu sancto et uirgine maria uerbum caro factum
est {est cancell.} non amisit quod fuerat sed coepit esse quod non erat non demutatum\textsuperscript{261} sed deum permanentem etiam hominem natum non putatue sed uere non aereum sed corporeum non fantasseum sed carneum ossa sanguinem sensum animam habentem ita uerum deum et uerum hominem intellegimus et uerum deum hominem fuisse nullo modo ambigamus confitendum hunc eundem dominum iesum christum adinus esse scripturas tertia die a mortuis resurrexisse adsumptum in caelis sedere ad dexteram patris inde uidentur iudicare uios et mortuos expectamus [f. 141r] in hius morte et sanguinem mundatus {sanguine mundatos corr.}\textsuperscript{262} remissionem peccatorum consecutus {consecutos corr.}\textsuperscript{263} suscitandos die nouissima\textsuperscript{264} nos ab eo in eadem carne qua nunc uiuimus et habemus accepturos ab eo aut uiam aeternam praemium meriti aut sententiam pro peccatis aeterni supplicii

[XXXIII]

\textbf{incipit de fide catholica}

NOs patrem et filium et spiritum sanctum confitemur ita ut in trinitate perfecta et plenitudo sit diuinitatis et unitas potestatis nam tres deos dicit qui diuinitatem separat trinitatis deus \textit{[****]} {deus add. in litura} et filius deus et spiritus sanctus deus et tres unum sunt in iesu christo tres itaque formae sed una potestas ergo diuersitas plures facit unitas uero potestatis excludit numeri quantitatem quia {unitas numerus non}\textsuperscript{265} add. in mg. est. sic itaque unus deus una fides unum baptisma.

Si quis uero hanc fidem non \{habet add. in mg.\}\textsuperscript{266} catholicus\textsuperscript{267} non potest dici quia catholicam non tenet fidem alienus est profanus est aduersus ueritatem rebellis est \textbf{explicit de fide catholica}

[XXXIV]

\textbf{incipit exemplar epistolae synodi sardicensis factae ad iulium urbis romae episcopi}

Quod semper credimus \textit{[sic]} etiam nunc sentimus experientia enim probat et confirmat quae quique \textit{[sic]} auditione auduit uerum est enim quod beatissimus magister gentium paulus apostolus de se locutus est quamquam utique quia in ipso dominus christus habituit dubitare non possit spiritum per animam [f. 141v] eius locutum et organum corporis personasse et tu itaque dilectissime frater corpore separatus mente concordia uoluntate adfuisti et honesta fuit et necessaria excusatio absentiae ne aut lupi scismatici aut canes heretici rabido furore excitati insani oblatrarent aut certe serpens diabulus blasphemorum \textit{[sic]} uenenum effunderit hoc enim

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\textsuperscript{261} demutatum] corr. to demutum ?

\textsuperscript{262} Scratched corrections.

\textsuperscript{263} Scratched correction.

\textsuperscript{264} nouissima] corr. from nouissimo ?

\textsuperscript{265} non] corr. from nos ?

\textsuperscript{266} Scratched correction.

\textsuperscript{267} catholicus] corr. from catholicus ?
optimum et ualde congruentissimum esse uidebitur si ad caput id est ad petri apostoli268 sedem de singulis quibusque prouinciis domini refferant sacerdotes quoniam ergo uniuersa quae gesta sunt et quae acta quae constituta et charte continent et uiuae uoces carissimorum mentes arriana heresi pertinet. {pestifero corr.} tinxit ueneno diu tergiuersatos propter differentiam ad judicium uenire noluisse tuamque et nostram repraehendere communionem quae nullam habebat culpam quia non solum LXXX episcopis testantibus de innocentia athanassi pariter credimus sed et conf. [f. 142r] pro per corr.} praesbyteros tuos et per epistolam ad synodum quae futura erat in urbe roma uenire noluerunt satis iniquum erat illis contemnentibus tot sacerdotibus testimonium perhibentibus marcello et athanassio denegare societatem trea {sic} fuerunt quae tractanda erant nam et ipsi relegiosissimae imperatores perisserunt ut de integro uniuerse discussa disputarentur et ante omnia de sancta fidei integritate ueritas quom auolauerunt.

Secunda personis quos dicebant esse deiectos {deiectos corr.} de iniquo iudicio uel si potuissent probare iusta fueret {fieret corr.} confirmando

Tertia vero quaestio quae quaestio uerum est quod graues et aceruas iniurias intollerabiles etiam et nefarias contumelias ecclesiis fecissent.

Cum raperent episcopos praesbyteros diaconos et omnes in exilium mitterent ad desertum loca transducererent {transducerent corr.} et omnia agestete necarent nonnullus uincolis ferreis ut ceruices eiusmodcir circulis stranguilentur {sic}

Denique ex ipsis quidam uincti in eadem iniusta defecerunt pena quorum ambigi non potest martyrio gloriosam mortem exstitisse adhuc quoque audent [f. 142v] quosdam retinere nec uella causa uirtuini {sic} quod repugnarent et clamarent quod execrarentur arrianos et eusebium heresim et nollet habere cum talibus communionem qua ut in saeculo seruire mallerent prodisse et qui ante fuerunt defeci non solum recepti sunt sed etiam ad clericae dignitatem promoverunt et acciperent praemium falsitatis quid autem de impiis et de imperitis adolescentibus {ursatio add. in mg.} et uolente statutum sit accipe beatissime fratres {frater corr.}

Quia manifestum erat eum concessare adulterinae doctrinae laetalia semina spargere et quod ualens relicta ecclesia aliam inuadere voluisse

Eo tempore quo seditionem commouit unus ex fratribus nostris qui fugere non potuit uiator obrutus et conculcatus in eadem aquiliensium ciuitatem tertia die defecit causa utique mortis ualens qui perturbauit qui sollicitauit

Sed ea quae beatissimae augustis significauimus cum legiritis {legeritis corr.} facile peruidebitis nihil nos praetermisse {praetermisisse corr.} quantum ratio patiebatur et ne molesta esset longa narratio quae fecissent et quae commississent insinuauimus.

TUa autem excellens prudentia disponere debet ut per tua scripta qui in sicilia et qui in sardinia in italia sunt [f. 143r] frates nostri quae acta sunt et quae difinita cognoscant et ne ignorant eorum accipient litteras communicatorias id est episcopalis quos iusta sententia degradauit.

268 apostoli] apos with macron over po
Appendix VII

Perseuerant autem marcellus athanassius et asclepius in nostra communione quia obesse
eis non poterat iniquum iudicium et fuga et tergiuersatio eorum qui ad iudicium consci omnium
peccatorum qui conuenimus uenire noluerunt

Plena relatio fratrum quos sincera caritas tua missit unianitatem \{sic\} tuam perdocebit
Eorum autem nomina qui pro facinoribus suis deiecti sunt subicere curauimus ut sciret eximia
grauitas tua qui essent commonione priuati ut iante \{uti ante corr.\} praelocuti sumus

Omnes fratres et coepiscopos nostros littoris tuis admonere digneris ne epistolias id est
litteras communicatorias eorum accipiant

Item nomina \{hereticorum add.\} ²⁶⁹

acacius
ursacius
mofantus
ualens
georgius
narcisus
stefanus
a cessaria
a singuiduone
ab effesso
a minsu
a laodicia
ab hieropoli
ab antiochia

SIGIBERTUS SCRIPSIT²⁷⁰

²⁶⁹ hereticorum] inserted here via a signe de renvoi from within the list of heretics, where hereticorum has been
expunctuated (from between stefanus and a cessaria)
²⁷⁰ sigibertus scripsit] in capitals, added at the bottom of the page by a later hand
Appendix VIII: Transcription of the Collectio Turonensis (B1)

Table 18 lists in alphabetical order short titles for the sources of Coll.Tur. Note that those chapters composed of multiple sources will be listed more than once. Full bibliographical references for these sources can be found in source notes in the transcription that follows.

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Some prefatory remarks concerning the following transcription are necessary. To understand the structure of the collection one must know something about the layout and organization of the text in B1. As mentioned in Chapter 3, the B1 copy of Coll.Tur. suffers from a great deal of textual corruption, (probably) through subsequent copying by scribes whose Latinity was (probably) poor and who (probably) understood little of what they were copying. Besides being textually corrupt, B1 also seems to have lost a great deal of the original collection’s organizational scheme; for, as it stands in B1, Coll.Tur.’s topical rubrics are sporadic, the chapters are unnumbered and many appear without titles or inscriptions, and in a good number of cases it is
quite difficult to discern where one chapter ends and another begins. Complicating matters further is the fact that the B1 scribe used different colors of ink and different sizes and placement of script to create a hierarchical and organizational plan that is not always transparent and is very often baffling. It is, in short, impossible to say how far the current organizational scheme of the collection in B1 represents that of the original collection.

First, to the hierarchy of script and ink used in B1. Pp. 11–105 are ruled (dry point) for 20 lines to a page, with separately-ruled narrow margins to either side of the main writing frame, two to the left and one to the right. The margin to the right is used solely to contain a special type of punctuation—two dots (though sometimes only one) beside a tailed punctus—that is often placed at the point where a chapter ends (in the transcription below this punctuation has been rendered ‘;’). The columns to the left served a more complex purpose. The one immediately to the left of the main frame is used to house litterae nobiliores, large letters often used to begin a new chapter on a new line. When these litterae begin new chapters, they are usually quite large and written in bright or dark red ink, the color of most of the display script in B1 (in the transcription below, all letters in red ink have been transcribed in bold). It is, however, often the case that a littera nobilior has been used where no new chapter could have been intended. In such cases, the letter is sometimes written in black-brown ink (the same color of ink used for the main text),

1 seemingly to indicate, not the start of a new chapter, but either a significant shift in thought or the beginning of an important scriptural quotation. Unfortunately, the distinction between red and black initials does not always hold and it is often impossible to tell if a littera nobilior indicates a new chapter or just a new sentence in the same chapter. On the one hand, many such cases can be disambiguated by considering the source material used; for example, if a red littera nobilior begins a new line but the text shows no interruption in quoting its source, it can be presumed that a new chapter is not intended.

2 On the other hand, consideration of the source can sometimes be of no help, since the method of the compiler was commonly to quote a string of excerpts from the same source, skipping here and there phrases and sentences in the

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1 To be more precise, some litterae nobiliores appear to have been written in the standard black-brown ink, and some in a dark black ink. It is possible that this dark black ink may simply be the same black-brown ink applied more heavily and slowly by the scribe. In my transcription I have not distinguished between brown and black ink, though all letters in red ink have been transcribed in bold typeface.

2 As, e.g., in Coll.Tur. 9, 13, 29, 33, 69.
source, so that a block of text quoted from, say Jerome, could equally be considered one chapter or many. Determining chapter divisions in such cases is thus largely arbitrary, a matter of mere guess-work.

In preparing the transcription below, I have attempted to be as sensitive to these ambiguities as possible, while still presenting the text in a manner that makes sense and is readable. In general, I have considered a new chapter to begin where the scribe starts a new line with a majuscule letter in red, even when this makes for a very short chapter.3 However, I have occasionally grouped together in the same chapter multiple sentences/passages beginning with litterae nobiliores, that is multiple passages that appear to belong together, even though the B1 scribe seems to have considered them separate chapters. In most cases this was done because the passages represent continuous thought and/or come from the same source.4 To repeat, the chapter divisions in my transcription are inevitably the result of some subjective interpretation. Though I have endeavored at all points to follow the clues provided by the manuscript and the source material, some readers may well find good reasons to disagree with the way I have organized the text.

The other column ruled to the left of the main frame (and to the left of the column used for litterae nobiliores) was occasionally used for inscriptions, that is for short (usually abbreviated) notes describing from whom or whose work the chapter in question was taken; they convey such information as ‘Gregorius’, ‘in profeta’, or (very commonly) ‘hic idem’. Although these marginal inscriptions are usually written in minuscule in red-brown ink, they are sometimes instead written in red uncial. At present, the significance of the scribe’s using two different styles for writing marginal inscriptions eludes me. In any case, most inscriptions in B1 are not made in margine, despite their being a special column ruled for this, but rather are made inline in the main writing frame—in which case they are almost always in red uncial. Given that making inline attributions was the main scribe’s standard practice, it may be that the marginal inscriptions in black-brown minuscule have been added by later scribes who desired greater

3 As, e.g., in Coll.Tur. 41, 42 and 46.
4 As, e.g., in Coll.Tur. 5, 13, 14, 17, 29, 32, 33, 35, where the scribe began a new line with a majuscule even though the source for the text at hand neither changes nor breaks.
specificity. It cannot be presumed, therefore, that these marginal inscriptions were present in B1’s exemplar.

The collection is divided into topics, with each topic containing one or more relevant chapters. New topics are usually signaled by rubrics. Topical rubrics are written in red ink, and usually begin with ‘de’ or ‘incipit de’. For example, ‘INCIPIT DE SEPULTURA COIUGUM’ is the topical rubric for Coll.Tur. cc. 22–5. Within each topical division authorities are indicated in one of two ways: either with an inline rubric naming the authority (e.g. ‘Isidorus’, ‘Paulus loquitur’) and written in red uncial letters; or with a marginal inscription as described above. When a topical division is introduced and under it only one authority is given, the tendency is for both the topical rubric and the inscription to be written together, inline and in red (though note that there are many exceptions to this rule). Not all topical divisions are indicated by a topical rubric.

For example, the shift in topic from inheritance to clerical earnings between Coll.Tur. cc. 28 and 29 is not signaled by a rubric or heading of any kind. In my transcription, topical divisions, when they consist only of a topical rubric (with no accompanying inscription), are set before the numbering of the following chapter; in this way they are clearly visible as topical divisions, and cannot be confused with chapter titles. When, however, topical divisions are accompanied by an inline inscription they are set beside the chapter number for that chapter, as if a title for that chapter.

Because of all the uncertainties concerning the organization scheme of the collection, I have attempted in my transcription to reflect as fully as possible the layout of the manuscript page, including the use of red ink (in bold typeface), punctuation, and the placement of rubrics and inscriptions. In this way, the reader can judge for him or herself how best to understand the arrangement of the text as presented in B1, and can make his or her own inferences about how the evidence may (or may not) reflect the arrangement of the original collection. Note too that, in the spirit of faithfulness to the manuscript, I have deliberately avoided the urge to ‘improve’ the

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5 Although the existence of the left-most ruled column may make this seem unlikely; however, this left-most column is present throughout the entire manuscript, even where marginal inscriptions are not used.

6 This usually happens only when a single authority is cited for that topic, as in Coll.Tur. 37, 38, 39.
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text’s arrangement in certain places. So, for instance, I have not emended the beginning of the collection to read:

**INCIPIT DE COGium RATIONE**

**[1] DICTA AGUSTINI**

Qualis esse debet quae uxor habenda est secundum legem ... 

though it seems certain that this (or something like this) was the arrangement in the archetype.

Letters supplied in resolving abbreviations and suspensions are in *italics*. Chapter numbering (supplied within ‘[...’]) has been added to accommodate easy referencing and discussion. This is an editorial intervention only, and has no basis in the manuscript text. For an explanation of other editorial conventions used, see above, p. 556.

An xml-encoded and searchable version of this transcription is available online on the *Carolingian canon law* Web site ([http://ccl.rch.uky.edu/](http://ccl.rch.uky.edu/)).

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**[p. 11] INCIPIUNT AGUSTINI DICTA. DE COG[*]UM {cogum corr.} RATIONE**

[1] **Qualis** {qualis gl. marg.} esse debet quae uxor habenda est secundum legem. uirgo casta. et sponsata in virginitate. et dotata legitime. et a parentibus tradita ad sponso. et paranimpis accipienda. et ita secundum legem et evangelium publicis nuptis honesta. in coniugio licite sumenda;

   Et omnibus diebus uitea nisi ex consensu. et causa uacandi deo. numquam propter hominem separanda. Et si fornica ta fuerit dimittenda. sed illa uiuente altera non ducenda. quia adulteri regnum dei non possident. et penitentia illius [p. 12] per scriptura requirenda;

   cf. Coll.Hib.A 46.2–3; Gratian, C. 30 q. 5 c. 4

   Source unidentified

[2] hic idem {marg.}

Nolite uobis uiri habere uxor es quorum priores uiiri uiuunt adulteria sunt ista coiugia non iure fori sed iure caeli. Nam illam feminam quae discessit marito propter repudium non licet uobis ducere uiuo marito solius causa fornicationis {solius fornicationis causa corr.} licet uxorem adulteram dimittere. sed illa uiuente non licet alteram ducere;


   Source AVG. Sermo 392 (PL 39, col. 1710)

[3] hic idem. {marg.}

Qui uxorem obtat accipere sicut illam uirginem inuenire desiderat. Ita et ipse usque ad nuptias uirginitatem custodiat; Quia in tantum graue malum est ante nuptias uiolari. ut cum ad nuptias
Appendix VIII

uentum fuerit benedictionem accipere cum sponsa mereatur. et impletur in eo. illud noluit
benedictionem reliqua \{Ps (G) 108:18\} [p. 13]
cf. Coll.Hib.A 46.16
Source \textit{CAESARIVS}, Sermo 43.5 (ed. Morin, 192, lines 17–23)

[4] hic idem \{marg.\}
Cum enim uia uirius nosten accipit. et mulier a moliit id est a fragilitate. Quare contra
crudilissimam bestiam libidinis uult unusquisque uxorem suam esse uictricem. cum ipse ad
primum libidinis icum uictus cadat; Nam quicquid in fide catholica mulieribus non licet omnino
nec uiris licet;
cf. Coll.Hib.A 46.16
Source (cum enim uia ... uictus cadat) \textit{CAESARIVS}, Sermo 43.1 (ed. Morin, 190, lines 21–25)
Source (nam quicquid ... uiris licet) unidentified

[5] ISIDORUS
Secundas autem nuptias propter innocentiam iubet apostolus. melius est de nouo \{denuo \textit{corr.}\} 
uni uiro nubere quam explende libidini cum pluribus fornicare. \{cf. 1 Cor 7:9\} sepius autem
nubendi licentiam iam non est religionis sed creminis. Vna uni uiro tenenda sit uxor. et
qualiscumque accepta est habenda;
Et paulo post sola mulier adultera est quae unum uiriam habens. [p. 14] ab altero
polluitur. et maritus si alteram habeat a cremine adulteri\textsuperscript{7} alienus non habetur;
Et infra immo uero exemplo continentiae docenda uxor a uiro ut se caste gerat iniquum
enim est ut id exiag quod praestare non possit;
cf. Coll.Hib.A 46.10, 13.a
Source (secundas ... creminis) \textit{ISIDORE}, De eccl.offic. 2.20 (ed. Lawson, 91, lines 40–43)
Source (una uni ... uxor) unidentified
Source (et qualiscumque ... habenda) \textit{ISIDORE}, De eccl.offic. 2.20 (ed. Lawson, 94, line 123)
Source (sola mulier ... alienus non habetur) \textit{ISIDORE}, De eccl.offic. 2.20 (ed. Lawson, 94, lines 127–29)
Source (immo uero ... non possit) \textit{ISIDORE}, De eccl.offic. 2.20 (ed. Lawson, 94, lines 132–34)

[6] hic idem. \{marg.\}
Qua fronte uel conscientia quod et uiris simul et mulieribus non licet agere. soli uiri se credunt
inpune committere. sed qui ho \{sic\} faciunt pro certo cognoscant quod si cito non emendauerint.
et eis fructuosa penitentia non subuenerit. et si subito de hac uuc pari fuerint. aeterna illos
flamma sine ullo remedio cruciabit;
Source \textit{CAESARIVS}, Sermo 43.3 (ed. Morin, 191, lines 13–19)

[7] Quale est quod multa uiorum ante nuptias concubinas \{hic idem et illud \textit{gl.}\}\textsuperscript{8} sibi adhibere
non erubescant quas post aliquos [p. 15] annos dimittant. et sic po[***]\textsuperscript{a} \{postea \textit{corr.}\} legitimas
uxores accipiant. Unde coram deo et coram angelis eius testor atque denuntio deum ista et
semperv prohibuisse. et numquam ei placere potuisse. et praecipue temporibus christianis
concubinas habere numquam licuit numquam licet numquam licebit.
Coll.Hib.A 46.17
Source (quale est ... uxor accipiant) \textit{CAESARIVS}, Sermo 43.4 (ed. Morin, 191, lines 1–3)
Source (unde coram ... numquam licebit) \textit{CAESARIVS}, Sermo 43.4 (ed. Morin, 191–92, lines 9–12)

\textsuperscript{7} adulterii\textsuperscript{ }\textit{corr. from} adulteris ?

\textsuperscript{8} hic idem et illud\textsuperscript{ }\textit{probably a titular inscription, but written above the line as if glossing nuptias concubinas}
[8] hic idem {marg.}
Quare qui hoc agunt communione non suspenduntur. Ideo enim tantum scelus a sacerdotibus minime uindicatur. {uindicatur corr.} Si enim unus. uel. II. uel. III. uel. IIII. uel. V. mala ista facere praesumerent. et potuerant et debuerant non solum a communione suspendi. sed etiam a conloquio uel a conuicio christiani populi separari. multitudo iam peccantium. sicut iam dictum est prohi[p. 16] bent sacerdotes domini in illis distingere boni faciunt sacerdotes quod possunt;

Source (quare qui ... populi separari) CAESARIVS, Sermo 43.5 (ed. Morin, 192, lines 2–7)
Source (multitudo ... quod possunt) CAESARIVS, Sermo 43.5 (ed. Morin, 192, lines 9–11)

HUCUSQUE AGUSTINUS

[9] IN PROFETA {marg.}
Si dimiserit uir uxorem suam. et illa recedens duxerit uirum alium. numquid reuertetur ad eum ultra. numquid non contaminata erit mulier illa. Tu aute mala ista facere praebent sacerdotes domini in illis si dimiserit uir uxorem et illa recedens duxerit uirum alium. numquid reuertetur ad eum ultra. numquid non contaminata erit mulier illa. Tu aute mala ista facere praebent sacerdotes domini in illis qui hoc agunt communione non suspenduntur. Ideo enim tantum scelus a sacerdotibus minime uindicatur. {uindicatur corr.} Si enim unus. uel. II. uel. III. uel. IIII. uel. V. mala ista facere praesumerent. et potuerant et debuerant non solum a communione suspendi. sed etiam a conloquio uel a conuicio christiani populi separari. multitudo iam peccantium. sicut iam dictum est prohi[p. 16] bent sacerdotes domini in illis distingere boni faciunt sacerdotes quod possunt;

Source (si dimiserit ... recipiat expectat) GREG.MAG. Hom.in ev. 2.33 (ed. Étaix, 297, lines 240–48)
Source (quod fieri ... mortem potest) GREG.MAG. Hom.in ev. 2.33 (ed. Étaix, 297, lines 249–51)

[10] De quanta bonitate sinum suae pietatis expandat nobis post delicta adrediuntibus cum per profetam. dicit. si dimiserit uir. reliqua. {Ier 3:1} Ecce fornicata et repudiata uel relicta argumentum iustitiae quod fieri non potest et demonstrat quod hoc ipse contra mortem potest; [p. 17]

cf. c. 9, above
Source GREG.MAG. Reg.past. 3.28 (eds Rommel–Judic–Morel, 458–60, lines 32–41)

cf. Coll.Hib.A 46.28.a
Source Io 4:16–18

Samaritana sexum maritum non habere se dicens. arguitur a deo quod non sit eius uir. Ubi enim numerus maritorum ibi uir qui proprius esse desistit;
cf. Coll.Hib.A 46.28b
Source (samaritana ... desistit) JEROME, Advers.Iovin.libri II, 1.14 (PL 23, col. 233C)


Immo cum illa unam carmem in alteram diuiserit et fornicatione separauerit a marito non debet teneri ne uirum quoque sub maledicto faciat; Dicente scriptura. qui adulter et stultus et impius est; {Prv 18:22} Ubicumque igitur est fornicatio et fornicationis suspicio libere uxor dimittitur. Et quia ita poterat accedere. ut aliquis calumpniam facere innocenti. Et ob secundam copulam nuptiarum suarum crimen iungeret sic priorem iubetum dimittere uxorem. ut secundam prima uiuente non habeat;
Quod autem ait tale est si non propter iniuriam dimittis uxorem tuam [p. 19] quare expertus felices priores antiquas nouarum te mittis periculo. nec non poterat euenire. ut iuxta eandem legem uxor quoque daret merito repudium eadem cautella recipit. nec secundam accipiat uirum. et quia meretrix quae semel adulterata obprobrium non timebat. secundo praecipitur uirio. si talem duxerit sub alteri cremine sit;

cf. Coll.Hib.A 46.27

Source

JEROME, Comm.in Mat.libri IV, lib. 3, vers. 19:9 (eds Hurst–Adriaen, 167, lines 761–80)

[14] IN EUANGELIO MATTHAEI

Exsurgens ioseph a somno. fecit sicut praecipit ei angelus domini. et accipit coniugem suam;

{Mt 1:24}

HIERONIMUS

Nullum debet mouere quasi ex eo quod uxor est appellata sponsa esse de consuetudinem nouerimus. ut sponsas accipit uxores sicut ex sequentibus testimonium deuteronomii adprobatur;

Si quis inquit inuenit uirgineum despontatam uirio in campo et uim [p. 20] faciens dormentem cum ea moriatur homo ille. quia humiliauit uxorem proximi sui; {Dt 22:24–25} Et in alia loco.

Si autem fuerit adulescentula sponsata uirio. et inuenii eum homo in ciuitate et dormentem cum ea educet sub urumque ad portum ciuitatis illius. et lapidabuntur. et morietur uir. adulescentula quidem quia non proclamauit in ciuitate. uim autem quia humiliauit uxorem proximi sui. et eradicabitur malignum ex uobismetipsis. {Dt 22.23–24}

Nec non et alibi. et quis homo ille cui despontata est uxor et non accipit eam. uadat in domum suam ne forte moriatur in bello. et homo alius accipiat eam; {Dt 20.7}

cf. Coll.Hib.A 46.34

Source

JEROME, De perpetua virginitate beatae Mariae, adversus Helvidium, c. 4 (in PL 23, cols 186C–87A)

[15] Namque sub uirio est mulier ligata legi. igitur uiuente uiro uocabitur adultera. si uncta fuerit alteri uiro. si autem mortuus fuerit uir eius liberata est a lege uiri. ita ut non sit adultera si fuerit cum alio uirio. {Rm 7:2–3}

cf. Coll.Hib.A 46.4

Source (namque ... ligata legi)  JEROME, Advers.Iovin.libri II, 1.14 (PL 23, col. 233A)

Source (igitur ... alio uirio)  JEROME, Advers.Iovin.libri II, 1.14 (PL 23, col. 233B)

[16] ORIGINIS

Discant mulieres exemplis patriarcharum. discant sequi uiros suos. nec enim sine causa scriptum est quod sarra stabat post abraham. {cf. Gn 18:9–10} sed ut tenderetur quod si uir praecidat ad dominum. sequi eum mulier debet. quod dico sequi debere muliere in eo si adstare uirum suum uidet deo;

cf. Coll.Hib.A 46.20


[17] HEREMIAS DIXIT AD PASTOREM ANGELUM

Permitte mihi domine pausa ut interrogem te. Dic inquit. si uxorem inquam quis habeat domine in domu fidelem. et eam postea adulteram depraehendat quero an peccat si cum illa uiet. [p. 22]

Et dixit mihi quasi dictum illius non cognoerit non peccat;

Similiter mulier si penitentiam sui non gesserit. sed in sua nequitia perseuerauerit derelinquetur si cum ea uiet. et particeps conscientiae eius fiet. Quid inquam faciet maritus. si uxorem in eodem uitto permanserit. inquit dimittat eam. et ipse contineat; Quod si non dimisa illa
adulterium duxerit. et ipse adulterium committit. si inquod {sic} domine postquam ab eo dimissa
est mulier agit penitentiam si ad maritum suum reuerti uoluerit non recipietur.

Et dixit mihi. si recepta non fuerit peccat maritus. et grande in se delictum emittit. Omnis qui penitentiam delictorum suorum agit recipit uniam. seruis enim dei uno penitentiae uiue {uiue corr.} concessa est;
Ideo ergo maritus post diuortium uxoriam aliam non ducat. ne occassione mulier auferat;
Haec tam uiro quam mulieri comonis est. Hac ex causa praecipitur. et uiro et mulieri. ut si diuortium fecerint utriue in se caste custodient. Ego aute non dico occassione ut huiusmodi actus ad effectum {effectum corr.} perueniat. sed ut desinat peccare. qui hucusque peccauit.

Source (permitte ... mulieri commonis est) HERMAS, Libell.sanct.past., mandatum 4.1.4–8 (eds de Gebhardt–Harnack–Zahn, 79, lines 1–19)
Source (hac ex causa ... caste custodient) HERMAS, Libell.sanct.past., mandatum 4.1.10 (eds de Gebhardt–Harnack–Zahn, 81, lines 2–3)
Source (ego autem ... hucusque peccauit) HERMAS, Libell.sanct.past., mandatum 4.c. 1.11 (eds de Gebhardt–Harnack–Zahn, 81, lines 4–6)

[18] MALACHIAS

Source Mal 4:4, 2:15–16

[19] PAULUS
His autem qui in matrimonio iuncti sunt praecipio. non ego sed dominus uxorem a uiro non recedere. quod si discesserit aut manere innupta aut reconsiliari uiro. Et uirum uxorem non dimittere; {1 Cor 7:10–11}

Source 1 Cor 7:10–11

[20] inci {marg.}9
Bonum est homini mulierem non tangere. propter fornicationem unusquisque suam uxorem habeat. et unaquaque suum uirum habeat. Et uxorii uiue{uiue corr.} debuitum reddat. Similiter autem uxor uiro. mulier autem {autem ras.} sui corporis potestatem non habet. sed10 mulier. nolite fraudare inuicem. nisi forte ut uacetis orationi. Et iterum [p. 25] in idipsum convirtimini ne temptat uos satanas propter intemperantiam uestram. {1 Cor 7:1–5} quia ego dedi ei. frumentum et uinum et oleum et argentum multiplicai ei. et aurum. idcirco convirtatur sumam frumentum meum et liberabo lanam meam et unum {linum corr.} meum quae operiebant ignominiam eius. Et nunc reuelabo stultitiam in conspectu amatorum eius et uir non eruet eruet eam de manu mea; {Os 2:8–10}

Source (bonum est ... intemperantiam uestram) 1 Cor 7:1–5

9 Perhaps the scribe was preparing to write the rubric for the following canon, Incipit de filiis...
10 Some text (uiue similiter autem et uir sui corporis potestatem non habet sed) has gone missing at this point due to homoioteleuton.
Appendix VII

Source (quia ego ... manu mea) *Os 2:8–10*

**INCIPI T DE FILIIS COIUGUM PROPRIARUM IN HEREDITATE RELICTIS POST OBITUM PATRIS SUI**

Source *Gn 25:5–6*

**INCIPI T DE SEPULTURA COIUGIUM.** {coiugum corr.}

[22] Fuerunt autem dies uitae abrahæ. CLXXV. et difficilem mortuus est in senectute bona et sepeliuerat eum isaac et ismael filii sui. in spelunca duplici quae sita est in agro effron filii seor cethiei e regione mambrae quem emerat filii ceth ibi sepultus est ipse et sarra uxorem eius. {Gn 25:7–10}
Source *Gn 25:7–10*

**EUCHERIUS DICIT.**
Cebron est ciuitas uirorum. IIII. quia in ea sepulti sunt. III. patriarchae in spelunca duplici. cum. III. uxoribus suis id est abraham et sarra. Isaac et rebecca. Iacob et lia. praeter adam et euam uxorem suam; [p. 27]
Source *unidentified, but cf. EVCHERIVS OF LYON, Instructionum ad Salonium libri II, lib. 2 (ed. C. Mandolfo, CCSL 66 [Turnhout, 2004], 201–03, lines 263–65)*

[24] Tobias dicit filio suo sepelies me iuxta uxorem meam in eodem sepulchro cum matre. {Tb 4:3, 5}
Source *Tb 4:3, 5*

[25] De annania et saffirra dicitur. ecce pedes iuuenum adstant et efferant te et sepeliant te iuxta uirum tuum; {Act 5:9–10}
Source *Act 5:9–10*

**INCIPI T DE HEREDITATE PRINCIPIS**

[26] PER EZECHIELEM DICITUR.
Erit autem hereditas ego eis et possessionem non dabitis eis in israhel. Ego enim possesio eorum uictimam et pro peccato. et pro delicto ipsi comedit. et omne uotum in israhel. ipsorum est et primitiuà omnium primigenitorum {primogenitorum corr.} et omnia libamenta ex omnibus quae offerantur sacerdotum erit. et primitiuà cyborum uestrorum. {Ez 44:28–30} [p. 28] et erunt eis primitiuà de 11 primitius. erit terrae sanctum sanctorum iuxta terminum sacerdotum. XXV. longitudinis et latitudinis. X. Et non uenundabunt ex eo neque metabunt neque transferabunt. primitiuæ terræ quia sanctificate sunt deo. {Ez 48:12–14}

11 de] expunctuated ?
Appendix VIII

cf. Coll.Hib.A 2.11.b
Source Ez 44:28–30, 48:12–14

[27] hic idem. {marg.}
Omnis populus terrae tenebitur primitius bis princi\textsuperscript{12} in israhel. et super principem erunt holocausta et sacrificium et libamina in sollemnitatibus. et in kalendis. et in sabbatis. et in uniuersis sollemnitatibus domus israhel. ipse faciat pro peccato sacrificium et holocaustum et pacifica ad expiandum pro domu israhel. {Ez 45:16–17}
cf. Coll.Hib.A 37.9
Source Ez 45:16–17

[28] Si dimiserit princeps domum [p. 29] alicui de filiis [***] {[***] ras.} suis hereditas eius filiorum suorum erit possidebunt eam hereditate. si autem dederit ligatum de hereditate uniuersorum suorum. erit illius usque ad annum remissionis et reuertatur ad principem. hereditas autem eius filiis suis erit. Et non accipiat princeps de hereditate populi per uiolentiam et de possessione eorum. sed de possesione sua hereditatem dabit filiis suis ut non disperdit populus meus. unusquisque a possesione sua {Ez 46:16–18}
Source Ez 46:16–18

[29] Gregorius dicit {marg.}
Aedentes et bibentes quae apud illos sunt. {Lc 10:7} id est ut ab eis terrena stipendia consequamur. quibus praemia patriq caelestis damus. Unde etiam paulus hæc ipsa pro minimo susciptius [p. 30] dicit. si nos uobis spiritalia seminauimus magnum est si uestra carnalia metamus. {1 Cor 9:11} dignus est operarius mercide sua; {Lc 10:7}

hic idem. {marg.}
Quoniam de mercide sunt operationis ipsa alimenta sustentationis. ut hic merces de labore praedicationis incogitur quae illic diuersitatis uisione praecipitur;
cf. Coll.Hib.A 38.1.a–c
Source (aedentes ... metamus) GREG.MAG. Hom.in ev. 1.17 (ed. Étaix, 121, lines 115–19)
Source (dignus ... mercide sua) GREG.MAG. Hom.in ev. 1.17 (ed. Étaix, 121, line 120–23)

[30] Qui altare deseruiunt de altare participantur. Ita et dominus ordinauit hi qui euangelium adnuntiant. ut de euangelio uiuant; {1 Cor 9:13–14}
cf. Coll.Hib.A 2.11.d, 38.1.d
Source 1 Cor 9:13–14

[31] GREGORIUS
Quam enim turpe est haec expetere et uos non praebere.
cf. Coll.Hib.A 38.1.e
Source GREG.NAZIANZ.–Ryf. In semet.de agr. regr. 6 (ed. Engelbrecht, 173, lines 18–19)


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\textsuperscript{12} princi] a signe de renvoi is written above princi, though there is no corresponding marginal note; it may have been removed when the leaves were sheared and doubtless would have read -pi or -pibus, thus correcting princi
AGUSTINUS

Unde satis ostendit. cur eos possidere ac ferre noluit non necessaria non sinit sustentatione huius uitae. sed quia eos mittebat ut eis haec deberei demonstraret ab ipsis illis quibus euangelium credentibus adnuntiarent. tamquam stipendia militantibus tamquam uiniae fructum plantantibus tamquam lac gregum pastoribus. et reliqua

cf. Coll.Hib.A 38.1.e

Source: AVG. De consensu evangelistarum 2.30 (ed. F. Weihrich, CSEL 43 [Vienna, 1904], 177, lines 14–24)

DE ĘĐENDIS CIBIS PAULUS LOQUITUR

[33] Alius enim credit se manducare omnia. qui autem infirmatur holera manducet. qui non manducat non manducament non spernet. qui non manducat manducantem non iudicet. Nam deus illum [p. 32] adsumpsit. {Rm 14:2–3} qui manducat domino manducat et gratias agit deo. {Rm 14:6} Scio et confido in domino iesus christo. quia nihil ex commune per ipsum nisi ei qui estimet quid ex commone esse ei quod commone est; {Rm 14:14}

Tu fidem quam habes penes temetipsum habe coram deo. {Rm 14:22} si esca scandalizat fratrem non manducabo carne aeternum ne fratrem scandalizam; {1 Cor 8:13}

cf. Coll.Hib.A 54.15

Source (alius ... coram deo) Rm 14:2–3, 6, 14, 22

Source (si esca ... scandalizam) 1 Cor 8:13

[34] Nihil recipiendum quod non cum gratiarum actione recipitur;

cf. Coll.Hib.A 54.16

Source unidentified, but cf. AVG. In Iohannis euangelium tractatus, tract. 73.1 (ed. R. Willems, CCSL 36 [Turnhout, 1954], 510, lines 23–4)

[35] Omnia quae in maccello ueniunt manducate. nihil interrogantes propter conscientiam domini est terra reliqua. {1 Cor 10:25–6}

Si quis uox {uos corr.} uocat ex infidelibus ad caenam et uultis ire. omne quod ante uos ponitur manducate nihil discernentes propter [p. 33] conscientiam. si quis autem dixerit hoc idolo sacrificatum est. Nolite manducare propter eum qui nuntiauit propter conscientiam dico non propter tuam sed alterius. {1 Cor 10:27–9}

cf. Coll.Hib.B 54.3

Source 1 Cor 10:25–9

[36] PAULUS

Sic autem praedicaui euangelium christi non ubi nominatus est ne super ut non alius alicuius parruchiam rapiat. alienum fundamentum aedificem. {Rm 15:20}

Source Rm 15:20

Source (ut non alius ... rapiat) unidentified; probably originally a separate chapter

[37] DE PRISTINIS ET NOUIS POPULIS IDEM LOQUITUR

Noli gloriari aduersus radicem quod si tu gloriaris. non tu radicem portas. sed radix te portat. {Rm 11:18} si enim deus naturalibus ramis non pepercit. time ne forte nec tibi parcat; {Rm 11:21}

Source Rm 11:18, 21

[38] PAULUS. DE PRINCIPE ET MONACHIS LOQUITUR.
Non potest caput dicere pedibus non estis mihi necessarii. sed multo [p. 34] magis quae uidentur membra corporis infirmiora esse necessiosaria \{sic\} sunt. \{1 Cor 12:21–2\}
cf. Coll.Hib.A 37.36
Source 1 Cor 12:21–2

[39] **DE COHABITATIONE PRINCIPUM ET SUBIECTORUM PAULUS LOQUITUR**
Qui autem subministrat semen semina\textsuperscript{1} et panem in escam ministrabat. \{2 Cor 9:10\}
cf. Coll.Hib.A 38.3
Source 2 Cor 9:10

**DE UERITATE PRAEDICANDA MULTI SANCTI LOQUUNTUR.**

[40] **HEREMIA.** \{marg.\}
Si separaueris praetiosum a uili quasi os meum eris. \{Ier 15:19\} in iob. sit sermo tuus similis eorum et loquere bona \{3 Rg 22:13\}
Cui michias ait. uiuit dominus. quia quodcumque mihi dominus dixerit. hoc loquar. \{3 Rg 22:14\}
Source (si separaueris ... meum eris) Ier 15:19
Source (sit sermo ... loquar) 3 Rg 22:13

[41] **SALAMON** \{marg.\}
Obsequium amicos ueritas odium parit.
cf. Coll.Hib.A 22.3.e

[42] **GILDAS** \{marg.\}
Ueritas sapienti nitet.
(ed. MOMMSEN, as Gildas, Epist.deperd.fragm. 8, in Chronica minora, 88, line 25; trans. WINTERBOTTOM, Gildas, 82)
cf. Coll.Hib.A 22.1
cf. c. 43 below

[43] **PETRUS** \{marg.\}
In ueritate mendacium numquam est. \{cf. 1 Io 2:21\} cuiuscumque\textsuperscript{13} ore fuerit prolata;
cf. c. 42 above
Source unidentified, but cf. PS.-CLEMENS–RVFINVS Recognitiones 4.21 (eds Rehm–Paschke, 157, line 20)

[44] **PETRUS** \{marg.\}
Certissimum namque est quod neque amicitia neque propinquitas gene[p. 35]ris. neque regni sublimitas homini debet esse pretiotior \{sic\} ueritate;
cf. Coll.Hib.A 22.2; B 25.5
Source PS.-CLEMENS–RVFINVS Recognitiones 1.67 (eds Rehm–Paschke, 46, lines 3–5)

[45] hic idem. \{marg.\}

\textsuperscript{13} cuiuscumque ore fuerit prolata] belongs at the end of c. 42
Scire enim debemus si quis a ueritate uincatur. non ipse uincitur sed ignorantia quae in ipso est. Quae est demon pessimus. quam qui potuerit effugere salutis accipiat palmam.

Source  PS.-CLEMENS-ßRFINVS Recognitiones 2.25 (eds Rehm–Paschke, 67, lines 6–9)

[46] PAULUS.
Inimicus factus sum uobis ueram praedicans. \(\text{\{Gal 4:16\}}\)

cf. Coll.Hib.A 22.3.c

Source  Gal 4:16

DE MORIBUS MEMBRORUM ECCLESIAE. PAULUS LOQUITUR.

[47] Mulieres subdite estote uiris uestrís. sicut domínó; {Eph 5:22} uiri {Viri corr.} diligite uxorēs uestrás. et nolite amari esse ad illas; {Col 3:19}


Source  (mulieres ... sicut domino)  Eph 5:22

Source  (uiri ... ad illas)  Col 3:19

[48] Filii oboedite parentibus uestrís per omnia. sic enim placitum est domínó. {Eph 6:1}


Source  Eph 6:1

[49] Patres nolite prouocare filios uestros ad iracundiam ne pullamii {pusilllamii {sic} corr.}
fiant. {Col 3:21}


Source  Col 3:21; cf Eph 6:4


{Col 3:23–4}

Source  (serui ... placentes)  Eph 6:5–6

Source  (quodcumque ... seruitis)  Col 3:23–4

[51] Qui bene praesunt presbiterii duplici honore digni habeantur maxime qui laborant in uerbo et doctrina. {1 Tim 5:17} Aduersus prespiterum accusationem noli recipere. nisi sub duobus uel Illbus testibus. Peccantes coram hominibus argue. ut et ceteri timorem habeant. {1 Tim 5:19–20}

cf. Coll.Hib.A 38.1.e, 42.13.a

Source  1 Tim 5:17, 19–20

[52] Nihil facias in partem aliquam declinando. {1 Tim 5:21} si a recta semita declinaueris. paululum non interest. si ad dexteram an ad sinistram cum uerum iter amisseris. [p. 37]


Source  (nihil ... declining)  1 Tim 5:21

Source  (si a recta ... amisseris)  JEROME, Comm.in Mat.libri IV, lib. 1, vers. 6:2 (eds Hurst–Adriaen, 35, lines 723–24)

[53] Manus cito nemini possueris. ne commonicaueris peccatis alienis temetipsum castum custodi. {1Tim 5:22}


Source  1 Tim 5:22
DE ABSTINENTIA CYBORUM ABSOLUENDA PRO INFIRMITATE

[54] Noli adhuc aquam bibere. sed modico utere uino. propter tuas infirmitates. {1 Tim 5:23}  
Source 1 Tim 5:23

[55] De lege ueteri reprobatio quidem fit praecidentis mandati propter infirmitatem eius. et inutilitatem {Hbr 7:18} lex tripertita est. prima pars legis de deo. II. praeceptorum III. in neominis et sabatibus et escis. {cf. Is 1:13; Os 2:11; Col 2:16} et in circumcissione quousque ad iohannem est de qua locutus est dominus lex et prophetæ usque ad iohannem. {Le 16:16; cf. Mt 11:13}  
Source (de lege ... inutilitatem) Hbr 7:18  
Source (lex tripertita ... usque ad iohannem) unidentified, but cf. AMBROSIASTER, Comm.in Pauli epist., ad Rom. (recensio gamma), vers. 7:24–5 (ed. Vogels, I, 245, lines 19–21)

[56] PAULUS DE MORIBUS SANCTORUM  
Estote orationi instantes. [p. 38] memoris sanctorum commonicantes. {Rm 12:12–13} In memoria aeterna erit iustus. reliqua {Ps (G) 111:7}  
Source (estote ... commonicantes) Rm 12:12–13  
Source (in memoria reliqua) Ps (G) 111:7

[57] SALAMON {marg.}  
Memoria iusti cum laudibus. et nomina impiorum putrescet. {putrescent corr.} {Prv 10:7}  
Source Prv 10:7

[58] DE CONCORDIA PAULUS LOQUITUR  
Obsecro uos fratres. per nomen domini nostri iesu christi. ut idipsum discatis omnes ut non sint in uobis scismata. sitis autem perfecti in eodem sensu. et in eadem sententia. {1 Cor 1:10}  
cf. Coll.Hib.A 21.9.a  
Source 1 Cor 1:10

DE IUDICIO APUD INFIDELES NON SIT

[59] hic idem {marg.}  
Auferte malum ex uobis ipsis. {1 Cor 5:13} Audet aliquis uestrum negotium habens iudicare apud inustos. et non apud sanctos. aut nescitis. quoniam sancti de hoc mundo iudicabunt. Indigni sunt ergo iudiciorum dei. qui etiam de minimis iudicent. Aut nescitis quoniam angelos iudicabimus. Numquid non [p. 39] magis saecularia igitur iudicia si habuerit {habueritis corr.} eos qui ad iudicandum; {1 Cor 6:1–4}  
Source 1 Cor 5:13, 6:1–4

[60] Stultas autem et sine disciplina questiones diuita sciens quia generant lites. seruum autem domini non oportet litigare. {2 Tim 2:23–4}  
Source 2 Tim 2:23–4

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14 disciplina] corr. from disciplin[*]a ?
Appendix VIII

[61] **GREGORII EPISCOPI** {EPISCOPI corr.} **URBIS ROMAE DE REBUS UTILIBUS ECCLESIAE DICTA.**

In templo columbae uendebantur. {cf. Mt 21:12} quid per columbas nisi spiritus sancti donum accipitur. sed uendentes et mentes exemplo eliminat. quia uel eos qui pro munere inpossitum manuum tribuunt uel eos qui donum spiritus sancti emere nituntur dampnat;
cf. Coll.Hib.A 2.13.c
Source GREG.MAG. Hom.in ev. 2.39 (ed. Étaix, 381, lines 45–49)

[62] **GREGORIUS**

Udens ciuitatem peccatrice {cf. Mt 21:12} hoc cotidie per electos suos agere nulla[.p. 40]tenus cessat cum quosdam ex bona uita ad mores reprobos peruenire considerat. placuit enim eos qui nesciunt cum plangantur.
cf. Coll.Hib.A 44.14
Source GREG.MAG. Hom.in ev. 2.39 (ed. Étaix, 382, lines 66–71)

[63] **CASSIONUS**\(^{15}\) {marg.}

Nihil enim amplius habent oculi quam semplex animae praebent uisionis officium. Itaque si in annaniam et saffirram. qui nec alienas concupierunt par cere nec habuerunt desiderium adquirendi, sed reseruandi. tantummodo uolontatem praecessit tam seueera sententia quid censendum est de his qui numquam possessas pecunias. cupiunt congregare. et nuditate hominibus praebentes affectu concupiscentiae coram deo diuites conprobantur;
Source (nihil ... officium) JOHN CASSIAN, De inst.coenob., 6.12 (ed. Petschenig, 122, lines 4–6)
Source (itaque si ... conprobantur) JOHN CASSIAN, De inst.coenob., 7.25 (ed. Petschenig, 147, lines 1–7)

[64] **Gregorius**\(^{16}\) **Nazareni dicta** {marg.}

Mundari enim prius oportet. [p. 41] et sic alios mundare. sapientem prius fieri. et sic alios sapientes facere. lumen effici et sic alios inluminare. accide ad dominum. et ita alios accidere ad dominum.
cf. Coll.Hib.A 38.4.a
Source GREG.NAZIANZ.–RIVINV'S Apologeticus 71 (ed. Engelbrecht, 56, lines 5–8)

[65] Quia multo melius est pauci temporis regnum utium {litium corr.} quam tyrannides longui temporis;
Et melior est exigua pars cum iustitia. quam multae possessiones cum iniustitia;
Source GREG.NAZIANZ.–RIVINV'S Apologeticus 72 (ed. Engelbrecht, 56, lines 20–3)

[66] **SALAMON**

Uae tibi ciuitas cuius rex est iuuenis; {Ecl 10:16} Noli esse uelox in uerbis. noli esse index cito.
Source (uae ... uerbis) GREG.NAZIANZ.–RIVINV'S Apologeticus 73 (ed. Engelbrecht, 57, lines 7–9)
Source (noli ... cito) unidentified

\(^{15}\) cassionus vel forsan cassianus iohannes ?

\(^{16}\) gregorius written in cursive
[67] IOB {marg.}
Causam quam nesciebam diligentissime inuestigabam {Job 29:16}
cf. Coll.Hib.A 67.2.c
Source *Job 29:16*

[68] Gregorius {marg.}
Nec tutum est putare mediatorem populi apud deum effici quod est speciale officium sacerdotis nisi se proximum et amicum dei uideat; [p. 42]
Source *GREG.NAZIANZ.–RYFINVS Apologeticus 91 (ed. Engelbrecht, 68, lines 20–3)*

**DE ORDINATIONE RETINENDA ET SUMENDA**

[69] Paratus erat aaron. sed moyses multum restiterat.
Isaiais prumptus obtemperat. sed iuuenalem formidabat aetatem.
Source *GREG.NAZIANZ.–RYFINVS Apologeticus 114 (ed. Engelbrecht, 81, lines 17–19)*

Haec domus est in qua requies mea in saeculum saeculi. usque eam.
cf. Coll.Hib.A 32.2.b
Source (tacui ... tacebo) *GREG.NAZIANZ.–RYFINVS Apologeticus 115 (ed. Engelbrecht, 82, lines 11–12)*
Source (habetis ... filiorum) *GREG.NAZIANZ.–RYFINVS Apologeticus 116 (ed. Engelbrecht, 82, lines 17–24)*
Source (haec domus ... saeculi) *GREG.NAZIANZ.–RYFINVS Apologeticus 116 (ed. Engelbrecht, p. 82, line 24–p. 83, line 1)*

[71] hic idem {marg.}
Nec quidem recipio eos qui non digna conversatione abluunt [p. 43] crimen admissum. sed et recipero conpetenti edo {et loco corrig.} eius et tempore dispensabo;

[72] hic idem DE IUBELIO DICIT
Annorum uero septimana. annum fecit remissionis. et non solum septimana. uerum septimarum obseruantur. non solum in diebus sed etiam in annis quae quinquagensimum annum faciunt. qui apud illos iubelius nominatur in quo fit similiter terrae remissio et seruorum libertas. et possessionum restitutio quae praetio fuerunt conparatae.
cf. Coll.Hib.A 36.1
Source *GREG.NAZIANZ.–RYFINVS De Pentecoste et de spiritu sancto 2 (in Tyranni Rufini orationum Gregorii Nazianzeni novem interpretatio, ed. Engelbrecht, 143, lines 8–16)*

[73] DE MALIS PRINCIPIBUS HIC IDEM LOQUITUR
Timeo et hoc quod uideo etiam canes adsec[p. 44]tare ad officium pastorale maxime cum nihil in semetipsis pastoralis praeparauerit disciplinae sed laniare tantum dedicerint et dissipare alienos labores. quaia facilius est semper quam conseruare;
cf. Coll.Hib.A 37.4.a
Source *GREG.NAZIANZ.–RYFINVS In semet.de agr.regr. 3 (ed. Engelbrecht, 170, lines 6–11)*

[74] HIEREMIAS.
Appendix VIII

Uae pastoribus israhel qui disperdunt et delacerant gregem pasçu meae dicit dominus. {Ier 23:1}
cf. Coll.Hib.A 37.4.b
cf. c. 75 below
Source Ier 23:1

[75] EZECHIEL
Uae pastoribus israhel qui pascebant semetipso. nonne greges pascuntur a pastoribus lac comedebatis e danieis {et lanieis corr.} operiebamini. et quod crassum e rat occidebatis. gregem aute meum non pascebatis. quod infirmum non solidastis. quod egrotum e st non alligastis. et quod abiectum e st non reduxistis. [p. 45] quod perierat non quesistis. sed cum austeritate imperabitis eis {Ez 34:2–4} eo quod non ess et pastor. {Ez 34:5}
cf. Coll.Hib.A 37.4.b
cf. c. 74 above
Source Ez 34:2–4, 5

[76] AEPISCOPII auctoritate suscipiunt ligandi vel soluendi. qui grandum regiminis sortiuntur. {sic} grandis honor est. sed pondus istius honoris. Durum quippe est ut qui nescit tenere moderamina uię suę iudex fiat alienae. Iudicare autem de subditis nequent. qui subditorum causis sua uel odia uel gratiam sequuntur. qui lex super baculum nisi pastoralem curam suscipere. qui iam in suo corpore sciunt fluxa luxorię domare;
Source (aepiscopii ... fiat alienae) GREG.MAG. Hom.in ev. 2.26 (ed. Étaix, 222, lines 98–102)
Source (iudicare ... gratiam sequuntur) GREG.MAG. Hom.in ev. 2.26 (ed. Étaix, 222, lines 109–11)
Source (qui lex ... domare) GREG.MAG. Hom.in ev. 2.22 (ed. Étaix, 191, lines 272–76)

[77] DE INFRUCTUOSA ARBORE DICITUR [p. 46]
succedam ut qui occupat terram unusquisque iuxta modum suum in quantum locum uitae presentis tenet si fructum boni operis non exhibet uelut infructuosa arbor terram occupat. quia in eo loco in quo ipse est. et alis operandi occassionem negat. sed in hoc saeculo potens quilibet si fructum non habet bonae operationis etiam inpedimentum praestat ceteris quicumque cum ipso sunt exemplo prauitatis ipsius quasi umbra peruersitatis eius praemuntur;
Source GREG.MAG. Hom.in ev. 2.31 (ed. Étaix, 271, lines 43–51)

DE CHRISTIANIS LOQUITUR QUOD INIUCTI SUNT

[78] GREGORIUS {marg.}
Quomodo potest teneri qui nudus est? Quaeuis opulentiae uincere potest magis quam christiani [p. 47] philosophi nuditas;
Duo sunt in caelo quae teneri non possunt: deus et angelus. Tertium uero in terra est christianus philosophus uelud quidam incorporeus uiuens in carne.
Source (quomodo ... nuditas) GREG.NAZIANZ.–RYFINVS In semet.de agr.regr. 13 (ed. Engelbrecht, 182, lines 9–11)
Source (duo sunt ... in carne) GREG.NAZIANZ.–RYFINVS In semet.de agr.regr. 13 (ed. Engelbrecht, 182, lines 19–22)

[79] Quid ergo mihi taurinas carnes nutrire et corpora pingui aruinę distendere;
Source GREG.NAZIANZ.–RYFINVS In semet.de agr.regr. 14 (ed. Engelbrecht, 184, lines 17–18)

[80] Nos autem qui praesumus non ex locorum sed ex morum nubilitate innotescere debemus. neque urbium claritate fieri. sed fidei puritate.
Appendix VII

cf. Coll.Hib.A 37.26
Source  GREG.NAZIANZ.–RVFINVS In semet.de agr.regr. 15 (ed. Engelbrecht, 185, lines 11–13)

[81] Introibo ad altare dei mei. reliqua {Ps (G) 42:4} Ab hoc enim altario non quislibet
potestatem habet ne repellere. nec fraudatis umquam ouile uestrum; Non insurgunt pedes
aduersus caput [p. 48] neque caput a se alienos deputet pedes. Cito uero require medicum. et
adhibere curam uigilantis. ut non domesticos fugaremus. sed ut sociorum multitudine crescemos.
Source (introibo ... repellere)  GREG.NAZIANZ.–RVFINVS In semet.de agr.regr. 16 (ed. Engelbrecht,
186, lines 7–10)
Source (nec fraudatis ... ouile uestrum)  GREG.NAZIANZ.–RVFINVS In semet.de agr.regr. 18 (ed. Engelbrecht,
187, line 25)
Source (non insurgunt ... deputet pedes)  GREG.NAZIANZ.–RVFINVS De rec.unitat.monach. 8 (ed. Engelbrecht,
218, lines 12–13)
Source (cito ... uigilantis)  GREG.NAZIANZ.–RVFINVS De rec.unitat.monach. 10 (ed. Engelbrecht,
220, line 23)
Source (ut non ... crescemos)  GREG.NAZIANZ.–RVFINVS De rec.unitat.monach. 11 (ed. Engelbrecht,
221, lines 10–11)

[82] DE EXCOMMUNICATIONE DICIT GILDAS
Non noe cham filium suum magice artis scribam aut arca aut mensae commonione uoluit arcere;
Non abraham neel et ezcol in debellatione. V. regum exorruit. Non loth sodomitarum conuiuia
execratur;
Non isac mensae participationem abimelech. et ocazat et picus duci militum negat. sed
post cibum et putum {potum corr.} iurauerunt sibi motuo [p. 49]
   Non iacob extimuit communicari filis suis quos nouit uenerari idola
   Non ioseph reinnitus faraoni mense et scipha participari;
   Nec aaron sacerdotis idolorum madian mensam repulit;
   Nec moyses simul cum ethor hostias et conuiuiu pacificum init;
   Non dominus noster17 iesus christus publicanorum conuiuia diuitabit. ut omnes
peccatores et meretrices saluaret;
)(ed. MOMMSEN, as Gildas, Epist.deperd.fragm. 1, in Chronica minora, 86, lines 1–10; trans. WINTERBOTTOM,
Gildas, 80)
cf. Coll.Hib.A 40.5.a; see also De communicatione Gildas, ed. Breen, 'Date, provenance and authorship', 121–22,
lines 22–37

DE ABSTINENTIA CIBORU

[83] GILDAS DICIT. {marg.}
Abstinentia corporalium ciborum absque caritate inutilis est meliores sunt ergo qui non magn
opere ieiunant nec supra modum a creatura dei se abstinent. Cor intrinsecus nititum coram deo
delicate servantes. a quo sciunt exitum uitae. [p. 50] quam illi qui carmen non edunt. nec cibis
secularibus diletantur. neque uhechilus equisque uechuntur. Et pro hi quis superiores ceteris se
putantes. quibus mors intrat per fenestram eluationis.
)(ed. MOMMSEN, as Gildas, Epist.deperd.fragm. 2, in Chronica minora, 86, lines 11–16; trans. WINTERBOTTOM,
Gildas, 80)

17 noster] nrt with macron over rt
DE NOUISSIMIS DIEBUS

[84] HIEREMIAS DICIT {marg.}
Instabunt tempora pessima et erunt homines sui amatores auari adrogantes superbi blasphemis. parentibus inobedientes ingrati in puri sine adfectione. sine pace accusatores intemperantes crudiles odio habentes bonum pro diore temerarii. inflati uoluntatum amatores magis quam dei habentes formam pietatis et uirtute eius abnegantes. {2 Tim 3:1–5}
(ed. MOMMSEN, as Gildas, Epist.deperd.fragm. 3, in Chronica minora, 86, lines 17–21; trans. WINTERBOTTOM, Gildas, 80)
cf. Coll.Hib.A 37.30
Source 2 Tim 3:1–5

[85] Multi peribunt agentes mala. [p. 51] ut ait apostolum {sic} habentes habentes {sic} zelum dei. sed non secundum scientiam ignorantes dei iustitiam et suum querentes statuere iustitiam non sunt subiecti; {Rom 10:2–3}
Omnes fratres culpantes sunt qui suas secum adinuentiones {ps} praesumptiones non fecerunt.
{cf. Ps (G) 98:8}
(ed. MOMMSEN, as Gildas, Epist.deperd.fragm. 3, in Chronica minora, 86, lines 21–4; trans. WINTERBOTTOM, Gildas, 80)

[86] Hii autem pane ad mensuram utuntur. pro hoc sine mensura gloriantur. Dum aqua utuntur simul odii potantur. Dum siccis ferculis simul ecclesi tractationibus {et detractationibus corr.} fruuntur. Dum uigilias extendunt aliquos somno dimersos notant. pedibus et memberis dicentes ceteris. si non caput fueris ut ego sum {sic} habentes {sic} zelum dei. sed non secundum scientiam ignorantem dei iustitiam et sua querentes statuere iustitiam non sunt subiecti; {Rom 10:2–3}
Omnes fratres culpantes sunt qui suas secum adinuentiones uel praesumptiones non fecerunt.
{cf. Ps (G) 98:8}
(ed. MOMMSEN, as Gildas, Epist.deperd.fragm. 3, in Chronica minora, 86, lines 21–4; trans. WINTERBOTTOM, Gildas, 80)

[87] DE MONACHIS QUI UENIUNT de loco uiliore ad perfectiorem quorum abbas. ita degenerauit ab opere dei. ut mereatur ad mensam sanctorum non recipi. sed et fornicationis
Appendix VIII

crimine non suspectionis. sed mali euentis honorari. suscipite sine ullo scripulo monachus tales ad uos de flamma inferni confugientes nequaque consulito abbate; Illos uero quorum abbatem de mensa sanctorum propter infamiam non arcemus. non debemus illo [p. 55] nolente suscipere. quanto magis uenientes a sanctis abbatibus. et nullo alio modo suspectis. nisi quod habent peccora et uehicula uel pro consuetudine patriae uel sua infirmitate quae minus ledunt habentes. si cum humilitate et patientia quam {CL. add. sup. lin.} arastra trahentes et soffosoria figentes terrę cum praesumptione et superbia. Quicquid autem monacho de rebus secularibus superhabundat ad luxurias diuitias debet referri. et quod necessitate et non uoluntate habere compellitur ut non nenuaria {sic} cadat non illi ad malum ne putabitur. {reputabitur corr.}

Capitibus namque preicipua corporis ornamenta dilata non debent inferiora dispicere et manum cotidiana commoda superbire superioribus fas non est;

Nonne haec nec ille possunt sibi motuo dicere operam uestram non necess habeamus {cf. 1 Cor 12:21} quae ad commonem eiusdem corporis pertinent utilitatem. Haec diximus ut sciant summi sacerdotes quod sicut non debent inferiores clerici eos dispicere ita et illi nec clericos sicut nec caput quidem cetera membra;

(ed. MOMMSEN, as Gildas, Epist.deperd.fragm. 4, in Chronica minora, 87, lines 19–35; trans. WINTERBOTTOM, Gildas, 81)

[88] Abas districtioris regulae non amittat monachum alterius abbatis paulo remissioris. Et qui remisor est non reteneat monachum suum ad districtiora tendentem;

(ed. MOMMSEN, as Gildas, Epist.deperd.fragm. 5, in Chronica minora, p. 87, line 36–p. 88, line 1; trans. WINTERBOTTOM, Gildas, 82)
cf. Coll.Hib.A 39.6, 9

[89] Habent quippe sacerdotes et episcopi [p. 57] terribilem iudicem cui pertinet non nobis de illis in utroque saeculo iudicare;

(ed. MOMMSEN, as Gildas, Epist.deperd.fragm. 5, in Chronica minora, 88, lines 1–2; trans. WINTERBOTTOM, Gildas, 82)

[90] Maledictus qui transfert terminos suos {suos ras.} uel proximi sui; {Dt 27:17}

(ed. MOMMSEN, as Gildas, Epist.deperd.fragm. 6, in Chronica minora, 88, line 3; trans. WINTERBOTTOM, Gildas, 82)
cf. Coll.Hib.A 61.6

[91] Unusquisque permaneat in eo in quo uocatus est apud deum. {1 Cor 7:24}
Ut ne primarius nisi uoluntate motetur subiecto. neque subiectus sine senioris consilio locum prioris obtineat;

(ed. MOMMSEN, as Gildas, Epist.deperd.fragm. 6, in Chronica minora, 88, lines 4–5; trans. WINTERBOTTOM, Gildas, 82)
cf. Coll.Hib.A 37.31

[92] Quae sunt honesta nostra his honorem habuntiorem circumdamus. {1 Cor 12:23}

Iudicare ergo satis salubre est subiectos episcopis abbatibusque quorum sanguinem si eos non bene regnant de manibus requiret dominum; {cf. Ez 3:18–20, 33:6–8}

Inoboeodientes uero patribus sint sicut gentiles et pub[*]icari {publicani corr.} [p. 58] et omnibus hominibus tam bonis quam malis præter suos subiectos illud apostoli existimantes omnes homines. reliqua.

(ed. MOMMSEN, as Gildas, Epist.deperd.fragm. 6, in Chronica minora, 88, lines 6–10; trans. WINTERBOTTOM, Gildas, 82)
[93] Peruenit illud iudiciu. pro incerto exitu uitae legentes in scriptura. apostolum perditum cupiditate. et latronem confessione in paradisum translatum;
(ed. MOMMSEN, as Gildas, Epist.deperd.fragm. 6, in Chronica minora, 88, lines 11–12; trans. WINTERBOTTOM, Gildas, 82)

[94] Conepiscopos autem et conabbates. et non subiectos non iudicare.
Melius est foetentes uero alicuius nequam fama putare nullo modo ad intigrum arguant. sed leniter increpant cum patientia. quos pro conscientia ut possint debent quasi susceptos uitare nec tamen ut reos ueros excorumuncirare. uel mensa uel pace arcere cum ratio aliqua necessitatis aut conuentus uel locutionis exigerit. sed illis denuntietur. quod non recte agant quia non possumus eos pro hoc damnare dum commoncant illi indigne forte nos per cogitationes malas demonibus communicamus;
Quos uero scimus sine ulla dubitaione esse fornicatores nisi ligitiimo ordine peniteant. a pace et mensa cuiuscumque ordinis ligitimum fuerint arcemus.
Ut est illud si quis frater nominatur. et est fornicatur. reliqua. Et propter principalium uitiorn causas euidenter probatas nulla alia ratione debemus fratres a commonicatione altaris uel mense cum tempus poposcerit arcere;
(ed. MOMMSEN, as Gildas, Epist.deperd.fragm. 7, in Chronica minora, 88, lines 13–24; trans. WINTERBOTTOM, Gildas, 82)

[95] PATRICIUS DE UNITATE ET SUBDITORUM [p. 60]
Quis ergo audet scindere unitatem quam nemo hominum soluere uel reprehendere potest.
(ed. WARE, S. Patricio adscripta opuscula, 47)
cf. Coll.Hib.A 21.9.b; B 44.29
Source unidentified

[96] Actus apostolorum {marg.}
MULTITUDINIS {autem add. sup. lin.} CREDENTIUM erat cor unum. et anima una. et nulla erat separatio in eis. nec quisquam ex bonis suis dicebat esse aliquid. sed erant illis omnia commonia. Gratia quoque erat magna super illos omnes. nec enim in eis aliquis indigens. nam quicunque possessores agrorum aut domorum erant uendentes adferentes praetoria illorum. et ponebant ante apostolorum et diuidebatur unicuique ut opus erat. {Act 4:32–5}
Source Act 4:32–5

[97] Quidam autem uir nomine annanias cum safirra uxor suo con uendidit agrum et fraudauit de praetoria agri conscia uxore sua 18 et adferens partem aliquam ante pedes apostolorum. Dixit autem [p. 61] petrus illi. annanias cur impleuit satanas cor tuum ad mentiendum spiritui sancto. ut fraudem faceres de praetoria agri. Nonne manens tibi manebat et uenditum in tua potestate erat. quare posuisti in corde tuo facere hoc malum. Non es hominibus mentitus sed deo; {Act 5:1–4}
Audiens autem annanias haece uerba cecidit et expirauit; {Act 5:5}
Source Act 5:1–5

DE OBSERUATIONE MANDATI PRIORUM PATRUM.

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18 Some text (uendidit agrum et fraudauit de praetorio agri conscia uxor sua) has gone missing at this point due to homoioteleuton.
Appendix VIII

[98] Haec dicit dominus exercituum deus israhel. pro eo quod obedientis praecepto ionadab patris uestri. et custodistis omnia mandata eius et fecistis uniuersa quæ præcepit uobis. propterea haec dicit dominus exercituum deus israhel. non deficiet uir de stirpe ionadab filii recab stans [p. 62] in conspectu meo cunctis diebus; {Ier 35:18–19}
cf. Coll.Hib.A 12.16, 32.1
Source Ier 35:18–19

DE UINDICTIS LOQUITUR.

[99] hic idem. {marg.}
Maledictus qui prohibit gladium suum a sanguine {Ier 48:10} rei. qui percutit malos in eo quod mali sunt et habet uassa interfectionis ut percutiat pessimos minister dei est.
cf. Coll.Hib.A 27.8.a, 67.4.d; GRATIAN, C. 23 q. 8 c. 33
Source (maledictus ... sanguine) Ier 48:10
Source (qui percutit ... dei est) JEROME, Commentarium in Hieriechiaelem libri XIV, 3.9.1b (ed. F. Glorie, CCSL 75 [Turnhout, 1964], 103, lines 422–24)

[100] Homicidas et sacrilegos punire non est effusio sanguinis sed ministerium legum; Et dum parcant sacerdotes peccatoribus ecclesiæq moliuntur interitum quae ista bonitas uni parcere et omnes in discrimin perducere. pulluitur autem populus uno peccante.
cf. Coll.Hib.A 27.8.c–d, 67.4.f; GRATIAN, C. 23 q. 5 c. 31
Source (homicidas ... ministerium legum) JEROME, In Hieriemiam libri VI, 4.35, vers. 22:1–5 (ed. Reiter, 201, lines 24–6)
Source (et dum ... uno peccante) unidentified, but cf. PS.-SENECA De moribus 114

[101] Qui non occidit latrone: ipse perditid inopem; Mortificabant autem animas quæ non morientur: et uuificabant animas quæ non uiuunt. {Ez 13:19} Non morientem quippe [p. 63] mortificat qui iustum dampnat. et non uicturus uuificare nititur qui reum a supplicio soluere conatur.
cf. Coll.Hib.A 27.8.e, 67.4.g–h
Source unidentified

[102] IN LIBRIS REGUM DE BENADAB LOQUITUR SCRIPTURA
De reis relictis haec dicit dominus. quia dimisistiuirum dignum morte. erit anima tua pro anima illius et populus tuus pro populo illius. {3 Rg 20:42} Hieu autem præparatur sibi LXXX uiros. et dixerat eis quicumque f ugerit de omnibus quisrumque adduxero in manus ustras. erit anima uestra pro anima illorum. {4 Rg 10:24}
cf. Coll.Hib.A 27.19.a, c
Source (haec dicit ... populo illius) 3 Rg 20:42
Source (hieu autem ... anima illorum) 4 Rg 10:24

[103] IN SAMUEL
Dominus dicit. et tu cale abieciisti uictimam meam et munera mea quæ praecepi. ut offerentur in templo. et magis honorasti filios tuos quam me; {1 Sm 2:29} prædixi enim quod [p. 64] iudicaturus essem domum eius in aeternum. propter iniquitatem eo quod nouerat indigne agere filios suos et non corripuit eos. {1 Sm 3:13}
cf. Coll.Hib.A 31.4.a, 5.a
Source 1 Sm 2:29, 3:13

[104] IN HIEZECHIELE
Filius uero non accipiet injustitiam patris. neque pater accipiet injustitiam filii. iustitia iusti super ipsum erit. et iniquitas iniqui super ipsum erit; {Ez 18:20}
cf. Coll.Hib.A 31.11.a
Source Ez 18:20

[105] AGUSTINUS DICIT
DE UINDICTA IN NOUO LEGE
De sermone in monte neque ea uindicta prohibitur quae ad correctionem ualet. etiam ipsa enim pertinet ad misericordiam nec inedit illud propositum quo quisque paratus est ab eo quem correpturn esse uult. et plura perferre sed uindictae huic [p. 65] referendé non est idoneus nisi qui odium quo solent homines flagillare qui se uindicare desiderant dilectionis magnitudine superauit. Non enim metuendum est ne odise paruulum filium parentes uideantur cum ab eis uapulatur peccans. ut non peccet ulterior et certe perfectae
dilectionis ipsius dei patris emissionem nobis proponitur cum in sequentibus dicit.

Diligite inimicos uestros reliqua. {Mt 5:44; cf. Lc 6:27} Et tamen de ipso dicitur per
profetam. quem enim diligit dominus corripit. flagillat omnem filium quem recipit. {Hbr 12:6}
Magni enim et sancti uiri qui optime scierunt mortem istamque anima desoluit a corpore non esse
formidandum. [p. 66] Secundum eorum tamen animum qui illam timent. nonnulla peccata morte
punierunt quo et uiiuentibus utilius metus incutere et illis qui morte puniebantur non ipsa mors
noceret quibus tale iudicium donauerat. Deus quod helias multos morte adficit. Et propria
manu et igni diuinitus imperato. cum et alii magni et divini uiri. eodem spiritu consultantes rebus
humanis non temere fecerint. Itaque postea quam eos docuit. quid est diligere proximum
tamquam infuso etiam spiritu sancto quem misit non defuerant tales uindictae quam mullo rarius
quam in ueteri testamento;

Nam et uerbis apostolis {apostoli corr.} petri annania et uxor eius examines [p. 67]
ceciderunt. Et huic libro hereticorum qui aduersantur et ueteri testamento nolunt credere. paulus
apostolus intueantur dicente quibus ualent ad misericordiam etiam postea qua tradidit satanath in uinterum carnis ut
anima salua sit. et si nolunt hic mortem interlegere fortasse enim incertum est quam uindictam
per satanath factam ab apostolo fateantur. quod non eam odio sed amore fecisse manifestat illud
adiecutum ut anima salua sit. Aut in illis libris quibus ipsi magni et diuini uiri. eodem spiritu magnum tribuit auctoritatem.
Animaduertant quod dicimus. ubi scriptum est apostolum thomam inpræcatum cuidam. quod
palma percutissent atrociissime mortis supplicium animam eius. [p. 68] tamen commendat aut in
futuro ei saeculo parceretur cuius a leone occisi corpore disceptam manum. canis tull mensis
quibus conueniebat apostolos;
cf. Coll.Hib.A 27.9
Source (neque ea uindicta... quem recipit) AVG. De serm.dom.in monte, 1.20.63 (ed. Mutzenbecher, 72, lines 1569–82)
Source (magni enim ... temere fecerint) AVG. De serm.dom.in monte, 1.20.64 (ed. Mutzenbecher, 73–4, lines 1595–1605)
Source (itaque postea ... ueteri testamento) AVG. De serm.dom.in monte, 1.20.64 (ed. Mutzenbecher, 74, lines 1612–16)
Source (nam et uerbis ... conueniebat apostolos) AVG. De serm.dom.in monte, 1.20.64–5 (ed. Mutzenbecher, 74–5, lines 1618–35)

[106] INCIPIT SINODUS IN AURILIENSI URBE
DE HOMICIDIS ET ADULTERIS et furibus si ad ecclesiæam confugerint id constituius
obseruandum quod ecclesiastici canones decreuerunt. et lex romana constituit. Ut ab ecclesiæ
atris uel domu episcopi eos abstrahi omnino non liceat. nec alteri consignari nisi ad euangelia
datis sacramentis de morte de debilitate et omni poenarum genere sint securi. ut ei cui reus fuerit
creminosus de satisfactione conueniat; [p. 69] quod si sacramenta sua quis conueictus fuerit
uiuolasse {sic} reus periur non solum a communione ecclesiæ uel omnium clericorum. uerum
etiam catholicorum conuuiuo sepaetur. quod si cui reus est uluit sibi intensione facienti conponi et ipse reus de ecclesia actus timore discesserit ab ecclesia {sic} clerici non queratur;

Source COLL.511.1

DE INDULGENTIA.

[107] GREGORIUS {marg.}
Quid adhuc grauius est apud deum quam aliis postulat mortem inimici. eumque quem non potest gladio persequi perquirit oratione et uiiuit adhuc. qui maledicitur. Tamen is qui maledicit de morte illius reus tenetur. Iubet autem deus. ut diligatur inimicus. et tamen rogatur deus [p. 69B] ut occiatur. [*] [{*} ras.] inimicum. quisquis itaque sic orat ipsis suis praecibus contra creatorem suum pugnat. Unde et sub iuade specie dicitur et oratio eius fiat in peccatum. {Ps (G) 108:7}
Oratio quippe in peccato est illa petere quae prohibet deus ipse qui petitur. hinc ueritas ait. cum statis ad orandum remitte si quid habetis in cordibus uestrus. {Mc 11:25}
cf. Coll.Hib.A 61.4.a
Source GREG.MAG. Hom.in ev. 2.27 (ed. Étaix, 235, lines 162–72)

[108] IN IESU NAUE. DE SORTIBUS MULTIPLEX SCRIPTURA
HAEC DICIT DOMINUS DEUS. istahel. anathema in medio tui est istahel. non poteris stare coram hostibus tuis donec deleatur ab te qui hoc contaminatus est scelere acceditisque mane singuli per tribus uras {sic, pro uestras} et quodcumque tribum sors inuenierit accidet per cognaisio per domus. domusque per uiros. et quicumque ille in hoc facinore fuerit depraedensus conburnetur igni cum omni substantia. quioniam praeuariatus est pactum domini. et fecit nefas in istahel. Surgens itaque iosue mane applicuit istahel. per tribus suas. et inuenta est tribus iuda. quecumque {que cum corr.} familias suas esset oblata. inuenta est familiae {familia corr.} zarie illam quoque per uiros offerens reperit Zabdi. cuius domum in singulos diuidens uiros inuenit acham filium acharmi fili sabdi fili zare de tribu iuda. Et ait ad acham fili mi da gloria Strom domino deo istahel. et confiterete atque indica mihi quid feceris ne abscandas. responditque acham iosue et dixit ei. [p. 70] uere ego peccavi domino deo istahel; Et sic feci uidi enim inter spolia pallium coccineum ulde bonum et CCtos siclos argenti regulamque auream. L. sicolorum et concupiens abstuli in terra intra medium tabernaculi argentumque fossa humo operui. misit ergo iosue ministros et reperierunt cuncta. {Ios 7:13–22} Tollens itaque iosue achen filium acharmi argentumque et pallium et legulum {sic} auream filiosque eius et filias boues et oues ipsumque tabernaculum et cunctam suppellectilem duxit ad uallem achor. ubi dixit iosue quia turbasti nos. exturbet te dominus in die hac lapidauitque eum omnis istahel. Et cunctaio {sic} illius erant igni consummata sunt; [p. 71] {Ios 7:24–5}
Source Ios 7:13–22, 24–5

[109] IN LIBRO REGUM
Adplicuit iosue omnes tribus istahel et cecidit sors tribus beniamin. et cognationes eius et cicidit sors cognationi methiri. et peruenit ad saul filium cis. {1 Sm 10:20–1}
cf. Coll.Hib.A 25.2
Source 1 Sm 10:20–1

[110] IN ACTIBUS APOSTOLORUM
Statuerunt duos ioseph qui uocabantur barnabas qui cognominatus est iustus et madian. et orantes. dixerunt. tu domine qui nosti corda hominum ostende nobis quem elegeris ex his duobus unum
Coram dī partibus diuiserunt scripserunt in uolumine reversiq

Dixit Agustinus interpretatus est sors. non aliud mali est sed res in dubitatione humana diuinam nobis indicans uluntatem. Et alibi quae in occulto dei iudicio fiunt per manus sanctorum sors manifestat; Solent enim quae sorte dantur diuinitus dari uel operari;

Source (contradictiones...deiudicat) Prv 18:18; et cf. Avg. Speculum 7 (ed. Weihrich, 63, lines 2–3)
Source (in manibus tuis sortes me) Avg. Enarr. in Psalmm., psalm. 30, enarr. 2, sermo 2.13 (eds Dekkers–Fraipont, 211, line 1)
Source (sors non aliud...uoluntatem) Avg. Enarr. in Psalmm., psalm. 30, enarr. 2, sermo 2.13 (eds Dekkers–Fraipont, 211, lines 4–5)
Source (qua in occulto...manifestat) unidentified, but cf. Avg. Enarr. in Psalmm., psalm. 30, enarr. 2, sermo 3.6 (eds Dekkers–Fraipont, 216, lines 3–5)
Source (solent enim...operari) Avg. De Genesi ad litteram libri XII, 10 (ed. J. Zycha, CSEL 28.1 [Vienna, 1894], 321, lines 5–6)

De hac sorte Agustinus dicit. hoc exemplo sortibus non debemus credere. Sortes mittuntur in sinum. sed a dominio temperantur; Prv 16:33 vel huius est electio sortes non est [p. 73] uoluntas dei.

De principatu inter iuuenem et senem. Dixitque ioseph ad patrem. non ita conuenit pater. quia hic primogenitus est. pone dextera...super caput eius. qui rennuens ait. scio fili mi et iste quidem in populo erit et multiplicabitur. sed frater eius iunior maior illo erit. et semen illius crescit in gentibus. benedixitque eum dicens. insto tempore in te benedicetur. facitt {faciet corr.;} tibi deus sicut effraine et sicut manasse et constituit effraine ante manasse; {Gn 48:18–20}

De principatu inter iuuenem et senem. Dixitque ioseph ad patrem. non ita conuenit pater. quia hic primogenitus est. pone dextera...super caput eius. qui rennuens ait. scio fili mi et iste quidem in populo erit et multiplicabitur. sed frater eius iunior maior illo erit. et semen illius crescit in gentibus. benedixitque eum dicens. insto tempore in te benedicetur. facitt {faciet corr.;} tibi deus sicut effraine et sicut manasse et constituit effraine ante manasse; {Gn 48:18–20}

Præcipit eis ioues diciens circuite terram et discipite eam ac reuertimini ad me. ut hic coram domino deo nostro in selo mitiam uobis sortem itaque perexerunt et lustrantes eam. {p. 74} In Ull partes diuiserunt scripserunt in uolumine reuersique sunt ad ioues in castro selo qui misit sortes coram domino. diuisitque terram in VII partes filius israhel; {Ios 18:8–10}


Appendix VIII

cf. Coll.Hib.A 32.8
Source Ios 18:8–10

DE PENITENTIENTIA multiplex loquitur.

[115] Penitentia aboleri peccata indubitanter creditus. etiam si in ultimo uitę spiritu admisorum peniteat. et pullica lamentatione peccata prodantur; quoniam dei propositum quod decreuit saluare quod perierat. {Mt 18:11} stat inmobile. Et ideo quia voluntas eius non motatur sine 
emendatione uitae si tempus conceditur ei. siue simplici confessione si continuo exciditur uita uenia 
peccatorum pae rae

Source Coll.Hib.A 11.a

[116] Sed et secreta satisfyence solui cremina mortalia non negamus. sed motato prius saeculi habitu et confessio religionis studio per uitę correptionem et iugi imo perpetuo luctu miserante deo ita dumtaxat. ut contraria pro his que penitet agat et eucharistiam omnibus diebus dominicis supplicat atque submisus usque ad mortem percipiat.

Source Coll.Hib.A 47.5.c

[117] Non enim nocent mala praeterita si non placent. praecipue si multis elimosinis fuerint expiata. Adhuc est enim penitendi et corrigendi locus nondum facta est illa diuisio ad dexteram et aliorum ad sinistram;

Source Coll.Hib.A 47.7, 11.c

[118] Unusquisque in sua habet potestate breue aut longum penitentiae suae tempus exigere. Et ideo est in uobis quando uellitis ad nostram conuenire mensam. et non in nobis quibus permissum non est sumere cum aliquo cibum nisi fuerit prius baptizatus. Potes enim fieri ut multi temporis neglegentiam. breuis adsidua reparet diligentia;

Source Coll.Hib.A 47.4.a–b

[119] In omnibus obtinenda est parsimona* nia {parsimonia corr.} ut neque demonibus locus detur. neque ab eis obsesa una cum ipsis tradatur ignibus crucienda.

Source Ps.-Clemens-Ryfins Recognitiones 6.18 (eds Rehm–Paschke, 155, lines 17–20)

[120] Reminiscamur david regis duo tam grauia tamque inmania cremina uno penitudinis sermone dileta;

Source John Cassian, De inst.coenob. 12.11 (ed. Petschenig, 213, lines 4–6)

[121] Non dico ebdomadas non duplicata et multiplicata ieiunia; sed saltim singulos absque ciborum luxoria transigamus; [p. 77]

cf. Coll.Hib.A 12.8.b; Gratian, D. 5 de cons. c. 18

Source unidentified, but cf. Jerome, Epistola 107, ad Laetam (ed. Hilberg, II, 301, lines 6–8)
Appendix VIII

[122] Lacrimas petri lego: satisfactionem eius non lego. Abluunt ergo lacrimae delictum quod uoce pudor est confiteri. qui cum multorum {sic} distuctione se perdidit cum multorum edificatione se redimat.

cf. Coll.Hib.A 47.5.b; GRATIAN, D. 1 de pen. cc. 1–2
Source (lacrimas petri ... est confiteri) AMBROSE, Exp.ev.sec.Luc., lib. 10, c. 87 (ed. Adriaen, 371, lines 846–49)
Source (qui cum ... se redimat) CAESARIUS, Sermo 179.7 (ed. Morin, 728, lines 7–9)

DE CAUSIS PENSANDIS.

[123] Causeae ergo pensandae sunt et tunc ligandi ac soluendi potestas exsercenda est. Uidenda quippe culpa aut quæ sit penitentia subsequuta post culpam. cor namque contritum et humiliatum deus non spernit. {Ps (G) 50:19} ut quos deus omnipotens per conpunctionem uitit illos pastoris sententia soluat. sed in omni penitentia solenter inquiritur est ut dicitur conuertimini ad me. reliqua. {Ioel 2:12; cf. Is 45:22} Haec enim est uera penitentia penitenda non admittere [p. 78] et commissa deflere.

cf. Coll.Hib.A 47.6.a–b; GRATIAN, C. 11 q. 3 c. 88
Source (cause ... sententia soluat) GREG.MAG. Hom.in ev. 2.26 (ed. Étaix, 222, lines 116–19)
Source (cor namque ... non spernit) Ps (G) 50:19
Source (sed in omni ... ad me reliqua) PCUM.600, postscriptum (ed. Bieler, 132, line 22)
Source (conuertimini ... reliqua) Ioel 2:12; cf. Is 45:22
Source (est uera ... deflere) GENNADIVS, Lib.eccl.dogm. 23 (ed. Turner, 94, lines 1–2; cf. recensio vulgata, c. 24 [PL 42, col. 1218]); and cf. PCOA.600.1

[124] INCIPIUNT REMISSIONES PECCATORUM QUAS IN CONLATIONE SUA SANCTUS PINIFUIUS CONSCRIPSIT.

POST ILLAM NAMQUE GENERALEM baptismi gratiam. et illud praetiosissimum martyri donum quod sanguis oblatione conquiritur;

Multi sunt penitentiae fructus per quos expiationem criminum peruenitur. Non enim tantum simplici illo nomine salus aeterna promittitur. De qua beatus petrus. penitemini inquit. et conuertimini ut deleantur peccata nostra. {Act 3:19} Et iohannes baptista uel ipse dominus penitentiam agite adprinquinuaut regnum caelorum. {Mt 3:2} sed etiam per caritatis affectum peccatorum molis obruitur; [p. 79]

Caritas enim cooperit multitudinem peccatorum. {1 Pt 4:8} Similiter etiam per elimosinarum fructus uulneribus nostris medulla praestatur;

Quia sicut aqua extinguat ignem. sic elimosina extinguit peccatum; {Sir 3:33}

Ita per lacrimarum effusionem conquiritur abluto peccatorum.

Lauabo inquit per singulas noctes lectum meum lacrimis stratum meum irrigabo. {Ps (G) 6:7} Denique subiungit ostendens non inaniter eas fuissae profussas. Discedite a me omnes qui operamini iniquitatem. quoniam exaudiu domini uocem fletus mei. {Ps (G) 6:9} Nec non per cremination confessionem abluto donatur;

Dixit enim: pronuntiatio aduersum me iniuistitiam meam dominus reliqua. {Ps (G) 31:5}

Preçipue quoque per emendationem {p. 80} morum. Ut auferete inquit malum cogitationum uestrorum ab hoc quiescere agere peruerse et discite bene facere querite iudicium subuenite obpresso. iudicate pupillo defendite uiduam. et uenite et arguite me dicit dominus. reliqua. {Isa 1:16–18}

Interdum etiam intercessione sanctorum inpetratur ueniam peccatorum qui enim scit fratrem suum peccatore peccatum non ad mortem petat pro eo. et dabit ei dominus ueniam peccanti non ad mortem; {1 Io 5:16}
Appendix VIII

Et interdum si infirmatur. quis in uobis inducat praebiteros ecclesiae et orant super eum unguentes oleo in nomine domini et oratio fidei saluabit infirmum. et adleuabit eum dominus et sua peccata dimittuntur ei. {Iac 5:14–15}

Nono¹⁹ numquam misericordiae et fidei [p. 81] merito lapsis exquiritur. Expulsio uitiorum secundum illud per misericordias et fidem purgantur peccata; {Prv 16:6}
Per confessionem plerunque salutem eorum qui nostris munitis ac praedicatione saluantur. quoniam qui converti fecerit peccatorem. reliqua. et cooperit multitudo peccatorum; {Iac 5:20}

Per indulgentiam peccatorum ad remissionem peruenitur.
Ut si enim remiseritis hominibus peccata eorum. reliqua. {Mt 6:14}
Ut si enim aditum peccata dimittuntur. ut aditum delimenes oilo in nomine de eis aditum tribuo.

Certe morum poteris emendatione purgari. quod in perfectione uirtutem extinctionem uitiorum omnium non potes adipisci sollicitudinem piam erga utilitatem alienae salutis inpende. si autem idoneum te huic ministerio non esse [p. 83] conquereris operire peccata poteris caritatis affectu. In hoc quoque si te flagille vult diripere mentis ignarius oratione saltim sanctum aereae minuta ingentibus diuitis etiam illud confidenter submisis donis praeferuntur. et pro calici aequa frigidae mercedem se rediturum dominus repromittat.

تقليد morum poteris emendatione purgari. quod in perfectione uirtutem extinctionem uitiorum omnium non potes adipisci sollicitudinem piam erga utilitatem alienae salutis inpende. si autem idoneum te huic ministerio non esse [p. 83] conquereris operire peccata poteris caritatis affectu. In hoc quoque si te flagille vult diripere mentis ignarius oratione saltim sanctum aereae minuta ingentibus diuitis etiam illud confidenter submisis donis praeferuntur. et pro calici aequa frigidae mercedem se rediturum dominus repromittat.

Quod si uercundia retrahente reuelare ea coram hominibus erubescis illi quem latere non possunt confitiri iugi supplicatione non disinas ac dicere iniquitates meam ego cognosco. reliqua. {Ps (G) 50:5} qui absque illius uercundie pulatione curare [p. 84] et sine inproperio peccata donare consue.
Post illud quoque tam prumptum certumque subsidium aliiud facilium largita nobis diuina dignatio ipsamque remediis opem nostro commisit; Arbitrio summam. ut indulgentiam nostrorum scelerum pro nostro affectu dicemus ei. Dimitite nobis. reliqua. {Mt 6:12; Lc 11:4} Et iterum dicit. Ego sum dominus qui deleo iniquitates. peccatorum tuorum et iam non recordabor. {Is 43:25}
cf. Coll.Hib.A 47.5.a

Source (post illud ... mean dominus reliqua)  
Source (précipue ... dominus reliqua)  
Source (interdum etiam ... dimite nobis reliqua)  
Source (et iterum ... non recordabor)  

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¹⁹ nono numquam] nonumquam, with macron over first n
[125] AGUSTINUS {marg.}

DE HEREDITATE FILII MORIEN

{filius migrauit. add. sup. lin.}²⁰ ante patrem quod redde domino debet. ad quem nolite thesauris uanis thesauris caducis. noli sub imagine pieta tis augere pecuniam dicens diicius seruabo magnas res. Quare non putius illi seruas qui te fecit ex nihilo. et ei qui pascit ex his quae fecit ipse pascit [p. 85] et filios tuos neque melius commendare filio tuo quam creatori tuo. mentiuuntur homines.²¹ quia pro auaritia seruant. Contigit autem plerumque unum de filiis suis mortuum esse. Et non mittit post eum pater eius partem eius et pars illius non diuidetur ad quem pereixit ad christum qua fronte uenturus es ad filium tuum cui non mittis partem suam in caelum. Et dominus dixit thesaurizate ubis thesauros in caelo {Mt 6:20} hic tenetur ut perit thesaurus illic permanet ubi christus custos est.


Source (nolite thesauris ... magna res) AVG. Serm.de vet.test. 9.20 (ed. Lambot, 146, line 694–96)
Source (quare non putius ... pars illius) AVG. Serm.de vet.test. 9.20 (ed. Lambot, 146–47, lines 698–708)
Source (non diuidetur ... ad christum) AVG. Serm.de vet.test. 9.20 (ed. Lambot, 147, lines 711–12)
Source (qua fronte ... in caelum) AVG. Serm.de vet.test. 9.20 (ed. Lambot, 147–48, lines 722–23)
Source (thesaurizate ... in caelo) AVG. Serm.de vet.test. 9.20 (ed. Lambot, 148, line 725)
Source (hic tenetur ... custos est) AVG. Serm.de vet.test. 9.20 (ed. Lambot, 148, lines 727–29)


Fur non solum in maioribus et in minoribus iudicatur. Non enim id quod furto ablatum est sed mens furantis adiunditur. quomodo in for[p. 86]nicatione nullum est fornicatio aut adulterium. si pulchra uel deformis diues aut pauper sit meretrix uel adultera. sed qualiscumque fuerit illa una est fornicatio et adulterium. Ita et in furto quantumcumque seruus abstulit furti crimem incurrit. Unde et Moysi lege fures nonnumquam septuplum reddere compelluntur. Et interdum obstruncantur capite. interdum fur ipse uenditur pro furto;

cf. Coll.Hib.A 29.2; Gratian C 14 q. 6 c. 4

Source JEROME, Comm.in IV ep.Paul., ad Tit. vers. 2:9–10 (PL 26, col. 585C–D)

[127] Hieronymus dicit. in Commentario in Epistulam ad Titum

De censibus reddendis. Ante hos enim dies surrexit theodas dicens. quendam se magnum cui adpositi sunt uiri quasi. III. milia. {Act 5:36} Et post hunc surrexit in diebus census iudaeas {Act 5:37} [p. 87] qui inter cetera haec quasi probable proferebat ex lege nullum debere dominum nisi solum deum uocari. et eos qui ad templum decimas offerrent cessari tributa non reddere dicebat. quae heresis in tantum decreuerat ut etiam farisseorum et multam partem populi conturbaret. Ita ut ad dominum quoque nostrum refertur haec quidest. Licet cessari tributa dari. an non. {Mt 22:17} Cauteque respondens. ait. reddite quae sunt cessaris cesari. {cessari corr.} et quae sunt dei deo; {Mt 22:21} Discipuli iohannis. {sic} cum hiroidians. hoc est cum militibus hirodis uenerunt dicentes. Magister scimus quia uerax es. {Mt 22:16} blanda et fraudulenta interrogatio illuc prouocat respondentem. ut magis dominum quod cessarem [p. 88] timent. Et dicat non debeo tributa solui. Et statim audientes hiroidiani seditiones contra romanum principem teneant. Ostendite mihi inquit denarium {Mt 22:19} hoc est genus nummi quod pro. X. nummis inputabatur simul et habebat imaginem cessaris. Et ait illis. cuius est imagio haec. {Mt 22:20}

²⁰ filius migrauit] recte post ad quem ponendum

²¹ Some text (mala est auaritia palliare se volunt nomine pieta tis et dealbare, ut quasi propter filios uideantur seruare homines) has gone missing at this point due to homoioteleuton.
Appendix VIII

Interrogat ut ad sermonem eorum competenter respondeat. dicunt ei cessaris. Tune ait illis. reddite quae cessaris cessari. et quæ sunt dei deo. {Mt 22:21} Id est nummum tributum et pecuniam et quæ sunt id est decimas primituas et oblationes ac uictimas sentiamus quomodo et ipse reddidit tributa pro se et petro. reddidit deo quæ dei sunt patris faciens uoluntatem.

Source (ante hos ... sunt dei deo) JEROME, Comm.in IV ep.Paul., ad Tit. vers. 3:1–2 (PL 26, col. 590D)
Source (discipuli iohannis ... uerax es) cf. JEROME, Comm.in Mat.libri IV, lib. 3, vers. 22:15–16 (eds Hurst–Adriaen, 203, lines 1752–58)
Source (blanda ... principem teneant) JEROME, Comm.in Mat.libri IV, lib. 3, vers. 22:16–17 (eds Hurst–Adriaen, 203, lines 1762–65)
Source (ostendite ... imago haec) cf. JEROME, Comm.in Mat.libri IV, lib. 3, vers. 22:19–20 (eds Hurst–Adriaen, 203–04, lines 1774–77)
Source (interrogat ... dei deo) JEROME, Comm.in Mat.libri IV, lib. 3, vers. 22:21 (eds Hurst–Adriaen, 204, lines 1780–83)
Source (id est nummum ... uoluntatem) JEROME, Comm.in Mat.libri IV, lib. 3, vers. 22:21 (eds Hurst–Adriaen, 204, lines 1789–92)

[128] IN LIBRO QUESTIONUM DICIT. AGUSTINUS. [p. 89]
Quod dixit ergo liberi sunt filii in omni regno. {Mt 17:25} Intelligendum est liberos esse filios. id est non esse uectigales. Multo ergo magis liberi esse debent in quolibet regno terreno filii regni illius sub quo sunt omnia regna terræ; 
cf. Coll.Hib.A 25.10.b
Source AVG. Quaestiones evangeliorum 1.23 (ed. A. Mutzenbecher, CCSL 44B [Turnhout 1980], 20, lines 2–5)

[129] AMBROSIO DICIT
Source (cuius habet imaginem) AMBROSE, Exp.evsec.Luc. lib. 9, vers. 20:24 (ed. Adriaen, 343, line 326)
Source ( quemit de ... alia mundi) AMBROSE, Exp.evsec.Luc. lib. 9, vers. 20:24 (ed. Adriaen, 343, lines 338–39)
Source (imaginem ... supra aquam) AMBROSE, Exp.evsec.Luc. Lib. 9, vers. 20:24 (ed. Adriaen, 343, lines 341–46)
Source (si ergo non ... erat mundi) AMBROSE, Exp.evsec.Luc. Lib. 9, vers. 20:24 (ed. Adriaen, 343, lines 347–49)
Source (et tu si uis ... mundo) AMBROSE, Exp.evsec.Luc. Lib. 9, vers. 20:24 (ed. Adriaen, 343–44, lines 351–54)

[130] IN LIBRO SAMUELI. DE PRUDENTIA DUCUUM. {sic}
Hoc erit ius regis qui uos regnaturus et filios uestros. et ponet in curribus suis faciet sibi equites et præcecursores quadrigarum suarum. Et constituet tribunos et centuriones. {sic} et aratores agrorum suorum. et messores segitum. et fabros armorum. et currum suorum filias quoque uestras faciet sibi uentantia et focarios [p. 89C] et panificas agros quoque uestros et uineas et olea optima tollet et edabit seruis suis. sed et segittes uestras et uinearum reditus addecimabit {toret (?) gl. marg.} ut det iuuichis {sic} et familis suis seruos etiam uestros et ancillas et iuuenes optimos et asinas auferet et ponet in opere suo gregis quoque uestros addecimabit uos. {uos ras.} uos quoque eritis serui eius; {1 Sm 8:11–17}
Source 1 Sm 8:11–17
[131] IN COLLATIONIBUS DICIT DE ANTIQUA POSSESSIONE RESTITUENDA COLONIS PRISTINIS. LICET POST MULTUM TEMPUS
Et enim quantum nos uetus traditio has easdem terras cananeorum in quas introductur filii israel.
Filii sem quodam fuerunt morbis \{sic\} diuisione sortiti. quas deinceps per uim atque [p. 90] potentiam posteritas cham. peruassianis \{sic\} iniquitatem possidet. In quo et dei iudicium rectissimum comprobatur qui et illos de locis alienisque female occupauerunt. expulit et istis antiquam patruum possessionem quae prosapie eorum murbis. \{sic\} diuissione deputata restituit.
Source JOHN CASSIAN, Collationes, 5.24 (ed. Petschenig, 148, lines 14–21)

DE IUDICIS IUSTORUM IUDICIUM\(^{22}\) SPIRITUS SANCTI MACERA DISCERNENDIS.

[132] AMBROSIUS \{marg.\}
Sed quo nos perfidorum hominum deducet amentia cum iudices ipsi non queant. nisi per spiritum iudicare. Denique nobile illud solamonis iudicium quo inter dubia certanti\(m\) ut una oppresso paruulo quem ipsa susciperat uindicare sibi uellit alienum. Altera proprium defensare fraudem in ipsis cogitationibus occultis. et pietatem in maternis uisceribus dep\(rae\)hendit. [p. 91] utique per spiritus sancti monus emicuit. Neque enim latente conscientiam feminarum. Alia aliqua nisi spiritus sancti macera penetrasset. de qua ait dominus. Non ueni pacem mittere. sed maceram. \{Mt 10:34\} Et ideo etiam solomon prospexit. Et maceram illam iubet adferri. quasi multa. quod diuidere uellit infante\(m\). Considerauit quod uera mater plus consuleret filio quod solatio. Et gratiam iuri non gratiae iura praeferet. At uero illaque matris simularet affectum. uincendo studio circa paruuli non doloret exitum. In quo nesciret pietatis dispendium. Utique per spirit\(italis\) qui iudicaret omnia naturam in affectibus quesu\(it\). quae latebat in uocibus. et pietatem interrogauit ut proderet ueritatem. uincit itaque mater caritatis affectu; [p. 92]
cf. Coll.Hib.A 66.6
Source (sed quo ... mittere sed maceram) AMBROSE, De spirit sanct. 3.6 (ed. Faller, 164–65, lines 12–22)
Source (et ideo ... caritatis affectu) AMBROSE, De spirit sanct. 3.6 (ed. Faller, 165, lines 26–36)

[133] IN COMMENTARIO IONAE DE HIS QUI PLACENT HOMINIBUS ET TAMEN DEO NON PLACENT.
Potest profetae fuga referri ad eum qui contemnuit praecepta dei. et se mundo tradidit. et mundialis deum scire connu\(llit\). Unde scimus quae sibi aestimant homines salutaria deo ulente uerti in pernicem. non prodest auxilium. sed auxiliatores conterint. aegypti contriti sunt prae\(ebentes\) auxilium israel. Contra dei voluntatem periclitatur. periclitantem susci\(pi\)ens.
cf. Coll.Hib.A 21.21

[134] IN DEUTERNUMIO.
Quando inuentum fuerit cadaver in terra quod dominus tuus daturus est tibi. cadauer hominis occissi quod ignoratur cedis reus egreditantur maiores natu et iudices tui et mentientur a loco cadaueris. [p. 93] singularum per circuitum spatia ciuitatum. Et quod uiucinorem setzenis esse perspexerint seniores ciuitatis tollant uitulum de armento quae non traxit iugum nec terram scindit uomere et ducent eam ad uallem asperam atque saxosam que numquam arata est nec

\(^{22}\) iudicium] corr. to iudicum ?
Appendix VII

sementem recipit. Et cedent in ea ceruices uitulae. Accidentque sacerdotes filii leui qui quos elegerit dominus deus tuus ut ministret ei. Et benedicent in nomine eius. et ad uerbum eoru omne negotium quicquid mundum uel in mundum est iudicetur et maiores natu ciuitatis illius ad interfectum leuabuntque manus suas super uitulum qui in ualle percussa est. Et dicent manus nostrae non effuderunt hunc sanguinem [p. 94] nec oculi nostri uiderunt propitius est populo israhel. quem redemisti domine et non reputes sanguinem innocentem in medio populi tui israhel. et auferetur a uobis reatus sanguinis; {Dt 21:1–8}

Source  
Dt 21:1–8

[135] IN HISTORIA ECCLESIAStica etiam illud hac lege sanximus. Ut sique {sic} tandem domus uel agri uel quilibet praedia ex christianorum bonis ante parentum nostrorum praeceptis ad fisci ius christianorum et iam deosculatus est ei. Et ut nunc iudorum terra a romanis possidenda iudeamus.

Source (ut sique ... uniuersa restitui)  
EVESEB.–RYFINVS HE 9.10 (eds Mommsen–Schwartz, II, 845, lines 13–19)

[136] IN TRACTATU IOB [p. 95]
Frequenter deus propter peccata populi tradidit terra iniquorum alis populis possidendas. sicut fecit cananeorum. Et ut nunc iudorum terram a romanis possidendum iudeamus.

Source  
unidentified

[137] ALEXANDER AD DEMETRIUM DICIT.
Quia numquam nec aliquando factum sit ut praesentibus episcopis laici disputant.

Source  

[138] IN LIBRIS REGUM DE ORDINATIONE REGUM
Tulit autem samuel lenticulam olei. et fudit super caput saulis. et deosculatus est eum. Et ait. ecce unxit te dominus super hereditatem suam. in principem. {1 Sm 10:1}

cf. Coll.Hib.A 25.1

Source  
1 Sm 10:1

[139] IN CRONICIS.
De interfectione malorum hominum in diebus sollemnitatum;
Oportuit enim in his diebus interfici in quibus saluatorem crucifixerunt;

cf. Coll.Hib.A 27.26

Source (oportuit ... crucifixerunt)  

[140] IN LIBRIS REGUM DE ANTIQUO REATU UINDICTAE [p. 96]
Tu quoque nosti fecerit mihi ioab filius sarbiae que fecit duobus principibus exercitus israhel abner filio ner. et amasiae filio ether quos occidit et effudit sanguinem belli in pace. {3 Rg 2:5}

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23 quilibet] -libet written over erasure?
Appendix VII

facies ergo\textsuperscript{24} \{3 Rg 2:6\} iobab filius sarbiae in tabernaculum domini. Et adpraehendit cornua altaris.\textsuperscript{25} \{3 Rg 2:28\} misitque solamon baniam filium iobae dicens. Uade interfice eum. \{3 Rg 2:29\} et amouebis sanguinem innocentem qui effusus est ab iobae a me et a domo patris mei. \{3 Rg 2:31\}
cf. Coll.Hib.A 25.17.a
Source 3 Rg 2: 5, 6, 28, 29, 31

[141] IN HISTORIA ECCLESIASTICA.
De uiuente super mortuum testante. Spiridion ciprus episcopus uir unus ex ordinu profetarum. filiam habuit hermen nomine, quae ei cum ministrasset urgo defuncta est. Post eius obitum. uenit quidam \[p. 97\] dicens ei. Quonta\textsuperscript{sic} depositum commendasse rem gestam ignorauerat pater perquesitum in tota domu num \{sic\} quod poscebat inuentum est. Persistebat ille qui uitae suae quoque inlaturum se esse exitium nisi commendata recipisset testabatur. permutus est lacrimis senex ad sepulchrum filiue properat atque eam suo nomine clamat. Tum illa de sepulcro. quid uis ait. pater co- mendatu inquit illius ubi posuisti. At illa locum designans. illic ait inuenies defosum. regressus ad domum rem sicut filia de sepulcro respondebat. repertam tradidit reposcenti.
cf. Coll.Hib.A 30.3.a
Source (spiridion ... profetarum) EVSEB.–RYFINVS HE 10.5 (eds Mommsen–Schwartz, II, 963, line 21)
Source (filiam habuit ... reposcenti) EVSEB.–RYFINVS HE 10.5 (eds Mommsen–Schwartz, II, 964, lines 5–16)

[142] HIC IDEM
Constantinus ait ad episcopos. Deus uos constituit sacerdotes \[p. 98\] et potestatem uobis dedit de nobis quoque iudicandi. Et ideo nos a uobis recte iudicemur. Uos autem non potestis ab hominibus iudicari. Propter quod dei solius inter uos iudicare. expectate iudicium et uestra iudicia quae sunt ad illud diuinum reseruentur examen uos Et enim nobis a deo dati estis dii. Et conueniens non est ut homo iudicet deos. sed ille solus de quo scriptum est. Deus stetit in sinagoga deorum. in medio autem deus diuudicat. \{Ps (G) 81:1\} Et ideo his omisis illa quæ ad fidem pertinent absque ulla animorum contentione distinguete;
cf. Coll.Hib.A 1.16.a, 21.29; GRATIAN, C. 11 q. 1 c. 41
Source EVSEB.–RYFINVS HE 10.2 (eds Mommsen–Schwartz, II, 961, lines 10–19)

[143] IN GENESSI
De sepulchris amicorum in eodem loco constitutis.
Uocauit iacob filium suum cum ad[\[p. 99\]] propinquare cerneret diem mortis eius. Et dixit ad ioseph. si inueni gratiam in oculis tuis. pone manum tuam sub femore meo. et facies mihi misericordiam et ueritatem ut non sepelias me in aegypto sed dormiam cum patribus meis. \{Gn 47:29–30\}
Source (de sepulchris ... constitutis) unidentified
Source (uocauit ... patribus meis) Gn 47:29–30

[144] IN HEREMIA

\textsuperscript{24} Some text has gone missing at this point due to homoioteleuton.

\textsuperscript{25} Some text has gone missing at this point due to homoioteleuton.
Factum est uerbum domini ad me dicens. Ecce anachel filium suum patruelius tuu ueniet ad te. eme tibi agrum meum. qui est in anathot tibi enim competit ex propinquitate ut emas {lur 32:6–7} acci {sic} librum possessionis signatum stipulationes et tota signa forinsecus. {lur 32:11}
cf. Coll.Hib.A 34.6.a
Source Ier 32:6–7, 11

[145] Dixit dominus ad moysen. iusta rem postulat filiae salpath. da eis possessionem inter cognatos patris sui. Et ei in hereditate succedant. {Nm 27:5–6} [p. 100]
   Homo cum mortuus fuit absqvae filio ad filiam suam transibit hereditas eius; {Nm 27:8}
   Si filiam non habuerit habebit successores fratres suos. quod si et fratres non habuerit 
dabitur patruelius {attribus corr.} patris sui hereditatem. si autem patruos non habuerit 
hereditas his qui eiuis. proximi sunt; {Nm 27:9–11}
cf. Coll.Hib.A 32.9, 19.c, 20
Source Nm 27:5–6, 8–11

[146] Si inualuerit apud uos manus aduenae atque peregrini et adtenuatus frater vendiderit se ei 
aut cuiquam de stirpe eius post uenditionem potest redimi. qui uoluerit ex fratibus suis redimet 
eum. et patruos et patruelius Et consanguineus et adfinis. sin autem et ipse potuerit redimet se 
subputatis dumtaxat annis a tempore uenditionis suae usque ad annum iubeleum. Et pecunia qua 
ueditis erat iuxta annorum numerum et rationem [p. 101] mercinari sub 
putabitur. si plures
   fuerint anni qui remanent usque iubeleum et reddet emptori. quod reliquum est annorum quibus 
ante. seruit mercidibus inputatis. {Lv 25:47–53}
Source Lv 25:47–53

[147] HIEREMIAS AIT.
   De die sabbati custodite animas uestras et nolite portare pondera in die sabbati. nec inferatis 
onera per portas hierusalem. et nolite iecere honera de domibus uestris in die sabbati et omne 
opus non facietis in eo. {lur 17:21–2}
cf. Coll.Hib.A 66.10
Source Ier 17:21–2

[148] AGUSTINUS DICIT DE FESTIS GENTILIUM.
   Ieiunemus ergo fratres carissimi in gentilium festis diebus et cum uera et perfecta caritate 
stultitiam misererorum hominum lugeamus. Iterum admooneo pariter ut nullus ex uobis [p. 102] 
caragios et diuinos et sortilegos requrat. {sic} et auguria et auiculas cantantes quia cumque {sic} 
fecerit hoc malum statim perdidit baptismi sacramentum. Et continuo sacrilegus ac paganus 
eftis {sic} gadri elimosina ac dura et prolixa paenitentia subuenerit in aeternum peribit.

   Qui supra dictis malis caragios et diuinos et aruspicipibus uel filacteris et alis quibuslibet 
augoris crediderit. et si ieiunet et si oret. Et si largas elimosinas faciet et corpusculum suum in 
onmi afflictione crucierit nihil ei proderit quamdiu in illa observatione sit;

   Nullus ex uobis obseruet qua die de domu exeat. uel qua die iterum reuertatur. quia 
omnes dies deus fecit. et in quacumque parte fuerit uobis necessitas properandi signate uos [p. 
103] in nomine iisu chrisi. Et simbulum uel orationem dominicanum fidenter dicentes. securi de 
dei adiutorio iter agite;
cf. Coll.Hib.A 60.4, 64.1–2, 8
Source (ieiunemus ... lugeamus) CAESARIVS, Sermo 192.4 (ed. Morin, 781, lines 7–9)
Source (iterum admooneo ... requrat) CAESARIVS, Sermo 54.1 (ed. Morin, 235, lines 9–11)
Source (et auguria ... cantantes) CAESARIVS, Sermo 54.1 (ed. Morin, 236, lines 16–18), abbrev.
Source (quia cumque ... peribit) \textit{CAESARIVS, Sermo} 54.1 (ed. Morin, 236, lines 13–16)
Source (qui supra ... observatione sit) \textit{CAESARIVS, Sermo} 54.5 (ed. Morin, 238–39, lines 5–10)
Source (nullus ex uobis ... deus fecit) \textit{CAESARIVS, Sermo} 54.1 (ed. Morin, 236, lines 19–21)
Source (in quacunque ... iter agite) \textit{CAESARIVS, Sermo} 54.1 (ed. Morin, 236, lines 26–9)

[149] Si quis perdiderit aliquid. et dixerit \textit{dominus} dedit. \textit{dominus} abstulit \{Iob 1:21\} pro ista \textit{deo} placita patientia aut coronam accipit si iustus \textit{est} aut indulgentiam si peccator;
cf. Coll.Hib.A 42.4.g
Source (perdiderit aliquid ... abstulit) \textit{CAESARIVS, Sermo} 54.4 (ed. Morin, 238, lines 15–16)
Source (pro ista ... si peccator) \textit{CAESARIVS, Sermo} 54.4 (ed. Morin, 238, lines 17–19)

[150] Merito iam uirilem fortitudinem non habent qui in mulierum habitus transierunt. iusto \textit{enim} iudicio dei uenire creendum est ut militarem uirtutem amitterent qui feminarum se specie deformassent;
Source \textit{CAESARIVS, Sermo} 192.2 (ed. Morin, 780, lines 21–4)

[151] Sunt qui libros ligatos habere uolunt. Et eos in armaris clausos tenent. ut illos nec ipsis legant. nec alis ad legendum tribuant ignorantes quod nihil prodest libros habere. et eos \textit{propter} impedimenta mundi non legere. Liber \textit{enim} bene coopertus et ntitus animam candidam \textit{non} facit.
Sed ille qui iugiter \textit{legitur}, quia \textit{legitur} [p. 104] sepe reuoluitur. pulcher a foris non esse potest. pulchram \textit{enim} animam intus facit.
Source \textit{CAESARIVS, Sermo} 2, ammonitio (ed. Morin, 18, lines 7–15)

[152] \textit{HIERONIMUS DICIT.}
De simulatis uirginibus pudet dicere pro nefas triste. sed uerum est aliae erecta ceruice et ludentibus pedibus incedunt. Aliae uero sterilitatem bibunt. et necdum nati hominis homicidium faciunt. nonnullae cum senserint se concepisse de scelere auortui ueniua meditantur. et frequenter etiam ipse cummortuae fuerint trium crimium reae ad infernos producuntur homicidie sui. christi adultera. necdum nati filii paracidae;
cf. Coll.Hib.A 45.3
Source (de simulatis ... nefas triste) cf. \textit{JEROME, Epistola} 22, ad Eustochium (ed. Hilberg, I, 160, line 3)
Source (erecta ceruice ... paracidae) \textit{JEROME, Epistola} 22, ad Eustochium (ed. Hilberg, I, 160, lines 9–14)

DE IEIUNI ADSIDUITATE AC MODERATIONE

cf. Coll.Hib.A 12.8.c; GRATIAN, D. 5 de cons. c. 19
Source \textit{JEROME, Epistola} 22, ad Eustochium (ed. Hilberg, I, 165, lines 10–14)

[154] \textit{DE HOC IPSO ALIBI HIC IDEM DICIT.}
Sint ieiunia pura cotidiana moderataque id est cotidie esurire et cotidie prandire.
cf. Coll.Hib.A 12.9.a; GRATIAN, D. 5 de cons. c. 20
Source (sint ieiunia ... moderataque) cf. \textit{JEROME, Epistola} 52, ad Nepotianum (ed. Hilberg, I, 435, line 7)
Source (id est ... prandire) unidentified

[155] \textit{ITEM HIC IDEM DICIT.}
Cum facies eliminosinam solus deus uideat;
\textit{Cum autem} ieiunaris leita sit facies tua.
Et uestis nec satis munda. nec satis sordida.
Et nulla diuersitate notabilis. nec ad te omnia prætereuntium turba currant et digito demonstraris.

cf. Coll.Hib.A 66.1.a

Source JEROME, Epistola 22, ad Eustochium (ed. Hilberg, I, p. 182, line 20–p. 183, line 4)

[156] HESIODORUS DE LAUDATIONE IEIUNI.

Ieiunium res sancta opus caeleste ianua regni forma futuri. quod qui sanctae agit. deo iungitur alienatur mundo. spiritalis efficitur caro. diaboli temptamenta uincuntur.

cf. Coll.Hib.A 12.3.a

Source ISIDORE, De eccl.offic. 1.43 (ed. Lawson, 48, lines 16–20)

FINIT;
Appendix IX: Transcription of Book 4 of the Bodleian copy (A5) of the Collectio quadripartita

Since I have not been able to obtain images of Berlin, Phill. Lat. 1743 with which to check Kerff’s references to Coll.Rem., I have omitted references to this source collection in the transcription below. For information on Coll.Rem. as a source for Coll.quad. the reader is referred to the data provided above, in Appendix V note 328. In the same note, as well as in Appendix V note 301, I outline some reasons for treating Kerff’s list of sources with caution. The following transcription includes source information that, while based initially on Kerff’s study, is the result ultimately of independent research.

For the register (or index of titles) I have noted within ‘[...]’ wherever there is a discrepancy in chapter numbering with either the main text or with Kerff’s study (whose numbering is based on Richter’s edition). Similarly, in the main text, discrepancies in numbering with Kerff’s study are indicated at the end of each canon. Letters supplied in the resolution of abbreviations and suspensions are in italics.

Source information is provided as follows. When only a single source has been identified, that source is listed below the canon. When a canon contains two or more passages that each draw on a different source, these sources are listed in separate Source entries that correspond to the relevant passage in the canon. When two or more sources for the same passage have been identified, the most likely source is listed first, followed by subsequent sources separated by semi-colons. When, in the case of multiple sources, some are formal (immediate) and some are material (ultimate) sources, formal sources are listed first (in order of most to least likely), followed by a ‘—’, after which material sources are listed (in order of most to least likely). Any source following a ‘cf.’ (even if a semi-colon intervenes), should be understood to be an analogue or parallel, rather than a source. Occasionally, information such as ‘abbreviated’ (‘abbrev.’), ‘partial’, ‘paraphrased’ (‘paraphr.’), or ‘adapted’ has been given after a source to indicate the manner in which that source was used; in the case of multiple sources, such information is placed after a ‘|’ following the full list of sources, provided all of the preceding sources listed (even if a ‘—’ intervenes) have been used by the compiler in the same way. For example, if the sources listed for a given passage have all undergone the same sort of abbreviation, this would be indicated by ‘| abbrev.’ at the end of the source list for that passage;
however, if just the formal sources have undergone (the same sort of) abbreviation, then this
would be indicated by ‘| abbrev.’ following the list of formal sources (that is, immediately before
the ‘—’). For an explanation of other editorial conventions, see above, p. 556.

An xml-encoded and searchable version of this transcription is available online on the
Carolingian canon law Web site (http://ccl.rch.uky.edu/).

[f. 121r] **incipit prologus libri quarti;**
Magnopere poposcisti ac precepisti carissime rector ut ad corrigendos uel instruendos tuorum
mores subditorum quodam ex diuinis constitutionibus breuiter et succinctim excerperem capitula.
ut mens in cunctis deo familiariter dedita non per simplices et densissimas librorum fatigetur
siluas. sed potius compropo breuiant diuinus uno in sancto scripturum prato
circumnallata auctoritatis facilius deo donante odoriferos quos cupit. etsi non omnes saltim uel
paucos possit decurpere flores; Et quia sancte caritati tua sumnum dilectionis et beniuolentie
obsequiu debeo ut potui. domino miserante iuxta exiguitate mei. feci quod iussisti. et
quod per te mihi imperauit qui in sancto tuo iugiter resideret pectore dei; Quarto igitur
pauperrime excerptiones nostræ ex sanctorum opusculis sicut et tres anteriores excerptus hic
incipit libellus. quos omnes auctore deo tuo sancto nomini dicatos esse cupio; Iste etenim libellus
huius opusculi quartus constat. esse. studio breuiatis ut iam dictum est. excerptus de diuersis
peccatis ac criminius eorumque [f. 121v] indiciis ac satisfactionibus ex sacrorum canonum
orthodoxorumque patrum libris uel institutis;

**incipiunt capitula libri quarti.**
I. De his qui cotidie et his qui perraro communicant;
II. Quali timore uel fide uel respectu percipere debemus corporis et sanguinis christi gratiam;
III. Quod absolutio poenitentiam per manum inpositionem episcoporum supplicationibus fiat;
III. De his qui in ultimo mortis articulo poenitentiæ simul et uiatricum petunt;
V. Quod periculo mortis uangue statim post apectionem poenitentiæ et reconciliatio
subsequatur;
VI. Quod nulli sit ultima poenitentia dedigiganda.
VII. De his qui communionem tempore mortis poscunt aut desperatus et consecutus
communionem iterum conualuerit.
VIII. De poenitentibus qui infirmitate uiatricum accipiunt.
VIII. De poenitentibus ut a presbit corresponds non reconciliatur nisi precipiunte episcopo.
X. De his qui obmutescunt antequam sacerdos ad eos daturus poenitentiam accedat;
XI. In consilio agatense.
XII. Ex epistola syricu papæ de eadem re. [in text: 11]
XIII. De tempore remissionis poenitentium. [in text: 12]
XIII. De reconciliacione poenitentium. [in text: 13]
XV. De poenitentibus subito mortuis ut oblationes eorum recipiantur; [in text: 14] [f. 122r]

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1 This and the previous canon are combined as one in the text.
Appendix IX

XVI. Quod qui pro inlicitis ueniam postulat a multis etiam licitis se abstinere debeat; [in Kerff: 15]
XVII. Item de eadem re. [in text: 16]
XVIII. Vt poenitentië tempora iuxta qualitatem peccati decernantur. [in text: 17]
XVIII. De eadem re. [in text: 18]
XX. Ex concilio laudocense de eadem re. [in text: 19]
XXI. Ut absque personarum acceptione poenitentia detur. [in text: 20]
XXII. De neglegentia poenitentium. [in text: 21]
XXIII. Ex concilio toletano de eadem re. [in text: no number]
XXIV. Qualiter poenitentes ex corde suscipiantur. [in text: 22]
XXV. Quomodo quis debet poenitet in unoquodque delicto. [in text: 23]
XXVI. De eo qui pro peccato non poenitet. [in text: 27]
XXVII. Ut poenitentia coniugatis ex consensu detur. [in text: 28]
XXVIII. Quod penitentia nulla lucra negotiationis exercere conueniat. [in text: 29]
XXVIII. Quod ad militiam secularem post penitentiam rediri non debeat. [in text: 30]
XXX. De his qui acta penitentia ad pristina redeunt peccata. [in text: 31]
XXXI. De his qui post penitentiam habitum secularem presumunt. [in text: 32]
XXXII. De his qui peñituerunt pro aliquo delicto, et rursus in hoc ipsum inciderunt; [in text: 33]
XXXIII. De presbiteris qui uxoribus acceperunt uel fornicati sunt. [in text: 34]
XXXIV. De diaconibus similiter. [in Kerff: 3.34]
XXXV. De castitate sacerdotis. [in Kerff: 4.35]
XXXVI. Quod sacerdotes et leuitium cum mulieribus coire non debeant. [in Kerff: 4.36]
XXXVII. De incontinentia sacerdotum uel leuitarum. [in Kerff: 4.37]
XXXVIII. De diuersis ordinibus ab uxribus {uxoribus corr.} abstinendis. [in Kerff: 4.38]
XXXIX. De his qui ad presbiterium prouehentur et ante ordinationem peccasse sibi sunt conscii. [in Kerff: 4.39] [f. 122v]
XL. Si presbiter audiaconus in fornicatione aut periuio aut furtu aut homicidio captus fuerit. [in Kerff: 4.40]
XLI. De prohibenda conlocutione clericorum mulierumque. [in Kerff: 4.41]
XLII. De eadem re. [in Kerff: 4.42]
XLIII. De subintroductis mulieribus. [in Kerff: 4.43]
XLIV. Gregorii pape de eadem re. [in Kerff: 4.44]
XLV. Augustini episcopi de eadem re. [in Kerff: 4.45]
XLVI. De uirginibus uelatis si deuiauerint. [in Kerff: 4.46]
XLVII. De uirginibus non uelatis si deuiauerint. [in Kerff: 4.47]
XLVIII. Ut nullus absque testibus loquitur cum deo sacratis uirginibus. [in Kerff: 4.48]
L. Qualiter is {his corr.} qui preest loquitur sacris uirginibus quod ad edificationem pertinent. [in Kerff: 4.49]
LI. Qualiter sanctimoniales feminæ sint uisitandæ. [in Kerff: 4.50]
LII. Qualiter ad uirgines uel uidos sit accedendum. [in Kerff: 4.51]
LIII. De his qui adulteras habent uxorum uel ipsi adulteri comprobantur. [in Kerff: 4.52]
LIV. Unde supra. [in Kerff: 4.53]
LV. De feminis quœ conscii maritis adulterant. [in Kerff: 4.54]
LVI. De eo qui uxorum habens sepidius moechatur. [in Kerff: 4.55]
LVII. De uiris coniugatis postea in adulterio lapsis. [in Kerff: 4.56]

2 Chapter numbering skips ahead 1 here.
LVIII. De fidelibus coniugatis si cum iudea uel gentile moechauerint. [in Kerff: 4.57]
LVIII. De his qui adulteras uxorres aut quæ uiros adulteros dimittunt nubunt; [in Kerff: 4.58]
LX. Hieronimi presbiteri unde supra. [in Kerff: 4.59]
LXI. De his qui uxorres atque uiros dimittunt ut sic maneant. [in Kerff: 4.60]
LXII. De adulteris. [in Kerff: 4.61]
LXIII. De feminis relictis uiris suis aliis. [in Kerff: 4.62]
LXIII. De feminis qui adulteros relinquunt et aliis nubunt. [in Kerff: 4.63]
LXV. Testimonium de lege imperatoris antonini contra excusa[f. 123r]tionem maritorum adulterantium; [in Kerff: 4.64]
LXVI. De his qui proximis se copulant ut a communione Chrisi separantur; [in Kerff: 4.65]
LXVII. De his qui uel duas sores uxorres acceperint. [in Kerff: 4.66]
LXVII. De incestis ut quamdiu in scerele sunt inter caticumini habeantur. [in Kerff: 4.67]
LXVIII. Gregorii pape de incestis. [in Kerff: 4.68]
LXX. Qui uxorrem habet simul et concubinam. [in Kerff: 4.69]
LXXI. De raptoribus. [in Kerff: 4.70]
LXXII. De his qui rapiunt puellas. [in Kerff: 4.71]
LXXIII. De dispensatis puellis et ab aliis corruptis. [in Kerff: 4.72]
LXXIII. Quod non licet alterius sponsam in matrimonii iura sortiri. [in Kerff: 4.73]
LXXV. Ut nullus clericorum ad nuptias pergrat. [in Kerff: 4.74]
LXXVI. Ut clerici uel continentes ad urgines uel uiduas non accedant. [in Kerff: 4.75]
LXXVII. De clericis uel monachis non manentibus in suo proposito. [in Kerff: 4.76]
LXXVIII. De monachis uel uriginibus propositum non seruantibus. [in Kerff: 4.77]
LXXVIII. Qualiter coniugatus convuerti debeat ad monasterium. [in Kerff: 4.78]
LXXX. De his qui fornicantur irrationabiliter id est qui miscentur pecoribus aut cum masculis polluuntur; [in Kerff: 4.79]
LXXXI. De his qui in pecudes uel in masculos polluti sunt. [in Kerff: 4.80]
LXXXII. De monachis aut clericis adolescentium consectoribibus. [in Kerff: 4.81]
LXXXIII. Item unde supra isidori episcopi. [in Kerff: 4.82]
LXXXIII. Item unde supra pachomii. [in Kerff: 4.83]
LXXXV. De fornicatione. [in Kerff: 4.84]
LXXXVI. Item de fornicatione. [in Kerff: 4.85]
LXXXVII. De homicidio qui fecerit voluntarie. [in Kerff: 4.86] [f. 123v]
LXXXVIII. De his qui non sponte homicidium commiserunt. [in Kerff: 4.87]
LXXXVIII. Si quis episcopus aut aliquis ordinatus homicidium fecerit. [in Kerff: 4.88]
XC. Si quis ad homicidium faciendum consenserit et factum fuerit. [in text: 89; in Kerff: 4.89]
XCI. Qui homicidium casu fecerit. [in text: 90; in Kerff: 4.90]
XCII. Si clericus homicidium fecerit. [in text: 90; in Kerff: 4.91]
XCIII. Si quis infantem obpasserit. [in text: 91; in Kerff: 4.92]
XCIII. De his qui partus suos ex fornicatione diversis modis interimunt. [in text: 92; in Kerff: 4.93]
XCIV. Si domina per zelum ancillam occiderit. [in text: 93; in Kerff: 4.94]

3 This and the previous canon are combined as one in the text.
4 This and the previous canon are combined as one in the text.
Appendix IX

XCVI. Si quæcumque per maleficium hominem interfecerit. [in text: 94; in Kerff: 4.95]
XCVII. De eadem re. [in text: 95; in Kerff: 4.96]
XCVIII. De his qui sibi quæcumque neglegentia mortem inferunt et de his qui pro suis sceleribus puniuntur. [in text: 96; in Kerff: 4.97]
XCVIII. De homicidiiuis uel falsis testibus. [in text: 97; in Kerff: 4.98]
C. De his qui seruos suos extra iudicem negant. [in text: 98; in Kerff: 4.99]5
CI. Si quis occiderit monachum aut clericum. [in text: 99; Kerff 100]
CII. De his qui seruos suos extra iudicem negant. [in text: 98; in Kerff: 4.99]6
CIII. Qui per pocium aut per aliquam artem occiderit hominem. [in text: 100; in Kerff: 4.101]
CIII. Si mater filium suum occiderit. [in text: 101–2; in Kerff: 4.102]7
CV. Mulier si occiderit filium suum in utero. [in text: 103; in Kerff: 4.103]
CVI. Si cuius paruulus in neglegentia sine baptismo mortuus fuerit. [in text: 104; in Kerff: 4.104]
CVII. Si quis infan tem suum oppresserit. [in text: 105; in Kerff: 4.105]
CVIII. Si mulier abortum fecerit. [in text: 106; in Kerff: 4.106]
CVIII. Homicidis pennis non communicandum. [in text: 107; in Kerff: 4.107]
CX. De his qui sacramento se obligant ne ad pacem redeant. [in text: 108; in Kerff: 4.108]
CXI. De his qui agere aliquid definiunt quod non placent deo. [in text: 109; in Kerff: 4.109] [f. 124r]
CXII. Quod iuramentum illicitum sit contemnedendum. [in text: 110; in Kerff: 4.110]
CXIII. Unde supra. [in text: 111; in Kerff: 4.111]
CXIII. De periureio. [in text: 112; in Kerff: 4.112]
CXV. Item de periuriis. [in text: 113; in Kerff: 4.113]
CXVI. Qui coactus periuaruerit. [in text: 114; in Kerff: 4.114]
CXVII. Qui suspicatur quod periuriis in iuramento ducitur. [in text: 115; in Kerff: 4.115]
CXVIII. Si quis periuruerit per cupiditatem. [in text: 116; in Kerff: 4.116]
CXVIII. Si quis periurium fecerit. [in text: 117; in Kerff: 4.117]
CXX. Si clerics per creaturas iurauerit. [in text: no number; in Kerff: 4.118]
CXXI. Qui cupiditate captus furtum fecerit. [in text: 118; in Kerff: 4.119]
CXXII. De pecunia æclesiastica furata uel rapta. [in text: 119; in Kerff: 4.120]
CXXIII. Qui sepe furtum fecerit. [in text: 120; in Kerff: 4.121]
CXXIII. Si quis furtum capitale commiserit. [in text: 121; in Kerff: 4.122]
CXXV. Si quis de minoribus furtum fecerit. [in text: 122; in Kerff: 4.123]
CXXVI. Si quis sepulchrum uiolauerit. [in text: 123; in Kerff: 4.124]
CXXVII. De clericis sepulchra demolientibus. [in text: 124; in Kerff: 4.125]
CXXVIII. Si clericus furtum æclesiæ fecerit. [in text: 125; in Kerff: 4.126]
CXXVIII. De monachis furtum facientibus. [in text: 126; in Kerff: 4.127]
CXXX. De qualitate furti. [in text: 127; in Kerff: 4.128]
CXXXI. Quod tollendo ab egyptiis aurum. et cum non fecerunt furtum israelitæ et ne que hoc sumat ad exemplum ad expoliandum proximum. [in text: 128; in Kerff: 4.129]

5 This title repeated again in the register as no. 102.
6 This title repeated again in the register as no. 100.
7 This canon split into two separate canons in the text.
CXXXII. Quid inter furtum sit et rapinam. [in text: 129; in Kerff: 4.130]
CXXXIII. De falsis testibus. [in text: 130; in Kerff: 4.131]
CXXXIII. De falsidicis et perjuris ac furibus. [in text: 131; in Kerff: 4.132]
CXXXV. Si quis personam innocentis falso crimen maculauerit. [in text: 132; in Kerff: 4.133]
CXXXVI. De delatoribus. [in text: 133; in Kerff: 4.134]
CXXXVII. De histrionibus a communione remondis. [in text: 134; in Kerff: 4.135]
CXXXVIII. De augoriis et incantatoribus. [in text: 135; in Kerff: 4.136]
CXXXIX. Item de ariolis seu auruspicio seu incantatoribus. [in text: 136; in Kerff: 4.137]
CXL. De his qui diuinationes expetunt. [in text: 137; in Kerff: 4.138]
CXLI. De divinis et sortilegis. [in text: 138; in Kerff: 4.139]
CXLII. Quod malum sit observare dies menses, temporae et annos. [in text: 139; in Kerff: 4.140]
CXLIII. De incantatoribus et sortilegis. [in text: 140; in Kerff: 4.141]
CXLIV. Item de magis, auruspicio et sortilegis. [in text: 141; in Kerff: 4.142]
CXLV. Item de augoriis et incantatoribus. [in text: 142; in Kerff: 4.143]
CXLVI. Quod non liceat christiani obseruare gentilium adtendere. [in text: 143; in Kerff: 4.144]
CXLVII. Non liceat aliquas observationes vel incantationes adtendere. [in text: 144; in Kerff: 4.145]
CXLVIII. Non liceat mulieres christianas unanitatem in suis lanificiis obseruare. [in text: 145; in Kerff: 4.146]
CXLIX. De discordantibus. [in text: 146; in Kerff: 4.147]
CL. De his qui per odium ad pacem non reueruntur. [in text: 147; in Kerff: 4.148]
CLI. Si quis discors extiterit. [in text: 148; in Kerff: 4.149]
CLII. Si quis discors ac litigans vel per odium dissidens fuerit. [in text: 149; in Kerff: 4.150]
CLIII. Si quis hodie habens. [in text: 150; in Kerff: 4.151]
CLIV. De murmuratoribus. [in text: 151; in Kerff: 4.152]
CLV. Unde supra. [in text: 152; in Kerff: 4.153]
CLVI. De comitiosis vel maledicis. [in text: 153; in Kerff: 4.154]
CLVII. Unde supra. [in text: 154; in Kerff: 4.155]
CLVIII. De detractoribus. [in text: 155; in Kerff: 4.156]
CLIX. Si quis detrahit. vel libenter audit detrahentem. [in text: 156; in Kerff: 4.157]
CLX. Si quis detrabit prelato. [in text: 157; in Kerff: 4.158]
CLXI. De contentiosis. [in text: 158; in Kerff: 4.159]
CLXII. Unde supra. [in text: 159 or 160; in Kerff: 4.160 or 161]
CLXIII. De lasciuis. et superbis. [in text: 161; in Kerff: 4.162]
CLXIV. Item unde supra. [in text: 162; in Kerff: 4.163]
CLXV. Unde supra. [in text: ???; in Kerff: ???]
CLXVI. De clericis ubriosis. [in text: 163; in Kerff: 4.164]
CLXVII. Item de eadem re. [in text: 164; in Kerff: 4.165]
CLXVIII. De monachis ubriosis. [in text: 165; in Kerff: 4.166]
CLXIX. De clericis uniuersis. [in text: 166; in Kerff: 4.167] 8
CLXX. Ubrietas deditis. [in text: 166; in Kerff: 4.167]
CLXXI. Item de laicis. [in text: 167; in Kerff: 4.168]
CLXXII. Generalis sententia de omnibus ubriosis ac temulentis. [in text: 168; in Kerff: 4.169]

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8 This and the following title belong together, i.e. De clericis uniuersis ubrietas deditis.
Appendix IX

CLXXXI. De his qui ecclesiastica ieiunia absque necessitate dissolvunt. [in text: 169; in Kerff: 4.170] [f. 125r]
CLXXXIII. Ut nemo monachus absque summa infirmitatis necessitate carnes sumere presumat. [in text: 170; in Kerff: 4.171]
CLXXXV. De eadem re. [in text: 171; in Kerff: 4.172]
CLXXXVI. De falsis fratrum accusatoribus. [in text: 172; in Kerff: 4.173]
CLXXXVII. De falsis testibus. [in text: 173; in Kerff: 4.174]
CLXXXVIII. Qui falsum dicit uel dicenti credit. [in text: 174; in Kerff: 4.175]
CLXXXVIII. De eadem re. [in text: 175; in Kerff: 4.176]
CLXXX. Ut nemo clericus criminalia iudicet negotia nec pro iudiciis iustis munera accipiat. [in text: 176; in Kerff: 4.177]
CLXXXI. Ut sacerdotes in alienis periculis iudices non existant. [in text: 177; in Kerff: 4.178]
CLXXXII. Ut oblationes defunctorum retinentes excommunicat. [in text: 178; in Kerff: 4.179]
CLXXXIII. De his qui oblationes aliorum fraudulent. [in text: 179; in Kerff: 4.180]
CLXXXIII. De his qui suas uel propinquorum oblationes ecclesiae fraudulent. [in text: 180; in Kerff: 4.181]
CLXXXV. De clericis qui damnum ecclesiae inferunt. [in text: 181; in Kerff: 4.182]
CLXXXVI. De clericis qui in seditione arma sumpserint. [in text: 182; in Kerff: 4.183]
CLXXXVII. De clericis qui in mutuam cedem prorumpunt. [in text: 183; in Kerff: 4.184]
CLXXXVIII. De clericis qui ad securarium defensionem confugiunt propter distictionem. [in text: 184; in Kerff: 4.185]
CLXXXVIII. De clericis qui usuras uel turpia lucra sectantur. [in text: 185; in Kerff: 4.186]
CX. De clericis qui negotiationes inhonestas {inhonestas corr.} et turpia lucra sectantur. [in text: 186; in Kerff: 4.187]
CXI. De clericis in nundinis et foro deambulantibus. [in text: 187; in Kerff: 4.188]
CXII. De clericos maledicis. [in text: 188; in Kerff: 4.189]
CXIII. De clericis iurantibus. [in text: 189; in Kerff: 4.190]
CXIII. Unde supra. [in text: 190; in Kerff: 191]
CXV. De clericis scurilibus. [in text: 191; in Kerff: 192] 9
CXVI. Item de eadem re. [in text: 191; in Kerff: 193]
CXVII. De clericis inter epulas cantantibus. [in text: 192; in Kerff: 194]
CXVIII. De clericis adolatoribus et proditoriis. [in text: 193; in Kerff: 195]
CXVIII. Ut sacerdotes et leuitates canes ad uendandum et ancipitres non habeant. [in text: 194; in Kerff: 196] [f. 125v]
CC. Ut clericici nec vestimentis nec caleiamentis querrant decorem. [in text: 195; in Kerff: 197]
CCI. Unde supra. [in text: 196; in Kerff: 198]
CCII. De clericis aliena predia lucraque turpia ac securaria negotia conducivebantibus. [in text: 197; in Kerff: 199]
CCIII. Ut nullus clericus aut monachus securaria communicet negotiis. [in text: 198; in Kerff: 200]
CCIII. Ut clericus nec suo nec alieno nomine fenus exerceat. [in text: 199; in Kerff: 201]
CCV. De emendis uependendisque rebus clericorum. [in text: 200; in Kerff: 202]

9 This and the following canon are combined as one in the text.
Appendix IX

CCVI. Ut uidua mariti uel numerosa habentes coniugia ab ecclesiasticis arceantur officiis. [in text: 201; in Kerff: 203]

CCVII. Ut nemo ex datione pecunie ad sacram ordinem audeat accedere. [in text: 202; in Kerff: 204]

CCVIII. De his qui ex datione pecunie ordinant aut ordinantur. [in text: 203; in Kerff: 205]

CCIX. De abbatibus qui dolo uel uenaliitate aliquia ordinantur. [in text: 204; in Kerff: 206]

CCX. Qualiter indignus abbas a suo separetur officio. [in text: 205; in Kerff: 207]

CCXI. De abbatibus statuta patrum regulamque monasticam preuaricantibus. [in text: 206; in Kerff: 208]

CCXII. Qualiter episcopus ad monasterium accedat. [in text: 207; in Kerff: 209]

CCXIII. De omnibus ecclesiae dei prelatis. [in text: 208; in Kerff: 210]

CCXIII. Item de eadem re. [in text: 209; in Kerff: 211]10

CCXV. Ut perpetua sit monasterii consecratio. [in text: 211; in Kerff: 213]

CCXVI. De monachis ad clericat ordinem peruenientibus. [in text: 212; in Kerff: 214]11

CCXVII. De honore monachis competente. et ut nullus eorum temptet ecclesiastica aut secularia inquietare negotia. [in text: 214; in Kerff: 216]

CCXVIII. Negoitia nec alienum seruum preter conscientiam domini eius suscipere.

CCXVIII. De monachis qui aut militare cepirint aut uxores acceperint. [in text: 215; in Kerff: 217]

CCXX. De uotis monachorum aut uirginum preuaricantibus. [in text: 216; in Kerff: 218]

CCXXI. De consecratione uirginum. [in text: 217; in Kerff: 219]

CCXXII. De sanctimoniales si de monasterio exiexierint ab episcopo reuocentur in monasterio. [in text: 217; in Kerff: 219]

CCXXII. De sacris uirginibus et his qui eis sociantur iniquitate negotia. [in text: 218; in Kerff: 220]

CCXXIII. De consecratione uirginum. [in text: 219; in Kerff: 221]

CCXXIV. De temporibus constitutis. [in text: 221; in Kerff: 223]

CCXXV. De uotis et his qui eis sociantur ilicite. [in text: 218; in Kerff: 220]

CCXXVI. De in paruulis utriusque sexus qui habitum religionis tuerint. [in text: 225; in Kerff: 227]

CCXXVII. De in paruulis utriusque sexus qui habitum religionis tuerunt. [in text: 225; in Kerff: 227]

CCXXVIII. De in paruulis utriusque sexus qui habitum religionis tuerunt. [in text: 225; in Kerff: 227]

CCXXIX. De in paruulis utriusque sexus qui habitum religionis tuerunt. [in text: 225; in Kerff: 227]

CCXXX. Ut laici contemptores canonum excommunicentur clerici. honore pruuentur. [in text: 226; in Kerff: 228]

CCXXXI. De eadem re. [in text: 227; in Kerff: 229]

CCXXXII. Item de eadem re. [in text: 228; in Kerff: 230]

CCXXXIII. Ut episcopi omnesque clerici antequam ordinentur canones agnoscant. [in text: 229; in Kerff: 231]

CCXXXIII. Ut episcopi omnesque clerici antequam ordinentur canones agnoscant. [in text: 229; in Kerff: 231]

CCXXXV. De eadem re. [in text: 231; in Kerff: 233]

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10 The register omits a title after this one.

11 The register omits a title after this one.

12 negotia ... suscipere] recte from the end of the previous title
CCXXXVI. Ut statuta canonum frequenter\textsuperscript{13} reoluantur. [in text: 232; in Kerff: 234]
CCXXXVII. Unde supra. [in text: 233; in Kerff: 235]
CCXXXVIII. De his qui committunt illicita aut a decessoribus inueniunt anmissa; [in text: 234; in Kerff: 236]
CCXXXVIII. De canonum praeuaricatoribus. [in text: 235; in Kerff: 237]
CCXL. De uindicta eorum qui contra canones faciunt. [in text: 236; in Kerff: 238]
CCXLII. De eadem re. [in text: 238; in Kerff: 240]
CCXLIII. De eadem re. [in text: 239; in Kerff: 241]
CCXLIV. De eadem re. [in text: 240; in Kerff: 242]
CCXLV. De eadem re. [in text: 241; in Kerff: 243]
CCXLVI. Unde supra. [in text: 242; in Kerff: 244]
CCXLVII. Ut nullus alienu m odem sollicitari nec prepositos nec clericos liceat ordinare. [in text: 243; in Kerff: 245]
CCXLVIII. De eadem re. [in text: 244; in Kerff: 246]
CCXLIX. Ut nemo alterius clericum ad habitandum suscipiat sine uoluntate eius qui preest. [in text: 245; in Kerff: 247]
CCCV. Ut de alieno monasterio susceptos nec prepositos nec clericos liceat ordinare. [in text: 246; in Kerff: 248]
CCCVI. Neminem a sacerdote de leibus causis dampnandum. [in text: 247; in Kerff: 249]
CCCVII. Vt episcopus nullius causa audit. absque presentia clericorum suorum. [in text: 248; in Kerff: 250]
CCCVIII. Item de hac re. [in text: 249; in Kerff: 251]
CCCVIII. De eo qui peccatum alterius consentit. [in text: 250; in Kerff: 252]
CCCV. De eadem re. [in text: 251; in Kerff: 253]
CCCVI. Unde supra. [in text: 252; in Kerff: 254]\textsuperscript{14}
CCCVII. De his qui communicant incommunicatis. [in text: 255; in Kerff: 257]
CCCVIII. Neminem a sacerdote de leibus causis dampnandum. [in text: 256; in Kerff: 258]
CCCVII. Ut non temere quemquam communione priuet episcopus. [in text: 257; in Kerff: 259]
CCCVII. Ut quellebet causa in communi fratrum uentiletur ac perscrutetur conuentu ne malitie prioris innocens iunior opprimatur. [in text: 258; in Kerff: 260]
CCCVII. Ut nihil rector sine fratrum suorum consilio faciat. [in text: 259; in Kerff: 261]
CCCVIII. Vt episcopus nullius causam audiat. absque presentia clericorum suorum. [in text: 260; in Kerff: 262]
CCCVIII. De eadem re. [in text: 261; in Kerff: 263]
CCCVIII. Item de hac re. [in text: 262; in Kerff: 264]
CCCVIII. Si quis professa poenitentia ad secularia acta redierit. [in text: 263; in Kerff: 265]
CCCVIII. Si honoratus clericus in furto aut falsitate uel periuorio fuerit conuictus. [in text: 264; in Kerff: 266]
CCCVIII. Quæ mulieres in domo habitat clerorum. [in text: 265; in Kerff: 267]
CCCVIII. Ne ancillæ uel liberte cellarium teneant. uel secretum inpendant ministerium clerorum. [in text: 266; in Kerff: 268]

\textsuperscript{13} frequenter\textsuperscript{2} as if frequentur

\textsuperscript{14} The register omits 2 titles after this one.
Appendix IX

CCLXIX. De familiaritate extranearum mulierum. [in text: 267; in Kerff: 269]
CCLXX. Unde supra. [in text: 268; in Kerff: 270]
CCLXXI. Si clericus matutinis officiiis defuerit. [in text: 269; in Kerff: 271]
CCLXXII. Si clericus relictio officii sui ordine laicam ululuerit agere uitam. [in text: 270; in Kerff: 272]
CCLXXIII. De his qui pro qualibet culpa ad ecclesiam confugerint. [in text: 271; in Kerff: 273]
CCLXXIII. Si poenitens ad secularia redierit. [in text: 272; in Kerff: 274]
CCLXXV. De clericis penitentibus. [in text: 273; in Kerff: 275]
CCLXXVI. Professa uidua si raptoribus consenserit. [in text: 274; in Kerff: 276]
CCLXXVII. Qui oblationes fidelium suppresserint. [in text: 275; in Kerff: 277]
CCLXXVIII. De his qui sub se pacem non habent. [in text: 276; in Kerff: 278] [f. 127r]
CCLXXVIII. De expositis quid sit obseruandum. [in text: 277; in Kerff: 279]
CCLXXX. De eadem re. [in text: 278; in Kerff: 280]
CCLXXXI. De clericis quæ ecclesiæ deseruunt. [in text: 279; in Kerff: 281]
CCLXXXII. Ut clerici auguria non custodiant nec scripturas quas sortes sanctorum uocant. nec in usu laicus habere presumat. [in text: 280; in Kerff: 282]
CCLXXXIII. Ut diebus dominicis carcerarii ab ordinatoribus ecclesiæ uisitentur. [in text: 281; in Kerff: 283]
CCLXXXIII. De ministris qui fenerant. [in text: 282; in Kerff: 284]
CCLXXXIV. De puellis fidelibus quæ genalibus iunguntur. [in text: 283; in Kerff: 285]
CCLXXXVI. De aedem re. [in text: 284; in Kerff: 286]
CCLXXXVII. Si quis pro eo quod mancipium suum in ecclesia resident. mancipium clericorum peruaerit. [in text: 285; in Kerff: 287]
CCLXXXVIII. Si quis manumissum inseruierit. [in text: 286; in Kerff: 288]
CCLXXXIX. De causis iustis uel iniustis catholicorum. [in text: 287; in Kerff: 289]
CCXC. De eo qui de auditorio exierit tempore predicationis. [in text: 288; in Kerff: 290]
CCXCI. Ut populus ante completam missam. et benedictionem acceptam non egrediatur. [in text: 289; in Kerff: 291]
CCXCII. Ut uallamatiæ et placantica prohibeantur. [in text: 290; in Kerff: 292]
CCXCIII. Oblationes in domibus non offerendas. [in text: 291; in Kerff: 293]
CCXCIII. Qualiter nomina in celebratione missarum recitentur. [in text: 292; in Kerff: 294]
CCXCIV. Ut sicut. VI. feria. et ita et sabbato ieiunandum est. [in text: 293; in Kerff: 295]
CCXCVI. De ieiunio. III. et VI. feria. [in text: 294; in Kerff: 296]
CCXCVII. De die dominico. [in text: 295; in Kerff: 297]
CCXCVIII. De eadem re. [in text: 296; in Kerff: 298]
CCXCVIII. De his qui ex uasis ecclesiæ aliiquid uendiderunt. [in text: 297; in Kerff: 299]
CCCL. Unde supra. [in text: 293; in Kerff: 300]
CCCLI. De presbiteris qui de iure titulorum suorum aliiquid alienare presumunt. [in text: 294; in Kerff: 301]
CCCLII. De eadem re. [in text: 295; in Kerff: 302]
CCCLIII. Ut presbiteri rem ecclesiæ in qua sunt constituati non uendant. et nulli episcopo liceat rem tituli matris ecclesiæ usurpare. [in text: 296; in Kerff: 303]
CCCLIII. De uenditionibus quas abbates facere presumunt. [in text: 297; in Kerff: 304]
CCCV. De eadem re. [in text: 298; in Kerff: 305]

15 quis] ἄν as if quæ
Appendix IX

CCCVI. De his qui aliquid e rebus ecclesiæ auferunt. [in text: 299; in Kerff: 306] [f. 127v]

CCCVII. Ut non presumat episcopus aut quisquam ex familii ecclesiæ facere liberos. [in text: 300; in Kerff: 307]

CCCVIII. De oratorio. [in text: 301; in Kerff: 308]

CCCX. Item unde supra. [in text: 302; in Kerff: 309]

CCCXI. De eadem re. [in text: 304; in Kerff: 311]

CCCXII. Ut nullus in ecclesia conuiuium faciat. [in text: 306; in Kerff: 312]

CCCXIII. Ut nihil agat in ecclesia preter orationes. ac lectiones. diuinasque meditationes. [in text: 307; in Kerff: 313]

CCXV. Quod nemo clericus secularibus obliget ur negociis. [in text: 307; in Kerff: 314]

CCXVI. Unde supra. [in text: 315]

CCXVII. De eadem re. [in text: 309; in Kerff: 316]

CCXVIII. Item de eadem re. [in text: 314; in Kerff: 320]

CCXIX. De contumaciis clericis et ad officium tardis. [in text: 312; in Kerff: 318]

CCXX. De clericis in testimonio falso convictis. [in text: 322; in Kerff: 328]

CCXXX. De abbate in culpa inuentus. [in text: 324; in Kerff: 331]

CCXXXI. Si presbiter aut diaconus crimine capitale commiserit. [in text: 323; in Kerff: 330]

CCXXXII. Ex consilio epaunensi de eadem re. [in text: 326; in Kerff: 333]

CCXXXIII. Ex consilio epaunensi de eadem re. [in text: 328; in Kerff: 335]

CCXXXIV. Ex consilio epaunensi de eadem re. [in text: 329; in Kerff: 336]

CCXXXV. Ut episcopus nullum ad sacrum [f. 128r] ordinem monachum adeat {audeat corr.] promouere absque abbatis sui voluntate. [in text: 329; in Kerff: 337]

CCXXXVI. De eodem gregorio pape. [in text: 332; in Kerff: 338]

CCXXXVII. De eadem re. [in text: 330; in Kerff: 337]

CCXXXVIII. De clericis indicis ieiunia non observantibus. [in text: 331; in Kerff: 338]

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16 Chapter numbering skips ahead 1 here.

17 se ab usuris] recte from the end of the following title

18 presbiter] pbrt with macron over r
CCCXL. De die domino non ieiunando. [in text: 332; in Kerff: 339]
CCCXLI. Ut clericus artificio uictum querat. [in text: 333; in Kerff: 340]
CCCXLII. De oppressoribus pauperum. [in text: 334; in Kerff: 341]
CCCXLIII. De christianis catholicis tribulationem patientibus. [in text: 335; in Kerff: 342]
CCCXLIII. Clericus in angustiis si ab officio cessauerit. [in text: 336; in Kerff: 343]
CCCXLIV. Clericus in angustiis si ab officio {officio corr.} cessauerit. [in text: 336; in Kerff: 343]
CCCXLV. In tribulatione clericus officium non postponat. [in text: 337; in Kerff: 344]
CCCXLVI. Seditionarium clericum aut usurarium non ordinandum. [in text: 338; in Kerff: 345]
CCCXLVII. De pauperibus et senibus. [in text: 339; in Kerff: 346]
CCCXLVIII. Quibus senibusingerenda sit increpatio uel detrahenda. [in text: 340; in Kerff: 347]
CCCXLIX. Qui religiosis est preponendus. [in text: 341; in Kerff: 348]
CCCL. Laicus presentes clericos docere non presumat. [in text: 342; in Kerff: 349]
CCCLI. Mulier in conuentu docere uiros non audeat. [in text: 343; in Kerff: 350]
CCCLII. Mulier baptizare non presumat. [in text: 344; in Kerff: 351]
CCCLIII. De benedicendo sponso et sponsa. [in text: 345; in Kerff: 352]
CCCLIV. Quales sint uident qvechristianis catholicis tribulationem patientibus. [in text: 346; in Kerff: 353]
CCCLV. De uiduis adolescentibus. [in text: 347; in Kerff: 354]
CCCLVI. Item de uiduis adolescentioribus. [in text: 348; in Kerff: 355]
CCCLVII. In utroque sexu si professum castitatis praeuiruicauerint. [in text: 349; in Kerff: 356]
CCCLVIII. De his qui amentes sunt. [in text: 350; in Kerff: 357]
CCCLIX. De inerguminis omni die ab exorcistis manus inponendas. [in text: 351; in Kerff: 358]
CCCLX. Item de inerguminis. [in text: 352; in Kerff: 359] [f. 128v]
CCCLXI. De inerguminum purgatione. [in text: 353; in Kerff: 360]
CCCLXII. De inerguminum caticuminis. [in text: 354; in Kerff: 361]
CCCLXIII. De his qui palam aliquando arrepti sunt. [in text: 355; in Kerff: 362]
CCCLXIV. Ut inerguminis per exorcistas uictus administretur. [in text: 356; in Kerff: 363]
CCCLXV. De agitatoribus siue theatricis. [in text: 357; in Kerff: 364]
CCCLXVI. De mulieribus quç lenocinium fecerint. [in text: 358; in Kerff: 365]
CCCLXVII. Quod confugientes ad ecclesiam trahi non oportet. [in text: 359; in Kerff: 366]
CCCLXVIII. De liberatis ab ecclesia defensandis. [in text: 360; in Kerff: 367]
CCCLXIX. Si quç potens quemlibet expoliauerit. [in text: 361; in Kerff: 368]
CCCLXX. De his qui auguria falsa. et sortes sanctorum credunt. [in text: 362; in Kerff: 369]
CCCLXXI. De coniuratione uel conspiratione. [in text: 363; in Kerff: 370]
CCCLXXII. Qui nocturna inlusione pollutur. [in text: 364; in Kerff: 371]
CCCLXXIII. Qui nocturno delusus fantasmate fuerit. [in text: 365; in Kerff: 372]
CCCLXXIV. De pollutionibus interrogatio augustini et responsio gregorii papæ. [in text: 366–67; in Kerff: 373]
CCCLXXV. De his qui rebaptizati sunt quantum peniteant. [in text: 368; in Kerff: 374]

19 non] n’ as if nus
20 et] 7 MS
21 This canon split into two separate canons in the text
CCCLXXVI. Ut pro babtizandis consignandisque fidelibus nulla exigantur pretia. [in text: 369; in Kerff: 375]

CCCLXXVII. De infantibus babtizandis quoties dubitantur utrum fuerint babtizati. [in text: 370; in Kerff: 376]

CCCLXXVIII. Depistula sancti iacobi apostoli in qua pro infirmis orare precipit. [in text: 371; in Kerff: 377]

CCCLXXIX. De eadem re bede presbiteri. [in text: 372; in Kerff: 378]

CCCLXXX. De definitis sancti isidori episcopi. [in text: 373; in Kerff: 379]

CCCLXXXI. De communione priuatis et eto definitis aut 22 exigere presumat. [in text: 374; in Kerff: 380]

CCCLXXXII. Ut nemo pro sepulturis defactorum quicquam requirat. [in text: 375; in Kerff: 381]

CCCLXXXIII. De ecclesiis mortuis. [in text: 376; in Kerff: 382]

EXPLICIVNT CAPITVLA LIBR? IIII. [f. 129r]

IN NOMINE SANCÆ ET INDIIVDÆ TRINITATIS. INCIPIT LIBER. IIII?S. EX SACRO CANONVM CORPORE PATRVMQVE CATHOLICORVM OPVSCVLIS SVCCINCTIM BREVITERQVE EXCERPTVS;

DE HIS QVI COTIDIE ET HIS QVI PRERARO COMMVNICANT. EX LIBRO PRIMO SANC?I AGVSTINI DE QVESTIONIBVS AD IANVARVM.

DIXERIT ALIQVIS NON cotidie accipiendum eucharistiam quieseris. Quare? Quoniam inquit eligendi sunt dies. quibus purius homo continentiusque uiuat. quod ad tantum sacramentum dignus accedat; Qui enim manducat indignes iudicium sibi manducat et bibit {1 Cor 11:29}; Alius contra. immo inquit si tanta est plaga peccati atque impetus morbi: ut medicamenta differenda sint auctoritate antestitis debet quisque ab altario remoueri. ad augendum {agendum corr.} penitentiam et eadem auctoritate reconciliari; Hoc est enim inigne si eo tempore accipiat: quando agere debet penitentiam. non ut arbitrio suo quilibet uel auferat se a communione. uel reddat; Caeterum si tanta non sunt ut excommunicetur quisque. hominem dicimus non se. debere a frequenti medicina dominici corporis separare;

Rectius inter nos forasse quispiam dirimet litem. ut precipue in christi pace permaneamus. Faciat autem? unusquisque quod secundum fidei suam pi? credit esse faciendum; Nemo enim nostrum exhorreat [f. 129v] corpus et sanguinem domini. sed saluberrimum sacramentum certatim honorare contendamus; Neque enim litigaverunt inter se aut quisquam eorum se alteri preposuit. zacheus et ille centurio. cum alter eorum gaudens in domum suam susceperit dominum. alter dixerit non sum. dignus ut sub tectum meum intres {Mt 8:8}. ambo salvatorem honorificantes diuero et quasi contrario modo. ambo peccatis miseri: ambo misericordiam consecuti; Valet etiam ad hanc similitudinem quod in primo populo unicusque fidelium mana secundum propriam voluptatem in ore sapiebat. sic uniusceuisque in ore christiani sacramentum quo subiugatus est mundus; Nam et iste honorandeo {honorando corr.} non audet

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22 aut ... presumat] recte from the following title
23 autem] aut’ as if autus
II. QVOD ABSOLVTIONES IN ABSOLVITORVM per SacerdotVM
SACERDOTVM SVPPlicationibus SVT ad Hoc EX EPISTOLA PAPE LEONIS AD
THEODORVM FOROIVLENSEM EPISCOPVM.

Indulgentia enim deit supplicationibus optinetur sacerdotum; Mediator enim de et hominum
dominus iesus christus hanc prepositis. ecclesiæ tradit potestatem: ut et confitentibus penitentiam
sanccionem darent: et de eadem salubri satisfactione purgatos ad communionem sacramentorum
per ianuam reconciliationis admitterent; Cui utique operi incessabiliter ipse salvator interuenit.

Source Coll.Dach. 1.14 — DLEO.440.485, c. 2 (PL 54, cols 1011B–12A) | partial

III. DE HISTI QVI IN VLTIMO MORTIS ARTICVLO PÆNITENTIAM SIMVL ET
VIATICVM POETVNT. EX EADEM EPISTOLA.

Qui necessitate mortis urguente peenitentiam simul et uiacicum petunt. nec actio illis peenitentiae:
nec communionis gratia denegetur;

Source Coll.Dach. 1.2; PHAL.800.3.3 | rubric + first sentence, adapted — DLEO.440.485, c. 5
(PL 54, col 1013B), partial, adapted

V. QVOD [f. 130v] PERICVLO MORTIS VRGENTE STATIM POST ACCEPTIONEM
PÆNITENTIÆ RECONCILIATIO SVBSEQUATVR EX EADEM ÅÆPISTOLA.

Multum enim utile ac necessarium est ut peccatorum reatus ante ultimum diem sacerdotali
supplicatione solutur: His autem qui in tempore necessitate et in periculis urguendis instanter
presidium penitentiae et reconciliationis implorant nec satisfactio interdicenda est nec
reconciliationis deneganda: quia misericordia dei nec mensuras possumus ponere. nec tempora
dfinire: apud quem nullas patitur uenire moras uera conversio. dicente dei spiritu per
prophetam: cum conuersus ingemueris tunc salus eris {cf. Is 30:15}; Et alibi. dic iniquitates

Source AVG. Epistola 54.4 (ed. Goldbacher, CSEL 34.2, 162–63)

24 dictis] dictis, with i over s, as if dicti sibi
tuas prior ut iustificeris \{cf. Is 43:25–6\}: Item quia apud dominum misericordia. et copiosa est
apud eum redemptio \{Ps 129:7\}.

Source  Coll.Dach. 1.14 — DLEO.440.485, cc. 3–4 (PL 54, cols 1012B–13A) | partial

VI. QVOD NVLLI SIT PÆNITENTIA VLTIMA DENEGANDA. EX EPÍSTOLA PAPÆ
CALESTINI.

Salutem homini adimit. quisquis mortis tempore pénitentiam denegat; Vera ergo ad deum
conuersio in ultimis positiōrum mente potius est estimandam quam tempore: propheta hoc taliter
asserente: cum conversus ingemueris tunc salus eris \{cf. Is 30:15\}; Cum ergo dominus sit cordis
inspector quouis tempore non est. deneganda poenitentia postulanti. cum illi se obliget iudicio.
cui occulta omnia nouerit [f. 131r] reuelari;

Source  Coll.Dach. 1.1 — DCEL.422.369, c. 3 (ed. Coustant, cols 1068B–C) | partial, abbrev.

VII. DE HIS QVI MVNIONE TEMPORE MORTIS POSCVNT AVT DISPERANT. ET CONSECVTI MVNIONE
ITERVM CONVALVERVNT. EX CONCILIO NOCOENO. \{NICOENO corr.;\}

De his qui ad exitum ueniunt etiam nunc lex antiqua regularisque seruabit ur. ita ut si quis
egreditur e corpore ultimo. et necessario; Uiatrico minime priuetur; Quod si disperat
us et consecutus communionem oblationisque particeps factus: iterum convaluerit sit inter eos qui
communionem orationis tantummodo consecutur; Generaliter autem omni cuilibet in exitum
posito et poscenti sibi communionis gratiam tribui episcopus probabilit ex oblatione dare debet.

Source  Coll.Dach. 1.18; PHAL.800.3.10 — CNIC.325.13 (Dion.II)

VIII. DE PÆNITENTIBVS QVI INFRMITATE VIATICVM ACCIPVNT EX
CONCILIO CARTAGINENSE.

Poenitentes qui infirmitate uiatricum æucharistie acceperint non se credant absolutos sine manus
inpositione si superuixerint;

Source  Coll.Dach. 1.17 — SEA 21 (= Carthage IV, 78)

VIII. DE PÆNITENTIBVS VT A PÆSIBERIS NON RECONCILIENTVR. NISI
PRECIPIENTE EPISCOPO. EX CONCILIO AFRICANO.

Vt presbiter 25 inconsulto episcopo non reconcilietur pénitentem: nisi absentia episcopi
necessitate cogente.
cf. Coll.quad. 4.13

Source  Coll.Dach. 1.19; PHAL.800.3.11 | partial — CCAR.397.30b (= Reg.eccl.Cart.exc. 43b,
first sentence; Carthage III, 32)

X. DE HIS QVI OBVMTESCVNT ANTEQVAM SACERDOS AD EOS DAVRVS
PÆNITENTIAM ACCEDAT. EX EPÍSTOLA PAPÆ LEONIS AD THEODORVM
FOROIVLIENSEM EPISCOPVM.

Hii qui ita aliqua egritudine fuerint adgrauati. ut quod paulo ante poscebant sub presentia
significare. non [f. 131v] ualeant testimonia eis fidelium circumstantium prodesse debent. simul
tamen et pénitentie et reconciliationis beneficium consequantur;

Source  Coll.Dach. 1.2; PHAL.800.3.3 | rubric + second part — DLEO.440.485, c. 5 (PL 54, col.
1014A, partial

25 presbiter] pbtr with macron over r
XI. IN CONCILIO AGATENSE EX EPISTOLA PAPÆ SIRIACI DE EADEM RE.
Viaticum omnibus in morte positis dandum est. Quicumque carnali fragilitate ceciderunt: uiatico
munere cum ad dominum coeperint proficisci pro communionis gratiam uolumus subueniri;
Kerff: 4.11–12
Source (to dandum est) Coll.Dach. 1.10 — CAGD.506.15 | last sentence, adapted
Source (from quicumque) Coll.Dach. 1.9; PHAL.800.3.8 — DSIR.384.255, c. 6 (ed. Coustant, col. 629B) | partial

XII. DE TEMPORE REMISSIONIS PÆNITENTIVM EXPLA {EX EPISTOLA corr. }
PAPÆ INNOCENTII AD DECENTIVM EPISCOPVM.
De poenitentibus autem qui siue ex grauioribus commissis siue ex leuioribus poenitentiam
gerunt: si nulla interueniet egritudo. quinta feria. ante pascha eis remittendum romanæ æcclesiæ
consuetudo est; Delictum sacerdotis est iudicare ut non adtentat ad confessionem poenitentis et
ad fletus atque lacrmas corrigent is cum uiderit congrua satisfactione; Si vero quis
egritudinem inciderit atque usque ad dispersionem deuenerit. ei est ante tempus paschæ
relaxandum: ne de suo absque communione discedat;
Kerff: 4.13
Source Coll.Dach. 1.21; PHAL.800.3.11 — DINN.401.311, c. 10 (ed. Cabié, 28–30, lines 113–
122) | abbrev.

XIII. DE RECONCILIATIONE PÆNITENTIVM EX CONCILIO AFRICANO.
Presbi ter inconsulto episcopo non reconciliet poenitentem. nisi absen ði episcopi necessitate
cogente; Cuiuscumque autem poenitentiam publicum et uulgissimum crimen est. quod uniuer sam
[f. 132r] æcclesiæ commouerit. ante absidam manus ei inponatur;
Kerff: 4.14
cf. Coll.quad. 4.9
Source Coll.Dach. 1.19; PHAL.800.3.11 partial — CCAR.397.30b–c (Reg.eccl.Cart.exc.
43b–c; Carthage III, 32)

XIII. DE PÆNITENTIVS SVBITO MORTVIS VT OBLATIONES RECIPIANTVVR. EX 
CONCILIO VASENSE.
Eorum qui poenitentia accepta in bona uitæ cursu sine communione subito moriuntur. oblationem
recipiendam et eorum funera. ac deinceps memoriæ æcclesiastico affectu prosequendam;
Kerff: 4.15
Source Coll.Dach. 1.23 — CVA.442.2 | first sentence, abbrev.

XV. QVOD QVI PRO INLITIS {INLICITIS corr. } VENIAM POSTVLAT A MVLTVIS 
ÆTIAM LICITIS SE ABSTINERE DEBEAT. GREGORII PAPÆ IN QVADAM 
OMELIA.
Qui se inlicita meminit commississe a quibusdam etiam licitis studeat abstinere. quatenus per hoc
conditori suo scitis faciat: ut qui commisit prohibita. sibimet ipsi abscedere debet etiam
consessa: et se reprehendat in minimis. quem meminit in maximis deliquisse;
Kerff: 4.16
Source GREG.MAG. Hom.in ev. 34, 16 (ed. Étaix, 315), partial

XVI. ITEM DE EADEM RE EX EPISTOLA PAPÆ LEONIS AD RVSTICVM 
NARBONENSIS EPISCOPVM.
Inlicitorum ueniam postulante opor tet etiam a licitis abstinere. dicente apostolo. omnia licent.
sed non omnia expediunt {1 Cor 6:12};
Appendix IX

Kerff: 4.17
Source Coll.Dach. 1.3; PHAL.800.3.5 — DLEO.440.544, c. 10 (PL 54, col. 1206B) | partial

XVII. VT PÆNITENTIÆ TEMPORA IVXTA QVALITATEM PECCATI DECERNANTVR. EX CONCILIO AFRICANO.
Poenitentibus secundum differentiam peccatorum episcopi arbitrio poenitentiæ tempora decernunt;
Kerff: 4.18
Source Coll.Dach. 1.11; cf. PHAL.800.3.1 and PHAL.800.3.11, which lack inscriptions; Coll.Dach. 1.19, which ascribes this canon to ‘Concilio Carthaginis tertio’ — CCAR.397.30a (= Reg.eccl.Cart.exc. 43a; Carthage III, 31)

XVIII. BASILII EPISCOPI DE EADEM RE.
[f. 132v] Hoc sit in iudicio positum eorum qui presunt. uel quanto tempore uel quali modo poeniteri debeant. qui delinquunt: quia ætas et eruditio multam haberi facit differentiam;
Kerff: 4.19
Source SMARAG. Exp.in reg.S.Ben. 24.2 (eds Spannagel–Engelbert, 219, lines 20–3)

XVIII. EX CONCILIO LAVDOCENSE DE EADEM RE.
Vt pro qualitate delicti poenitentiae tempus inpendatur;
Kerff: 4.20
Source Coll.Dach. 1.15; PHAL.800.3.15 | partial, adapted — CLAO.300.2 (Dion.I/II)

XX. VT ABSQVE PERSONARVM ACCEPTIONE PÆNITENTIA DETVR. EX CONCILIO AFRICANO.
Ut sacerdos poenitentiam imploranti absque personæ acceptione poenitentie leges imperet;
Kerff: 4.21
Source Coll.Dach. 1.12; PHAL.800.3.1, partial | lacking rubric — SEA 18 (= Carthage IV, 74)

XXI. DE NEGLEGENTIA PÆNITENTVM EX CONCILIO CARTAGINENSE.
Vt neglegentes poenitentes tardius recipiantur;
Kerff: 4.22
Source Coll.Dach. 1.16 — SEA 19 (= Carthage IV, 75)

EX CONCILIO TOLETANO DE EADEM RE.
Ea que frequenti preuaricatione iterantur: frequenti et sententia condempnentur;
Kerff: 4.23
Source Coll.Dach. 1.24 — CTOL.638.7 | partial

XXII. QVALITER POENITENTES EX CORDE SVSCIPIANTVR BASILII EPISCOPI.
Poenitentem ex corde ita oportet suscipi: sicut dominus ostendit cum dicit: quia conuocauit amicos suos et uicinos dicens. congratulamini mihi quia inueni ouem meam quam perdideram {Lc 15:6}.
Kerff: 4.24
Source BEN.AN. Cod.reg. 27 (eds Holste–Brockie, 81) — BASIL–RVFVINS Regula, 27 (ed. Zelzer, 75)

XXIII. QVOMODO QVIS PÆNITERE DEBET IN VNOQVOQVE DELICTO. CVIVS SVPRA.
Affectum illum in se recipiat poenitens. quem gerebat ille qui dicebat. iniquitatem odio habui et abominatus sum {Ps 118:163}; Sed ea quę scripta sunt in. VIº. psalmo atque [f. 133r] in aliis
quam plurimis. uel illa quæ apostolus dixit ad eos. qui secundum deum contristati sunt. quantum operatum est inquit uobis sollicitudinem. sed excusationem. sed indignationem. sed emulationem. sed uindicta in omnibus exhibuistis uos cauto sese negotio {2 Cor 7:11}; Sed et his ipsis in quibus deliquid agens multa contraria; sicut et zecheus {Ezacheus corr.} fecit {cf. Lc 19:8}; deest qui pro peccato non poenitet;
Kerff: 4.25

XXVII. 26 CVIVS SVPRA.
Erga eum qui pro peccato non poenitet tales esse debemus: sicut dominus precepit dicens: sit tibi sicut gentilis et publicanus {Mt 18:17}; Et sicut apostolus docuit dicens: subtrahite uos ab omni fratre ambulante inordinate et non secundum traditionem quam tradidimus uobis {2 Th 3:6};
Kerff: 4.26
Source BEN.AN. Cod.reg. 28 (eds Holste–Brockie, 81) — BASIL–RYFINVS Regula, 28 (ed. Zelzer, 75)

XXVIII. VT PÆNITENTIA CONIVGATIS EX CONSENSV DETVR. EX CONCILIO ARELATENSE.
Poenitentiam coniugatis non nisi ex consensus dandam;
Kerff: 4.27
Source Coll.Dach. 1.13 — Coll.Arel. 22

XXVIII. QVOD PÆNITENTI NVLLA LVCRVA NEGOTIATIONIS EXERCERE CONVENIAT. EX EPISTOLA PAPÆ LEONIS AD RVSTICVM NARBONENSEM EPISCOPVM;
Qualitas lucri negotiationem aut excusat aut arguit. quia est honestus questus et turpis; Verum tamen poenitenti utilius est dispensia pati. quam periculis negotiationis obstringi: quia difficile est inter ementis uendendisque commercio: non interuenire peccatum; [f. 133v]
Kerff: 4.28
Source Coll.Dach. 1.4; PHAL.800.3.6 — DLEO.440.544, c. 11 (PL 54, col. 1206B)

XXX. QVOD AD MILITIAM SECVLAREM POST PÆNITENTIAM REDIRE NON DEBEAT. EX EADEM EPISTOLA.
Contrarium est omnino ecclesiasticis regulis post poenitentie actionem redire ad militia unam: cum apostolus dicat: nemo militans deo implicet se negotiosis secularibus {2 Tim 2:4}; Vnde non est liber a laqueis diaboli. qui se militia mundana uoluerit implicare;
Kerff: 4.29
Source Coll.Dach. 1.5; PHAL.800.3.7 — DLEO.440.544, c. 12 (PL 54, cols 1206C–07A)

XXXI. DE HIS QVI ACTA PÆNITENTIA AD PRISTINA REDEVNT PECCATA.
Antiquorum patrum decernunt concilia. ut qui acta penitentia tamquam canes ac suos {sues corr.} ad uomitus pristinos et uolutabra redeunt: quoadusque ad remedia peñitentie recurrant: et ad amissum ordinem reuerantur excommunicati. et anathema condemnpnati habeantur;
Kerff: 4.30
Source (to concilia ut) unidentified

26 Chapter numbering skips ahead 3 here.
XXXII. DE HIS QVI POST POENITENTIAM HABITVM SECVLAREM PRÆSVMVNT.
EX CONCILIO ARLATENSE.
Hii qui post sanctam religionis professionem apostatant. et ad seculum redeunt. et postmodum poenitentię remedia non requirunt: sine pænitentia communionem pænitus non accipiant: quos ētiam iubemus ad clericatus officium non admitti; Et quicumque ille {sic} post pænitentiam habitum secularem non presumat. quod si presupserit ab eccla {sic} alienus existat;
Kerff: 4.31
Source Coll.Dach. 1.7 — Coll.Arel. 25

XXXIII. DE HIS QVI PÆNITVERVNT PRO ALIQVO DELICTO [f. 134r] ET RVRSVM IN HOC IPSVM INCIDERVNT. BALIT EPISCOPI.
Si quis semel notatus fuerit inuidię uel contentionis uitio rursu. in hoc ipsum inciderit sciat se prima illam causam ex qua inuidia. uel contentio nascitur in interioribus medullis habere reconditam; Oportet ergo eum per contraria aque aduersa curare. id est. per humilitatis exercitium; Exercitia uero humilitatis sunt. si se uilioribus officiis subdat: et ministeriis indignioribus tradat; Ita namque arrogantię et humanę glorię uitium curari poterit. ut in consuetudine humilitatis effectus ultra iam non incidat arrogantię et uanę glorię delictis sed in singulis huiusmodi uitiis consimilis adhibet;
Kerff: 4.32
Source BEN.AN. Cod.reg. 22 (eds Holste–Brockie, 80), partial — BASIL–RVFINVS Regula, 22.7–11 (ed. Zelzer, 71–2)

XXXIII. DE PRESBITERIS QVI VXORES ACCEPERVNT VEL FORNICATI SVNT.
EX CONCILIO CESSARIENSE.
Presbiter si uxorem acceperit ab ordine deponatur; Si uero fornicatus fuerit aut adulterium perpetruuerit pelli debet et ad poenitentiam redigi;
Kerff: 4.33
Source PHAL.800.5.1; Coll.Dach. 1.45 — CNEO.315.1 (Dion.II)

XXXV. DE DIACONIBVS SIMILITER. EX EODEM CONCILIO.
Simili modo ētiam diaconus si codem peccato succubuerit ab ordine ministerii subtrahatur;
Kerff: 4.34
Source PHAL.800.5.2; Coll.Dach. 1.46 — CNEO.315.10 (Dion.II)

XXXVI. DE CASTITATE SACERDOTIS. HIERONIMI/ PRESBITERI.
Si autem laicis imperatur ut propter orationem abstineant se ab uxorum coitu: quid de sacerdote sentiendum est. qui cotidie [f. 134v] pro suis populique peccatis inlibatibus deo oblaturus est uictimas; Castitas enim propria et ut ita dixerim pudicitię sacerdotalis talis debet esse. ut non solum ab opere se inmundo abstineat. sed ētiam a iactu oculi et cogitationis errore mens christi corpus confectura sit libera;
Kerff: 4.35
Source JEROME, Comm.in IV ep.Paul., ad Tit. vers. 1:8–9 (PL 26, cols 568C–69A), partial, abbrev.
XXXVII. QVOD SACERDOTES ET LEVITÆ CVM MVLIERIBVS COIERE NON
DEBEANT EX DECRETA INNOCENTII PAPÆ.
Præterea quod dignum. et pucidum. et honestum est terrenæ æcclesiæ omni modo debet: ut
sacerdotes et leuiæ cum mulieribus noceant: quia ministerii cotidiani necessitatis occupantur;
Scriptum est enim: sancti estote quia ego sanctus sum dominus deus uester {Lv 11:44};
Kerff: 4.36
Source PHAL.800.5.6 — DINN.401.286, c. 9 (ed. Coustant, col. 752B), partial

XXXVIII. DE INCONTINENTIA SACERDOTVM VEL LEVITARVM. CVIVS
SVPRA.
De presbiteris et diaconibus divinaram legum est disciplina: ut incontinentes in officiis talibus
positi omni honore æcclesiastico priuarentur; nec admittantur ad tale ministerio quod sola
continentia oportet impleri.
Kerff: 4.37
Source PHAL.800.5.7 — cf. DINN.401.293, c. 1 (ed. Wurm, 60, lines 7–9)

XXXIX. DE DIVERSIS ORDINIBVS AB VXORIBVS ABSTINENDIS. EX CONCILIO
CARTAGINENSE.
Sacerdotes dei et diaconum uel qui sacramenta contractant pudicitiam custodes ab uxoris se
abstineant;
Kerff: 4.38
Source PHAL.800.5.5 — CCAR.419.4, partial

XL. DE HIS QVI AD PRESBITERIVM PROMOVENTVR. ET ANTE ORDITIONEM
PECCASSE SIBI SVNT CONSCII. EX CONCILIO NOECESSARIENSE.
[f. 135r] Presbiter si preoccupatus corporali peccato et confessus fuerit de se quod ante
ordinationem deliquerit oblationem non consecr. manens in reliquis officiis propter studium
bonum; Quod si de se non fuerit ipse confessus. et argui manifeste nequiperit; potestate sui
iudicii relinquatur;
Kerff: 4.39
Source PHAL.800.5.3 — CNEO.315.9 (Dion.II), abbrev.

XLII. DE CANONE APOSTOLORVM SI PRESBITER AVT DIACONVS IN
FORNICATIONE. AVT PERIVRIO. AVT FVRTO. AVT HOMICIDIO. CAPTVS
EVERIT.
Presbiter aut diaconus qui in fornicatione. aut periturio. aut furto. aut homicidio captus est.
deponatur. non tamen communione priuetur; Dicit enim scriptura; non iudicabit dominus bis in
idipsum {cf. Na 1:9};
Kerff: 4.40
Source PHAL.800.5.4 — Can.apost. 25 (Dion.I/II), adapted

XLIII. DE PROHIBENDA CONLOCVTIONE CLERICORVM MVLIERVMQVE IN
STATVTIS SENIORVM.
Cum extranea muliæ conlocutio absque testibus canonom auctoritate legitime prohibetur;
Kerff: 4.41
Source BEN.AN. Cod.reg. 4 (eds Holste–Brockie, 181), first sentence — Reg.monast.Tarnatensis,
4.1.1 (ed. Villegas, 20)

XLIII. DE EADEM RE. BASILII EPISCOPI.
Id omnimodis obseruari conuenit: ut certus quis et certo tempore. et certo in loco. et certis
personis. uel appareri clericus uel loqui debet mulieribus; ut excludatur omnis nefanda suspicio;
Appendix IX

Certe solum ad solam accedere nulla religionis ratio permittit; Melius enim duo quam unus {Ecl 4:9}. simul enim et fidelius et tuitius res geritur; Væ enim uni quia si cæciderit non est qui erigat eum {cf. Ecl 4:10};
Kerff: 4.42

XLI. [f. 135v]27 DE SBINTRODUCTIS MVLIERIBVS. EX CONCILIO NICENO.
Indicit per omnia magna sinodus. non episcopo. non presbitero. non diacono. nec alicui omnino qui in clero est licere subintroductam mulierem habere;
Kerff: 4.43
Source PHAL.800.5.8; Coll.Dach. 1.49, first half — CNIC.325.3 (Dion.II), first half

XLV. SANCII GREGORII PAPÆ.
Qui corpus suum castitati dedicat habere secum feminas non permittant;
Kerff: 4.44
Source GREG.MAG. Dial. 3.7.1 (ed. de Vogüé, II, 278, lines 5–6), adapted

XLVI. SANCII AVGSTINI EPISCOPI.
Ideo nolo ut soror mea mecum sit: quia quæ cum sorore mea sunt sorores meæ non sunt.
Kerff: 4.45
Source unidentified, but cf. DGRE.590.1636 (ed. Norberg, 664, lines 22–4); this canon nearly verbatim with the RATHIER, Epistola 16 (ed. F. Weigle, MGH Briefe d.dt. Kaiserzeit I [Weimar, 1949], 81, lines 24–5), written Nov. 963

XLVII. DE VIRGINIBVS VELATIS SI DÉVIAVERINT INNOCENTII PAPÆ.
Item quæ christo spiritaliiter nubunt. et a sacerdote uelantur. si postea uel pulpice nupserint. uel se clanculo corruperint. non eæ admittendas esse ad agendum pénitentiam: nisi is cui se iunxerat de mundo recesserit; Si enim de hominisbus haec ratio custoditur: ut quæcumque uiuente uiro alteri nupserit habeatur adultera. nec ei agende poenitentiæ licentia concedatur nisi unus ex his fuerit defunctus: quanto magis de illa tenenda est. quæ ante inmortali se sponsio coniunxerat. et postea ad humanas nuptias transmigravit;
Kerff: 4.46
Source PHAL.800.4.19 — cf. DINN.401.286, c. 15 (ed. Coustant, cols 754C–55A)28

XLVIII. DE VIRGINIBVS NON VELATIS SI DÉVIAVERINT. CVI/V SVPRA.
Hæ uero quæ necundum sacro uelamine tactæ. tamen in proposito uirginibus semper se simulauerint permanere: licet uelatæ non fuerint. si forte nupserint. his agenda aliquanto tempore pénitentia est quia sponsio eius a domino tenebatur;
Kerff: 4.47
Source PHAL.800.4.20 — DINN.401.286, c. 16 (ed. Coustant, col. 756A), partial

27 A later hand has added in the top margin indicet per omnia magna sinodus, i.e. the first five words of the following canon.
28 Coustant’s text differs here somewhat from Halitgar’s.
[f. 136r] XLIX. VT NVLLVS ABSQVE TESTIBVS LOQVATVR VIRGINIBVS. EX 
CONCILIO EXPALENSE.

Hæc circa omnis cautela seruetur ut remoti a peculiaritate uriginum. nec usque ad uestibulum 
habeant accedendi familare permissum; Sed neque uirum ecclesiasticum qui sororibus preste 
extra eam quæ præstet. loqui uriginibus chrišti aliquid quod ad institutionem morum pertinet 
licebit; Nec cum sola quæ præstet frequenter eum conloqui oportet: sed sub testimonio duarum aut 
triun sororum. Ita ut rara sit accessio. breuis locutio. sed ut iussa regulæ uel canonum ammonet. 
longe discretas. atque se iunctas eorum tantum easdem gubernaculis deputamus;

Kerff: 4.48
Source BEN.AN. Cod.reg. 'Conc.Hispal.' (eds Holste–Brockie, 404–05) — CSEV.619.11 | partial, abbrev.

L. QVALITER HIS QVI PREEST LOQVATVR SACRIS VIRGINIBVS QVOD AD 
EDIFICATIONEM PERTINENT.

Non oportet eum qui preest. extra eam quæ præstet sororibus loqui aliquid quod ad edificationem 
pertinet urginibus. secundum apostoli preceptum omnia uestra honeste. et secundum ordinem 
fiant \{1 Cor 14:40\}; Et non conuenit eum. qui præstet. cum ea quæ sororibus præstet. frequenter 
loqui. sed quantum fieri potest rarius uidendo et breuis sermocinationem finiendo;

Kerff: 4.49
(ed. Zelzer, 215–16) | abbrev., adapted

LI. QVALITER SÁNC TIMONIALES FEMINE SINT VISITANDÆ. ET CVM QVA 
CAVTELA FIAT CVM EIS CONLATIO. EX RECVLDAE VOTORVM. \{sic\}

Nemo ad eas uadat uisitandas: nisi qui habet ibi matrem uel sororem et proprinquas et his similia; 
Si autem necessitas fuerit \{f. 136v\} utuideant eas: mittant hi qui ecclesiis dei præsumt. cum illis 
uiros probatæ ætatis. ac uite: uidebunt eas et pariter reuertantur; Cumque eas uiderint non eas 
loquantur de rebus sæcularibus; Quicumque de his mandatis pretererit abseque uella retractione 
neglegetius atque contemptus agat publice penitentiam. ut possidere ualeamus regna cælorum;

Kerff: 4.50
Source BEN.AN. Cod.reg. 'Reg.devot.' (eds Holste–Brockie, 187, and cf. 404) — ISIDORE, 
Regula, 24 ('De regula devotarum') (PL 83, cols 893C–894B n.) | abbrev.

LII. QVALITER AD VIDVAS VEL VIRGINES SIT ACCEDENDVM. EX CONCILIO 
CAPITAGNIENSI.

Vt clerici uel continentes ad uiduas uel uirgines nisi ex iussu uel permisu episcoporum aut 
presbiterorum non accedant: et hoc non soli faciant: sed cum clerics aut cum his cum quibus 
episcopus. aut presbiter iusserit; Nec ipsi episcopi. aut presbi/ti soli habeant accessum. ad 
huiusmodi feminas: sed aut ubi clerici presentes sunt aut graues aliiqu chrísiani;

Kerff: 4.51
Source CCAR.397.24 (= Reg.eccl.Cart.exc. 38; Carthage III, 25)

LIII. DE HIS QVI ADVLTERAS HABENT VXORES VEL SI IPSI ADVLTERI 
CONPROBANTVR. EX CONCILIO ANCYRANO.

29 The relevant passage of Isidore’s Regula is not printed by Campos in Reglas monásticas de la España visigoda.
Appendix IX

Si cuius uxor adulterata fuerit. uel si ipse adulterium commiserit. septem annorum pænitentia oportet eum perfectionem consequī. secundum pristinos gradus. in pane et aqua. III. dies. in ebdomada;

Kerff: 4.52
Source (to gradus) Coll.Dach. 1.55; PHAL.800.4.9 — CANC.314.19 (Dion.II)
Source (from in pane) unidentified, but cf. PTHU.700.1,2.1

LI.III. EX CONCILIO BRACHARENSE. VT SVPRÆ.
Si cuius uxor adulterium fecerit aut uir in alienam uxorem inruerit. VII. annos. poeniteat. III. districtē, IIII. leuius; Laicus maculans uxorem uirginem. uel proximi sui. annos. V. cum pane et aqua sine proprio uxorem {uxore corr.} poeniteat;

Kerff: 4.53
Source (to annos poeniteat) Coll.Dach. 1.88; PHAL.800.4.13 — CBRA.572.76
Source (III districte IIII leuius) unidentified
Source (from laicus) PCUM.600.2.23

[f. 137r] LV. DE FEMINIS QVÆ CONSCIIS MARITIS ADVLTERANT. EX CONCILIO HELIBERITANO.
Si conscio uiro uxor fuerit moechata. placuit nec in fine dandum ei esse communioinem. Si uero etiam reliquerit post decem annos accipiat communionem;

Kerff: 4.54
Source Coll.Dach. 1.86 — CELV.300.70, first sentence

LV. DE EO QVI VXOREM HABENS SEPIVS MOECHAVR. EX CONCILIO HELIBERITANO.
Si quis fidelem habens uxorem non semel sed sepe fuerit moechatus in fine mortis est conueniendus; Quod si se promiserit cessaturum detur ei communio: si resuscitat rursus fuerit moechatus placuit ulterius non ludere eum de communione pacis;

Kerff: 4.55
Source Coll.Dach. 1.82 — CELV.300.47

LVII. DE VIRI CONIVGATIS POSTEA IN ADVLTERIO LAPSIS. EX CONCILIO QVO SVPRÆ.
Si quis forte habens uxorem semel fuerit lapsus. placuit eum per quinquennium agere de ea re poenitentiam. et sic reconciliari: nisi necessitas infirmitatis cogerit ante tempus dare communionem; Hoc et circa feminas obseruandum est;

Kerff: 4.56
Source Coll.Dach. 1.83 — CELV.300.69

LVIII. DE FIDELIBVS CONIVGATIS SI CVM IQVEA VEL GENTILE MOECHAVER/NT. QVO SVPRÆ.
Si quis fidelis habens uxorem cum iudea uel gentile fuerit moechatus. a communione arceatur; Quod si alius eum detixerit. post quinquennium acta legitima poenitentia poterit dominice sociari communioni;

Kerff: 4.57
Source Coll.Dach. 1.87 — CELV.300.78

LIX. DE HIS QVI ADVLTERAS VXORES. AVT QVI VIROS ADVLTEROS DIMITTVNT. SIC MANEANT. EX EDICTIS AVGVSTINI.
[f. 137v] Vir si dimiserit uxorem causa fornicationis quam domīnus exceptam esse uluit {cf. Mt 5:32}; sicut nec mulieri nubere conceditur uiuo uiro a quo recessit: ita nec uiro alteram ducere licet uiua uxore quam dimisit;

Kerff: 4.58
Source Avg. De serm.dom.in monte, 1.14, 39 (ed. Mutzenbecher, 42–3, lines 923–26), partial, adapted

**LX. HIERONIMI PRESBITERI. VT SVPRA.**

Ait domīnus in euangelio. quicumque dimiserit uxorem suam nisi ob fornicationem et aliam duxerit moechatus: et qui dimissum duxerit moechatur {Mt 19:9}; Sola fornicatio est. quæ uxoris uincit affectum. immo cum illa unam carcem in aliam diuiserit. et se fornicatione separauerit a marito. non debet teneri: ne uiro quoque sub maledicto faciat. dicente scriptura. qui adulteram tenet stultus et impius est {Prv 18:22}; Vbincumque est igitur fornicatio. aut fornicationis suscipio. libere uxor dimittitur. et quia poterit {poterat corr.} accedere ut aliquis calumpniam faceret innocenti. et ob secandum copulam nuptiarum ueteri crimine inpingeret: sic priorem dimittere iubetur uxorem. ut secundum prima uiuente non habeat; Quod enim dicit tale est. si non propter libidinem. sed propter inuiiram dimittis uxorem; Quare expertus infelices priores nuptias nouarum te inmittis periculo? nec non quia poterat euinere ut iuxta eandem legem uxor quoque marito dare repudium cum eadem cautela precipitur. ne secundum accipiat uirum: et quia meretrix et quæ semel fuerat adultera obprobrium non timebat. secundo non nubere precipitur uiro: quod si talem duxerit sub adulterii [f. 138r] crimine sit;

Kerff: 4.59
Source JEROME, Comm.in Mat.libri IV, lib. 3, vers. 19:9 (eds Hurst–Adriaen, 167, lines 761–80)

**LXI. DE HIS QVI VXORES AVT**\(^30\) **QVE VIROS DIMITTVNT VT SIC MANEANT EX CONCILIO AFRICANO.**

Placuit ut secundum euangelicam disciplinam neque dimissus ab uxor: neque dimissa a marito alteri coniungantur. sed ita maneant aut sibimet reconcilientur: quod si contemperint ad poenitentiam redigantur; In qua causa legem imperiale petendum promulgamus;

Kerff: 4.60
Source Coll.Dach. 1.74; cf. PHAL.800.4.10, which lacks the phinal sentence — Reg.eccl.Cart.exc. 102 (= Conc.Milev. 17)

**LXII. DE ADVLTERIS INNOCENTI PAPÆ.**

Qua {sic} uiuente uxor quæ admisit duxerit aliam. et qui dimissam duxerit eterque adulter est; Secundum illud euangelicum. qui dimissor uxor suam et aliam duxerit moechatur.\(^31\) Similiter et qui missam {sic} duxerit moechatur {Mt 19:9}. et ideo omnium a communione fidelium abstinendos;

Kerff: 4.61
Source Coll.Dach. 1.73, partial; PHAL.800.4.11, partial — DINN.401.293, c. 6 (ed. Wurm, 73, lines 5–12) | abbrev., adapted

**LXIII. DE FEMINIS QVAE RELICTIS SVIS ALIIS NVBVNT. EX CONCILIO HELIBERTINO.**

\(^30\) AVT] VIT with macron over V

\(^31\) moechatur] moechat’ as if moechatus
Femine quē nulla precedente causa relinquerint uiros suos: et alteris se copulauerint. nec in finem accipiant communionem.
Kerff: 4.62
Source Coll.Dach. 1.75 — CELV.300.8

LXIII. DE FEMINIS QVAE ADVLTEROS RELINQVVT ET ALIIS NVBVNT. EX CONCILIO QVO SVPRA.
Item femina fidelis quē adulterum maritus reliquerit fidelem et alterum ducit prohibeatur ne ducat. se duxerit non prius accipiat communio: nisi quem reliquit de seculo exierit: nisi forte necessitas infirmitatis dare compulerit;
Kerff: 4.63
Source Coll.Dach. 1.76 — CELV.300.9

LXV. TESTIMONIVM DE LEGE IMPERATORIS ANTONINI CONTRA [f. 138v] EXCVSATIONEM MARITORVM ADVLTERANTIVM. EX LIBRO SANCVTI AGVSTINII SI ADVLTERINIS CONIVGIBVS AD POLLENTIVM SECVNDO.
Inter uirum et uxorem. par pudicitia seruet: quanto et propinquiores saepe suae pariter inpudicos conflict. Tanto annosiore excogitetur: quanto fuerit propinquioris sanguinis contagione pollutus; ipse conuicerit;
Kerff: 4.64

LXVI. DE HIS QVI PROXIMIS SE COPVLANT VT COMMVNIONE CHRISTI SEPARAVTRV. EX CONCILIO TOLETANO.
Salubritar hec precauenda sancimus: ne quis fidelium propinquam sanguinis sui usquequo adfinitatis liniamento generis successione cognoscat nec in matrimonio sibi desideret copulari; Si quis ergo huius decreti temerator extiterit ac uētitum uiolare presupserit: tantum graviori se multandum sententia recognoscat: quanto et propinquiores cui copulari se maluit suę originis esse non ambigit; Tanto annosiore excommunicationis tempore christi corpore ac fraternalis consortio sequestretur: quanto fuerit propinquioris sanguinis contagione pollutus;
Kerff: 4.65
Source Coll.Dach. 1.91; cf. PHAL.800.4.21 — CTOL.527.5 | partial, abbrev.

LXVII. DE HIS QVI DVOBJVS FRATRIBVS NVPÆRINT VEL DVAS SORORES VXORES ACCEPERINT. EX CONCILIO NEOCESARIENSE.
Mulier si duabus fratribus nupserit abiciatur usque ad mortem: [f. 139r] uerumtamen in exitu propter misericordiam si promiserit quod facta incolomis huius coniunctionis uiucula dissoluat fructum pénitentie consequatur: Quod si defecerit mulier aut uir in talibus nuptiis difficile erit pénitentia in uita permanenti;
Kerff: 4.66
Source Coll.Dach. 1.89; PHAL.800.4.14 — CNEO.315.2 (Dion.II)

LXVIII. DE INCESTIS VT QVAMDIV IN SCELERE SVNT INTER CATIVMINOS HABEANTVR. EX CONCILIO HELIBERTANO.
De his qui se incerti pollutione commaculant. placuit ut quousque in ipso detestando aut inlicito carnis contubernio perseuerant: usque ad missam tantum caticuminorum in eclesia admitterantur; Cum quibus eñiam nec cibum sumere ulli christianorum sicut apostolus iussit oportet;
Kerff: 4.67
LXIX. GREGORII PAPÆ DE INCESTIS.
Si quis monacham quam dei ancillam appellant in coniugium duxerit anathema sit; Si quis commatrem spiritalem duxerit in coniugium anathema sit; Si quis fratris uxorém \{duxerit add. sup. lin.\} in coniugium anathema sit; Si quis neptam duxerit in coniugium anathema sit; Si quis nouercam aut nurum suam duxerit in coniugium anathema sit; Si quis consobrinam duxerit in coniugium anathema sit; Si quis de propria cognizione uel quam cognatus habuit duxerit uxorém anathema sit; Si quis uiduam furatus fuerit in uxorem uel consentientibus ei anathema sit; Si quis uirginem nisi dispensauerit furatus fuerit in uxorem uel consentientibus ei anathema sit; Si quis ariolis aruspicum uel incantatoribus obseruauerit aut philacteria usus fuerit anathema sit; Qui uxorém habet;

Source Coll.Dach. 1.90 — CLER.546.4

[f. 139v] LXX. SIMVL ET CONCVBINAM. EX CONCILIO TOLETANO.
De eo qui uxorém habet si concubinam habuerit non communicet; Caeterum is qui non habet uxorém et pro uxor concubinam habet a communio non repellatur: tantum aut unius mulieris. aut uxoris. aut concubine ut ei placeretur {uel i gl. sup. lin. \(i.e.\) uel placeret} sit conjunctione contentus. Alias uero uiius abiciatur donec desinat: aut penitentiam reuertatur;

Source Coll.Dach. 1.93 — CROM.721.3, abbrev.

LXXI. DE RAPTORIBVS. EX CONCILIO SIMACHI PAPÆ.
Raptores igitur uiiuaram uel uirginam ob inmanitas tanti facinoris detestantur: illos uehementius perseuendo: qui sacras uirgines uel volentes uel inuitas matrimonio suo sociari temptauerit. quos pro tam nefandissimi criminiis atrocitate a communione suspendi praebimus;

Source Coll.Dach. 1.81 — CTOL.397.17

LXXII. DE HIS QVI RAPIVNT PVELLAS. EX CONCILIO CALCIDONENSE.
Eos qui rapiunt mulieres sub nomine simul habitandi cooperantes. aut conibentes raptoribus: decreuit sancta sinodus ut si quidem clericis sunt decidant gradu proprío. Si uero la[\*]ici \{laici corr.\} anathematizentur;

Source Coll.Dach. 1.69 — DSYM.498.764, c. 4 (ed. Thiel, 725)

LXXIII. QVOD NON LICEAT ALTERIVS SPONSAM AD MATRI... EX EPISTOLA SYRICI PAPÆ.

32 qui uxorém habet] recte from the beginning of the rubric for the next canon
Appendix IX

Vt nemo despensata puellam alteri in matrimonium accipiat: modis omnibus inhibemus: quia illa benedictio quam nupturę sacerdos inponit apud fideles cuiusdam sacrilegii instar est. si ultra transgressione uioletur;

Kerff: 4.73
Source PHAL.800.4.15; Coll.Dach. 1.68 — DSIR.384.255, c. 5 (ed. Coustant, col. 628B) | first sentence adapted

LXXV. VT NULLVS CLERICORVM AD NVPTIAS PERGAT. IN STATVTVS SENIORVM.
Ad conuiuium nuptiale clericorum nullus accedat: ne per lasciuiam sæcularium quę sunt saeuculi recogscrat: et quod absit ad mundi huius uioletur; et si non corpore animo reuocetur sicut dixit beatissimus cyprianus. adulterium dum uidetur et discitur;

Kerff: 4.74
Source BEN.AN. Cod.reg. 13 (eds Holste–Brockie, 183), partial — Reg.monast.Tarnatensis, 13.1 | quoting Cyprian’s Ad Donatum 1.8 (in S. Thasci Caecili Cypriani opera omnia, 3 vols, ed. W. Hartel, CSEL 3.1–3 [Vienna, 1868–1871], I, 10, line 4)

LXXVI. VT CLERICI VEL CONTINENTES AD VIRGINES VEL AD VIDVAS NON ACCEDANT. EX CONCILIO AFRICANO.
Clerici uel continentes ad uirgines uel uiduas nisi iussu uel permissu episcoporum non accedant;

Kerff: 4.75
Source PHAL.800.5.11 — CCAR.397.24 (= Reg.eccl.Cart.exc. 38; Carthage III, 25), first sentence

LXXVII. DE CLERICIS VEL MONACHIS NON MANENTIBVS IN SVO PROPOSITO. EX CONCILIO CALCIDONENSE.
Qui semel in clero deputati sunt aut monachorum uitam expetierunt: statuimus neque a militiam. neque ad dignitatem aliquam uenire mundanam; aut hoc temptantes et non agentes pænitentiam cominus redeant ad hoc quod primitus elegerunt anathematizentur;

Kerff: 4.76
Source PHAL.800.5.12; Coll.Dach. 1.50 — CCHA.451.7 (Dion.II)

LXXVIII. DE MONACHIS VEL VIRGINIBVS PROPOSITVM NON SERVANTIBVS. EX CONCILIO CALCIDONENSE.
[f. 140v] Uirgine quem sese. domino consecravit: similiter et monachum non licere nuptialia iura contrahere: quod si hoc inuenti fuerint perpetras excommunentur; Confidentibus autem decreuimus ut habeat auctoritatem eiusdem loci episcopus misericordiam humanitate largiri;

Kerff: 4.77
Source PHAL.800.5.13; cf. Coll.Dach. 1.52, whose rubric lacks ‘propositum non servantibus’ — CCHA.451.16 (Dion.I/II)

LXXIX. QVALITER CONIVGATVS CONVERTI DEBEAT AD MONASTERIVM.
Si quis uult coniugatus converti ad monasterium non est recipiendus. nisi prius a coniuge castimonia profitente fuerit absolutus. nisi illa uiuente illo per incontinentiam alteri nupserit procoulubio adultera erit: nec recipitur apud deum eiusmodi uiri conversio: cuius sequitur coniugalis foederis prout institutio; Tales igitur tunc sine culpa secuntur christum relicto saeculo: si habeant ex pari uolunte castitate consensum;
LXXX. DE HIS QVI FORNICATIONE INRATIONABILITER ID EST QVI MISCENTVR PEORIBVS AVT CVM MASCVLIS POLLVNTVR. EX CONCILIO ANCIROANO.
De his qui inrationabiliter uersati sunt siue uersantur quotquot ante. XX. annum tale crimine commiserint. XV. annis exactis in poenitentia communionem mereantur orationem; Deinde quinuennio in hac communione durant: tunc demun obligationis sacramenta contingent; Discutiatur autem et uita eorum qualis tempore poenitudinis extiterit: et hii tam misericordiam consequantur; [f. 141r] Quod si inexplibiliter his hesere criminibus ad agendum poenitentiam prolixius tempus insuant; Quotquot autem peracta. XX. annorum etatet et uxores habentes hoc peccato prolapsi sunt. XXV. annos. poenitudinem gerentes in communionem suscipiantur orationem: in qua quinuennio perdurantes tunc demun obligationis sacramenta perpiciam; Quod et si uxores habentes et transcendentes. L. annum aetatis ita delinquerint: ad exitum uite communionis gratiam consequantur;
Kerff: 4.79

Source
PHAL.800.4.7; Coll.Dach. 1.53 — CANC.314.15 (Dion.II)

LXXXI. DE HIS QVI IN PECVDES VEL MASCVLOS AVT OLIM POLLVTI SVNT AVT ACTEN/S HOC VITIO TABESCVT. EX CONCILIO ANCIROANO.
Eos qui inrationabiliter uixerunt et lepra iniusti criminis alios polluerunt precepit sancta sinodus inter eos orare qui spiritu periclitantur inmundo.
Kerff: 4.80

Source
PHAL.800.4.8; Coll.Dach. 1.54 — CANC.314.16 (Dion.II)

LXXXII. DE MONACHIS ET CLERICIS ADOLESCENTIVM CONSECTORIBVS.

Source
BEN.AN. Cod.reg. 16 (eds Holste–Brockie, 205), partial; SMARAG. Exp.in reg.S.Ben. 25.2 (eds Spannagel–Engelbert, 224, lines 13–26) — FRVCT. Regula 15 (ed. Campos, 154–55, lines 313–325)

LXXXIII. VNDE SVPRA ISIDORI EPISCPOI.

33 The relevant part of Isidore’s Regula is not printed by Campos, who believes it to be an interpolation; cf. Reglas monásticas, eds. Campos–Roca, 96 n. to line 100.
Appendix IX

Si quis ex iuuenibus uel quæcunque persona infirma. et imperfecta: ac suspiciosa: uel non bene credita cum paruulis iocauerit. uel riserit. uel eos osculauerit: uel cum altero in uno lecto iacuerit: diuturna pænitentia expurgetur: secundum prioris arbitrium;

Kerff: 4.82
Source (to credita) SMARAG. Exp.in reg.S.Ben. 25.1 (eds Spannagel–Engelbert, p. 222, line 28–p. 223, line 2); cf. BEN.AN. Cod.reg. 16 (eds Holste–Brockie, 195) — ISIDORE, Regula 17 (ed. Campos, 116–17, lines 432–37) | abbrev., adapted

LXXXIII. VNDE SVPRA.
Si deprehensus fuerit aliquis de fratibus libenter cum pueris ridere. et ludere: et habere: amicitias ætatis infirme: ammoneatur ter ut recedat ab eorum necessitudine. et memor sit honestatis et timoris dei. Si non cessauerit corripiatur correptione seuerissima;

Kerff: 4.83

LXXXV.
Monachus faciens fornicationem. VII. annos poeniteat; Si uero monachus querens fornicationem et non inueniens annum unum et dimidium pæniteat;

Kerff: 4.84
Source PECG.700.5.11–12

LXXXVI.
[f. 142r] Si quis clericus fornicationem fecerit ut antiquorum canonum decreta iubent poenitentiam agat;

Kerff: 4.85
Source

LXXXVII. DE HOMICIDIIS EX CONCILIO ANCYRANO.
Qui voluntariæ homicidium fecerint poenitentiam quidem iugiter se submittant: perfectionem uero circa uite exitum consequantur;

Kerff: 4.86
Source Coll.Dach. 1.101; PHAL.800.4.1 — CANC.314.21 (Dion.II)

LXXXVIII. DE HIS QVI NON SPONTE HOMICIDIVM COMMISERINT. EX CONCILIO HELIBERITANO.
De homicidiis non sponte commissis prior quidem definitio post septennem poenitentiam perfectionem consecuqit precepit: Secunda uero quinquenii tempus explere;

Kerff: 4.87
Source Coll.Dach. 1.102; PHAL.800.4.2 — CANC.314.22 (Dion.II)

LXXXIX. DE ROMANO PÆNITENTIALI.
Si quis episcopus aut aliquis ordinatus homicidium fecerit. X. annos. III. in pane et aqua ex his; Si quis ad homicidium consenserit et factum fuerit. VI. annos peñiteat. Si uero factum non fuerit. III. annos peñiteat;

34 Holste–Brockie’s text lacks the clauses on laughing and kissing.
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Kerff: 4.88–9
Source (to ex his) PHAL.800.6.1 — PMEA.700.165 (Me1) (= PFLO.700.1, partial; POX1.700.1 [specifying 6 years]; PSLE.700.1)

Source (from si quis ad) PHUB.700.3 (specifying 7 years); cf. PHAL.800.6.3

**XC. ITEM.**
Qui homicidium casu fecerit, id est non uolens. VI. annos pœniteat; Si clericus homicidium fecerit et proximum suum occiderit. XV. annos pœniteat. Si odii meditacione et furoris laicus homicidium fecerit. IIII. annos uel. V. V. ue. VII. pænit eat.
Kerff: 4.90–1
Source (si pœniteat) PECU.700.6.13, partial (= PBUR.700.2, partial; PHUB.700.2; PPAS.700.1, partial | specifying 5 or 7 years
Source (si clericus ... facerit) PBUR.700.1, first sentence (= PBOB.700.1, first sentence; PMEA.700.1, first sentence); cf. PECU.700.6.12 | specifying 10 years
Source (odi meditacione) PECU.700.6.5 — PTHU.700.1,4.4 | partial
Source (from et furoris) unidentified

**XCI. DE ROMANO PÆNITENTIALI.**
Si quis infantem oppresserit. V. annos pœniteat. III. ex his in pane et aqua;
Kerff: 4.92
Source PHAL.800.6.5, partial — PBUR.700.19 (~ PFLO.700.19, partial; PMEA.700.18 | specifying 3 years (1 on bread and water)

**XCII. DE HIS QVI PARTVS SVOS EX FORNICATIONE DIVERSIS MODIS INTERIMVNT. EX CONCILIO ANCYRANO.**
De mulieribus qui fornificantur et partus suos necant. uel quos [f. 142v] agunt secum in utero conceptos excutiant. antiqua quidem difinitio usque ad exitum uiō eae ab ecclesia remouet: humanius autem nunc definimus: ut eis. X. annorum tempus secundum prefixos gradus poenitentiae largiamur;
Kerff: 4.93
Source Coll.Dach. 1.100; PHAL.800.4.3 — CANC.314.20 (Dion.II)

**XCIII. SI DOMINA PER ZELVM ANCILLAM OCCIDERIT. EX CONCILIO HELIBERITANO.**
Si qua femina furore zeli accensa flagellis uerberauerit ancilla: ita ut infra tertium diem animam cum cruciatio effundat: et quod incertum sit uolumpate an casu occiderit: si uolumpate post. VII. annos si casu post quinquenii; Item post acto legitime poenitentia a communi placuit abstinere quod si infra tempora constituta fuerit infirmata: accipiat communiem;
Kerff: 4.94
Source Coll.Dach. 1.103; PHAL.800.4.5 — CELV.300.5

35 PHAL.800.6.3 substitues tres ex his in pane et aquae for the final sentence.
36 PECU.700.6.12 lacks the clause on killing one’s neighbour.
37 conceptos] concept’ as if conceptus
38 poenitentiæ] poenit, with macron over t, as if poeniteat
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XCIII. SI QVICVMQVE PER MALEFICVM HOMINEM INTERFECERIT. EX CONCILIO QVO SVPRA.
Si quis uero per maleficium interficat {interficiat corr.} alterum eo quod sine idolatria perficere scelus non potuit ne in finem pertinendam illi communionem;
Kerff: 4.95
Source Coll.Dach. 1.104 — CELV.300.6

XCV. ITEM DE EAEM RE.
Si quis maleficio suo aliquem perdidit. VI. annos poeniteat: et elemosinas multas faciat;
Kerff: 4.96
Source PHUB.700.10

XCVI. DE HIS QVI SIBI QVACVMQVE NECLEGENTIA MORTEM INFERVNT EORVM COMMEMORATIO IN OBLATIONE NON FIAT; SIMILITER ET DE HIS QVI PRO SVIS SCCELERIBVS PVNIVNTVR. EX CONCILIO BRACHARENSE.
Placuit ut hi qui sibi ipsis aut per ferrum. aut per uenenum. aut precipitium. aut suspensium. uel quolibet modo violentia inferunt mortem: nulla illis in ob[f. 143r]atione commemoratio fiat: neque cum psalmis ad sepulturam eorum cadauera deducantur; Multi enim sibi per ignorantiam usurparunt. similiter et de his placuit qui pro suis sceleribus puniuntur;
Kerff: 4.97
cf. A5, fol. 178v
Source Coll.Dach. 1.105; cf. PHAL.800.4.6, whose rubric lacks 'eorum commemoratio in oblatione non fiat' — CBRA.561.16

XCVII. DE HOMICIDIS VEL FALSiS TESTIBVS. EX CONCILIO AGATENSE.
Itaque censuimus homicidas et falsos testes a communiione. ecclesiastica submouendus nisi penitentiam satisfactione crimina admissa diluerint;
Kerff: 4.98
cf. Coll.quad. 4.131
Source Coll.Dach. 1.106; cf. PHAL.800.4.30 — CAGD.506.37

XCVIII. DE HIS QVI SERVOS SVOS EXTRA IVDICEM NEGANT. EX CONCILIO QVO SVPRA.
Si quis seruuum proprium sine conscientia iudicis occiderit excommunicationem uel penitentia biennii reatum sanguinis emundabit;
Kerff: 4.99
Source Coll.Dach. 1.107; PHAL.800.4.4 — CEPA.517.34 (= CAGD.506.62)

XCIX.
Si quis occiderit monachum uel clericum arma relinquat et deo seruiat. VI. annos pæniteat elemosinas multas faciat;
Kerff: 4.100
Source (to pæneate) PECU.700.6.4 — PTHU.700.1.4.5 | partial
Source (from elemosinas) unidentified

C.
Qui per poculum aut per artem aliquam malam occiderit hominem. VI. annos pæniteat;
Kerff: 4.101
Source PECU.700.6.8 — PTHU.700.1.4.7, partial, adapted

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Si mater filium suum occiderit. XII. annos penteat et numquam mutet nisi in die dominico;
Kerff: 4.102
Source  
PECU.700.6.9 — PTHU.700.1,14.25

CII.
Mulier paupertima. VII. annos peniteat;
Kerff: 4.102
Source  
PECU.700.6.10 — PTHU.700.1,14.26, partial

CIII.
Mulier si occiderit filium suum in utero. ut superius in ancirano concilio definitum est peniteat 
uel certe ut alii uolunt. III. annos peniteat.
Kerff: 4.103
Source  
PECU.700.6.11, adapted; cf. PTHU.700.1,14.27
Source (ut superius ... uolunt)  
unidentified, but cf. CANC.314.20

CIII.
Cuius paruulus in neglegentia sine baptismo mortuus fuerit. III. annos peniteat. I. ex his in pane 
et aqua;
Kerff: 4.104
Source  
PECU.700.6.19 — PCUM.600.2.32

CV.
Si laicus infante suum occiderit. anno. I. in pane et aqua [f. 143v] poeniteat. et. II. a uino et 
carne;
Kerff: 4.105
Source  
PECU.700.6.20, partial

CVI.
Si mulier aborsum fecerit voluntarię. III. annos in pane et aqua;
Kerff: 4.106
Source  
PECU.700.6.21 — PBUR.700.35 (= PBOB.700.31 [specifying 3 years, 1 on bread and 
water]; PMEA.700.33 [Me1]; PMEB.700.26; PFLO.700.32 [specifying 1 year]; 
POX1.700.30; PPAS.700.27)

CVII. HOMICIDIS PÆNITVS NON COMMVMICANDVM. EX CONCILIO 
TORONENSE.
Homicidis poenitus non communicandum. donec perfessionem pennisentie ipsorum crimina 
dilluantur.
Kerff: 4.107
Source  
CTOU.461.7

CVIII. DE HIS QVI SACRAMENTO SE OBLIGANT NE AD PACEM REDEANT. EX 
CONCILIO HILERDENSE.
Qui sacramentu se obligauerit ut litigans in quolibet ad pacem nullo modo redeant pro periuio. I. 
annos a communione corporis et sanguinis domini segregetur; Reatum suum elemosinis et 
fištibus quantis potuerit in ieiuniis absoluat; Ad caritatem uero quę operit multitudinem 
peccatorum {1 Pt 4:8} celeriter uenire festinet; 
Kerff: 4.108
Source  
Coll.Dach. 1.111; PHAL.800.4.33 — CLER.546.7
CVIII. DE HIS QV I AGERE ALIQVIT DEFINIVNT QVOD NON PLACEAT DEO BASILII EPISCOPI.
Si quis preuentus fuerit ut definiat agere aliquid quę non placent deo pænitentiam agat: et quod contra mandatum domini statutum est irritum reuocetur;
Kerff: 4.109

CX. QVOD IVRAMENTVM INPLICITVM. SIT CONTEMPNENDVM.
Cum iuramento pollicitus est herodes saltatrici incertet que puellę daret quodcumque postulasset ab eo {Mt 14:7}; Alioquin si ob iusiurandum fecisse se dicit. si patris. si matris postulasset interitu m facturus erat an non? quod in se ergo repudiaturus fuit contempnernę debuit et in propheta.
Kerff: 4.110
Source  JEROME, Comm.in Mat.libri IV, lib. 2, vers. 14:7 (eds Hurst–Adriaen, 118, lines 1140–1146), abbrev.

CXI. VNDE SVPRA. BEDE PRESBITERI.
At si aliquid forte nos incautius iurasse contigerit quod ob[f. 144r]seruatu m scilicet peiores muerat in exstitium: libere illud consilio salubriori mutant: dum nouerimus ac magis instante necessitate peiorando nobis quam prophetando periurio in aliud crimem grauius esse diuertendum; Et denique iurauit dave d per dominum occidere nabal uirum stultum et impium atque omnıa que ad illum pertinerent demoliri: sunt ad primam intercessionem abigail femen prudentis mox remisit. minas reuocauit ense m in uaginam: neque aliquid culpe se tali periurio contraxisse doluit; Iurauit herodes dare saltatrici quodcumque postulasset ab eo {cf. Mt 14:7}: et ne perius diceret ura conuiuis {conuiuis corr.}: ipsum conuiuium sanguine polluit: dum prophete mortem saltationis se premiu m; Quod enim temere. et inuste iurauit pretermittere omnino salubriter debuit;
Kerff: 4.111
Source (to premium)  BEDE, Hom.ev. 2.23 (ed. Hurst, 352, lines 110–23)
Source (from quod enim)  unidentified, but cf. Coll.Hib.A 35.3.f

CXII. DE PERIVRIO.
Quicumque enim sciens periiurium perpetrauerit. annos. VII. se poenitentię subdat: et ita deinceps ad communio nem reuertatur;
Kerff: 4.112
Source  PHAL.800.4.28 — cf. PPAS.700.5

CXIII. VT SVPRA.
Si quis periurauerit. VII. annos poeniteat et ultra non iuret;
Kerff: 4.113
Source  PHUB.700.6; cf. PHAL.800.6.22

CXIII. QVI COACTVS PERIVRAVERIT.
Qui coactus aut nesciens pro qualibet necessitate periurauerit. III. annos poeniteat. I. ex his in pane et aqua;
Kerff: 4.114
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CXV. QVI SVSPICATVR QVOD PERIVRIIS IN IVRAMENTO DV CITVR.
Qui suspicatur quod periiuris in iuramentum dicitur et tamen iurat per consensum. III. annos peniteat;
Kerff: 4.115
Source
PFLO.700.6; cf. PHAL.800.6.24, partial; PBUR.700.6; PHUB.700.7

CXVI. ITEM IN ROMANO PÆNITENTIALI.
[f. 144v] Si quis periurauerit per cupiditatem toetas res uendat et pauperibus det: et tondataur: et intret in monasterio et ibidem deo in ieiuniis. fletibus. et orationibus serviat;
Kerff: 4.116
Source
PECU.700.5.8 — PCUM.600.3.11

CXVII.
Si quis periurium fecerit. laici. annos. III. clerici. V. presbiteri. X. episcopi. XII.
Kerff: 4.117
Source
PHAL.800.6.22–3, partial (specifying 7 years for clerics)

CXVIII.
Qui uero cupiditate captus furtum fecerit quod abstulit reddat: et annos. V. pæniteat agat;
Kerff: 4.119
Source
PHAL.800.5.29

CXVIII.
Pecunia æclesiastica furta siue rapta reddatur quadruplum: popularia dupliciter. cuius supra.
Kerff: 4.120
Source
PECU.700.4.1 — PTHU.700.1,3.2

CXX.
Qui sepe furtum fecerit. VII. annos pæniteat;
Kerff: 4.121
Source
PECU.700.4.5, first sentence — PTHU.700.1,3.3, first sentence

CXXI.
Si quis furtum capitale commiserit. id est quadrupedia uel casas effregerit. et quecumque majoris presidii furatus fuerit. VII. annos pæniteat. et quod furatum est reddat;
Kerff: 4.122
Source
PHUB.700.8; cf. PHAL.800.6.26

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39 PHUB.700.7 lacks the phrase on bread and water.
40 cuius supra] recte from the rubric for the next canon
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CXXII.
Si quis uero de minoribus semel aut bis furtum fecerit. reddat proximo suo; et annum. I. pæniteat in pane et aqua: et si ei reddere non potuerit. III. annos pæniteat;
Kerff: 4.123
Source PHAL.800.6.28

CXXIII.
Si quis sepulchrum uiolauerit. VII. annos pæniteat. III. ex his in pane et aqua;
Kerff: 4.124
Source PHAL.800.6.29 — PPAS.700.9/PSLE.700.14, adapted

CXXIII. DE CLERICIS SEPVLCHRIS DEMOLENTIBVS EX CONCILIO TOLETANO.
Si quis clericus in demoliendis sepulchris fuerit depredatus. hoc pro sacrilegio legibus publicis sanguine uindicatur; Oportet canonibus in tali scelere proditum a clericatus ordine submoueri. et pæniteat 41 triennio deputari;
Kerff: 4.125
Source Coll.Dach. 3.66 — CTOL.633.46

CXXIV. SI CLERICVS FVRTVM ÆCCLÆSIÆ FECERIT. EX CONCILIO AGATENSE.
Si clericus furtum ecclesiæ fecerit. peregrina ei communio tribuatur. ferreoli. 42
Kerff: 4.126
Source Coll.Dach. 3.49 — CAGD.506.5

CXXVI. DE MONACHIS FVRTVM FACIENTIBVS.
Si quis monachus furtum fecerit quod potius sacrilegium dici potest. id censuimus ordinando. ut iunior uirgis cesus tanti criminis reus nunquam officium clericatus excipiat: si uero iam clericus in id facinus fuerit deprehensus: nominis ipsius dignitate priuatus: cui sifficere potest proactus sui leuitate impleta pænitentia satisfactione communio;
Kerff: 4.127

CXXVII. DE QVALITATE FVRTI HIERONIMI PRESBITERI IN EXPLANATIONE EPISTOLA AD TITVM.
Fur autem non solum in maioribus sed etiam in minoribus iudicatur; Non enim quod furto ablatum est sed mens furantis adreditur: quomodo in fornicatione et in adulterio. non idcirco diuersa sit fornicatio aut adulterium. si pulchra uel deformis aut pauper sit meretrix uel adultera: sed qualiscumque. illa fuerit: una est. fornicatio et adulterium; Ita et in furto quantumcumque quis abstulerit furti crimen incurrir;
Kerff: 4.128
Source JEROME, Comm.in IV ep.Paul., ad Tit. vers. 2:9–10 (PL 26, col. 585D), partial

CXXVIII. QVOD TOLLENDO AB EGIIPTIS AERVVM NON FECERVNT FVRTVM ISRAEILITÆ. ET NE QVIS HOC SVMAT AD EXEMPLVM AD EXPOLIANDVM ISTO

41 pænitentία] pænit, with macron over t, as if pæniteat
42 ferreoli] recte from inscription for the next canon
MODO PROXIMVM. EX LIBRO QUESTIONVM EXODI SANCTI AGVSTINI EPISCOPI.
Dixit dominus ad moysen. loqueru ad proximum. et mulier a proxima [f. 145v] uasa argentea et aurea et uestem petat {Ex 3:22}. Non hinc quisque sumendum exemplum putare debet ad expoliandum isto modo proximum; Hoc enim deus iussit qui nouerat quid quemque pati oportet; Nec israelitis fecerunt sed deo iubenti ministerium prebuerunt. quemadmodum sum minister iudiciis occidit eum quem iudex iussit occidi: profecto si id sponte faciat homicida est etiam si eum occidat quem scit a iudice debuisse;
Kerff: 4.129

CXXVIII. QUOD IN FVRTVM SIT ET RAPINAM EX LIBRO QUESTIONVM EXODI SANCTI AGVSTINI EPISCOPI.
Poenale est occulte auferre multo majores poenae est usibiliter eripere; Auferre ergo nolenti sive occulte. sive palam habet preceptum suum: furti enim nomine bene intellegitur omnis illicita usurpati rei alienae; Non enim rapinam permissit qui furtum prohibuit: sed utique sub furti nomine in lege ueteris testamenti et rapinam intellegi uoluit; Aperte enim totum significuit. quicquid illicite rerum proximis auferitur;
Kerff: 4.130
Source (to preceptum suum) AVG. Serm.de vet.test. 8 (ed. Lambot, 89–90, lines 285–88)
Source (from furti enim) AVG. Quaest.in Hept., quaest. Exodii, 71 (ed. Fraipont, 105. lines 1230–33)

CXXX. DE FALSIS TESTIBVS. EX CONCILIO AGATENSE.
Falsos testes a communione ecclesiastica submouendos: nisi penuitentia satisfactio crimina admissa diluerit;
Kerff: 4.131
cf. Coll.quad. 4.98
Source PHAL.800.4.30; cf. Coll.Dach. 1.106 — CVAN.461.1 (= CAGD.506.37)

CXXXI. DE FALSIDICIS ET PERIVRIS AC FVRTIBVS. EX EDICTIS ISIDORI EPISCOPI.
Si quis falsum dixerit uel periuaruerit. seu furatus. fuerit diuturna et longa punitionis purgetur;
Kerff: 4.132

CXXXII. ITEM.
[f. 146r] Si quis personam innocentis falso crimine maculauerit iuxta arbitrium prioris modumque peccati superiori sententiæ subiagebit; Quidam longe ante nos presul sanctissimus etiam in minori excessu tribus mensibus uespertinis solummodo horis his ex unciis ordeacii panis aquæ paraque mensura sustentare iudicauit poenitentem;
Kerff: 4.133
cf. Coll.quad. 4.176
Source (to prioris) SMARAG. Exp.in reg.S.Ben. 25.1 (eds Spangnagel–Engelbert, p. 222, line 25–p. 223, l. 2); BEN.AN. Cod.reg. 16 (eds Holste–Brockie, 195), partial — ISIDORE, Regula 17 (ed. Campos, p. 116, line 428–p. 117, line 437) | abbrev., adapted unidentified
Source (modumque ... subiagebit) SMARAG. Exp.in reg.S.Ben. 23.5 (eds Spangnagel–Engelbert, 281, lines 5–8); BEN.AN. Cod.reg. 16 (eds Holste–Brockie, 205), partial — FRVCT. Regula 15 (ed. Campos, 154, lines 307–10) | abbrev., paraphr.
CXXXIII. DE DELATORIBVS. EX CONCILIO HELIBERITANO.
Delator si quis extiterit fidelis: et per delationem eius aliquis fuerit prescriptus uel interfectus. placuit eum nec in finem accipere communionem; Si leuior causa fuerit. intra quinquennium accipere poterit communionem; Si caticumin fuerit post quinquennii tempora admittatur ad baptismum;
Kerff: 4.134
Source Coll.Dach. 2.2 — CELV.300.73

CXXXIII. DE HISTRIONIBVS A COMMUNIONE REMOVENDIS. EX EPISTOLA SANCII CYRIANI EPISCOPI AD EVCRATIVM.
Cyprianus euctatio fratri salutem; Pro dilectione tua et reuerentia ut ad consulendum me existimasti frater karissime quod mihi uideatur de histrione quodam qui apud uos constitutus in eius adhuc artis suæ dedecore perseuerat et magister. et doctor erudiendorum. sed perdendorum puerorum. id quod male didici; ceteris quoque insinuat. an talis communicare debeat nobiscum. quod puto ego nec maiestati divini nec evangeliæ disciplinæ congrue. ut pudor et honor ecclesiæ tam turpi et infami contagione foedetur;
Kerff: 4.135
Source CYPR. Epistola 2.1 (ed. Hartel, p. 467, line 2–p. 468, line 2)

CXXXV. EX CONCILIO CARTAGINENSE.
Auguriis uel incantationibus seruiente ma conuentu æcclésiæ separandum. similiter et iudaicis superstitionibus uel furiis inherentem;
Kerff: 4.136
cf. Coll.quad. 4.143
Source Coll.Dach. 1.99; cf. PHAL.800.4.27 — SEA 83 (= Carthage IV, 89)

CXXXVI. IN DECRETALI GREGORII PAPÆ.
Si quis ariolis uel aruspiciis uel incantatoribus seruauerit. aut philacterio usus fuerit anathema sit. et responderunt omnes tertio anathema sit;
Kerff: 4.137
Source Coll.Dach. 1.93, last sentence; cf. PHAL.800.4.22, last sentence — CROM.721.12

CXXXVII. DE HIS QVI DIVINATIONES EXPERINT. EX CONCILIO ANCYRANO.
Qui diuinationes expetunt. et more gentili subsecuntur. aut philacterio usus fuerit anathema sit. et in domos suas huïscemodi homines introducunt: exquirendi aliquid arte malefica. aut expiandi causa: sub regula quinquennii subiaceant se cum gradus pænitentiae diffinitos;
Kerff: 4.138
Source Coll.Dach. 1.94; PHAL.800.4.25 — CANC.314.23 (Dion.II)

CXXXVIII. DE DIVINIS ET SORTILEGIS. EX CONCILIO BRACHARENSE.
Si quis paganorum consuetudinem sequens diuinos et sortilegos in domum suam introduxerit: quasi ut malum foras mittant. aut maleficia inueniant. uel lustrationibus paganorum seruiant. V. annos. pæniteam agat;
Kerff: 4.139
Source Coll.Dach. 1.95 — CBRA.561.71

CXXXVIII. QVOD SECUVNDVM DIFFINITIONEM APOSTOLI PAVLI MALVM SIT.
OBSERVARE DIES. MENSCHEN. TEMPORA. ET ANNOES. SANCII AMBROSIÆ EPISCOPI IN EXPOSITIONE EPISTOLEPF AD GALATHAS.
Appendix IX

Dies obseruatis. et menses. et tempora. et annos timeo [f. 147r] ne sine causa laboruerim in uobis {Gal 4:10–11}; Dies ergo obseruant qui dicunt utputa crastino profisciscendum est; Crastinum enim non debet alicud inchoare et sic solent magis decipi; Hi autem colunt menses qui cursus lunæ perscrutantur dicentes: utputa septima luna strumenta confici non debent noua iterum luna puta emptum seruum domum duci non oportet: et per hæc facilius solent aduersa prouenire; Tempora uero sic obseruant cum dicunt. hodie ueris initiwm est festiuitas est. post cras uulcanalia sunt; Et alia iterum aiunt. posterum est domum egredi non licet; Annos sic colunt cum dicunt: kalendis ianuariis nouus est annus quasi non cotidie anni impleantur. sed ut anni illius memoria recolant bifrontis; Hac superstitio mutuntur quæ longe debet esse. a seruis dileti; Si senis eius ex toto corde diligitur ipso propitio nulla debet esse. formido neque suspicio hauriam rerum; Prospere enim potest credere quicquid simpliciter sub diei deuotione fit;

Kerff: 4.140
Source AMBROSIASTER, Comm.in Pauli epist., ad Gal. vers. 4:10 (ed. Vogels, III, 46, lines 1–21; quoting only Gal 4:10), partial

CXL. QVOD INCANTATORES ET SORTILEGI DISTRICTA VLTIONE CORRIGANTVR. EX EPISTOLIS PAPÆ GREGORII AD ADRIANVM NOTARIVM.
Peruenit ad nos quod quosdam incantatores atque sortilegos fueris insecutus: et omnino nobis sollicitudinem zelumque tuum gratum fuisses cognoscas. studii enim tui sit sollicite [f. 147v] querere. et quoscumque huiusmodi chrísti inimicos inueneris districta ultione corrigere;

Kerff: 4.141
Source DGRE.590.1823 (ed. Norberg, 921, lines 2–9), abbrev.

CXLI. EX CONCILIO TOLETANO. VT SVPRA.
Si episcopus quis. aut presbiter. siue diaconus. uel quilibet ex ordine clericorum. magos. aut aruspices. aut ariolos. aut certe augures. uel sortilegas. uel eos qui proficiat soratem aliquam: aut aliqua eorum similia exercentes consulere fuerat deprehensus. ab honore dignitatis sua depositus. monasterii censura excipiat. ibique perpet hedentiae deditus scelus admissum sacrilegii luat;

Kerff: 4.142
Source Coll.Dach. 3.59 — CTOL.633.29

CXLII. ITEM IN EODEM CONCILIO.
Auguriis uel incantationibus seruientem a conuentu æcclesie separandum;

Kerff: 4.143
cf. Coll.quad. 4.136
Source PHAL.800.4.27; cf. Coll.Dach. 1.99 — SEA 83 (= Carthage IV, 89), partial

CXLIII. QVOD NON LICET CHRISTIANIS OBSERVATIONES DIVERSES ADTENDERE. EX CONCILIO BRACHARENSE.
Non liceat christianis traditiones gentilium obseruare. uel colere elementa. aut lunæ uel stellarum cursus. aut inanem signorum fallaciam. pro domu facienda. uel segetes. uel arbores plantandas. uel coniugia socianda; Scriptum est enim; Omnia quæcumque facitis in uerbo aut in opere in nomine domini nostri iesu chrísti facite. gratias agentes deo {Col 3:17};

Kerff: 4.144
Source PHAL.800.4.26, first part; Coll.Dach. 1.96 — CBRA.572.72

CXLIIII. ITEM IN EODEM CONCILIO.
Non licet in collectione herbarum quæ medicinales sunt [f. 148r] aliqus observationes uel incantationes adtendere: nisi tantum cum simbolo diuino. et oratione dominica: ut deus et dominus noster honeretur;

Kerff: 4.145
Source PHAL.800.4.26, second part; Coll.Dach. 1.97 — CBRA.572.74

CXLV. ITEM.
Non licet mulieres christianas in suis lanificiis uanitate obseruare. sed deum inuocent adiutorem. qui eis sapientiam texendi donauit.

Kerff: 4.146
Source PHAL.800.4.26, third part; Coll.Dach. 1.98 — CBRA.572.75

CXLVI. DE DISCORDANTIBVS EX CONCILIO CARTINENSE.
Oblationes dissidentium fratrum neque in sacario neque in gazophilacio recipiantur.

Kerff: 4.147
Source PHAL.800.4.31; cf. Coll.Dach. 1.112, whose rubric reads ‘ut oblationes fratrum discordantium non recipiantur’ — SEA 49 (= Carthage IV, 93)

CXLVII. DE HIS QVI PER ODIVM AD PACEM NON REVERTVNTVR EX CONCILIO AGATENSE.
Placuit ētiam sicut plerumque fit: ut quicumque odio aut longinquaque inter se lite. et ad pacem reuocari diuturna intentione nequuerint. de ecclesiæ coetu iustissima excommunicatione pellantur;

Kerff: 4.148
Source PHAL.800.4.32; Coll.Dach. 1.110, abbrev. — CAGD.506.31, abbrev.

CXLVIII. ITEM. ISIDORI EPISCOPI.
Si quis discors extiterit. iuxta excessum culpæ congruæ aut diuturnæ subiaceant poenitentiae;

Kerff: 4.149
Source SMARAG. Exp.in reg.S.Ben. 25.1 (eds Spannagel–Engelbert, p. 222, line 16–p. 223, line 2); BEN.AN. Cod.reg. 16 (eds Holste–Brockie, 195), partial — ISIDORE, Regula 17 (ed. Campos, p. 116, line 420–p. 117, line 437) \ abbrev., adapted

CXLVIII. ITEM. ISIDORI EPISCOPI.
Si quis discors ac litigans uel per odium dissidens extiterit. quousque ad pacis caritatisque concordiam redate. a conuentu et societate. ut canonum iubent decreta alienus existat;

Kerff: 4.150
Source unidentified

CL.
Si quis odio habens aduersus aliquem usque ad pacem reuertatur sicut patres nostri decreuerunt. in pane et aqua excommunicetur et ab ecclesiæ separatur;

Kerff: 4.151
Source unidentified

CLI. DE MVRMVRANTIBVS BASILII EPISCOPI.
Apostolus dicit omnia facite sine murmurationibus {Phil 2:14}; et alienus [f. 148v] sit a fratrum unitate qui murmurat et opus eius abiciatur;

Kerff: 4.152
Source BEN.AN. Cod.reg. 71 (eds Holste–Brockie, 87) — BASIL–RVFINVS Regula 71.int.–1 (ed. Zelzer, 107)
CLII. VNDE SVPRA.
Si quis murmurans exstiterit ne poenam murmurantium incurrat. de qua apostolus dicit: neque murmuraueritis sicut quidam murmurauerunt et perierunt ab exterminatore {1 Cor 10:10}. iuxta mensuram opusque peccati quæ in hac sententia apostoli pleniter declaratur sacerdotis iudicio peniteat;
Kerff: 4.153
Source (to exterminatore) cf. BEN.AN. Cod.reg. 93 (eds Holste–Brockie, 90) — BASIL–RVFINVS Regula, 93 (ed. Zelzer, 126) | abbrev., adapted
Source (iuxta ... peccati) cf. BEN.AN. Cod.reg. 151 (eds Holste–Brockie, 33), partial — PACH.–JEROME, Praec.et inst. 10 (ed. Boon, 56, lines 10–11)
Source (from quæ in hac) unidentified

CLIII. DE CONVITIOSIS VEL MALEDICIS CESARII EPISCOPI.
Si quis conuitio uel maledicto. uel etiam crimine subiecto lesurit alique dignissima purgetur satisfactione; Si hoc uitium iterauerit poenitentia iustissima seuncundum modum culpæ expietur;
Kerff: 4.154
Source BEN.AN. Cod.reg. 31 (eds Holste–Brockie, 358), partial — CAESARIVS, Reg.ad virg. 33.5–6 (eds. de Vogüé–Courreau, 212–14) | abbrev., adapted

CLIII. VNDE SVPRA.
Apostolus dicit. neque maledici regnum dei possidebunt {1 Cor 6:10}; Si quis hoc peccatum admiserit: tam grande pæniteat quam grande perpetrauit scelus. quod a regno separat dei;
Kerff: 4.155
Source unidentified

CLV. DE DETRACTIONE.
Si quis promptus facilisque est. ad detrahendum dicensque quod uerum non est: VII. dies. in pane et aqua sequestratus a fraterno consortio pæniteat;
Kerff: 4.156
Source BEN.AN. Cod.reg. 160 (eds Holste–Brockie, 63), partial — PACH.–JEROME, Praec.atque iudic. 1 (ed. Boon, 63, line 8–p. 64, line 3) | abbrev., adapted

CLVI.
Si quis detraxerit uel libenter audit detrahentem {cf. Iac 4:11}. iuxta mensuram peccati {sic} ad arbitrium sacerdotum pæniteat;
Kerff: 4.157
Source (to detrahentem) cf. BEN.AN. Cod.reg. 43 (eds Holste–Brockie, 83) — BASIL–RVFINVS Regula 43 (ed. Zelzer, 88)
Source (iuxta ... peccati) unidentified, but cf. BEN.AN. Cod.reg. 150 (eds Holste–Brockie, 33), and PACH.–JEROME, Praec.et inst. 9 (ed. Boon, 56)
Source (from ad) unidentified

CLVII. VNDE SVPRA BASILII EPISCOPI.
Si quis detraxerit eo qui preest. septem a conuentu ecclesiasticum dies separatum. ut maria soror aaron quæ de{f. 149r}traxerit moysi poeniteat {cf. Nm 12:14–15};
Kerff: 4.158
Source cf. BEN.AN. Cod.reg. 44 (eds Holste–Brockie, 83) — BASIL–RVFINVS Regula 44 (ed. Zelzer, 88)
Source (septem ... separatum) cf. Nm 12:14–15
Source (poeniteat) unidentified
CLVIII. DE CONTENTIONIBVS VEL RIXIS ATQVE CONVITIIIS. ISIDORI EPISCOPI.
Si quis contentiones uel rixas amauerit. uel manifestum conuitium fratri intulerit: iuxta arbitrium rectoris modumque peccati diuturna expietur poenitentia;
Kerff: 4.159
Source
SMARAG. Exp.in reg.S.Ben. 25.1 (eds Spannagel–Engelbert, 222, line 24–p. 223, line 2); BEN.AN. Cod.reg. 16 (eds Holste–Brockie, 195), partial — ISIDORE, Regula 17 (ed. Campos, 116, line 428–p. 117, line 437) | abbrev., adapted

CLVIII. VT SVPRA.
Qui contentiosus aut murmurers exiterit seu manifestum consuetudinem fratris intulerit: iuxta arbitrium rectoris quaemodi expietur poenitentia.
Kerff: 4.160
Source
unidentified

CLX. VT SVPRA BASILII.
Si quis uidetur contentiosus. esse, dicente apostolo. nos talem consuetudinem non habemus neque ecclesiae dei {1 Cor 11:16}. si quis hoc facit. notetur usquequo corrigatur;
Kerff: 4.161
Source
BEN.AN. Cod.reg. 112 (eds Holste–Brockie, 92), partial — BASIL–RUFINUS Regula 112.2 (ed. Zelzer, 138)

CLXI. DE LASCIVIS ET SVPRA {SVPERBIS corr.}.
Qui lasciatus et superbus fuerit. III. dies. in pane et aqua pænitet.
Kerff: 4.162
Source

CLXII.
Si quis lasciatus in lingua fuerit. triduana pænitentia expietur;
Kerff: 4.163
Source
BEN.AN. Cod.reg. 16 (eds Holste–Brockie, 195), partial — ISIDORE, Regula 17 (ed. Campos, 115, line 416–p. 116, line 437) | abbrev., adapted

CLXIII. DE CLERICIS ÆBRIOSIS. EX CONCILIO AGATENSE.
Itaque eum quem ebrisium fuisse constiterit: ut ordo patitur. aut triginta dierum spatio a communione statuimus submouendum: aut corporali dandum supplicio;
Kerff: 4.164
Source
Coll.Dach. 3.57 — CAGD.506.41, second sentence

CLXIII. DE EADEM RE FRVCTVOSI EPISCOPI.
Si quis ecclesiastica preditus ordinationem. aut monachus repertus fuerit. ebrisius. in pane et aqua tribus pæniteat mensibus;
Kerff: 4.165
Source
cf. BEN.AN. Cod.reg. 16 (eds Holste–Brockie, 205), partial — FRVCT. Regula 15 (ed. Campos, 154, lines 307–311) | abbrev., adapted

CLXV. DE MONACHIS EBRIOSIS SENTENTIA BEATI FERIOLI.

43 pænitentia] pænit, with macron over t, as if pænitet
Appendix IX

De ebrietate uero superfluum puto monachum commoner. cum uel si parum uini accipiat. a proposita corporis contritio de[f. 149v]clinat: et ideo monachum si ebrium quod dici nefas est uideri aliquando contigerit zelans illi plenus ira precipio ut. XXX\textsuperscript{a} diebus a uini potione suspendatur: quatinus anima infusione concessa digestione hoc spatio uacetur; Kerff: 4.166


**CLXVI. DE VNIVERSIS CLERICIS AEBRIETATE DEDITVS.**

Si quis episcopus aut alius ordinatus in consuetudine ebriosus fuerit. aut desinat. aut deponatur; Kerff: 4.167

Source PECU.700.1.1 — cf. PTHU.700.1.1.1

**CLXVII. ITEM DE LAICIS AEBRIOSIS. GENERALIS SENTENTIA.**

Laicus si ebriosus fuerit. III. dies. in pane et aqua pænitent. Kerff: 4.168

Source cf. PBUR.700.27 (= PMEA.700.25 [Me1]; POXI.700.22; PPAS.700.19

**CLXVIII. DE OMNIBVS AEBRIOSIS AC VINOLENTIS. HIERONIMI PRESBITERI ET EFFREM DIACONI.**

Fuge uinum uelut uenenum. ne æbrietas superet te expoliatumque uirtutibus nudum efficiat; Vinum enim ut sancta scriptura dicit apostatare facit etiam sapientes {Sir 19:2}; Adtende ne {noe corr.} uirum sapientem et sanctum. quomodo ob ebrietatem nudatus est dormiens {cf. Gn 9:21}; Adtende et loth patriarcham. qui per ebrietatem cum filiabus suis inuipudenter se commiscuit {cf. Gn 19:30–5}; Hinc beatus basilius ait: multi per uinum a deponentibus capti sunt: nec est aliud æbrietas quam manifestissimus dæmon; Hinc propheta ait: fomiciatio et æbrietas auertor cor {Os 4:11}; æbrietas enim perturbationem gignit mentis. furorem et flammam suscitat libidinis; Apostolo teste. nolite inebriari uino in quo est luxuria {Eph 5:18}; Si quis autem contra hæc [f. 150r] sanctorum fecerit statuta. dignam ac longam pænitentiam agat: quia unum est ex his peccatis quæ hominem a regno dei separat; dicente. {apostolo} paulo neque ebriosi regnum dei possidebunt (1 Cor 6:10) add. marg. (bottom)

Kerff: 4.169

Source (to commiscuit) unidentified, but cf. FLORUS OF LYON, Collectio ex dictis XII patrum (3 vols, eds P.I. Fransen et al., CCCM 193, 193A and 193B [Turnhout, 2002–2007], I, 94, lines 2–10)

Source (hinc beatus ... cor) SMARAG. Exp.in reg.S.Ben. 4.35 (eds Spannagel–Engelbert, 117, lines 23–6)

Source (æbrietas ... libidinis) SMARAG. Exp.in reg.S.Ben. 4.35 (eds Spannagel–Engelbert, 117, lines 21–2) — ISIDORE, Sententiae 2.43.1 (ed. Cazier, 187), partial

Source (from apostolo teste) unidentified

**CLXIX. DE HIS QVI ECCLESIASTICA IEINVIA ABSQVE NECESSITATE DISSOLVVT. EX CONCILIO AGATENSE.**

Si quis eorum qui continentèq student absque necessitate corporea tradita in commune ieiunia et ab ecleasia custodita superbiendo dissoluit stimulo suæ cogitationis impulsu anathema sit; Kerff: 4.170

Source Coll.Dach. 2.98 — CGAN.355.19 (Dion.II)

**CLXX. VT NEMO MONACHVS ABSQVE SVMMMA INFIRMITATIS NECESSITATE CARNES SVMERE PRESVMAT. EX INSTITVTIS SANCVTI AVRELII EPISCOPI.**
Appendix IX

Carnes in cibo monachi numquam sumat: pulli uero uel altillia cuncta in congregatione non ministrentur: infirmis uero tantum prouideantur et accipere liceat;

Kerff: 4.171

Source

SMARAG. Exp.in reg.S.Ben. 39.11 (eds Spannagel–Engelbert, 257, lines 2–4); BEN.AN. Cod.reg. 51 (eds Holste–Brockie, 152), partial — AVREL. Reg.ad monach. 51.1–2 (ed. Schmidt, 254)

CLXXI. DE EADEM RE SANCTI FRVCTVOSI EPISCOPI.

Carnem cuiquam nec gustandi nec sumendi est concessa licentia. non quod creaturam dei iudicemus indignam: sed quod carnis abstinencea utilis et apta monachis estimetur. seruato tamen moderamine pietatis erga egrotos; Quod si quis monachus voluerit et contra sanctionem regulæ usumque ueterum uesci carnis presupperit. sex mensium spatio retrusioni et poene subiacebit;

Kerff: 4.172

Source


CLXXII. DE FALSIS FRATRVM ACCVSATORIBVS. EX CONCILIO ARELATENSE.

[f. 150v] Eos qui falso fratribus suis capitale obiecisse convicte fuerint. placuit eos usque ad exitum non communicare: sicut magna sinodus sancte constituist. nisi digna satisfactione penituerint;

Kerff: 4.173

Source

Coll.Dach. 2.20 — Coll.Arel. 24

CLXXIII. DE FALSIS FRATRIBVS. EX CONCILIO HELIBERITANO.

Falsus testis proter crimen est abstinebit: si tam et fuerit mortis quod obicit et probauerit quod tacuit biennii tempore abstinebit. si autem non probauerit a conuentu cleri placuit per quinquennium abstineri;

Kerff: 4.174

Source

Coll.Dach. 2.25 — CELV.300.74

CLXXIII. QVOD VTERQVE REVS EST ET QVI FALSVM DICIT VEL CITO DICENTI CREDIT ISIDORI EPISCOPI.

Non solum ille reus est qui falsum de alio profert. sed et his qui aurem cito criminius prebet;

Kerff: 4.175

Source

ISIDORE, Sententiae 3.55.6 (Cazier, 311), last sentence

CLXXV. DE EADEM RE.

Si quis falsum dixerit. uel personam innocentis falso crimine maculauerit. iuxta sacerdotis arbitrium diuturna paenitentia expurgetur;

Kerff: 4.176

cf. Coll.quad. 4.133

Source


CLXXVI. VT NEMO CLERICVS CRIMINALIA IVDICET NEGOTIA NEC PRO IVDICIIS IVSTIS MVNERA ACCIPIT. EX CONCILIO CARTAGINENSE.
Nullus clericorum criminalia presumat. iudicare iudicia. uel more secularium iudicum audeat accipere pro insipiens patrocinis munera; Si qui ista probant admittere: ueluti exactores foenoris aut usurarum possessores: secundum statuta patrum se nouerint degradatos;

*Kerff: 4.177*

Source (to ‘iudicia’) cf. Coll.Dach. 2.26 — CTAR.516.4 | first sentence

Source (from ‘uel more’) Coll.Dach. 2.27 — CTAR.516.10 | partial, abbrev.

**CLXXVII. VT SACERDOTES IN ALIENIS PERICVLIS NON EXISTANT. EX CONCILIO TOLETANO.**

Si quis sacerdotum iudex extiterit ubi discriminis extat [f. 150Br] sententia. uel discussor in alienis fuerit periculis. secundum antiquorum patrum se nouerint degradatos;

*Kerff: 4.178*

Source Coll.Dach. 2.29 — CTOL.633.31 | partial, adapted

Source (secundum ... patrum) unidentified

**CLXXVIII. VT OBLATIONES DEFVNCTORVM RETINENTES EXCOMMVNICATVR. EX CONCILIO VASENSE.**

Hii qui oblationes defunctorum retinet et ecclesiis tradere demorantur: ut infideles ab ecclesia abiciantur: ac sicut gentium necatores. nec credentes iudicium dei habendi sunt;

*Kerff: 4.179*

Source Coll.Dach. 2.59 — CVAI.442.4 | partial, abbrev., adapted

**CLXXVIII. DE HIS QVI OBLATIONES A LiORVM DEFRAVDANT.**

Si quis oblationes aliorum fraudant. ammonendi sunt ut reddant quod fraudulenter; Si autem reddiderint ad expiationem huius peccati secundum arbitrium sacerdotis modumque peccati penitentiam: si uero reddere noluerint usquequo reddant sicut sancta sinodus constituit ab æcclesiastico separantur consortio;

*Kerff: 4.180*

Source unidentified

**CLXXX. DE HIS QVI SVAS VEL PROPINQVORVM OBLATIONES ECCLUSIE FRAVDANT. EX CONCILIO AGATENSE.**

Clerici etiam uel sæculares qui oblationes parentum aut donatas aut testamento relictas retinere persisterint. aut id quod ipsi donauerunt ecclesiis. uel monasteriis crediderint auferendum: sicut sinodus sancta constituit uelut necatores pauperum quosque reddant ab ecclesiis excludantur;

*Kerff: 4.181*

Source Coll.Dach. 2.60 — CAGD.506.4

**CLXXXI. DE CLERICIS QVI IN SEDI TIONE ARMA SVMPSERINT. EX CONCILIO TOLETANO.**

Clerici qui in quacumque seditione arma volentes sumpserint. amisso ordinis sui gradu in monasterio pænitentient contrahatur; {contrahantur corr.}
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Kerff: 4.183
Source Coll.Dach. 3.61 — CTOL.633.45

CLXXXIII. DE CLERICIS QVI IN MVTVAM CAEDEM PRORVMPVNT. EX CONCILIO HILERDENSE.
Si qui clerici in mutuam cedem proruperint. prout dignitas officiorum in tali excessu contumeliam pertulerit a pontifice districtius uindicentur;
Kerff: 4.184
Source Coll.Dach. 3.52 — CLER.546.11

CLXXXIII. DE CLERICIS QVI AD SECVLARIVM DEFENSIONEM CONFVGIVNT PROPTE DISTRICTIONEM.
Id ętiam placuit ut clericus si relictio officio prout distireccionem ad secularem sortem confugerit. et is ad quem recurrerit solacium defensionis inpenderit. eum eodem æcclesié communione pellatur;
Kerff: 4.185
Source Coll.Dach. 3.53 — CAGD.506.8

CLXXXV. DE CLERICIS QVI VSVRAS VEL TVRPIA LVCRA SECTANTVR.
Clericus usuras non accipiat. turpia lucra non sectetur; Si quis inuentus fuerit aliquid tale excogitans abiciatur a clero;
Kerff: 4.186
Source cf. Coll.Arel. 14; CNIC.325.17

CLXXXVI. DE CLER/CIS QVI NEGOTIATIONES INHONESTAS ET TVRPIA LVCRA SECTANT. EX DECRETO ZELASV PÆ.
Quicumque sunt clerici. aut ab indignis qestionibus et ab omnibus quibuslibet negotiationibus ingenio cupiditateque se abstineant: aut in quocumque gradu positi sunt mox a clericalibus officiis abstinere cogantur;
Kerff: 4.187
Source Coll.Dach. 3.45 — DGEL.492.636, c. 15 (ed. Thiel, 371) | partial, adapted

[f. 151r] DE CLERICIS QVI IN NVNDINIS ET FORO DEAMBVLANTIBVS. EX CONCILIO CARTAGINENSE.
Clericus qui non pro emendo aliquid in nundinis uel fore deambulat ab officio suo degradet;
Kerff: 4.188
Source Coll.Dach. 3.63 — SEA 34 (= Carthage IV, 48)

CLXXXVIII. DE CLERICIS. EX CONCILIO CARTAGINENSE.
Clericus maledicus maxime qui in sacerdotibus cogatur ad postulandum ueniam: si noluerit degradetur ne unquam ad officium absque satisfactione reuocetur;
Kerff: 4.189
Source Coll.Dach. 3.65 — SEA 44 (= Carthage IV, 57)

CLXXXIX. DE CLERICIS IVRANTIBVS.
Clericus iurans excommunicandus.
Kerff: 4.190
Source Coll.Hib.A 10.t — cf. SEA 74 (= Carthage IV, 61)

CXC. ITEM VNDE SVPRA EX CONCILIO CARTAGINENSE.
Clericum per creaturas iurament acerrime obiurgandum. et si persistenter in utio excommunicandum;
Kerff: 4.191
Source Coll.Dach. 3.71 — SEA 74 (= Carthage IV, 61)

CXCI. DE CLERICIS S CyrITIBVS EX EODEM CONCILIO.
Clericos securiles et uerbis turpibus ioculares. ab officio detrahendos; Si quis clericus aut monachus uerba scurrilia. iocularia. risumque mouentia loquitur. acerrime corripiatur;
Kerff: 4.192–93
Source (to 'detrahendos') Coll.Dach. 3.35 — SEA 73 (= Carthage IV, 60)
Source (from 'si quis') unidentified

CXCII. DE CLERICIS SCVRITIBVS EX EODEM CONCILIO
CARTAGINENSE.
Clericos inter epulas cantantes ab officio detrahendos.
Kerff: 4.194
Source Coll.Dach. 3.70, partial, adapted — SEA 73, 75 (= Carthage IV, 60, 63), partial, combined

CXCIII. DE CLERICIS ADOLATORIBVS ET PRODITORIBVS EX CONCILIO
CARTAGINENSE.
Clericos qui adolationibus et proditionibus uacare deprehenditur degradetur ab officio;
Kerff: 4.195
Source Coll.Dach. 3.68 — SEA 43 (= Carthage IV, 56)

CXCIII. VT SACERDOTES. ET LEVITÆ. CANES AD VENANDVM. ET ANCIPITRES NON HABEANT. EX CONCILIO AGATENSE.
Episcopus. presbiter. diaconi. ad uenandum. canes aut ancipitres [f. 151v] habere non liceat
{licet corr.}: quod si quis talium personarum in hac uoluntate detentus fuerit. si episcopus est tribus mensibus se a communione suspendat: presbiter duobus mensibus abstineat: diaconus.
uno. ab omni officio uel communione cessabit;
Kerff: 4.196
Source Coll.Dach. 3.87 — CEPA.517.4 (= CAGD.506.55)

CXCV. VT CLERICIS NEC VESTIMENTIS NEC CALCIAMENTIS QVÆRANT DECOREM. EX CONCILIO CARTAGINENSE.
Clericus professionem suam etiam habuit et incessu probet. Ideo nec uestimentis querat decorem;
Kerff: 4.197
Source Coll.Dach. 3.69 — SEA 26 (= Carthage IV, 45) | abbrev.

CXCVI. VNDE SVPRA.
Si quis uestimenta uel calciamenta ita compoite utitur: ut studeat decorem inde aliquem capere.
et ob hoc ea non usus causa utitur sed decoris. ammoneatur ut declinet ab huiusmodi uitio hominibus placendi. si autem noluerit æcleesiasticis corripiat correctionibus;
Kerff: 4.198
Source (to placendi) BEN.AN. Cod.reg. 144 (eds Holste–Brockie, 98), partial — BASIL–RVFINVS Regula, 144 (ed. Zelzer, 171) | abbrev., adapted
Source (from si autem) unidentified

CXCVII. DE CLERICIS ALIENA PREDIA LVCRAQVE TVRPRIA AC SECVLARIA NEGOTIA CONDVCTIBVS.
Non oportet episcopum. aut clericum. uel monachum aliena predia conducere aut lucra turpia sollicitari aut securialia negotia sub cura et prouidentia sua suscipere. preter pupillorum. orfanorum ac uiduarum: sicut sancta calcidonensis sinodus constituit; Si quis hæc transgressus fuerit ecclesiasticis increpationibus subiacebit;

CXCIII. VT NVLLVS CLERICVS AVT MONACHVS SECULARIBVS COMM uncINENT NEGOTIIS.
Apostolus paulus dicit. Nemo militans deo implicet se negotiis {f. 152r} securialibus {2 Tim 2:4}; Et ideo si quis clericus securialia communicat negotia: quæ pertrahunt ad peccatum: aut monachus. æcclesiasticia ciuiliaque conturbans negotia. et cætera quæ dicta sunt in sancto calcidonensi concilio 44 ausus fuerit transgredi excommunicetur;

CXCIX. VT CLERICVS NEC SVO NEC ALIENO NOMINE FOENVS EX ERCET. EX DECRETIS LEonis PÆ.
Illud etiam diximus premouendum. ut sicut non suo. ita non alieno nomine aliquid clericorum exercere nonus non ademptet;

CC. DE EMENDIS VEN DEMISQVE REBVS CLERICORVM. EX CONCILIO TARRACONENSE.
Quodcumque in clero esse ualuerit emendii ulius. uel uendendi carius studio non utatur. certe si hoc uoluerit exercere cohibeatur a clero;

CCII. VT NEMO EX DATIONE PÆCVNIÆ AD SACRVVM ORDINEM AVDEAT ACCEDERE. EX EPISTOLA GRE covriI PÆ.
Nemo ad sacram ordinem ex datione pæcuniæ uel quorundam patrocinio personarum. seu proximitatis accedat: sed ille ad episcopatus uel alterius sacri ordinis officium eligatur. quæ dignum uita et mores ostent{f. 152v}derit; Si quis autem ancimoniacam heresem. id est et spiritum sanctum qui omnia redemit uenundare quod est grauisimus ultra quam dici potest facinus ausus fuerit. secundum antiqua canonum decreta damnetur;

44 Cf. CCHA.451.3.
CCIII. DE HIST QVI EX DATIONE PÆCVNŁE ORDINANT AVT ORDINANTVR ET DE HVII/S LVCRI MEDIATORE. EX CONCILIO CALCIDONENSE.

Si quis episcopus per pecunias episcopum. aut presbiterum. aut diaconum. uel quemlibet ex his qui connummerantur in crlo ordinauerit in per promoverit per pecunias dispensatorem aut defensorem: uel quemquam qui subjectus est regule pro suo turpissimo lucri commodo. is cui hoc adeptanti probatum fuerit proprii gradus periculo subiacebit: et qui ordinatus est nihil ex hac ordinatione uel promovitione quem est per negotiationem facta proficiat: sed sit alienus ea dignitate uel sollicitudine quam pecunii quiesciu; Si quis uero mediator tam turpibus et nefandis datis uel acceptis exitterit. Si quidem clericus fuerit proprio gradu decidat. Si uero laicus aut monachus anamathematisetur;

Kerff: 4.205
Source cf. Coll.Dach. 3.11245 — CCHA.451.2 (Dion.II), abbrev.

CCIII. DE ABBATIBVS QVI DONO VEL VENALITATE ALIQVA ORDINANTVR.

Abbas monachorum non extraneus nisi de eadem convulsione quem sibi congregatio propria uoluntate elegerit. ut regule antiquorum patrum decernunt ordinetur; [f. 153r] Hæc autem ordinatio sine dono uel aliqua venalitate fiat; Si autem de suis ad hoc officium aptum nequiem inuenire: de alis monasteriis eligit sibi secundum timorem dei abbatem; Si quis autem ex datione pecuniae uel aliqua dolositate a nefandissima ambitione ad hanc prelationem peruenierit. ab hoc officio abstrahatur et in monasterio sub regulari auctoritate uiuere conpellatur;

Kerff: 4.206

Source cf. Coll.quad. 4.335
Source (to eligant sibi) DGRE.590.1504 (ed. Norberg, 536–37, lines 24–8), adapted
Source (ut regulæ ... decernunt) unidentified
Source (from secundum timorem) unidentified

CCV. QVALITER INDIGNVS ABBAS A SVO SEPERATVR OFFICIO.

Si quis autem abbas caudus in regimine et humilit. castus. sobrius et misericors. discretus non fuerit: ac diuina precepta uerbis. et exemplis. non ostenderit: ab episcopo in cuius consistit territorio. et a uicinis abbatibus et caeteris deum timentibus a suo auctoritate habere uoluerit;

Kerff: 4.207

Source SMARAG. Exp in reg.S.Ben. 64.1–6 (eds Spannagel–Engelbert, 313, line 7–p. 314, line 2), partial, abbrev., adapted

CCVI. DE ABBATIBVS STATVTA VEL DECRETA PATRVM REGVLAMQVE MONASTICAM PREVARIANTIBVS. EX STATVTA PATRVM.

Si exstiterit abbas diuinis iussionibus preuarius regule que sancte contemperator. ab episcopo ciuitatis cum consensu abbatam aliortumque. monachorum timentium deum honore abbatis priuetur Conuenit enim episcopum ciuitatis ut sancta et magna sinodus calcidonensis decreuit competetem monasteriorum prouidentiam gerere;

Kerff: 4.208

Source cf. Coll.quad. 4.216

45 Coll.Dach. 3.112 adds choreiscopum to the list of ecclesiastics in the first sentence.
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Source (to priuetur)  unidentified, but cf. SMARAG. Exp.in reg.S.Ben. 64.4–6 (eds Spannagel–Engelbert, 313–14)
Source (from convent) CCHA.451.4, last sentence

CCVII. QVALITER EPISCOPVS AD MONASTERIVM ACCEDAT GREGORII PAPÆ.
[f. 153v] Visitandi exhortandiique gratia ad monastrium quosque placuerit ab antestite ciuitatis accedatur. sed sic caritatis officium illic impleat episcopus. ut grauamen aliquod monasterio non incurrir {uel a (i.e. uel incurrat) gl. sup. lin.}.
Kerff: 4.209
Source  DGREG.590.1504 (ed. Norberg, 537, lines 55–8)

CCVIII. DE OMNIBVS ÆCCLESIE DEI PRELECTIS EX STATVTÆ BASILII
EPISCOPI.
Si qui preest aut cuiquam quod a domino prohibitum est facere iussisset. uel quod preceptum est preterierit. Sancti pauli apostoli sententia ingendra est. ei dicentis: ciam si angelus de celo euangelizauerit ubis preter quam quod euangelizauimus uobis anathema sit {Gal 1:8};
Kerff: 4.210

CCVIII. DE EADEM RE.
Si quis prohibet nos facere quod a domino preceptum est. uel rursum imperat fieri quod dominus fieri prohibet execrabilis sit ab omnibus qui diligunt deum;
Kerff: 4.211

CCX. DE EADEM RE.
Is qui preest si preter voluntatem dei uel preter quod in sanctis scripturis uidewter precipitatur. uel dicit aliud quod uel imperat: tamquam falsus testis dei {cf. 1 Cor 15:15} aut sacrilegus habeatur;
Kerff: 4.212
Source  BENAN. Cod.reg. 15 (eds Holste–Brockie, 79), partial — BASIL–RFINVS Regula, 15.int.–2 (ed. Zelzer, 64) | adapted

CCXI. VT PERPETVA SIT MONASTERII CONSECRATIO. EX CONCILIO
CALCIDONENSE.
Quæ semel deo sacrata sunt monasteria secundum episcoporum consensus oportet in perpetuum monasteria nuncupare. et eorum res monasteriiis reseruari; Si qui uero hoc fieri preterimserint canonicis interdictis subiaceant;
Kerff: 4.213
Source  CCHA.451.24 (prisca), abbrev.

CCXII. DE MONACHIS AD CLERICATVS. ORDINEM PERVENIENTIBVS. EX
EPISTOLA INNOCENTII PAPÆ.
[f. 154r] De monachis qui diu morantes in monasteriis postea ad clericatus ordinem peruenire nituntur: non debere eos a priori proposito deuiare; Aut enim sicut in monasterio fuit et quod diu seruauiit in meliore gradu positus. amittere non debet: aut si corruptus postea fuerit in monasterio et ad clericatus ordinem accedere voluerit: uxorem omnino habere non poterit. quia nec benefici cum sponsa potest ciam corruptus;
Kerff: 4.214
Source  DINN.401.286, c. 13 (ed. Coustant, cols 753C–54A)
CCXIII. VNDE SVPRA.
Quisquis ex religione monastica ad ecclesiasticum ordinem peruenit. regularem quam in monasterio conversationem seruauit omittere non debet: sed multo magis sanctis monitis et exemplis in meliore gradu positus. sanctiorem uitam in cunctis regularibus actis ostendat; Sin autem aliter fecerit canonicis subdatur correctionibus;
Kerff: 4.215
Source unidentified, but cf. BEN. Regula, 62 (ed. Hanslik, 158–59)

CCXIII. DE HORE MONACHIS CONPENTE ET VT NVLLVS EORVM TEMPTET AECCELSIASTICA ANTE SECULARIA INQVETARE NEGOTIA NEC ALIENVM SERVVM PRETER CONSCIENTIAM DOMINI EIVS SVSCIPERE. EX CONCILIO CALCINENSE.
Qui uere et sincere singularem sectantur uitam competerent honorentur; Quoniam uero quidem utentes habitu monachi ecclesiastica negotia ciuiliaque conturbant. circumeuntes indifferenter urbes nec non et monasteria sibi [f. 154v] instituere temptantes. placuit nullum quidem umquam ædificare aut constituere monasterium uel oratorii domum preter conscientiam ciuitatis episcopi; Monachos uero per unquamque ciuitatem aut regionem subiectos. esse. episcopo: et quiuetem diligere. et intentos. esse. tantummodo ieiunio. et orationi. in locis quibus ne nuntiauerunt seculo permanentes; Nec ecclesiasticis uero nec secularibus negotiis communicent. uel in aliquo sint molesti propria monasteria deserentes. nisi forte his precipiatur propter opus necessarium ab episcopo ciuitatis; Nullum uero recipere in monasteriis seruus obtentu monachi preter sui domini conscientiam; Transgredientem uero hanc diffinitionem nostram excommunicatione esse decreuimus. ne nomen dei blasphemetur; Verumtamen episcopum ciuitatis conuenit competerent monasteriorum prouidentiam gerere;
Kerff: 4.216
Source Coll. Dach. 3.147 — CCHA.451.4 (Dion. II)

CCXV. DE MONACHIS QVI AVT MILITARE COEPERINT. AVT VXORES ACCEPERINT. EX EPISTOLA LEonis PApAE.
Propositus monachi proprio arbitrio aut uoluntate susceptum deseri non potest alioqu peccato; Quod enim quis uouit deo reddere debet; Vnde qui relicta singularitatis professione ad militiam uel ad nuptias deuolutus est publice penitentiae satisfactione purgandus est; quia [f. 155r] etsi innocens sit militia et honeste esse coniugium. electionem meliorum deseruisse transgressio est;
Kerff: 4.217
Source DLEO.440.544, c. 14 (PL 54, cols 1207B–08A)

CCXVI. DE VOTIS MONACHORVM AC VIRGINVM PREVARICANTIBVS. EX46 EPISTOLA SIRICI PAPE.
Igitur inpudicas detestable quae personas monachorum scilicet atque monacharum. quae abyecto proposito sanctitatis inlicita ac sacrilega se contagione miscuerunt: a monasteriorum etu æecclesiarumque conuentibus elimandas esse mandamus: quatenus restrusi in suis ergastulis tantum facinus continua lamentatione deflentes purificatorio possint poenitudinis igne decoquet:

46 EX EPISTOLA] EXPL MS
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ut eis *uel* ad mortem saltim solius misericordiē intitu uel communionis gratia possit indulgentia subuenire;

Kerff: 4.218

Source Coll. Dach. 1.48 — DSIR.384.255, c. 7 (ed. Coustant, col. 629B–D) | abbrev., adapted

**CCXVII. **VT *SANCTIMONIALES SI DE MONASTERIO EXIERINT ET INCESTA FOEDERA* *SE MISCERVERINT AB EPISCOPO IN MONASTERIO REVOCENTVR SVB PONITENTIA RETRUDVANTVR.* EX EDICTIS GREGORII PAPÆ.

Peruenit ad uos quod quidam uir nequissimus diaboli instinctu de monasterio suaserit exire quandam deo sacratam: atque a quodam uiro unde exierat sit reuocata: rursusque eam uir ille nequissimus iniqua suasione de monasterio eiciens apud se nunc usque retineat inpudice;

Volumus autem ut episcopatus tui auctoritate in monasterio reuocetur ac retrudatur;

Kerff: 4.219

Source DGRE.590.1770 (ed. Norberg, 828–29, lines 5–11) | partial, adapted

**CCXVIII. **DE SACRIS VIRGI[f. 155v]NIBVS ET HIS QVI EIS SOCIANTVR INPLICITE EX DECRETIS GELASII PAPÆ.

Virginibus sacris se quosdam sociare cognouimus. et post dicatum propositum incerta foedera sacrilegaque miscere. quos proinus æquum a sacra communione detrudi: et nisi per publicam priuatamque pænitentiam non recipi: nisi certe uiaticum de seculo transeuntibus si tamen penituerint denegari;

Kerff: 4.220

Source DGEL.492.636, c. 20 (ed. Thiel, 373–74)

**CCXIX. **DE CONSECRATIONVM SENTENTIA BASILII EPISCOPI.

Firma autem tunc erit professio uirginitatis ex quo adulta iam etas esse coeperit. et ea quæ solet nuptiis apta deputari ac perfecta;

Kerff: 4.221

Source BEN. AN. Cod.reg. 7 (eds Holste–Brockie, 74), partial — BASIL–RVFINVS Regula, 7.3 (ed. Zelzer, 39)

**CCXX. **VNDE SVPRA.

Ita placuit ut ante. XXV. annos ætatis nec diaconus ordinetur nec uirgines consecrentur;

Kerff: 4.222

Source Coll. Dach. 3.79 — CCAR.397.1b (= Carthage III, 4, partial; CCAR.419.16d)

**CCXXI. **DE TEMPORIBVS IN CONSECRATIONE VIRGINVM CONSTITVTIS. EX EPISTOLA GELASII PAPÆ.

Deuotis quoque deo uirginibus nisi aut in epiphania: aut in albis paschalibus: aut in apostolorum nataliciis sacram minime uelamen inponant: nisi forsitan sicut de batismate dictum est. graui languore correptis. ne sine hoc munere de seculo transeant implorantibus non negetur;

Kerff: 4.223

Source DGEL.492.636, c. 12 (ed. Thiel, 369)

**CCXXII. **DE VIDVIS. CVIVS SVPRA.

Viduas autem uelare pontificum nullis adtemptet quod nec auctoritas diuina deligat: nec canonum forma prestituit;

Kerff: 4.224

Source DGEL.492.636, c. 13 (ed. Thiel, 369–70), partial
CCXXIII. DE INFANTIBVS QVI OFFERVINVTUR BASILII EPISCOPI.
[f. 156r] Oportet tamen infantes cum ululantate et consensu parentum immo ab ipsis parentibus obligatos sub testimonio plurimorum suscipi: ut omnis occasio maledicti gratia excludatur omnium pessimorum;
Kerff: 4.225
Source

SMARAG. Exp.in reg.S.Ben. 59.2 (eds Spannagel–Engelbert, 299, lines 26–8); BEN.AN. Cod.reg. 7 (eds Holste–Brockie, 74), partial — BASIL–RYFIN'S Regula, 7.4 (ed. Zelzer, 39)

CCXXV. DE ALB. VIETALE VIETHABITVM RELIGIONIS TENVERVNT. EX CONC/LIO TOLETOAN.
Si in qualibet minori ætate uel religionis tonsuram uel religioni debita uestem in utroque sexu filios aut unus aut ambo parentes dederint: certe aut nolentibus aut nescientibus se suspicatur; non mox uisam in filiis abdicauerint. sed uel coram se uel coram ecclesia palamque in conuentu eodem filios talem habere permiserint ad secularem reuerti habitum ipsius filiis quandoque poenitus non licebit: sed conuicto quod tonsuram aut religiosam uestem aliando habuerint mox ad religionis cultum habuimusque reuocentur. et sub strenua distributione huius sanctæ observantiae inseruere cogantur; Parentibus sane filios suos religionis contra[f. 156v]dicere non amplius qua videntur. qui in ministerio templi quo ab a matre fuerat functus par mansurum;
Kerff: 4.226
Source

SMARAG. Exp.in reg.S.Ben. 59.2 (eds Spannagel–Engelbert, 300, lines 4–8); BEN.AN. Cod.reg. 4 (eds Holste–Brockie, 189, Isidore’s rule), partial

CCXXVI. VT LAICI CONTEMPTORES CANONVM EXCOMMVNICENTVR CLERICI HONORE PRIVENTVR. EX CONC/LIO CARTAGINENSE.
Si quis uero canonica statuta suppergessus corruperit uel pro nihilob habenda putauerint. Si laicus est communione. Si clericus honore priuetur;
Kerff: 4.227
Source

Coll.Dach. 3.73 — CTOL.656.6 | partial

CCXXVII. DE EADEM RE. LEONIS PAPÆ.
Si quis fratrum contra hæc canonica statuta uenire temptauerit. et prohibita fuerit ausus admittere: a suo se nouerit officio submouendum. nec communionis nostræ futurum esse consortem: qui socius esse noluit disciplinæ;
Kerff: 4.229

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47 The relevant part of Isidore’s Regula is not printed by Campos, who believes it to be an interpolation based on CTOL.633.49; cf. Reglas monásticas, eds. Campos–Roca, 95 n. to line 89.
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Source Coll.Dach. 3.26, partial — DLEO.440.402, c. 5 (ed. Wurm, 92, lines 3–7)

**CCXXVIII. DE EADEM RE.**
Omnia quę de ecclesiasticis ord nibus et canonum promulgata sunt disciplinis. Ita ut uestra dilectio custodiri deberet mandamus. ut si quis in illa commiserit ueniam sibi deinceps nouerit denegari;
Kerff: 4.230


**CCXXVIII. VT EPISCOPI OMNESQVE CLERICI ANTEQVAM ORDINENTVR CANONES AGNOSCAT NE QVID [f. 157r] CONTRA CANONES FACIANT. EX CONCILIO CARTAGINENSE.**
Ita placuit ordinandis episcopis uel clericis. prius ab ordinatoribus suis decreta conciliorum auribus eorum inculcentur ne se aliquod contra statuta concilii fecisse poeniteat;
Kerff: 4.231

Source Coll.Dach. 3.135 — Reg.eccl.Cart.exc. 18a; Carthage III, 3 (cf. CCAR.397.2)

**CCXXX. VT NVLLI SACERDOTVM SVOS LICEAT CANONES IGNORARE. EX EPISTOLA CALESTI PAPÆ.**
Nulli sacerdotum suos liceat canones ignorare. nec quicquam facere quod patrum possit regulis obuiare;
Kerff: 4.232

Source PHAL.800.5.16 — DCEL.422.371, c. 1 (ed. Coustant, col. 1072C), partial

**CCXXXI. DE EADEM RE. EX DECRETIS LEONIS PAPÆ.**
Ne excusatio de ignoratione nascatur: numquam enim ignorare licet sacerdotem quod canonum regulis fuerit desinitim;
Kerff: 4.233

Source Coll.Dach. 3.25 — DLEO.440.402, c. 2 (ed. Wurm, 89, lines 22–4) | partial

**CCXXXII. VT STATVTA CANONVM FREQVENTER REVOLVANTVR AGVSTINI EPISCOPI.**
Vt autem uos in hoc libello tamquam in speculo positi inspicere ualeatis: ne per obliuionem aliquid neglegatis. frequenter uobis legatur;
Kerff: 4.234

Source SMARAG. Exp.in reg.S.Ben. 66.8 (eds Spannagel–Engelbert, 325, lines 10–12); BEN.AN. Cod.reg. 24 (eds Holste–Brockie, 352), first sentence — AVG. Praec. 8.2 (ed. Verheijen 437, lines 240–42)

**CCXXXIII. VNDE SVPRA AVRELII EPISCOPI.**
Ne per obliuionem aliquid necglegatis. semel ea in. XXX diebus relegite. id est in kalendis;
Kerff: 4.235

Source SMARAG. Exp.in reg.S.Ben. 66.8 (eds Spannagel–Engelbert, 325, lines 17–18); BEN.AN. Cod.reg. 55 (eds Holste–Brockie, 152), last sentence — AVREL. Reg.ad monach. 55.2 (ed. Schmidt, 256)
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CCXXXIII. DE HISO QVI COMMITTNTN INLICITA AVT A DECESSORIBVS INVENIUNT AMMISSA. EX DE\textsuperscript{48} CONCILIO HILARII EPISCOPI.
Quisquis inlicitor\textsuperscript{um} consecator extitit factum suum ipse dissoluat: et quod commisit inlicitae, aut a decessoribus inuenit ammissum. Si proprium periculum uult uitare damnaabit; Nos enim in nullo oloorum seuereitatem [f. 157v] ultiones exercere: sed qui in causis dei contumacia uel delicto delicerit. aut ipse quod perperam fecit abolerne noluerit. in se quicquid in alio non resecauerit inueniet; Kerff: 4.236
Source Coll.Dach. 3.7 — CROM.465.2 (ed. Thiel, 161) | partial

CCXXXV. DE CANONVM PREVARICATORIBVS EX CONCILIO CARTAGINENSE.
Si quis canonum decretorum temerator extiterit: sciat se status sui operatum fuisse iacturam; Kerff: 4.237
Source CCAR.397, ep.Aurel.et Miz. (ed. Munier, 28–9, lines 13–14)

CCXXXVI. DE VINDICTA EORVM QVI CONTRA CANONES FACIVNT. EX CONCILIO NICENO.
Si quis vero preter hae facit tamquam contraria statutis sanctis. hius concilii gerens ætiam ipse de statu sui ordinis periclitabitur; Kerff: 4.238
Source CNIC.325.2 (versio Isidori), partial

CCXXXVII. DE HISO QVI PECCANTE DEFENDVNT. EX STATVTIS SANCTI COLUMBANI EPISCOPI.
Defendere proximum uel consanguineum aut quemlibet peccantem contra iustitiam nullo modo permittimus; Kerff: 4.239
Source SMARAG. Exp.in reg.S.Ben. 69.4 (eds Spannagel–Engelbert, 330, lines 3–4); BEN.AN. Cod.reg. 23 (eds Holste–Brockie, 403, Waldepert’s Rule, perhaps drawing on a lost work by Columbanus), first sentence

CCXXXVIII. DE EADEM RE BASILII EPISCOPI.
Qui consentit peccantibus et defendit alium delinquentem maledictus erit apud deum et homines et corripietur increpatione seuerissima; Hinc et quidam sanctissimus pater ait: si quec peccantem defenderit acrius quam ille qui peccavit coherceatur; Hinc et alius pater ait. si quis errori alterius consenserit: sciat se cum illo simili modo culpabilem iudicandum; Kerff: 4.240
Source SMARAG. Exp.in reg.S.Ben. 69.1–4 (eds Spannagel–Engelbert, 329, line 17–p. 330, line 2), abbrev. Source (hinc et quidam ... coherceatur) unidentified, but cf. SMARAG. Exp.in reg.S.Ben. 69.2–4 (eds Spannagel–Engelbert, 329, line 26)

CCXXXIX. DE HIS ADVERSVM ALTERVM MANVS INICERE AVT CEDERE PRESVMVNT. EX EDICTIS BEATI AVRELIANT. \{sic\} [f. 158r]
Frater in fratrem si ausus fuerit manum mittere legimebat disciplinam accipiatur; Kerff: 4.241

\textsuperscript{48} DE CONCILIO] DECL MS
CCXL. DE EADEM SANCTI FERIOLI.
Clericus aut monachus in alterum inflammatus quod est turpissimum manum incere non presumat: praeter illos ad quos pertinet correctio; Si quis hac transgressus fuerit disciplinis canonices subiacebit;
Kerff: 4.242
Source
SMARAG. Exp.in reg.S.Ben. 70.2 (eds Spannagel–Engelbert, 330, lines 23–4); BEN.AN. Cod.reg. 13, (eds Holste–Brockie, 150) — AVREL. Reg.ad monach. 13 (ed. Schmidt, 244–45)

CCXLII. DE CLERICIS FVGITIVIS LEONIS PAPÆ.
Transfugam clericum uel monachum ad ecclesiam suam si intra prouinciam est metropolitanus redire compellat: si autem longius recessit tuu precepti auctoritate reuocabit. ut nec cupiditati nec ambitioni occasio relinquatur;
Kerff: 4.243
Source
Coll.Dach. 3.29 — DLEO.440.411, c. 9 (PL 54, col. 674B) | partial, adapted

CCXLIII. VT NEMO ALTERIVS CLERICVM AD HABITANDVM SVSCIPIAT SINE VOLVNTATE PRELATI. EX STATVTIS PATRVM.
Non licebit alterius clericum siue monachum sine uoluntate eius qui preest patris recipere. non solum recipere sed nec uidere oportet quia scriptum est quod tibi non uis alii ne feceris {cf. Tb 4:16};
Kerff: 4.245
Source
SMARAG. Exp.in reg.S.Ben. 29.3 (eds Spannagel–Engelbert, 233, lines 23–3); BEN.AN. Cod.reg. 20 (eds Holste–Brockie, 160), last sentence — FERR. Regula, 20.9 (ed. Desprez, 135) | adapted

CCXLIII. ITEM BEATI FERIOLI.
Monachum omnino siue clericum alterius ioci uel monasterii recipi sub qualibet causa nolumus. interdicitur. [f. 158v] prohibimus. prospiciientes talia studio caritatis ne nouum sorte de {sorde corr.} scandali surgente inducat. dicit enim scriptura. quicquid tibi non uis alii ne feceris {cf. Tb 4:16};
Kerff: 4.246
Source
SMARAG. Exp.in reg.S.Ben. 61.14 (eds Spannagel–Engelbert, 19–21); BEN.AN. Cod.reg. 13 (eds Holste–Brockie, 13), partial — Reg.IV patr. 4.4–5 (ed. de Vogüé, 198–200) | adapted

CCXLV. VT NVLLIS ALIENV CLERICVM SOLICITARE VEL TENERE PRESVMAT SVO EPISCOPO NON PREBENTE CONSENSVM. EX DECRETIS LEONIS PAPÆ.
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Alienum clericum sine consenso episcopi ipsius nemo suscipiat. nemo sollicitet: nisi forte ex placo caritatis id est ut inter dantem accipientemque conueniat;
Kerff: 4.247
Source Coll.Dach. 3.29 — DLEO.440.411, c. 9 (PL 54, col. 674B) | partial

CCXLVI. VT DE ALIENO MONASTERIO SVSCEPTOS NEC PREPOSITOS MONASTERII NEC CLERICOS LICEAT ORDINARE. EX CONCILIO AFRICANO.
Item placuit ut si quis de alterius monasterio repertum uel ad clericatum promouere voluerit. uel in suo monasterio maiorem monasterii constituerit: episcopus qui hoc fecerit excommunicationis hoc faciat; Si uero intra annum caeterorum communione contentus sit. et ille neque clericus neque prepositus perseueret;
Kerff: 4.248
Source Coll.Dach. 2.50 — Reg.eccl.Cart.exc. 80; Carthage V, 13

CCXLVII. QVALEM SVSINEAT VINDICTAM HIS QVI FVGAM ALTERIVS AGNOVERIT. SI NON STATIM PRODIDERIT. IN STATVTIS PATRVM.
Si quis eum qui distinctionem ecclesiasticam non ferens fugam meditatur agnouerit: si non statim prodiderit proditionis illius participem se esse non dubitet. et tamdui est a conuentu fratrum sequestrandus. quamdiu [f. 159r] ille ualeat reuocari;
Kerff: 4.249

CCXLVIII. DE EO QVI PECCATVM ALTERIVS CONSENTIT.
Beatissimi et antiquissimi patres. paulus. stephanus. de hac re in suis statutis ita scripsurunt: Si quis alterum in quacunque parte uiderit inlicitum quicquam uel sermone uel opere facientem. et priori distulerit publicare. cognoscat se nutritore esse peccati: et per omnia eaquelem peccati: quia et animq suq et illi est quem {tegit add. sup. lin.} durissimus inimicus; Ex hoc apud deum qui mala odit et apud cunctam fraternitatem execrabilis et infidelis habelitur: quia per habundantiam malitie noluit prodere ut corrigere potuisset errantem: et odio disciplinæ dilexit malitiam. et adstitit omni uiq non bonæ {cf. Ps 35:5};
Kerff: 4.250

CCXLIX. DE EAEM RE BASILII EPSICOPI.
Qui alterius consentit peccato reus. esse. perpenditur: ideaque ut dignum est non abscedat inpunis. sed cum eo cui consentit contrahat poenam;
Kerff: 4.251
Source BEN.AN. Cod.reg. 121 (eds Holste–Brockie, 94), partial, abbrev. — BASIL–RVFINVS Regula, 121.int., 4 (ed. Zelzer, 147) | adapted

CCL. DE HIS QVI EXCOMMVNICATIS SINE LICENTIA IVNGVNTVR. EX INSTITVTIS CASSIANT.
Si quis autem pro qualibet culpa sua fuerit ab oratione suspensus. nullus cum eo orandi aut loquendi habeat licentiam. antequam supplicanti ei uenia a priore tribuat: Nam qui se orationi uel confabulationi eius antequam a priore recipiat nec considerata piêtate sociare presupserit.
Appendix IX

[f. 159v] similis dampnationi eius efficiatur. tradens semetipsum voluntarię satanę. cui ille secundum apostoli sententiam pro sui reatus emendatione fuerat deputatus; Et in hoc grauius peccat quis est. ipsi coniungit. quia solacium ei tribuens eius amplius facit indurari: et non permittit eum pro hoc quod ab oratione fuerat segregatus de satisfactione sua et uenia cogitare. sed maiorem superbię somitem et contumacię delinquentię nutrit in peius;

Source


CCLI. VT SVPRA BASILII EPISCOPI.
Cum excommunicato neque orare. neque loqui. neque uesi cuique licebit;

Kerff: 4.252

Source


CCLII. VT SVPRA.
Si quis frater aut palam aut absconse cum excommunicato fuerit allocutus aut iunctus. communem statim cum eo excommunicationis contrahat penam;

Kerff: 4.254

Source


CCLIII. DE HIS QVI MERITO FACINORVM SVORVM AB AECCLESIAE CONGREGATIONE {CONGREGATIONE corr.} PELLVNTVR. EX CONCILIO CARTAGINENSE.
Agustinus episcopus legatus prouincię numidię dixit. hoc statuere dignamin: ut si qui forte merito facinorum suorum ab ecclesia pulsi sunt. et siue ab aliquo episcopo uel presbitero fuerint in communione suscepti: etiam ipse cum eis pari crime teneatur obnoxious. refugientes suis episcopis regulare iudicium; Ab uniuersis episcopis dictum est omnibus placet;

Kerff: 4.255

Source

Coll.Dach. 2.11 — CCAR.419.9

CCLIII. FRVCTVOSI EPISCOPI.
[f. 160r] Cum excommunicato nullus loquatur. neque quelięt cum eo conpassus eum uel miserationem refoueat. neque eum ad contradictionem uel superbiam confortare presumat;

Kerff: 4.256

Source

BEN.AN. Cod.reg. 14 (eds Holste–Brockie, 205), partial — FRVCT. Regula, 13 (ed. Campos, 152, lines 271–74)

CCLV. DE HIS QVI COMMVNICANT INCOMMVNICATIS. EX CONCILIO ANTICENSE {ANTIICENSE corr.}.

49 Note that Holste did not include Cassian’s Regula in his edition, though it is found in manuscripts of Benedict’s Codex regularum.

50 Campos’s text differs somewhat here from Benedict’s.
Non autem liceat communicare incommunicatis. {id est excommunicatis gl. sup. lin.} neque per domus ingredi et cum eis orare. quia ecclesiæ in oratione non participant: nec in alteram æcclesiæ recipi. qui ab alia excommunicauntur; Quod si iisum fuerit cuilibet episcoporum. uel presbiterorum. aut diaconorum. uel etiam qui in canone detinentur. incommunicatis communicare. et hunc oportet communiione priuari tamquam æcclesiæ regulam confundenter; Kerff: 4.257
Source CANT.328.2 (Isidori), partial

CCLVI. NEMINEM A SACERDOTE DE LEVIBVS CAVIS DAMPNANDVM. EX CONCILIO AVRELIANENSE.
Nullus sacerdotum quemquam recte fidei hominem pro paruis et leubus causis communione suspendat: praeter eas culpas pro quibus antiqui patres ab æcclesia arcere iusserunt committentes; Kerff: 4.258
Source CORL.549.2

CCLVII. VT NON TEMERE QVÆMQVAM COMMVNIONE PRIVETVR. EX CONCILIO CARTAGINENSE.
Quamdiu excommunicato non communicauerit suus episcopus eidem episcopo ab aliis non communicetur episcopis: ut magis caueat episcopus. ne dicat quodquam quod aliorum documentis conuenire non potest; Kerff: 4.259
Source Coll.Dach. 2.9 — Reg.eccl.Cart.exc. 133; Carthage VII, 5, last sentence

CCLVIII. VT QVÆLIBET CAVSÆ IN COMMVNIS FRAÁTRVM [f. 160v] VENTILETVR. AC PERSCRVTETVR CONVENTV: NE MALITIA PRIORIS INNOCENS IVNIOR OPPRIMATVR. SANC/Á FRVCTVOSI EPISCOPI.
Quilibet causa in conuentu communis fratrum est ventilanda. et iuste ac subtiliter perscrutanda: ne fortasse dolositate et malitia senioris innocens iunior opprimatur; Rectori iuxta personarum acceptionem non liceat iudicare. neque aliquem fraudulenter uel iniuste dampnare: sed ut dictum est spiritualiue. uel urdodicorum fratrum huiuscemodi rebus est talis tradenda. et retinenda sententia: qui sibi dei iudicium ponentes pre oculis. non permittant pessime opprimere animam innocentis; Kerff: 4.260
Source BEN.AN. Cod.reg. 14 (eds Holste–Brockie, 205), partial — FRVCT. Regula, 13 (ed. Campos, 152, lines 274–81)

CCLVIII. VT NVLLVS {NVLLVS cancell.} NIHIL RECTOR SINE FRAÁTRVM SVORVM CONSILIO FACIAT.
Scriptum est enim omnia fac cum consilio et post factum non pœnitebis {Sir 32:24}; Valde enim pernecessarium est. rectori consilium: dicente scriptura. aurum et argentum. et constitutio pecudum. et super utrumque consilium bene placuit {Sir 40:25}; In minoribus autem causis sanctiores prudentioresque fratres ad suum conuocet consilium. in maioribus uero utilitatis omnem fratum conuocet congregationem; Quod si aliter fecerit iuxta sanctorum canonum decreta antiquorum patrum regulas: irrita et infirma sit eius sententia; Kerff: 4.261
Source BEN.AN. Cod.reg. 3 (eds Holste–Brockie, 117) — BEN. Regula, 3 (ed. Hanslik, 29–31) | abbrev., adapted

CCLX. VT EPISCOPIVS NVLLVS CAVSAM AVDIAT ABSQ’VE PRESENTIA CLERICORVM SVORVM. EX CONCILIO CARTAGINENSE.
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[f. 161r] Irrita erit sententia episcopi. nisi clericorum suorum presentia confirmetur;
Kerff: 4.262
Source Coll.Dach. 2.28 — SEA 14 (= Carthage IV, 23) | partial

CCLXI. ITEM SANCTI CYPRIANI EPISCOPI.
Firmum decretum esse non potest. quod non plurimorum uidebitur habuisse consensum;
Kerff: 4.264
Source NOVAT. Epistola 30.5.3 (in Novatiani opera, ed. G.F. Diercks, CCSL 4 [Turnhout, 1972], 203, lines 27–8)

CCLXII. ITEM SANCTI OSI EPISCOPI.
Vniusciusque sententia uel a plurimis probetur si iusta est uel corrigatur si iniusta;
Kerff: 4.263
Source cf. Coll.Dach. 2.34 — CSAR.347.17

CCLXIII. SI QVIS PROFESSA PAENITENTIA AD SECULARIA ACTA REDIERIT. EX CONCILIO EPAVNENSE.
Si quis accepta professaque pænitentia boni inmemor ad secularia relabitur. prorsus communicare non poterit. nisi professione quam inlicite præter miserat reformetur;
Kerff: 4.265
Source CEPA.517.23

CCLXIII. SI HONORATIVS CLERICVS IN FVRTO FALSITATE VEL PERIVRIO EVERIT CONVICTVS. EX CONCILIO AVERLIANENSI.
Si quis clericus furtum aut falsitatem ammiserit. et quia caputia et ipsa sunt crimina communione concessa ab ordine degradetur; De perìurio uero id censimus obseruandum: ut si quis clericus in causis quæ sub iure iurando ueniende sunt prebuerit iuramenta: et post rebus evidentibus detegitur perìurasse: biennii tempore a communione pellatur;
Kerff: 4.266
Source CORL.538.9

CCLXV. QVAE MVLIERES IN DOMO HABITENT CLERICORVM. EX CONCILIO AGATENSE.
Id ętiam ad custodiendum uitam et famam speciali ordine actione precipimus. ut nullus clericorum extraneq mulieri qua[f. 161v]libet consolatione aut familiariitate coniugatus. et non solum in domum illius extranea mulier non accedat. sed nec ipse frequentandi ad extraneam mulierem habeat potestatem. sed cum matre tantum et sorore. filia. et nepta. si habuerit aut uoluerit uiuendi liberam habeat potestatem; De quibus nominibus nefas est aliud quam natura constituit suspicari;
Kerff: 4.267
Source CAGD.506.10

CCLXVI. DE ANCILLAE VEL LIBERTAE CAELLARIVM TENEANT. VEL SECRETVM INPENDANT MINISTERIVM CLERICORVM. EX CONCILIO AGATENSE.
Ancillas uel libertas a cellario uel a secreto ministerio. et ab eadem mansione in qua clericus manet placuit remoueri;
Kerff: 4.268
Source CAGD.506.11
CCLXVII. DE FAMILIARITATE EXTRANEARVM MVLLERVM. EX CONCILIO AVRELIANENSE.
Id quoque statuimus. ut ne quis antestitum aut clericorum licentiam habeat intra domum suam ullam absque propinquis mulieribus quas piores canones elocuntur habere personam; Quibus etiam id specialiter inhibetur. ut si quis clericorum suspicione aduersam aut obloctionem populi mulierem quacumque fortassis incurrerit: eam statim si intra domum suam habet abiciat: si certe extranea et sui iuris est. ista omnibus conditionibus studeat inherere. ut fama quæ excitata est abroget; Quod si quilibet ille antestitum uel clericum quod supra scriptum est uitare noluerit. pro inoboe[f. 162r]dientia triennii excommunicatione multetur; Quod si adulterii permixtione fuerit adprobata in redargutione horum priorum canonum statuta seruentur;
Kerff: 4.269
Source CORL.538.4, partial

CCLXVIII. VNDE SVPRA EX CONCILIO TVRONICO.
Et quia diabolo nullum locum dare {cf. Eph 4:27} oportet hoc precipue custodiendum decreuimus. ut nullam clerici cum extraneis feminis habeant familiaritatem. ne ull male loquendi uel sentiendi hominibus aditum tribuant: quia frequentuer per hanc indecement occasionem contigit. ut diabolus qui insidiat sicut leo in cubili suo {cf. Ps 9:30}. de ruinis seruorum dei insultet; Si quis uero clericus post interdictum episcopi sui inlicitis familiaritatibus extranearum feminarum uoluerit inherere: a communione habeatur alienus;
Kerff: 4.270
Source CTOU.461.3

CCLXIX. SI CLERICVS MATVTINIS OFFICIIS DEFVERIT. EX CONCILIO VENETICO.
Clericus qui intra muros ciuitatis suæ manere constiterit. et ea die matutinis hymnis sine probabili excusatione egritudinis inuentus fuerit defuisse. VII. diebus a communione habeat extraneus;
Kerff: 4.271
Source CVAN.461.14

CCLXX. SI CLERICVS RELICTO OFFICI SVI ORDINE LAICAM VOLVERIT AGERE VITAM. EX CONCILIO TVRONICO.
Si quis uero clericus relictο officii sui ordine laicam uoluerit agere uitam uel se militiæ tradiderit excommunicationis poena feriatur;
Kerff: 4.272
Source CTOU.461.5

CCLXXI. [f. 162v] DE HIS QVIS PRO QVALIDET CVLPA AD ÆCCLESIAM CONFVGERT. EX CONCILIO AVRELIANENSE.
De homicidis adulteris. et furibus si ad æclesiam confugerint id constituum obseruandum quod et æclesiasticì canones decreuerunt et lex romana constituit. ut ab æclesiæ atrio uel domum episcopi eos absbrahi omnino non liceat sed nec aliter consignare nisi ad evangelia datis sacramentis de morte de debilitate et omni panarum genere sint securi: Ita ut ei cui reo fuerit criminusus de satisfactione conueniat. quod si sacramenta sua quis conuictus fuerit uiolasse reus reus periurii non solum a communione æclesiæ uel omnium clericorum verum ætiam catholicorum conuiuo separetur. quod si is cui reus est noluerit sibi intentionem faciendem conponi et ipse reus de æclesiæ coactus timore discesserit ab æclesia uel clericis non queratur;
Kerff: 4.273
Source CORL.511.1
CCLXXII. SI PÆNITENTES A SECULARIA REDIERIT. EX CONCILIO AURELIANENSE.
De his qui suscepit penitentiam suæ confessionis obliti ad saecularia relabuntur. placuit eos a communiione suspendi: et ab omnium catholicorum conuiuio separari. quo si post interdictum cum eo quisque presumperit cybum sumere et ipse communiune priuetur;
Kerff: 4.274
Source CORL.511.11

CCLXXIII. DE CLERICIS POENITENTIVS. EX EODEM CONCILIO.
Si diaconus aut presbiter. pro reatu suo se ab altaris communiione [f. 163r] sub pænitentis professione submuoerit. sic quoque si alii defuerint et causa certe necessitatis exoritur: poscentem bautismum liceat bautizare;
Kerff: 4.275
Source CORL.511.12

CCLXXIII. DE HOC SI PROFESSÆ VIDVÆ SI RAPTORIVS CONSENSE. EX CONCILIO ARELATENSE.
Professas uiduas sicut sensum prestiterint cum raptoribus esse dampnandas;
Kerff: 4.276
Source Coll.Arel. 46

CCLXXV. QVI OBLATIONES FIDELIVM SVPPRESSERINT. EX CONCILIO ARELATENSE.
Secundum constitutionem synodi uasensis. qui oblationem fidelium subpresserit aut negauerit. ab ecclesiæ cui fraudem fecerit excludatur;
Kerff: 4.277
Source Coll.Arel. 47

CCLXXVI. DE HIS QVIBVS PACEM NON HABENT. EX CONCILIO ARELATENSE.
Hii qui publicis inter se hodiis exardescunt ab ecclesiasticis conuentibus remouendi donec ad pacem recurrant;
Kerff: 4.278
Source Coll.Arel. 50

CCLXXVII. DE EXPOSITIS QVID SIT OBSERVANDVM. EX CONCILIO ARELATENSE.
Si expositus ante æcclésiam cuiuscumque fuerit miseratione collectus contestationis ponat epistolam: et si is qui collectus est. intra decem dies quæsitus agitusque non fuerit securus habeat quod collegit; Sane qui post predictum tempus calumpniator extiterit: ut homicida æcclesiæ districione dampnabitur: sicut patrum sanxit auctoritas;
Kerff: 4.279
Source Coll.Arel. 46

CCLXXVIII. DE EADE M. EX CONCILIO AGATENSE.
De expositis id obseruandum quod iamudum sinodus sancta constituit;
Kerff: 4.280
Source CAGD.506.24

CCLXXIX. DE CLERICIS QVI ÆCCLESIAE DESERVIVNT.
Appendix IX

[f. 163v] Clerici etiam omnes qui ecclesiæ fideliter uigilanterque deseruunt. stipendia sanctis laboribus debita secundum seruitii sui meritum uel ordinationem canonum a sacerdotibus consequatur;

Clerici etiam omnes qui ecclesiæ fideliter uigilanterque deseruunt. stipendia sanctis laboribus debita secundum seruitii sui meritum uel ordinationem canonum a sacerdotibus consequatur;

Kerff: 4.281
Source CAGD.506.36

CCLXXX. VT CLERICI AVGVRIA NON CVSTODIANT. NEC SCRIPTVRAS QVAS SORTES SANCUTORVM VOCANT IN VSVM ETIAM LAICVS HABERE PRESVMAT. EX CONCILIO AGATENSE.

Ac ne id fortasse uideatur omissum quod maxime fidei catholicæ religionis infestat. quod aliquanti clerici siue laici student auguriis. et sub nomine fictæ religionis quas sanctum sortes uocant diuinationis scientiam profitentur: aut quarumcumque scripturarum inspectione futura promittunt; Hoc quicumque clericus uel laicus detects fuerit. uel consulere. uel docere: ab ecclesia habeatur extraneus;

Kerff: 4.282
Source CAGD.506.42

CCLXXXI. VT DIEBVS DOMINICIS CARCERARI AB ORDINATORIBVS AECCLESIAE VISITENTVR. EX CONCILIO AVRELIANENSE.

Id etsiam miserationis intuitu quod duximus custodire. ut pro quibuscumque culpis in carceribus deputantur. ab archydiacono. seu a preposito ecclesiæ. diebus singulis dominicis requirantur: ut necessitas uictorum secundum preceptum diuinum misericorditer subleuetur. atque a pontifice competens uictus de domo ecclesiæ tribuatur;

Kerff: 4.283
Source CORL.549.20

CCLXXXII. DE MINISTRIS QVI FAENERANT. EX CONCILIO ARELATENSE.

[f. 164r] De ministris qui fenerant placuit eos iuxta formam divinitus data communione abstineri;

Kerff: 4.284
Source CARL.314.13

CCLXXXIII. DE PVELLIS FIDELIBVS QVÆ GENTILIBVS IVNGVNTVR.

De puellis fidelibus quæ gentilibus iunguntur. placuit ut aliquanto tempore a communione separentur;

Kerff: 4.285
Source CARL.314.12

CCLXXXIII. DE EADEM RE EX CONCILIO CARTAGINENSE.

Item placuit ut filii clericorum gentilibus uel hereticis matrimonio non iungantur;

Kerff: 4.286
Source CCAR.419.21

CCLXXXV. SI QVIS PRO EO QVOD MANCIPIVM SVVM IN AECCLESIA RESIDET MANCIPIVM CLERICORVM PERVASERIT. EX CONCILIO ARELATENSE.

Si quis autem mancipia clericorum pro suis mancipiis ad æcclesiæm confugientibus crediderit occupanda: per omnes ecclesiæs districtissima dampanione feriatur;

Kerff: 4.287
Source Coll.Arel. 32
CCLXXXVI. SI QVIS MANVM MISSVM INSERVERIT. EX CONCILIO ARELATENSE.
Si quis per testamentum manumissum in servitute uel obsequium uel in colonaria condicione inprimere temptauerit animaduersione ecclesiastico arceatur;
Kerff: 4.288
Source Coll.Arel. 33

CCLXXXVII. DE CAVSIS IVSTIS VEL INIVSTIS CATHOLICORVM. EX CONCILIO CARTAGINENSE.
Catholicus qui causam suam siue iustam siue iniusta ad iudiciu alterius fidei iudicis prouocat excommunicetur;
Kerff: 4.289
Source SEA 30 (= Carthage IV, 87)

CCLXXXVIII. DE EO QVI DE AVDITORIO EXIERIT TEMPORE PREDICATIONIS. EX EODEM CONCILIO.
Sacerdote uerbum in ecclesia faciente qui egressus de auditorio fuerit excommunicetur;
Kerff: 4.290
Source Coll.Dach. 2.95, second part — SEA 31 (= Carthage IV, 24)

CCXC. VT VALLAMATIA ET PLACANTICA PROHIBEANTVR. EX CONCILIO TOLETANO.
Exterminanda omnino est inreligiosa consuetudo. quam uulgus per sollemnitates agere consueuit: ut populi qui debent officia divina adtendere saltationibus turpibus inuigilent: canticis non solum sibi nocentes. sed et religiosotum officiis per strepentes: Hoc et enim ut ab omni spania depellatur sacerdotum et iudicum a concilio sancto curè committitur;
Kerff: 4.291
Source Coll.Dach. 2.97 — CTOL.589.23

CCXCI. OBLATIONES IN DOMIBVS NON OFFERENDAS. EX CONCILIO TAVDENCE.
Quod non oporteat in domibus oblationescelebrare ab episcopis uel a presbiteris.
Kerff: 4.293
Source Coll.Dach. 2.100 — CLAO.300.58

CCXCII. QVALITER NOMINA FIDELIVM IN CAELBRATIONE MISSARVM RECITENTVR. EX EPISTOLA INNOCENTII PAPÆ AD DECIVM EGVBINVM EPSICOPYM.
De omnibus uero recitandis antequam precem sacerdos sacerdos faciat atque eorum oblationes quotum nomina recitanda sunt sua oratione commendet. quam superfluum et ipse pro tua prudentia recognoscis. Ut cuius hostiam necdum deo offe[f. 165r]res. eius ante nomen insinues; Quamuis illi incognitum nihil sit prius ergo oblationes sunt commendandu; actum eorum nomina quotum oblationes sunt edicenda: ut inter sacra mysteria nominentur. non inter alia quæ ante: ut ipsis ministeriis uiam futuris precibus aperiamur;
CCXCIII. VT SICVT. VI. FERIA. ITA SABBATO IEIVNANDVM EST. EX EADEM AEPISTOLA.

Sabbato uero ieiumandum. esse, ratio euidentissima demonstrat; Nam diem dominicam ob uenerabilem resurrectionem domini nostri iesu christi non solum in pascha celebramus: uerum etiam per singulas ebdomadas ipsius diei imaginem frequentamus; Si autem. VI. feria propter passionem domini ieiumamus: sabbatum preter mittere non debemus: quoniam inter tristitiam et laetitiam temporis illius uidetur. esse. inclusus; Nam utique constat apostolos biduo isto et in merore fuisset. et propter metum iudeorum se occultasse; Quapropter sicut. VI. feria ieiumandum dicimus: ita et sabbato hoc agendum: quia ambo dies tristitiam apostolis. uel his qui christum secuti sunt induxerunt; Qui die dominico hilaritati non solum ipsum festiuissimum. esse. uoluerunt uerum etiam per omnem ebdomadam frequentandum. esse. duxerunt;

Kerff: 4.295
Source: DINV.401.311, c. 7 (ed. Coustant, cols 859A–60B), abbrev.

CCXCIII. DE IEIVNIO. III. ET VI. FER.IA. EX EDICTIS SANCCTI APOLLONNII.

Ieiunia sane legitima iidem. III. et. VI. feria. non soluenda nisi grandis aliquia necessitas fuerit: quia. III. feria iudas [f. 165v] de traditio domini cogitauerit: et. VI. feria crucifixus est saluator; Videbitur ergo qui in his diebus sine aliqua necessitate soluerit statuta ieiunia: uel cum tradente tradere salvatorem: uel cum crucifigentibus crucifigere;

Kerff: 4.296
Source: ANON.—RFINVS Vit.patr. 7.15.8–9 (Rufinus’s translation of the Historia monachorum in Aegypto, in Historia monachorum sive De vita sanctorum patrum, ed. E. Schulz-Flügel, Patristische Texte und Studien 34 [Berlin, 1990], 305)

CCXCV. DE DOMINICO DIE EX INSTITVTIS PATRVM.

Die autem dominico nihil aliud agendum est nisi deo uacandum; Nulla operatio in die illo sancto conperiatur. nisi tantum hymnis et psalmis et canticis spiritibus dies illa transeatur;

Kerff: 4.297
Source: BEN.AN. Cod.reg. 9 (eds Holste–Brockie, 13), partial — Reg.IV patr. 3.6–7 (ed. de Vogüé, 194), partial | abbrev., adapted (until nulla)

CCXCVI. DE EADEM RE EX EPISTVLA GREGORII P.A.P.E. AD IANVARIVM CARALITANVM EPISCOPVM.

Tanta autem nequita ad aures meas de tua senectute peruenit: ut eam nisi adhuc humanius pensaremus: fixa iam maledictione feriremus. dictum quippe est quod dominica die priusquam missarum sollemnia celebres ad exarandam messem latoris presentia perrexisti: et post exarationem eius missarum sollemnia celebrasti: post missarum sollemnia etiam terminos possessionis illius eradicare minime timuis; Quod factum quæ pœna debuit omnes qui audiunt sciunt: et quidem poene sententia in te fuerat iaculanda: sed quia simplicitatem tuam cum senectute nouimus interim tacemus; Eos uero quorum consilii hec egisti duobus mensibus excommunicatos esse decernimus: ita ut si quod eis intra duorum mensium spatium humanius euenerit [f. 166r] benedictione uiaci non priuentur: deinceps autem ab eorum consilii cautus existat; Te quoque sollice custodi: ne si eis in malo discipulus fueris quibus magister in bono esse debuisti: nec simplicitati tuæ. nec ulterius senectuti parcarn;

Kerff: 4.298
CCXCVII. DE HIS QVI EX VASIS MINISTERII ECCLESIAE ALIQVID VENDIDERVNT. EX CONCILIO BRACHARENSE.
Si quis presbiter aut diaconus inuentus fuerit de ministerii ecclesiae alienum uenundasse: quia sacrilegium commissit. placuit eum in ordinatione ecclesiastica. non habere; In iudicio tamen episcopi dimittendum est siue dignus sit siue indignus in suo recipi gradu: quia multotiens de hoc ipso quod sacrosancto altario intaminauerint. id cum episcopi potestate dimissum est;
Kerff: 4.299
Source Coll.Dach. 3.96 — CBRA.572.17

CCXCIII. Vnde Svpra Simplicii Papae.
Ministeria ecclesiae alienata reparare presumptor compellatur. et quod abstulit restituere cogatur; Kerff: 4.300
Source DSIM.468.570, c. 2 (ed. Thiell, 176–77); cf. Coll.Dach. 2.79 | partial, abbrev.

CCXCIII. DE PRESBITERIS QVI DE IVRE TITVLORVM SVORVM ALIQVID ALIENARE PRESVMVT. EX DECRETIS SIMACHI PAPÆ.
Si quis presbiter de iure tituli sui predia aut quicquam quolibet modo. aurum. uel gemmas. uestes quoque si sunt. uel si accesserint: atque mobilia ad ornamenta diuina minime pertinentia perpetuo iure exceptis dumtaxat sub prefata condicione domibus alienum temptauerit. donator alienator. ac uenditor. honoris sui amissione [f. 166v] multetur;
Kerff: 4.301
cf. Coll.quad. 4.302
Source Coll.Dach. 2.81 — CROM.502.16 (ed. Mommsen, 450, lines 7–11) | partial, adapted (until quolibet)

CCXCV. CVIVS SVPRA.
Nullus etenim pontifex magnam uel exiguam possessionem ecclesiae sub perpetua alienatione uel commutatione ad cuiuslibet iura transferat. et nec rura in usum fructuum aligibudam re presumat: nec data retineri. preter clericos et captiuos atque peregrinos. ne male tractationis ministretur occasio; Domus uero ecclesiasticas quae sunt in urbis constitutum tantum si necesse fuerit. sub iusta existimatione reditibus et diuini timori iudicii committet; Nullus uero presbiter de iure tituli sui quicquam preter ea quae supra scripta sunt quolibet modo perpetuo iure alienare audet: quod si fecerit amissione sui ordinis plectatur; Nec non et qui predium ecclesiae patuerit aut acceperit: uel qui presbitorum aut diaconorum. seu defensorum danti subscripterint: quo iratus dei animas percutit anathemate feriatur: Sicque accipienti uel subscribenti de superius comprehensionis. quos anathematum feriri censuimus in statuta poena contubernio seruato quam premismus in alienatore uindicet. nisi forte et alienator sibi dum repetit et qui acceperit celery restitutione prospexerit; Si quis uero damnationem anathematis pro nihil habuerit. si quod etiam contra fas conceptum fuerit documentum. quo se putat [f. 167r] predium possidere alienetur; Liceat etiam quibuscumque ecclesiasticis personis uocem contradictionis afferre. et ecclesiasticum auctoritate fulciri: ita ut cum fructibus possit eadem alienata predia reposcere; Nec aliquo se ante tribunal christi obstaculo muniat. quia religiosis animabus ad substantiam pauperum derelicta. contra fas sine aliqua pietatis consideratione dispergit;

51 Chapter numbering skips back 5 here.
52 D’Achery–de la Barre’s text lacks the phrase et quod abstulit restituere cogatur; cf. Thiell, Epistolae, 177 n. 9.
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Kerff: 4.302
Source (to committet) Coll.Dach. 2.80, abbrev., adapted
Source (nullus uero ... plectatur) Coll.Dach. 2.81, partial, abbrev., adapted; cf. Coll.quad. 4.301
Source (nec non et ... prospexerit) Coll.Dach. 2.82, adapted (until petitierit)
Source (from si quis uero) Coll.Dach. 2.83, adapted (until etiam quibuscumque)

CCXCVI. VT PRESBITERI REM ÆCCLESIAE IN QVA SVNT CONSTITVTI NON VENDANT ET NVLLO EPISCOPO LICEAT REM TITVLI MATRIS ÆCCLESIAE VSVRPARE. EX CONCILIO CARTAGINENSE.

Item placuit ut presbiteri non uendant rem ecclesiæ ubi sunt constituti. nescientibus episcopis suis: quomodo et episcopis non liceat uendere predia ecclesiæ ignorante concilio uel presbiteris suis; Non habente ergo necessitate nec episcopis liceat matris ecclesiæ rem tituli sui usurpare.

Kerff: 4.303
Source Coll.Dach. 2.85 — CCAR.419.38

CCXCVII. DE VINDITIONIBVS QVAS ABBATES FACERE PESVMVT. EX CONCILIO AGATENSE.

Venditiones quas abbates facere presumunt hæc forma seruetur. ut quicquid sine episcopi notitia uenditum fuerit. ad potestatem episcopi reuocetur; Mancipia uero monachys donata abbates non licet liberare; Iniustum enim putamus ut monachys quotidianum rarale {rvrale corr.} opus facientibus serui eorum libertatis otio potiantur;

Kerff: 4.304
Source Coll.Dach. 2.9353 — CEPA.517.8, partial (= CAGD.506.56)

CCXCVIII. DE EADEM RE ISIDORI EPISCOPI.

Abbatii uel monacho monasterii seruum non licebit facere [f. 167v] liberum; Qui enim nihil proprium habet libertatem rei alienæ dare non debet; Nam sicut et sanctæ leges sanxerunt non potest alienari possessio nisi a proprio domino;

Kerff: 4.305
Source BEN.AN. Cod.reg. 18 (eds Holste–Brockie, 196) — ISIDORE, Regula 20 (ed. Campos, 119, lines 494–97)

CCXCVIII. DE HIS QVI ALIQVID EX REBVVS ÆCCLESIE AVFERTVT. EX CONCILIO TOLETANO.

Si quis episcoporum aut presbiterorum uel ministrorum ex rebus ecclesiæ quæ in quibuscumque locis a fidelibus largiuntur aliquid auert. uel iuri suo aut cathedre propriæ unitate conectit: et male rapta cum confusione restituet. et excommunicationis annuæ sententiam subiit.

Kerff: 4.306
Source Coll.Dach. 2.89 — CTOL.655.1 | partial, abbrev.

CCC. VT NON PRESVMAT EPISCOPIVS AVT QVISQVAM EX FAMILIIS ÆCCLESIE FACERE LIBEROS. EX CONCILIO TOLETANO.

Nullus episcopus aut quisquam liberos ex familiiæ ecclesiæ ad condemnationem suam facere presumat; Ímpium est enim ut qui res suas ecclesiæ chrísti non contulerit damnum inferat. et eius

53 This chapter was not edited by d’Achery–de la Barre, but can be found in, e.g., Bern, Burgerbibliothek, MS 425, fol. 42v, and Cologne, Erzbischöfliche Diözesan- und Dombibliothek, Codex 122, fol. 89v.
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ecclesiæ alienare intendant; Tales igitur libertos successor episcopus absque aliqua oppositione ad eis ecclesiæ reuocabit: quia eos non equitas sed inprobitas soluit;
Kerff: 4.307
Source Coll.Dach. 2.94 — CTOL.633.67 | partial

CCCII. DE ORDINATIONE SENTENTIA SæcTI AVGVSTINI EPISCOPI.
Non in oratorio aliquid agatur: ad quod est factum unde et nomen accepit; Aut si forte etiam alii qui preter oras constitutas si eis uacat et orare uoluerint. non eis sint impedimento qui ibi aliquid tale agendum putauerint;
Kerff: 4.308
Source Smarag. Exp.in reg.S.Ben. 52.5 (eds Spannagel–Engelbert, 277, lines 2–5); cf. BEN.AN. Cod.reg. 4 (eds Holste–Brockie, 349), partial — AVG. Praec. 2.2 (ed. Verheijen, 420)

CCCII. ITEM ALIBI.
In oratorio præter orandi [f. 168r] et psallendi de cultum pænitus nihil agatur. ut nomini huic et opera iugiter inpensa concordent: ut si aliquis preter constitutas horas domino supplicaturus ingreditur. uotum suum occupatio aliena non tardet;
Kerff: 4.309

CCCIII. DE EADEM RE SæcTI BENEDICTI ABBATIS.
Oratorium hoc sit quod dicitur: nec ibi quicquam aliud geratur aut condatur;
Kerff: 4.310
Source Smarag. Exp.in reg.S.Ben. 52.1 (eds Spannagel–Engelbert, 276, line 25)

CCCIII. VT NVLLVS IN ÆCCLESIA CONVIVIA FACIAT. EX CONCILIO CARTAGINENSE.
Vt nulli episcopi uel clerici in æcclesia conuiuentur. nisi forte transeuntes hospitio necessitate illic reficiant: populi etiam ab huiusmodi conuiuiis quantum potest fieri prohibeat;
Kerff: 4.311
Source CCAR.397.29 (= Reg.eccl.Cart.exc. 42; Carthage III, 30)

CCCIV. VNDE SVPRA EX CONCILIO LAVDOCENSE.
Non oportet in domiciliis seu ecclesiis agape: et intus manducare uel accubitus sternere;
Kerff: 4.312
Source CLAO.300.28 (Isidori)

CCCVI. VT NIHL AGATVR IN ÆCCLESIA PRETHER ORATIONES AC LECTIONES DIVINASQUE MEDITATIONES.
Dominus Iesus cum inuenisset in templum uendentes et ementes et numolarios sedentes ad mensas. fecit quasi flagellum de funiculis. omnesque eiecit de templo {Io 2:14–15}; Si enim ea quæ licite uendi uidebantur in templo. et ad hoc ea emebantur ut in eodem templo offerentur

54 This chapter was not edited by d’Achery–de la Barre, but can be found in, e.g., Bern, Burgerbibliothek, MS 425, fol. 42v, and Cologne, Erzbischöfliche Diözesan- und Dombibliothek, Codex 122, fols 89v–90r.
55 Holste’s text differs somewhat from Smaragdus’s here.
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domino ipse foras eicit: quanto magis faceret si rixis desidentes: fabulis uacantes: ac risu dissolutos inueniret; Iodeque prohibendum est quicquam agere in ecclesia [f. 168v] preter opus diuinum; Si quis hec uioluerit a conuentu proiciatur ecclesia usquequò emendetur;
Kerff: 4.313

Source (to inueniret) ALCUIN. Commentaria in Sanci Ioannis evangelium, vers. 2.14–15 (in PL 100, cols 773A–B), partial — BEDE, Hom.ev. 2.1 (ed. Hurst, 185, lines 31–45) | abbrev., adapted

Source (from ideoque) unindentified

CCC VII. QUOD NEMO CLERICVS SECULARIBVS OBLIGETVR NEGOTIIS. EX EPISTVLÀ SANCTI CYRIANI MARTYRIS AD PREBITEROS ET DIACONOS PLEBEMQVE FVRNENSEM.

Cyprianus presbyteris. diaconibus. plebi furnis consistentibus salutem; lampridem concilio episcoporum statutum est ne quis de clericis et dei ministris tutorem uel curatorem testamento suo nominauerit: quando singuli diuino sacerdotio honorati et in clero ministerio constituti non nisi altari et sacrificiis deseruere. et precibus atque orationibus uacare debeant; Scriptum est enim. nemo militans deo obligat (id est implicet gl. sup. lin.) se molestiis (uel negotiis gl. sup. lin.) secularibus: ut possit placere ei cui se promisit (id est promisit gl. sup. lin.) (2 Tim 2:4); Quod episcopi antecessores nostri religioso et salutierie et salubriter prouidentes censerunt. ne quis excedens ad tutelam uel curam clerum nominaret: ac si quis hoc fecisset non offeretur pro eo: nec sacrificium pro dormitione eius celebraretur; Neque enim apud altare dei meretur nominari in sacerdotum prece qui ab altari sacerdotes et ministros uoluit auocare;
Kerff: 4.314

Source CYPR. Epistola 1.1–2 (ed. Hartel, p. 465, line 2–p. 466, line 21), abbrev.

CCC VIII. ITEM VNDE SVPRA EX EADEM.

Molestiis et secularibus laqueis obligari non debent: qui diuinis rebus et spirituibus occupati sunt nec terrenos et seculares actus sectari;
Kerff: 4.315

Source CYPR. Epistola 1.1 (ed. Hartel, 465, lines 15–18), adapted

CCC VIII. DE EADEM RE.

[f. 169r] Hii qui in ecclesia domini ad ordinationem clericalem promouentur. in nullo ab ministratione diuina auocentur. ne molestiis et negotiis secularibus alligentur. nec ab altare et sacrificiis recedant. sed die ac nocte celestibus rebus et spirituibus seruiant;
Kerff: 4.316


CCC X. VNDE SVPRA.

Sacerdotum decreta religioso et necessarie factum seruerat a nobis. simul et ceteris fratibus detur exemplum. ne quis sacerdotes et ministros dei altari eius et ecclesie uacantes ad seculares molestias deuoct; Obseruari enim de cætero poterit ne que ultra hoc faciat circa personam clericorum: sed quod nunc factum est fuerit uindicatum;
Kerff: 4.317

Source CYPR. Epistola 1.2 (ed. Hartel, 467, lines 4–9)

CCC XI. DE CLERICIS VSVRIS ACCIPIENTIBVS. EX CONCILIO NICÆNO.

Quoniam multi sub regula constituti auairiam et turpia lucra sectantur. oblitiique diuinæ scripturæ dicentis. qui pecuniam suam non dedit ad usuram {Ps 14:5}. mutuum dantes centesimos exigunt; Juste censuit sancta et magna synodus. ut si quis inuentus fuerit post hanc definitionem usurans
accipiens. aut ex inuentione aliqua *uel* quolibet modo *negotium* transsient. aut emicla. *{hemicla* corr.} id est sexculpa exigen. *uel* aliquid tale *prorus* excogitans turpis luceri *gratia* deiciatur a clero: et alienus existat a regula;

Kerff: 4.318

Source PHAL.800.5.9 — CNIC.325.17 (Dion.II)

**CCCXII. VT NVLL/VS PREBITERI AVT DIACONVS CONDCLUDOR EXISTAT** [f. 169v] *ET CLERICI ABSTANCEANT SE AB VSVRIS. EX CONCILIO CARTAGINENSE.*

Presbiteri. et diaconi non sint conductores aut procuratores. *neque* ulli turpi negotio et in honeste uictum quera?nt: *quia* respicere debent scriptum est nullus militans deo implicet se negotii secularibus {2 Tim 2:4}; Si quis commodauerit pecuniam. pecumiam accipiat: si speciem. eandem speciem quantum dederit accipiat;

Kerff: 4.319

Source PHAL.800.5.10; Coll.Dach. 3.112, partial — CCAR.419.16.a—c | abbrev.,

**CCCXIII. QVOD VSVRAE LAICI CHRISTIANI EXIGERE NON DEBEANT. EX EPISTVLAE LEONIS PAPAE.**

Nec hoc quoque *preterendum* duximus quosdam luceri turpis cupiditate captos. usurriam exercere peconiam. et foenor e velle ditescere. quia non dicam in eos qui sunt in clericali officio constituti: sed et in laicos cadere qui chr?istanos se dici cupiunt; Condolemus quid uindicari acris in eos qui fuerint talibus conputati; Decernimus ut omnes peccand?i oportunitas adimatur;

Kerff: 4.320

Source PHAL.5.34, first part; Coll.Dach. 1.122 — DLEO.440.402, c. 3 (ed. Wurm, 91, lines 3—9)

**CCCXIII. VT ABSQVE NECESSITATE PÆREGRINATIONIS CLERICI TABERNAS NON INGRIDURRENTVR. EX CONCILIO CARTAGINENSE.**

Vt clerici ëdendi *uel* bibendi causa tabernas non ingreditur. nisi per egrinationem necessitate;

Kerff: 4.321

Source Coll.Dach. 3.60 — CCAR.397.26 (= Carthage III, 27; Reg.eccl.Cart.exc. 40)

**CCCXV. VT SVPRA EX CONCILIO LAVDOCENSE.**

Quod *non* oporteat sacro ministerio deditis a presbiteris usque ad diaconos et reliquam ecclesiasticum ordinem. id est. usque ad subdiaconos. lectores. canfordes. exorcistas. et hostiarios. et ex numero continentium. et monachorum. [f. 170r] ingredi tabernas;

Kerff: 4.322

Source Coll.Dach. 3.51 — CLAO.300.24 (Dion.II)

**CCCXVI. VNDE SVPRA EX INSTITUVTIS PATRVM.**

Tabernas nullus clericorum ut canonum prohibent decreta causa sumendi audeat ingredi; Si quis hic violauerit: ut canonum sanctorum contemptor acerrimus corripitatu? ut dignum est disciplinis;

Kerff: 4.323

Source unidentified

**CCCXVII. VT CLERICI AD DIVINVM OFFICIVM DATO SIGNO OCCVRRVNT OMNI CVMV FESTINATIONE.**

Cum index in oratione percussus fuerit. mox omnes audientes ante quem currunt sibi crucem in fronte pingant respondentes deo gratias; Et tunc laborantes opus percipient: artificis ferramenta dimittant. scriptores litteram non integrent. omnium manus differat quod agebat; Festinat statim cum grauitate pes ad oratorium. sensus ad deum: ut mox ad primam orationem occurrant. et
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tamquam apes ad mel intrantium in oratorium fratrum examen ebulliat. ut qui tacitus erat sancti oratorii locus. statim psalmorum clamoribus impleatur;
Kerff: 4.324
Source SMARAG. Exp.in reg.S.Ben. 43.3 (eds Spannagel–Engelbert, 264, lines 17–25), quoting Reg.magistri 54.5 and 1–4 (ed. de Vogüé, 256–58)

CCCXVIII. VNDE SVPRA CASSIANI.
In eodem puto quod aures eius sonus signi aduenerit. coeptum litteram non ausmare.
Kerff: 4.325
Source (to consummare) SMARAG. Exp.in reg.S.Ben. 43.3 (eds Spannagel–Engelbert, 264, lines 15–17) — JOHN CASSIAN, Regula 16 (ed. Ledoyen, 178), partial
Source (from antequam) unidentifed

CCCXVIII. VNDE SVPRA.
Si quis audito signo ad diuinum opus non statim absque ulla mora ad ecclesiam festinauerit exclusus pro reatu tanti facinoris confundatur;
Kerff: 4.326
Source BEN. AN. Cod.reg. 5 (eds Holste–Brockie, 181), first sentence — Reg.monast.Tarnatensis, 5.1 (ed. Villegas, 21) | adapted

CCCXX. VT CVIVSLIBET [f. 170v] ORDINIS CLERICVS SI TARDIVS AD AECLESIAM VENERIT DEPONTVR. EX CONCILIO TOLETANO;
Vt presbiter. uel diaconus. uel subdiaconus. uel quilibet ecclesie deputatus clericus. si intra ciiutatem fuerit. uel in loco ecclesia est aut castelli. aut uici. aut uill. ad ecclesiam ad sacrificium cotidianum non uenerit: in clero non habeatur. si castigatus per satisfactionem ueniam ab episcopo noluerit promereri;
Kerff: 4.327
Source Coll.Dach. 3.50 — CTOL.397.5

CCCXXI. DE CONTVMATIBVS {CONTVMACIBVS CORR.} CLERICIS ET AD OFFICIVM TARDIS. EX CONCILIO AGATENSE.
Contumaces uero clerici prout dignitatis ordo premiserit ab episcopis corrigantur. et si qui priori gradu elati superbia communionem fortasse contemperant aut ecclesiam frequentare. aut officium suum implere neglexerint. peregrina communio tribuat: ita ut cum eos poenitentia correxerit rescripti in matricula graduus sui dignitate recipiant;
Kerff: 4.328
Source Coll.Dach. 3.48 — CAGD.506.2

CCCXXII. DE CLERICIS IN TESTIMONIO FALSO CONVICTIS. EX CONCILIO EPAVNENSE.
Si quis clericus in falso testimonio convictus fuerit. reus capitalis criminis censeatur;
Kerff: 4.329
Source CEPA.517.13

CCCXXIII. SI PRESBITERI AVT DIACONVS CRIMEN CAPITALE COMMISERINT. EX EODEM CONCILIO.
Si presbiteri. aut diaconi crimen capitale commiserint. ab officii honore depositi in monasterio recludantur: ibi tantummodo quamdui uixerint communione sumenda priuentur. excepto [f. 171r] quod precipue poenitentia sint;
Kerff: 4.330
CCCXXIII. DE ABBATE IN CVLPA INVENTO. EX CONCILIO QVO SVPRA.
Abbas si in culpa reperiat aut fraude. innocentem se assers. episcopi sui prius. si necesse postea fuerit metropolitani iudicio deducat ur; Kerff: 4.331
Source CEPA.517.19. Note: the text in A5 is adapted

CCCXXV. VT ABBAS NON AMPLIVS QVAM VNI PRESIDEAT MONASTERIO. EX CONCILIO AGATENSE.
Abbatibus quoque singulis diuersas cellulas aut plura monasteria habere non liceat. nisi tantum propter occurrsum hospitalitatis intra muros receptacula collocare; Kerff: 4.332
Source CAGD.506.39, last sentence

CCCXXVI. EX CONCILIO EPAVNENSE.
Vnum abbatem duobus monasteriis interdicimus presidere;
Kerff: 4.333
Source CEPA.517.9

CCCXXVII. VT NVLLVS ABBATEM PER PREMIA PREPONAT. EX CONCILIO PARISIENSE.
Nemo per premia abbatem preponat. quod si quis facere presumpserit communione priuetur; Kerff: 4.334
Source CINC.615.11, adapted (until quod si)

CCCXXVIII. DE EADEM RE GREGORII PAPÆ.
Abbas quem sibi propria uoluntate congregatio elegerit sine dolo uel uenalitate aliqua ordinetur ab episcopo ciuitatis;
Kerff: 4.335
cf. Coll.quad. 4.206
Source (to ordinetur) DGRE.590.1504 (ed. Norberg, 536–37, lines 24–6), abbrev.
Source (ab episcopo ciuitatis) unidentified

CCCXXX. DE EADEM RE GREGORII PAPÆ.
Ad ecclesiasticum uero officium nullus ex monasterio producatur monachus. nisi quem abbas loci ammonitus propria uoluntate obtulerit episcopo;
Kerff: 4.336
Source DGRE.590.1504 (ed. Norberg, 537, lines 38–40), ex monasterio and episcopo added (but implied by source)

CCCXXX. DE EADEM RE.
In gradum de monachis ordinari cum consensu et uoluntate [f. 171v] abbatis presumat episcopus.
Kerff: 4.337
Source CAGD.506.11, last sentence, abbrev. (but in gradum added)

CCCXXXI. DE CLERICIS INDICITA IEIVNIA NON OBSERVANTIBVS. EX CONCILIO CARTAGINENSE.
Clericum qui tempore ieiunii absque ineuitabili necessitate ieiunium rumpit minorem habendum; 
Kerff: 4.338
Source SEA 76 (= Carthage IV, 62)

CCCXXXII. DE DIE DOMINICO NON IEIVNANDVM. EX EODEM CONCILIO.
Qui die dominico studio ieiunat non credatur catholicus; 
Kerff: 4.339
Source SEA 77 (= Carthage IV, 64)

CCCXXXIII. VT CLERICVS ARTIFICVS VICTVM QVÆRAT. EX CONCILIO CARTAGINENSE.
Clericus quamlibet uerbo dei eruditus sit artificio uictum quærat; 
Kerff: 4.340
Source SEA 79 (= Carthage IV, 51)

CCCXXXIII. DE OBPRESSORIBVS PAVPERVM.
Eorum qui pauperes opprimunt dona a sacerdotibus refutanda sunt; 
Kerff: 4.341
Source SEA 69 (= Carthage IV, 94)

CCCXXXV. DE CHRISTIANIS CATHOLICIS TRIBULATIONES PATIENTIBVS. EX EODEM CONCILIO.
Christianum catholicum qui pro catholica fide tribulationes patitur a sacerdotibus honorandum etiam in cotidiani uictus ministerio. 
Kerff: 4.342
Source SEA 70 (= Carthage IV, 43)

CCCXXXVI. CLERICVS IN ANGVSTIIS SI AB OFFICIO CESSAVERI. EX EODEM CONCILIO.
Clericum interpretationes ab officio declinante ueste neglegentius agentem ab ipso officio submouendum; 
Kerff: 4.343
Source SEA 72 (= Carthage IV, 50)

CCCXXXVII. IN TRIBULATIONE CLERICVS OFFICIVM NON PREPONAT.
Clericum inter temptationes officio suo incubantem gradibus sublimandum; 
Kerff: 4.344
Source SEA 71 (= Carthage IV, 42)

CCCXXXVIII. SEDITIONARIVM CLERICVM NON ORDINANDVM AVT VSVRARIVM. EX CONCILIO CARTAGINENSE.
[f. 172r] Seditionarios numquam ordinandos clericos. sicut nec usurarios uel iniuriarum suarum uliores; 
Kerff: 4.345
Source SEA 55 (= Carthage IV, 67)

CCCXXXIX. DE PAVPERIBVS ET SENIBVS AECLESIE. EX CONCILIO CARTAGINENSE.
Pauperes. et senes. ecclesiæ plus ceteris honorandos; 
Kerff: 4.346
Source SEA 32 (= Carthage IV, 83)
CCCXL. QVIBVS SENIBVS INGERENDA SIT INCREPATIO. VEL RETRAHENDA: 
EX EPISTVLAE GREGORII PAPÆ. AD IANVARIVM EPISCOVÆ CARALITANVM.
Predicator omnipotentis dominii paulus apostolus dicit. seniorem ne increpaueris {1 Tim 5:1}: sed 
hæc eiusmod regulam in ea reseruanda est. cum culpa senioris exemplo suo non trahit ad interitum 
corda iuniorum; Vbi autem senior iuuenibus exemplum ad interitum prebet. ibi districta 
increpatione feriendus est;
Kerff: 4.347
Source DGRE.590.1525 (ed. Norberg, 562, lines 2–6)

CCCXLI. QVI RELIGIOSVS EST PREPONENTVS EST. EX CONCILIO 
CARTAGINENSE.
Vir qui religiousus proponendus est ab episcopo loci prebetur;
Kerff: 4.348
Source SEA 39 (= Carthage IV, 97)

CCCXLI. LAICVS PRESENTES CLERICOS DOCERE {NON add. sup. lin.} 
PRESVMAT EX EODEM CONCILIO.
Laicus presentibus clericis nisi ipsis prouocandis docere non audeat;
Kerff: 4.349
Source SEA 38 (= Carthage IV, 98)

CCCXLIII. MVLIER IN CONVENTV DOCERE VIROS NON AVDEAT. EX CONCILIO 
QVO SVPRA.
Mulier qui56 cum is docta et sancta sit. uiros in conventu docere non audeat.
Kerff: 4.350
Source SEA 37 (= Carthage IV, 99)

CCCXLIII. EX CONCILIO CARTAGINENSE.
Mulier baptizare non presumat;
Kerff: 4.351
Source SEA 41 (= Carthage IV, 100)

CCCXLV. BENEDICENDO SPONSO ET SPONSA. EX CONCILIO CARTAGINENSE.
[f. 172v] Sponsus et sponsa cum benedicendi sunt a sacerdote. a parentibus aut a paranymphis 
offerantur. qui cum benedictionem acceperint: eadem nocte pro reuerentia ipsius benedictionis in 
uirginitate maneant;
Kerff: 4.352
Source Coll.Dach 1.61 — SEA 101 (= Carthage IV, 13)

CCCXLVI. QVALES SINT VIDVÆ QVÆ AECCLÆSIE STIPENDIO SVSTENTENTVR. 
EX EODEM CONCILIO.
Viduæ quæ stipendio ecclesiæ sustentantur. tam assiduæ in dei opere esse debent. quæ et meritis 
et orationibus suis ecclesia uiuent;
Kerff: 4.353
Source SEA 102 (= Carthage IV, 103)

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56 qui cum is] quicuis with macron over c; read quamuis
CCCXLVII. DE VIDVIS ADOLESCENTIBVS. EX EODEM CONCILIO.
Viduæ adolescentes quæ corpore debiles sunt. sumptu ecclesiæ cuius uidoque sunt sustententur;
Kerff: 4.354
Source SEA 36 (= Carthage IV, 101)

CCCXLVIII. ITEM DE VIDVIS ADOLESCENTIORIBVS. EX EODEM CONCILIO.
Ad reatum episcopi pertinet uel presbyteri qui parroochii preest. si ad sustentandum causam uitæ presentis adolescentiores uel sanctimonialis clericorum familiaritatibus subiciantur;
Kerff: 4.355
Source SEA 68 (= Carthage IV, 102)

CCCXLIX. IN VTRQVE SEXV SI PROFESSAM CASTITATEM PREVARICAVERINT.
In utroque sexu desertores professæ castitatis prævaricatores habendi sunt: et his omnibus per pænitentiam legitimam consulendum est;
Kerff: 4.356
Source CORA.441.27

CCCL. DE HIS QVI AMENTES SVNT. EX CONCILIO ARAVSICO.
Amentibus quæcumque piêtatis sunt conferenda;
Kerff: 4.357
Source CORA.441.12

CCCLI. DE INERGVMINIS OMNI DIE AB EXORCIS[TIS MANVS INPONENDAE. EX CONCILIO CARTAGINENSE.
Omni die exorcistæ inerguminis manus inponant;
Kerff: 4.358
Source Coll.Dach. 2.112.b — SEA 62 (= Carthage IV, 90)

CCCLII. EX EODEM CONCILIO.
Pauimenta domorum dei inerguminis uocantur;
Kerff: 4.359
Source Coll.Dach. 2.112.c — SEA 63 (= Carthage IV, 91)

CCCLIII. DE INERGVMINIS PVGNATIONE. EX CONCILIO ARAVSICO.
Inergumini baptistati se de purgatione sua curant. et se sollicitudini clericorum tradunt.
monitisque optemperant. omnimodis communicent: sacramenti ipsius uirtute muniendi ab incursu demonum quo infestantur uel purgandi: quorum iam ostenditur uita purgatior;
Kerff: 4.360
Source CORA.441.13

CCCLIII. DE INERGVMINIS CATICVMINIS. EX EODEM CONCILIO.
Inerguminis caticumini quantum uel necessitas exierit uel oportunitas permiserit de baptismate consulendum est;
Kerff: 4.361
Source CORA.441.14

CCCLV. DE HIS QVI PALAM ALIQVANDO ARREPTI SVNT. EX EODEM CONCILIO.
Appendix IX

Qui palam aliquando arrepti sunt. non solum non assumendi ad ullum ordinem clericatus. sed. si iam aliqui ordinati sunt ab inposito officio repellendi;
Kerff: 4.362
Source CORA.441.15

CCCLVI. VT INERGVMINIS PER EXORCISTAS VICTVS ADMINISTRATVR. EX CONCILIO CARTAGINENSIS.
Inerguminis in domo dei adsedentibus uictus cotidianus [f. 173v] per exorcistas oportuno tempore ministretur;
Kerff: 4.363
Source Coll.Dach. 2.112.d — SEA 64 (= Carthage IV, 92)

CCCLVII. DE AGITORIBVS SIVE THEATRICIS. EX CONCILIO ARELATENSE.
De agitatoribus siue theatricis qui fideles sunt. placuit eos quamdiu a communione separari;
Kerff: 4.364
Source Coll.Arel. 20

CCCLVIII. DE MVLIERIBVS QVÆ LENOCINIVM FECERINT. EX CONCILIO HELIBERITANO.
Mater uel parens uel quilibet fidelis. si lenocinium exercuerit. eo quod alienum uendiderit corpus. uel potius suum placuit eam nec in finem accipere communionem;
Kerff: 4.365
Source Coll.Dach. 1.85

CCCLIX. QVOD CONFGVIENTES AD ÆCCLESIAM TRAHI NON OPORTET. EX CONCILIO HELIBERITANO.
Eos qui ad ecclesiam confulerint trahi non oportet. sed eos domini sui promissa intercussionem exire persuadeant; Quod si ab ecclesia exeuntibus poenale alienum ei dominus intulerit. ut ecclesiæ inimici habeatur excommunicatus;
Kerff: 4.366
Source Coll.Arel. 30

CCCLX. DE LIBERTIS AB ÆCCLESIA DEFENSANDIS. EX CONCILIO AGATENSE.
Libertos legitime a dominis suis ecclesia si necessitas exierit tueatur; Quod si quis ante audientiam aut peruadere aut expoliare presumperit ab ecclesia repellatur;
Kerff: 4.367
Source CAGD.506.29

CCCLXI. SI QVIS POTENTIVM QVEMLIBET EXPOLIAVERIT. EX CONCILIO TOLETANO.
Si quis de poenitentibus clericum aut quemlibet pauperem aut religiosum expoliauerit. et mandauerit ad ipsum episcopus ut eum audiat. et si contemperit: inuicem mox scrip[f. 174r]ta pergant per omnes prouincie episcopos et quoscumque adire potuerit. ut excommunicatus habeatur donec audiat et reddat aliena;
Kerff: 4.368
Source Coll.Dach. 2.61 — CTOL.397.11

CCCLXII. DE HIS QVI AVGVRIA VEL FALSA SORTES SÆCTORVM CREDVNT. EX CONCILIO AVRELIANENSE.
Appendix IX

Si quis clericus uel monachus uel seclusar inuinationem uel auguria crediderit obseuanda. uel sortes quas mentientur esse sanctorum. quibuslibet imputauerint intimandas. cum eis qui eis crediderint ab ecclesiæ communione pellantur;

Kerff: 4.369
Source CORL.511.30

CCCLXIII. DE CONIVRAIONE UEL CONSPARIONE. EX CONCILIO. CALCIDONESENSE.

Coniurationis uel conspirationis crimen ab exteris legibus omnino est prohibitum. multo magis hoc in dei ecclesias ne fiat ammonere conuenit; Si quis ergo clerici uel monachi reperti fuerint coniurantes aut conspirantes. aut insidias ponentes episcopis aut clericis. a gradu proprio poenitus abiciantur;

Kerff: 4.370
Source Coll.Dach. 2.1 — CCHA.451.18 (Dion.I/II)

CCCLXIII. DE EO QVI NOCTVRNA INLVSIONE POLLVITVR. ISIDORI EPISCOPI.

Qui nocturna inlusione pollutur publicare hoc sacerdoti non moretur: culpaque suæ meritis hoc tribuat et occulte pænitentiam agat;

Kerff: 4.371

CCCLXV. DE EO QVI DELVSVS NOCTVRNO FANTASMATE FVERIT.

Qui nocturno delusus fantasmathe fuerit. tempore officii in sacrario stabit: nec audebit eadem die ecclesiam [f. 174v] introire antequa aliquando ex natura suppellet usque aqua. ut culpas cogitationis inludit;

Kerff: 4.372

CCCLXVI. DE POLLUTIONIBVS INTERROGATIONI AGVSTINIVI RESPONSIO GREGORII.

Interrogatio agustini; Si post inlusionem quæ per somnium solet accidere. uel corpus domini quislibet accipere ualeat. uel si sacerdos sit sacra mysteria celebrare; Respondit gregorius; et quidem hunc testamentum ueteris legis sicut in superiore capitulo iam diximus. pollutum dicit nisi lotum aqua usque ad uesperum intrare ecclesiam non conceditur; Quod tamen aliter populums spiritalis intellegens sub eodem intellectu accipiet. quo prefati sumus: quia quasi per somnium inluditur qui temptatus in inmunditia veris imaginibus in cogitatione inquinatus sed lauandus est aqua. ut culpas cogitationis lacrimis ablauat. et nisi prius ignis temptationis recederit reum se quasi usque ad uesperum cognoscat; Sed est in eadem inlusione necessaria ualde discreto. quæ subtiliter pensari debeat. ex qua re accidet menti dormientis; Aliquando enim ex crapula. aliquando ex naturæ superfuitate uel infirmitate. aliquando ex cogitatione contingit; Et quidem cum ex naturæ superfuitate uel infirmitate euenerit. Omni modo hæc inlusio non est timenda. quia hanc animus nesciens pertulisse magis [f. 175r] dolendus est quam fecisse; Cum uero ultra modum appetitus gulæ. in sumendis alimentis rapitur. atque idecirco humanorum receptacula grauantur. habet exinde animus aliquem reatum. non tamen usque ad prohibitionem percipiendi uel missarum sollemnia celebrandi. cum fortasse aut festi dies exigat: aut exhiberi ministerium pro eo quod sacerdos alias in loco deest ipsa necessitas compellit; Nam si adsunt ali quod ineplere ministerium ualeant. inlusio per crapulam facta a perceptione sacri mysterii abstinere ut arbitror humiliter debet si tamen dormienti turpi imaginatione non concusserit; Nam sunt quibus ita
plerunque inlusio nascitur, ut eorum animus etiam in somno corporis positus turbibus
imaginationibus non foedetur; Qua in re unum ibi ostenditur. ipsa mens rea non tamen sit uel
suus judicio libera. cum se et dormienti corpore nihil inuenit uidisse; Tamen in uigiliis corporis
meminit in ingluuei cecidisse; Si uero ex turpi cogitatione uigilantis oritur inlusio menti
dormentis, patet animo reatus suus; Videt \{Videat corr.\} enim a qua radice inquinatio illa
processerit. quia quod cogitauit sciens hoc pertulit nesciens;
Kerff: 4.373
Source PHAL.800.5.17, partial — DGRE.590.1843, c. 9 (eds Ewald–Hartmann, p. 342, line 4–p.
343, line 3)

CCCLXVII. ABHINC BEATI ISIDORI EPSICOPI.
In lege quippe qui somno nocturno polluebatur. egredi [f. 175v] iubebatur a castris. nec regredi
priusquam ad uesperum lauaretur; Et si illi in carnali populo ita quid spiritalis seruus christi
facere debebat: qui magis contaminationem suam debet respicere. et longe ab altario positus
mente et corpore pertremescere. atque in figura aequæ pænitenti lacrmas adhibere. ut non solum
aquis sed etiam fletibus studeat ablui. quicquid forte per occultam culpam inmunda contamine
\{contaminatione corr.\} polluit;
Kerff: 4.373
Source BEN.AN. Cod.reg. 14 (eds Holste–Brockie, 194), partial — ISIDORE, Regula 13 (ed.
Campos, p. 111, line 362–p. 112, line 368)

CCCLXVIII. DE HIS QUI REBAPTIZATIS SVNT QVANTVM POENITEANT. EX CONCILIO HILERDENSE.
De his qui in preuaricacionem rebaptizati sine aliquo necessitate uel tormento dilapsi sunt. placuit
ut circa eos illa nicensynodi statuta seruentur. quæ de preuaricatoribus constituta esse
noscuntur. id est ut septem annis inter caticuminos orent. et duobus inter catholicos et postea
moderatione et clementiæ episcopi fideliæ in oblatione et eucharistia communicent;
Kerff: 4.374
Source Coll.Dach. 2.107 — CLER.546.9

CCCLXIX. VT PRO BAPTIZATIS CONSIGNANDIS QVÆ FIDELIBVS NVLLVS
EXIGANT PRETIA.
Quod enim gratis accepimus ut domini ait gratis dare debemus \{cf. Mt 10:8\}: ideoque nullus
pro baptizandis consignandisque fidelibus pretia aliqua exigere presumat; Quod qui prohibita
deprehensi fuerint admississe uel commissa non potius sua sponte correxerint. ut beatus papa
gelasius decre[\f. 176r]\uitt. periculum subdituri proprio sint honore priuandii;
Kerff: 4.375
Source Coll.Dach. 2.111 — DGEL.492.636, c. 5 (ed. Thiel, 364) | partial, paraphr.

CCCLXX. DE INFANTIBVS BAPTIZANDIS QVOTIES DVBITATVR AVT FVERINT
BAPTIZATI. EX CONCILIO CARTAGINENSE.
Item placuit \{placuit corr.\} de infantibus quoties non inueniuntur certissimi testes. qui eos
baptizatos sine dubitatione testentur. neque ipsi sunt per çtatem de traditis sibi sacramentis idonei
respondere. absque ullo scrupulo eos esse baptizandos. ne ista trepidatio eorum faciat
sacramentorum purgatione priuari; Hinc enim legati maurorum fratres nostri consulerunt quia
multos tales a barbaris redimunt.
Kerff: 4.376
Source Coll.Dach. 2.105 — CCAR.397.39 (= Reg.eccl.Cart.exc. 72; Carthage V, 6)
CCCLXXI. DE EPIS D LA IACOBI APOSTOLI IN QVA PRO INFIRMIS ORARE PRECIPITVR EX EPIS TVLA PAPÆ INNOCENTII.

Beatus enim apostolus iacobus in epistola sua scripsit. infirmatur quis in uobis. inducat presbiteros ecclesie et orent super eum unguentes eum oleo in nomine domini. et oratio fidei saluabit infirmum: et suscitabit eum dominus: et si in peccatis fuerit remittentur ei {Iac 5:14–15}; Quod non est dubium de fidelibus egroantibus accipii uel intelligi debere: qui sancto oleo crismatique perungui possunt. quod episcopo confectum non solum sacerdotibus sed omnibus uti christianis licet in sua aut suorum necessitate unguendum: Ceterum illud superfluum uidemus adiectum: ut de episcofo ambigatur quod presbiteris [f. 176v] licere non dubium est; Nam idcirco presbiter dictum est: quia episcopi occupationibus alis impediti ad omnes languendi ire non possunt. ceterum si episcopus aut potest aut dignum ducit aliquem ad se visitandum et benedicere et tangere crismate sine cunctatione potest: cuiius {sic} sic etiam episcopus gl. sup. lin. est ipsum crisma conficere; Nam paenitentibus istud fundi non potest quia genus est sacramenti; Nam quibus reliqua sacramenta negantur: quomodo unum genus putatur posse concedi; Kerff: 4.377

Source Coll.Dach. 2.110 — DINN.401.311, c. 11 (ed. Constant, cols 863A–64A) | partial, adapted (until infirmatur)

CCCLXXII. DE EADEM RE BEDAE PRESBITERI.

Infirmatur quis in uobis inducat presbiteros ecclesie et orent super eum. unguentes eum oleo in nomine domini. et oratio fidei saluabit infirmum {Iac 5:14–15}; Hoc et apostoli in eangelo fecisse leguntur. et nunc ecclesie consuetudo tenent. ut infirmi oleo consecrato unguantur a presbiteris et oratione comitante sanentur; Non solu presbiteris sed ut innocentius papa scribit etiam omnibus christianis uti licet eodem oleo in suam aut suorum necessitate unguendo. quod tamen oleum non nisi episcopis licet confici; Nam quod ait oleo in nomine domini {Iac 5:14} significat oleo in nomine domini consecrato uel cerie quia etiam cum unguant infirmum nomen domini super eum inuocare pariter debent. et si in peccatis sit dimittentur ei {Iac 5:15}; Multi propter peccata in anima facta infirmitate aut etiam [f. 177r] morte plectantur corporis. unde apostolus ad corinthios {chorinthios corr.}. quia corpus dominii indigne percepere erant soliti erat. ideo inter usus multi et inbecelles sunt et dormint multi {1 Cor 11:30}; Si ergo infirmi in peccatis sint et huc presbiteris ecclesie confessi fuerint a perfecto corde ea relinquere atque emendare satagerint dimittentur eis; Neque enim sine confessione emendationis peccata queunt dimitti; Unde recte. subiuogitur. confitemini alterutrum peccata uestra et orate pro inuicem ut saluemini {Iac 5:16}; Kerff: 4.378
cf. Coll.quad. 4.377

Source BEDE, In epistolas VII catholicas, in Iac., vers. 5:14–15 (ed. Hurst, CCSL 121, 221–22, lines 157–85, paraphrasing DINN.401.311, c. 8 [cf. Coll.quad. 4.377])

CCCLXXIII. DE DEFUNCTIS SANCTI ISIDORI EPISCOPI.

Transeuntibus de hac luce fratibus. antequam sepeliatant pro dimittendis eorum peccatis sacrificium offeratur; Corpora fratrum uno sepeliendi sunt loco ut quos uientes caritatis tenuit unitas mortientes locus unus amplectat; Pro spiritibus defunctorum altera die post pentecosten. sacrificium deo offeratur. ut beatumis participes fæcete purgationes corpora sua in die resurrectionis recipiant; Kerff: 4.379

Source BEN.AN. Cod.reg. 23 (eds Holste–Brockie, 197), partial — ISIDORE, Regula, 25 (ed. Campos, 125, lines 596–601)
CCCCLXXII. DE COMMUNICACIONE PRIVATIS ET ITA DEFUNCTIS EX EPISTV/LA LEONIS PAPÆ.

Horum causa dei iudicio reseruanda est in cuius manu fuit ut talium obitus usque ad communionis remedium differatur; Nos autem quibus uiuentibus non communicauimus [f. 177v] mortuis communicare non possimus;

Kerff: 4.380
Source Coll.Dach. 2.64; PHAL.800.3.14 — DLEO.440.544, c. 8 (PL 54, cols 1205B–06A)

CCCCLXXV. VT NEMO PRO SEPVLTVRA DEFVNCTORVM QVICQVA REQVIRERE AVT EXIGER E PRESVMAT. EX EPISTV/LA GREGORII PAPÆ.

Graue nimis et periculosum a sacerdotis officio prætium de terra concessa putredini querere. et de alieno uelle facere lucri commodum; Hoc aute quibus uiuentibus nostris diess est innumerabilis uel in alienis denuo temptari presumatur ammoneo.

sed si quando aliquos in ecclesiam uel sepulchram pretio ad humanum corpus coniugis postularet primum accipere rennuit {scilicet efron gl. sup. lin.} ne comodum uideret ur de cadauere consecutus; Si ergo tantum considerationis paganus uir fuit quanto magis nos qui sacerdotes dicimur hoc facere non debemus; Vnde ne hoc auaritiæ uitiu ne uel in alienis denuo temptari presumatur ammoneo.


CCCCLXXVI. DE AECCLESIAE MORTVI EX CONSILIJO CARTAGINENSE.

Mortuos ecclesiæ penitentes ferant et sepeliant;

Kerff: 4.382
Source SEA 66 (= Carthage IV, 81)

EXPLICIT LIBER QVARTVS

Ecce hæc sunt paucæ ex multis sanctarum scripturam edictis deo fauente succinitim excerpta; Dum enim sanctæ iussionis uestrae parere uolui presumpsam uiro uires meas facere. quod optime non noui; Parcat hoc cum caeteris commissis mihi meritis precibile uestris omnipotens deus; Sed quia ut potui deo donum feci quod iussisti; Obsecro beatitudinem uestram ut mercedem orationum uestrarum mihi reddere procuretis;

OBTO VOS BENE SEMPER VALERE IN DOMINO.

Africani concilii. XLIII.

Placuit quottiens quod concilium congregandum est presbiteri qui neque etate neque egritudine: neque aliqua grauiore necessitate inpediuntur ad diem concilii instantissime occurrant. et qui nequvierint. excusationes suas ostendere certissime procurent: et si rationem inpedimenti sui aput suum episcopum non reddiderint. ecclesiæ suæ communione debere. esse. reiectos;

Source Reg.eccl.Cart.exc. 76 (Carthage V, 10), abbrev., adapted
[f. 178v] Si iudiciurn dei iustum quare infantes cum parentibus in sodomis cremati sunt? non
iniuste. sed misericorditer deus illis fecit. ne diu uiuentes exempla sequerentur. et in perpetuo
incendio cum illis equaliter cremarentur;
Source unidentified

Placuit ut hii qui sibi ipsis aut ferro aut ueneno aut precipitio aut suspendingo uel quolibet modo
uioleter inferunt mortem nulla illis in oblatione commemoratio fiat neque cum phalmis ad
seputuram eorum cadaueru deducuntur multi enim sibi hoc per ignorantiam. usurparunt similiter
et de his placuit qui pro suis sceleribus puniuntur;
cf. Coll.quad. 4.97
Source CBRA.561.16

Agustinus ait. Quæcumque mulier aut partum suum disperdit: aut filium necabat homicidium
perpetrauit; Mulier siue uir consentientes ei in hoc peccato. VII tem. annos peniteant;
Source Coll.Hib.A, 45.4.b

Hieronomus dicit. Quæcumque mulier hanc detestationem fecerit. rea bis constituitur. aut suæ
animæ. aut homicidii. inde. XIII cim. annos peniteat;
Source Coll.Hib.A 45.4.a

Hieronomus ait. Pudet dicere pro nefas triste quod uerum est. aliae erecta ceuice et ludentibus
pedibus incedunt et reliqua; Aliae uero sterelitate bibunt: et necdu nati hominis homicidium
faciunt nonnullæ
Source Coll.Hib.A 45.3

57 sed] s MS
58 A new hand (which Kerff identifies as an English Caroline minuscule) begins here, adding the final three canons
on the page.
59 The text ends incompletely. An unknown number of folios is missing.
Appendix X: Transcription of the Corpus 265 copy (A2) of the 

*Collectio Wigorniensis (Coll.Wig.C)*

For an explanation of editorial conventions, see above, pp. 556 and 729. Abbreviations and suspensions have been expanded silently. Notices of previous editions, collations or catalogues of individual canons are given immediately after each canon, followed by cross-references to other chapters of Coll.Wig. or other works of interest. Cross-references to ‘A’ and ‘B’ (or to Coll.Wig.A, B) are to versions A and B as printed by Cross and Hamer. Cross-references to ‘C’, ‘D’, ‘I’ and ‘O’ (or to Coll.Wig.C, Coll.Wig.D, Coll.Wig.I, Coll.Wig.O) are to the redactions of Coll.Wig. found in MSS A2, Barlow 37, A3, and A1, respectively, which are transcribed in Appendices X–XIII. References to ‘R’ (or to Coll.Wig.R) are to the copy of Coll.Wig.A found in A6 (not edited in this dissertation). Because Cross and Hamer’s A version is reconstructed from the Coll.Wig.C, D and R redactions, references to the A version are followed (in parentheses) by references to the corresponding ‘C’ and ‘D’ chapters (‘R’ being excluded as a rule from all consideration in these Appendices). Similarly, because Cross and Hamer’s B redaction is constructed principally from Coll.Wig.I, but also from Coll.Wig.O, references to the B redaction are followed (in parentheses) by references to the corresponding ‘I’ and ‘O’ chapters; when there is no corresponding ‘O’ chapter, this is indicated by ‘O–’. In the list of cross-references that follows most canons, references to other texts or Coll.Wig. chapters that are identical to the canon under consideration are listed first. Any cross-references listed after a ‘—’ or a ‘cf.’ (even if a semi-colon intervenes), should be understood, not as identical, but as parallel or relevant in some way, for example as possible sources for or derivatives of the canon under consideration, or simply as containing similar phrasing.

*** Collectio Wigorniensis C ***

*Preceding in A2, pp. 3–19 is a series of texts on pastoral privilege and responsibility (Sauer’s ‘Block VII’)*

[p. 19 ...]

[C1] *DE UARIIS OBSERUATIONIBUS EPISCOPI*

Ut episcopus non longe ab aeclesia hospitiiolum habeat. Ut episcopus nullam familiaris rei curam ad se reuocet. sed ut lectioni tantum uacet. et orationi et uerbi dei predicationi. Ut episcopus in çeclesia consessu presbiterorum sublimiter sedeat: intra domum uero collegam se presbiterorum esse cognoscat. [p. 20] Ut episcopus uilem suppellectilem et mensam. et uictum habeat pauperem. et dignitatem suçe auctoritatis fide et uite meritis querat. Ut episcopus gentilium
Appendix X

libros non legat: hereticorum pro necessitate et tempore perlegat. Ut episcopus tuitione testamentorum suscipiat. Ut episcopus gubernationem uiduarum et pupillorum et peregrinarum non per semetipsum. sed per archipresbiterum et archidiaconum habeat. Vt episcopus nec prouocatus pro rebus transitoriis litiget. Ut episcopus ad sinodum ire satis graui necessitate inhbeatur; Sic tamen ut pro se legatum mittat. suscepterus salua fidei uirtute quicquid sinodus statuerit. Ut episcopus uel clericus de loco ignobiliori per ambitionem {id est cupiditatem gl. sup. lin.} ad nobiliorem non transeat. Ut episcopus absque consilio presbiterorum suorum clericos non ordinet. ita ut testimonium ciuium querat. Ut episcopus nullius causam iudicare audeat absque presentia clericorum suorum. Aliquo in rita {inutilis gl. sup. lin.} erit sententia episcopi. nisi presentia clericorum suorum confirmetur. Ut episcopus quo loco sedeat stare presbiteros non patiatur. Ut episcopus rebus ecclesiis tamquam commendatis non tamquam propriis utatur. Ut episcopus nullum prohibeat ingredi ecclesias et audire uerbum dei. siue hereticum. siue iudeum. non pretia concupiscat terrena. sed solam spiritualium pro aliquo pretio uendere presumat. ne uendentes et ementes in templo columbas utnullus presbiter sacrum quibuscumque horis omnibus indigentibus baptismum infirmitatis causa diligentissime tribuant. Ut omnes sacerdotes dedicatis celebrare missas audeat. Ut a cunctis cclesiis pontifice cuius gubernatur regimine. Ut nullus sacerdos in domibus vel aliis locis nisi in filiorum ac filiarum salute orent. Ut unusquisque sacerdos cotidianis assistat orationibus pro eiusmodi uersum ecclesiam suam cum omni diligentia edificet. et reliquias sanctorum cum summo studio uigiliarum noctis et diuinis officiis conseruet. Ut omnes sacerdotes horis et populis erudiant quomodo auuent. et populos erudiant qualiter decimas totius facultatis suae transmiserint. Vt episcopus nec pauperum atque peregrinorum per eorum manus misericorditer cum omni humilitate dispensent. diuidant. et ad ornamentum quicumque dederint scripta habeant. et secundum auctoritatem canonicam coram timentibus debit offerant. Ut ipsi sacerdotes a populis suscipiant decimas. et nomina eorum sacerdos cunctos sibi pertinentes erudiat. ut sacerdotes et sacerdotibus ius et tempus baptismatis temporibus ostendat. et populorum et eorum communia uentro pateat. et reliquias sanctorum usque ad missam caticuminorum. episcopus nullum prohibeat ingredi ecclesiam et audire uerbum dei. siue hereticum. siue iudeum. nisi presentia clericorum suorum confirmetur. Ut episcopus quo loco sedeat stare presbiteros non patiatur. Ut episcopus rebus ecclesiis tamquam commendatis non tamquam propriis utatur. Ut episcopus nullum prohibeat ingredi ecclesias et audire uerbum dei. siue hereticum. siue iudeum. non pretia concupiscat terrena. sed solam spiritualium pro aliquo pretio uendere presumat. ne uendentes et ementes in templo columbas

(catalog. JONES, ‘Ælfric’s letter’, no. 7)

third sentence: B28 (I30, O–); last sentence: B36 (I38, O–) — cf. A17 (C19, D17), which derives the second and fourth sentences from a different source; A18 (C20, D18)/B51 (I52, O–), which probably derives the eleventh sentence from a different source: A19 (C21, D19)/B52 (I53, O–), which derives the twelfth sentence from a different source: B27 (I29, O–), which adapts the first sentence of this canon; B37b (I39b, O–)


Source Coll.Hib.B 1.11 (MS B6, fol. 4r–4v); cf. Coll.Hib.A 1.10, whose word order is slightly different — SEA 1, 3, 2, 4–9, 11 (first sentence), 10, 14, 12, 15–16 (= Carthage IV, 14, 20, 35, 15, 16, 18, 17, 19, 21, 27, 22, 23, 34, 31, 84)

[C2] HEC SUNT IURA QUE SACERDOTES UEBENT {sic} HABERE
Vt unusquisque sacerdos ecclesiam suam cum omni diligentia edificet. et reliquias sanctorum cum summo studio uigiliarum noctis et diuinis officiis conseruet. Ut omnes sacerdotes horis competentibus diei et noctis suarum uel dominiorum ecclesiis transmiserint. et tenientibus curam et amorem a eis colligentur. et submittant omnes urbanae et ruralia decimam suam in ponente. et in tenebris et in umbra et in diebus dominicis et in festis et in his dies quibus deus adorandus est horis. Ut omnibus festis et diebus dominicis unusquisque sacerdos evangeliuinum domini predicet populo. Ut unusquisque sacerdos cunctos sibi pertinentes erudit. ut sciant qualiter decimas totius facultatis ecclesiis diuinis debite offerant. Ut ipsi sacerdotes a populis suscipiant decimas. et nomina eorum quicumque dederint scripta habeant. et secundum auctoritatem canonicam coram timentibus diuidant. et ad ornamentum ecclesiæ primam eligant partem. secundum {sic} autem ad usum pauperum atque peregrinarum per eorum manus misericorditer cum omni humilitate dispensent. tertiam uero sibimetipsis sacerdotes reseruent. Ut unusquisque sacerdos orationem dominicanam {id est pater noster gl. sup. lin.} et symbolum {Credo in deum.} ad usum sacerdotis et canonicam institutionem cautissime obseruet. Ut omnes sacerdotes quibuscumque horis omnis indigentius baptismum infirmitatis causa diligentissime tribuant. Ut nullus sacerdos in domibus uel aliis locis nisi in ecclesiis dedicatis celebriam missas uendeat. Ut a cunctis sacerdotibus ius et tempus baptismatis temporibus congruius secundum canonicam institutionem cautissime obseruet. Ut omnes sacerdotes uel presbiteri sacrum officium siue baptismatis sacramentum. aut aliquot [p. 22] donorum spiritualium pro aliquo pretio uendere presumat. ne uendentes et ementes in templo columbas imitentur. et pro his quæ adepti sunt gratia diuina. non pretia concupiscant terrena. sed solam regni celestis gloriam promereantur accipere. Ut nullus sacerdos a sede propria sancté ecclesie sub cuius titulo ordinatus fuit ammonitionis causa ad alienam pergam ecclesiam. sed ibidem deuotus usque ad uite permaneat exitum. Ut nullus ex sacerdotum numero ebrietatis uitiun
nutriet. nec alios cogat per suam iussionem inebriari. Ut nullus sacerdos extraneorum
{extraneorum corrig.} mulierem habeat familiaritatem nec in sua domu in qua ipse habitat ullam
mulierem umquam permittat habi.tare. Nulli sacerdotum liceat fideiusssorem esse neque derelicta
propria lege. ad secularia iudicia accedere presumat. Nemo sacerdotum ex numero arma
pugnantium umquam portet. nec litem contra proximum ullam excitet. Ut nullus presbiter edendi
aut bibendi causa graduat in tabernis. Ut nullus sacerdos quicquam cum iuramento iuret. sed
simpliciter cum puritate et ueritate omnia dicat. Ut cuncti sacerdotes omnibus illis confitentur
eorurn crimina. dignam penitentiam cum summa uigilantia eis iudicent. et omnibus infirmis
ante exitum uiaticum et communionem corporis christi misericorditer tribuant. Ut secundum
diffinitionem sanctorum patrum. si quis infirmatur a sacerdotibus oleo sanctificato cum
orationibus diligenter unguatur.

(coll. [as ‘C’] BROMMER, Capitula episcoporum I, 16–21; coll. [as ‘Z’] ARONSTAM, Latin canonical tradition, 215–
D169: B2–22 (14–24, O–); MS A5, fols. 3r–5r; Paris, Bibliothèque nationale, Lat. 943, fols 149r–150v;
Pontifical L'anet. (ed. DOBLE, 127–28) — cf. Pontifical Ecgb. (ed. BANTING, 7–8), whose copy of GHAERBALD,
Cap.I is a hybrid Continental-Insular version; Coll.Wig.R, whose copy of GHAERBALD, Cap.I is incomplete
Source
GHAERBALD Cap.I

INCIPIUNT EXCERPTIONES UE LIBRIS CANONICIS. AGUSTINUS
AURELIANENSIS EPISCOPUS DICT.
(catalog. JONES, ‘Ælfric’s letter’, no. 9; catalog. HAGGEMÜLLER, Die Überlieferung, 160)

[C3] [p. 23] Nulli sacerdotum suos liceat canones ignorare. nec quicquam facere quod patrum
possit regulis obuiare. et ne excusatio de ignoratione {uel ignorantia add. sup. lin.} nascatur. uel
per obliuionem aliquid neglegatur. frequenter in hoc libello quasi in speculo
perspiciant quod
canonum est regulis definitum. Uerumtamen non omnes clerici iudicia canonic
ę
constitutionis
usurpare aut legere debent: sed solummodo presbiteri. Sicut enim sacrificium debent offerre non
 nisi episcopi et presbiteri:
Source
nulli ... obuiare)
Coll.quad. 4.232 — DCEL.422.371, first sentence (Coustant, col. 1072)
Source (et ne excusatio ... nasca.tur)
Coll.quad. 4.233, first sentence — DLEO.440.402, c. 2 (ed. Wurm, 89, lines 22–3)
Source (uel per obliuionem ... perspiciant)
Coll.quad. 4.234 — AVG. Praec. 8.2 (ed. Verheijen, 437, lines 240–42)
 | adapted
Source (quod canonum ... definitum)
Coll.quad. 4.233, last phrase — DLEO.440.402, c. 2 (ed. Wurm, 89, line 24) | reading ‘fuerit’ for ‘est’
Source (uerumtamen ... usurpare debent)
PHAL.800.6.pref., ‘Quotienscumque’ instruction (ed. Schmitz, 471–
72), adapted — cf. POX2.700.pref. (eds Kottje et al., 187, lines 147–
52)

[C4] SINODUS ROMANA DICT.
Si in qualibet prouincie orte fuerint questiones. et inter clericos dissidentes non conueniant. ad
maiorem sedem referantur. Et si illic facile non discutiantur. ubi fuerit sinodus congregata. ibi
iudicentur.

A2 (D2) — cf. B55 (I56, O–), which combines this canon with A3 and abbreviates the whole
Source
Coll.Hib.B 23.5 (MS B6, fol. 32v); Coll.Hib.A 20.5.a

[C5] ITEM
Si questiones difficiles oriuntur. ad sedem apostolicam rome referantur.
A3 (D3) — cf. B55 (I56, O–), which combines this canon with A2 and abbreviates the whole
Source
Coll.Hib.B 23.5 (MS B6, fol. 32v); Coll.Hib.A 20.5.b, abbrev. | adapted
[C6] **ITEM INSTITUTIO ROMANA DICIT**
Cauendum est ne ad aliean prouincias aut ecleisias referantur causæ. quæ alicio more et alia religione utantur. siue ad iudeos. qui umber magis quam ueritati deseruunt. aut ad brittones qui omnibus contrarii sunt. aut ad hereticos. quamuis in ecclesiasticis causis docti. et studiosi fuerint.

*Source* Coll.Hib.B 23.6 (MS B6, fol. 32v); Coll.Hib.A 20.6. Note: ‘et a romano more et unitate ecclesiæ sanctæ abscidunt’ probably omitted in C6 through homoioteleuton.

[C7] **DE EPISCOPIS PAULUS APOSTOLUS DICIT**
Oportet enim episcopum per omnia inprehensibilem esse. {1 Tim 3:2} sicut dei dispensatorem. non superbum. non iracundum. non uinolentum. non percussorem. non turpis luceri cupidum. sed hospitalem. benignum. sobrium. sanctum. et cetera. {Tit 1:7–8}

*Source* cf. ANSEGIS Coll.cap. 2.36

[C8] **INSTITUTIO SANCTORUM PATRUM**
Obseruandum itaque est episcopis. ut in caritate radicati et fundati. {Eph 3:17} ueram pacem et concordiam integram [p. 24] inuicem habeant. ita ut sit omnium et in omnibus quasi cor unum et anima una. {Act 4:32}

*Source* (episcopi ... instruant) unidentified; but cf. the Old English parallels cited by Jost, Wulfstanstudien, 32 n. 1

[C9] **ITEM INSTITUTIO**
Episcopi quoque et presbiteri. fidel catholicae instantem populo predicent. et omnes homines non solum uerbis uerum etiam exemplis omnimodo instruant. studeantque habere assiduitatem legendi. et instantiam orandi.

*Source* (episcopi ... instruant) unidentified; cf. Coll.Wig.O 31, Coll.Wig.I 177 and WYLFSTAN, De past.et praedic. (ed. Elliot, 45, lines 26–8)

[C10] **ITEM SANCTORUM PATRUM.**
Pascha certis temporibus celebrare omnibus generaliter satagendum est. id est post XIII lunam primi mensis.

*Source* unidentified, but cf. CHER.672.1

[C11] **ITEM SANCTORUM PATRUM**
Baptismatis sacramenta indifferenter presbiteri indigentibus tribuant. et penitentiam querentibus citissime succurrant. nullum exinde pretium requirentes. nisi ipsi aut parentes eorum seu elemosinarii. sponte aliquid dederint. Si quis uero institutionibus contraire temptauerit. aut excommunicationis sentiet pœnam. aut carceris erumpnam diu sustineat.

*Source* unidentified

[C12] **CANON APOSTOLORUM**
Si quis episcopus. aut presbiter. aut diaconus. per pecunias obtinuerit dignitatem. deiciatur et ipse et ordinator eius. et a communione modis omnibus abscedatur sicut simon magus a petro.
Appendix X

A10 (D10); B50 (I51, O–) — cf. O39, which adds additional scriptural material to this canon
Source Coll.vet.Gall. 4.12 — Can.apost.30 (Dion.I/II)

[C13] DE ORDINATIO EPISCOPORUM
Episcopus a tribus episcopis ordinetur. uel ab omnibus si fieri potest qui sunt in prouincia.
A11 (D11) — cf. O34 and B106 (I106, O–), which draw independently on, and adapt, the same source
Source (episcopus ... ordinetur uel) Coll.vet.Gall. 5.1, second part, adapted; cf. Coll.Wig.O 34 — CNIC.325.4 (versio Rufini; epit.Hisp.), partial, adapted
Source (ab omnibus ... prouincia) Coll.vet.Gall. 5.1, first part, adapted; cf. Coll.Wig.O 34 — CNIC.325.4 (versio Isidori), partial, adapted

[C14] ITEM DE ORDINATIONE EPISCOPORUM
Episcoporum ordinationes fieri oportent dominicis diebus. non in agris uel in uillulis. sed in urbisbib precipuis. pro tanti nominis dignitate.
A12 (D12); O35; B107 (I107, O–) — cf. D268, which incorporates this canon
Source (episcoporum ... diebus) unidentified
Source (non in agris ... dignitate) unidentified, but cf. CLAO.300.57

[C15] DE ORDINATIONE PRESBITERORUM UEL CLERICORUM
Clericorum ordinationes fieri oportent IIIIor temporum sabbatis sabbatis coram populo.
A13 (D13) — cf. D268, which incorporates and adapts this canon; O36/B108 (I108, O–) and I184/O156, each of which adapts D268 differently
Source unidentified

[C16] IN CONCILIO QUOQUE NECESARIENSE STATUTUM EST
Ut nullatenus presbiter ordinetur ante tricesimum [p. 25] étatis annum. quia dominus noster iesus christus non predicauit ante XXXmum étatis suę annum.
A14 (D14) — cf. D268, which incorporates 'IN CONCILIO ... tricesimum étatis annum`; B105 (I105, O85), which inserts 'nisi rationabili necessitate cogente' from A15
Source ANSEGIS Coll.cap. 1.49 — cf. CNEO.315.11

[C17] DE CONSECRATIONE VIRGINUM. IN CONCILIO AFFRICANO
Vt uirgines non uelentur. nec diaconi ordinentur. ante XVcem {sic} annos. nisi rationabili necessitate cogente.
A15 (D15) — cf. D268, which incorporates this canon; A63 (C67, D72); B101 (I101, O81), which conflates this canon with A63
Source ANSEGIS Coll.cap. 1.45 — cf. Reg.eccl.Cart.exc. 26
Source (nec diaconi ordinentur) unidentified

[C18] GELASII PAPAE
Deuotis deo uirginibus. nisi aut in epiphania. aut in albis paschalibus. aut in apostolorum nataliciis. sacrum minime uelamen imponant.
A16 (D16) Source Coll.quad. 223 — DGEL.492.636, c. 12 (ed. Thiel, 369) | first half

[C19] DE SECULARIBUS CURIS
Episcopus. aut presbiter. uel diaconus. nequaquam seculares curas adsumat. sin aliter: deponatur. Et in unica ecclesia episcopus nullam rei familiaris curam ad se reuocet. sed lectioni et orationi. et uerbi dei predicationi tantum uacet. et uilem suppellectilem ac uictum pauperum habeat. et dignitatis suę auctoritatem fidem et per uitę meritum querat. et cum apostolis periuRIam {sic} sustineat.
A17 (D17) — cf. B37a–b (I39a–b, O–); C1 second and fourth sentences
Appendix X

Source (episcopus ... deponatur) Coll.Hib.A 2.27 (this canon not in Coll.Hib.B [B6]); cf. Coll.vet.Gall. 37.1, which has ‘deiciatur’ for deponatur’ — Can.apost. 7 (Dion.II) unidentified
Source (et in unica ecclesia) Coll.Hib.A 1.10.b; Coll.vet.Gall. 41.3; cf. Coll.Hib.B 1.11 (MS B6, fol. 4r), whose word order is slightly different — SEA 3 (= Carthage IV, 20)
Source (episcopus nullam ... tantum uacet) Coll.Hib.A 1.10.b; Coll.vet.Gall. 41.3; cf. Coll.Hib.B 1.11 (MS B6, fol. 4r), whose wording is slightly different — SEA 4 (= Carthage IV, 15) | adapted
Source (et uilem ... querat) Coll.Hib.A 1.10.d; Coll.vet.Gall. 41.4 (and 32.6); cf. Coll.Hib.B 1.11 (MS B6, fol. 4r), whose wording is slightly different — SEA 4 (= Carthage IV, 23), first half
Source (et cum apostolis ... sustineat) unidentified, but cf. Phil 4:12

[C20] CANON AFFRICANUS.
Episcopus absque concilio presbiterorum. clericos non ordinet.
A18 (D18); B51 (I52, O–) — cf. C1 eleventh sentence
Source Coll.Hib.A 1.10.l; Coll.Hib.B 1.11 (MS B6, fol. 4v); Coll.vet.Gall. 5.5 — SEA 10 (= Carthage IV, 22) | partial, abbrev.

[C21] CANON.
Episcopus nullius causam audiat. absque presentia clericorum suorum.
A19 (D19) — cf. C1 twelfth sentence; B52 (I53, O–), which adds a clause of exception to this canon
Source Coll.vet.Gall. 36.1, first half; cf. Coll.Hib.B 1.11 (MS B6, fol. 4v)/Coll.Hib.A 1.10.m, which has ‘judicare audeat’ — SEA 14 (= Carthage IV, 23), first half

[C22] CANON CARTAGINENSIS
Nihil rector sine fratrum suorum consilio faciat. Scriptum est enim. Omnia fac cum consilio. et post factum non penitebis. {Sir 32:24}
A20 (D20); B53 (I54, O–)
Source Coll.quad. 4.261, rubric + first sentence — cf. BEN. Regula 3 (ed. Hanslik, 29–31). Note: the inscription to Carthage is not found in Coll.quad. 4.261, but was probably inferred from Coll.quad. 4.259.

[C23] CYPRIANUS EPISCOPUS DICIT
Firmum decretum esse non potest. quod non plurimorum uidebitur habuisse consensum.
A21 (D21); B54 (I55, O–)
Source Coll.quad. 4.264 — NOVAT. Epistola 30.5.3 (in Novatiani opera, ed. G.F. Diercks, CCSL 4 [Turnhout, 1972], 203, lines 27–8)

[C24] CANON EPISCOPORUM
Non temere quemquam communione priuet episcopus. et nec quem alius episcopus ab ecclesia expulerit. siue clerici. siue laicum. suscipiat alius.
A22 (D22); B56 (I57, O–)
Source (non temere ... priuet episcopus) Coll.vet.Gall. 17.12.1 (Stuttgart HB VI 112 only), first sentence; Coll.quad. 4.259, rubric (note that A5 lacks ‘episcopus’); Coll.Dach. 2.9, rubric — Reg.eccl.Cart.exc. 133, rubric; Carthage VII, 5, last sentence
Source (et nec quem ... suscipiat alius) Coll.vet.Gall. 17.1 — CNIC.325.5 (versio Rufini), first sentence, also as EVSYEB–RVFINVS HE 10.6 (eds Mommsen–Schwartz, II, 966, lines 17–18)

1 This witness of Coll.vet.Gall. also shares unique readings with Coll.Wig.C 145/D 205.
[C25] Nemo eum qui ad alium pertinet subripiens in sua ecclesia ordinet. absque consensu illius ad quem pertinet.
A23 (D23); B57 (I58, O–)
Source Coll.vet.Gall. 13.5 — CNIC.325.18 (versio Rufini), also as EVSEB.—RVFINVS HE 10.6 (eds Mommsen–Schwartz, II, 968, lines 17–18)

[C26] CANON EPAONENSIS
Altaria nisi lapidea crismatis unguine non consecruntur.
A24 (D24); B59 (I60, O–)
Source Coll.vet.Gall. 20.1 — CEPA.517.26

[C27] CANON LAODACINENSIS.
A25 (D25); B60 (I61, O–)
Source Coll.vet.Gall. 27.8; Reg.aduct.Chrod. 70; CAAC.816.84 — CLAO.300.58 (Dion.I/II)
Source (non dedicatis) unidentified

[C28] CANON AURELIANENSIS
Episcopus pauperibus et infirmis. qui debilitate faciente non possunt suis manibus laborare.
uiictum et uestimentum in quantum possibilis fuerit largiatur.
A26 (D26); B63 (I64, O–)
Source Coll.vet.Gall. 31.6 — CORL.511.16

[C29] CANON APOSTOLORUM
Omnium ecclesiarum curam episcopus habeat. et ea uelut deo contemplante dispenset. Nec eis
dicat ex his aliquld omnino contingere. aut parentibus propris quæ dei sunt condonare. Quod si
pauperes sunt. tamquam pauperibus subministret. ne eorum occasione ecclesiæ negotia
dependentur.
A27 (D27) — cf. B38 (I40, O–), which draws afresh on the same source
Source Coll.vet.Gall. 32.1 — Can.apost.39 (Dion.II) | first phrase adapted

[C30] CANON AURELIANENSIS
Omnès basilicæ quæ per diuersa constructe sunt loca uel construuntur placuit secundum priorum
iconum regulam. ut in eius episcopi in cuius territorio site sunt. potestate consistant.
A28 (D28)
Source Coll.vet.Gall. 32.5 — CORL.511.17

[C31] THEODORUS
Statutum est ut sine auctoritate uel consensu episcoporum presbiteri in quibuslibet ecclesiis non
constituantur. nec inde expellantur. et si quis hoc facere temptauerit. sinodalis sententia feriantur.
A29 (D29); B64 (I65, O–) — cf. B24 (I26, O–), which draws afresh on ANSEGIS Coll.cap. 1.84
Source Reg.aduct.Chrod. 76 — ANSEGIS Coll.cap. 1.84, first sentence + 1.83, last sentence, abbrev.

[C32] CANON EPISCPORUM
Episcopi nullatenus secularibus negotiis plus quam dei seruitiis quod absit subditi existant. sed
maxime curam animarum habeant. ut secundum apostolum populum dei suis exemplis bene
corrigant. et sane quoque doctrine sermonibus instruant.
A30 (D30); B65 (I66, O–) — cf. 1177, which adapts 'episcopi nullatenus secularibus ... existant'
Source CCLO.747.1, second half, adapted
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[C33] CANON
Clerici omni subiectione episcopis subiecti. illis debitam prebeant obedientiam et nullo iactanti suę studio semetipsos attollant.
A31 (D31); B66 (I67, O–)
Source (clerici omni ... subiecti) unidentified
Source (illis debitam ... attollant) Reg.adauct.Chrod. 62 (ed. Langefeld, 300, lines 16–17); CAAC.816.100 (ed. Werminghoff, 378, lines 4–5) — ISIDORE De eccl.offic. 2.2 (ed. Lawson, 54, lines 21–22) | adapted

[C34] CANON NICENSIS
Si quis alicuius episcopi clericum uel monachum susceperit absque consensu illius. sacrilegus iudicetur. et a communione suspendetur. quoadusque clericum uel monachum proprio episcopo restituat. Quod et si clericis contumax redire noluerit: anathema sit.
A32 (D32); B68 (I69, O49)
Source unidentified, but cf. CNIC.325.15–16

[C35] CANON {sic} AURELIANENSIS
Abbates pro humilita[p. 27]lis religione in episcoporum potestate consistant. et si quid extra regulam fecerint. ab episcopis corrigitur. Qui semel in anno in loco ubi episcopus eligerit. accepta uocatione conueniant. Monachi abbatibus omni se obedientię deuotione subiciant. Quod si quis per contumaciam extiterit indeuotus. aut per loca aliqua euagari aut peculiare aliquid habere presumperit. omnia quę adquisierit. ab abbatibus auferantur. secundum regulam monasterio profuturam. Ipsı autem qui fuerint peruaugati. ubi inuenti fuerint. eum auxilio episcopi tamquam fugaces sub custodia reuocentur. et iei unum qui fuerint. cum auxilio episcopi non regulari aduersione distrixerit. uel etiam qui monachum susceperit alienum.
A33 (D33); B71 (I71, O52)
Source Coll.vet.Gall. 45.3 — CORL.511.19

[C36] CANON AURELIANENSIS
Si quis autem abbas cautus in regimine et humilis. castus. sobrius. misericors. discretusque non fuerit. ac diuina precepta uerbis et exemplis non ostenderit. ab episcopo in cuius consistit territorio. et iucinum abbatibus et ceteris deum timentibus a suo arceatur honore. etiam si omnis congregatio uitiis suis consentiens abbatem eum habere uoluerit.
A34 (D34); B72 (I72, O53)
Source Coll.quad. 4.207 — SMARAG. Exp.in reg.S.Ben. 64.1–6 (eds Spannagel–Engelbert, 313, line 7–p. 314, line 2), partial, abbrev., adapted

[C37] CANON EPISCOPORUM.
Si extiterit abbas diuinis iussionibus preuaricat reguleque sanctę contemptor ab episcopo ciuitates cum consensu abbatum aliorumque monachorum timentium deum. honore abbatis priuetur. Conuenit enim episcopum ciuitates. ut sancta et magna sinodus calcidonensis decreuit. conquerentem monasteriorum prouidentiam gerere.
A35 (D35); B73 (I73, O54)
Source Coll.quad. 4.208 — ‘si extiterit ... abbatis priuetur’: cf. SMARAG. Exp.in reg.S.Ben. 64.4–6 (eds Spannagel–Engelbert, 313–14); ‘conuenit enim ... gerere’: CCHA.451.4, last sentence

[C38] LEO PAPA
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Propositum monachi. deseri non potest aliquo pacto. Quod enim quis uouit deo. reddere debet. Psalmista quoque dicit. Uouete et reddite domino deo uestro. {Ps 75:12}

A36 (D36); B74 (I74, O55)
Source (propositum ... reddere debet) Coll.quad. 4.217 — DLEO.440.544, c. 14 | first part, abbrev.
Source (uouete ... uestro) Ps 75:12

[C39] THEODORUS
Monachi non migrent de loco ad locum. sed in ea permaneant obedientia. quam tempore suę conversionis promiserunt.
A37 (D37); B75 (I75, O56)
Source CHER.673.4

[C40] FRUCTUOSUS EPISCOPUS
Monachus sanctę regulę uiolator siue contemptor uel paruulorum incestuose {id est pollutione gl. sup. lin.} adolescentium consecator publice uerberetur. coronam capitis quam gestat amittat decalatuusque turpiter obprobria patiatur. uel uinculis artatur {id est constringatur gl. sup. lin.} carreis. carcerali angustia maceretur.
A38 (D38); B76 (I76, O57)
Source Coll.quad. 4.81, first half — FRVCT. Regula 15 (ed. Campos, 154–55, lines 313–318) | abbrev., adapted

[C41] CANON AGATER {sic}
Si quis monachus adulterium uel furtum facerit. ut uirgis cesus tanti criminis reus. numquam officium clericatus excipiat.
Si vero iam clericus in id facinus fuerit deprehensus. nominis ipsius dignitate priuetur.
A39 (D39); B77 (I77, O58)
Source Coll.quad. 4.127 — Reg.patr.III, 13 (ed. de Vogüé, 540) | partial
Source (adulterium uel) unidentified

[C42] AURELII EPISCOPI
Carnes in cibo monachi numquam sumant. pulli uero uel altilia cuncta in congregatione non ministrentur. infirmis tantum prouideant. et accipere liceat. Abbati uel monacho monasteri[*]. {monasterii corr.} seruum non licet facere liberalum. Impium est ut qui res ecclesię non contulerit. {id est attulit gl. sup. lin.} dampnum inferat.
A40–1 (D40–1); B78–9 (I78–9, O59–60)
Source (carnes ... accipere liceat) Coll.quad. 4.171 — AVREL. Reg.ad monach. 51.1–2 (ed. Schmidt, 254)
Source (abbatii ... facere liberalum) Coll.quad. 4.305, first sentence — ISIDORE, Regula 20 (ed. Campos, 119, line 494)
Source (impium est ... inferat) Coll.quad. 4.307 — CTOL.633.67 | partial

[C43] CANON TOLATANUS.
Si quis episcoporum aut presbiterorum uel ministrorum ex rebus ecclesię quę in quibuscumque locis a fidelibus largiuntur aliquid auert. et male rapta cum confusione restituet. et excommunicationis animę {id est rectam gl. sup. lin.} sententiam subit.
A42 (D42); B80 (I80, O61)
Source Coll.quad. 4.306, abbrev. — CTOL.655.1, partial, abbrev.

[C44] CANON
Pecunia ecclesiastica furata siue rapta. reddatur quadruplum. popularia dupluciter.
A43 (D43); B81 (I81, O62)
Source Coll.quad. 4.120; PECU.700.4.1 — PTHU.700.1,3,2
[C45] **CANON TOLETANS** \(\textit{sic}\)
Si clericus in demoliendis sepulcris fuerit deprehensus. a clericatus ordine pro sacrilegio submouetur. Si quis sepulchrum uiolauerit. VII annos peniteat. tres ex his in pane et aqua.
A44 (D44–5); B83 (I83, O64)
Source (si clericus ... submouetur) Coll.quad. 4.125 — CTOL.633.46 | first sentence, adapted
Source (si quis sepulchrum ... aqua) Coll.quad. 4.124; PHAL.800.6.29 — PPAS.700.9; PSLE.700.14, adapted

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[Source (si clericus ... submouetur)]
Coll.quad. 4.125 — CTOL.633.46 | first sentence, adapted
Source (si quis sepulchrum ... aqua) Coll.quad. 4.124; PHAL.800.6.29 — PPAS.700.9; PSLE.700.14, adapted

[C46] **CANON HELIBERITANENSIS**
[p. 29] Eos qui ad ecclesiam confugerint trahi non oportet. sed eos domini sui promissa intercessione exire persuadeant. Quod si ab eæcclesia exeuntibus penale aliquid dominus intulerit. ut eæcclesiæ inimicus habeatur excommunicaatur.
A45 (D46); B84 (I84, O65)
Source Coll.quad. 4.366 — Coll.Arel. 30

[C47] **HIERONIMUS**
Sicut ecclesia defendit quos in sinu suo recipit more gallææque pullos proprios et alienos nutrit et defendit: ita eæcclesia cunctos fugientes in se defendere debet.
A46 (D47); B86 (I86, O67)
Source Coll.Hib.B 30.7 (MS B6, fol. 33r–v), first part, abbrev.; cf. Coll.Hib.A 27.23.b, which abbreviates the same unidentified source

[C48] **CANON ROMANUS**
Nemo audeat nudare eæcclesiam qualescumque fuerint principes eius. Filii enim aaron. et heliamali erant. et tamen non retraxit deus ab eis dona populi. Annas et caiphas quamuis crucifixerunt christum. dona populi sumpserunt.
A47 (D48–9) — cf. O28, which incorporates this canon
Source (nemo ... principes eius) Coll.Hib.B 20.8 (MS B6, fol. 27v); cf. Coll.Hib.A 17.7.b, which has ‘sint’ for ‘fuerint’
Source (filii enim aaron ... sumpserunt) Coll.Hib.B 39.36 (MS B6, fol. 77v); Coll.Hib.A 37.33.b | partial, adapted

[C49] **HIERONIMUS.**
Quamuis {id est tamen gl. sup. lin.} mali principes semetipsos destruunt. dei eæcclesia manet sine culpa. Christus quamuis no[∗]uerat {nouerat corr.} iudam se tradituram. {traditurum corr.} loculos non detraxit ab eo.
A48 (D50)
Source (quamuis ... sine culpa) Coll.Hib.B 20.8 (MS B6, fol. 27v), abbrev.; cf. Coll.Hib.A 17.7.a, which has ‘est’ for ‘manet’
Source (christus quamuis ... ab eo) Coll.Hib.B 39.36 (MS B6, fol. 77v); Coll.Hib.A 37.33.b | partial, adapted

[C50] **DE IURE SACERDOTUM**
Primitiæ omnis populi israhel erunt sacerdotum. et decime. et plura de primogenitis; {cf. Nm 5:9–10; 18:17–19} Victimam pro peccato et delicto commedant ipsi. et omne uotum in israhel. et omnia libamenta ex omnibus que offeruntur sacerdotum erunt. et primitiæ ciborum. {Ez 44:29–30} Pectus et armum dextrum tuli a filiiis israhel. iure perpetuo {Lv 7:34} sacerdotum erunt.
A49 (D51–3); O86–7
Source Coll.Hib.B 2.13 (MS B6, fol. 7v); cf. Coll.Hib.A 2.11.a–c, which differs slightly in wording
[C51] Notandum quod non aaron ipse fecit tabernaculum. sed populus et artifices consilio moysi. quod significat sacerdotum non esse construere ecclesiam.

A49 (D55); O89
Source Coll.Hib.B 2.13 (MS B6, fol. 7v). Note: this canon not found in Coll.Hib.A 2.11.
Source (populus et artifices) unidentified

[C52] Aaron non cedebat hostias nisi paucas. sed populus. manum tamen ponebat super caput hostiæ. quod significat sacerdotum non esse post uictum laborare.

A49 (D56); O90
Source Coll.Hib.B 2.13 (MS B6, fol. 7v); cf. Coll.Hib.A 2.11.f, which differs in wording

[C53] Non aaron nec filii eius portabant tabernaculum et utensilia eius. sed tantum immolabant. quod significat ministros debere fieri cum sacerdotibus. Qui altari {altari corr.} deseruiunt: de altare participantur. {1 Cor 9:13}

A49 (D57–8); first part: O91—cf. B110 (O92 first part, but not I110), which incorporates the last sentence of this canon
Source Coll.Hib.B 2.13 (MS B6, fol. 7v), adapted; cf. Coll.Hib.A 2.11.g, d, which differs in wording

[C54] DE UIOLATIONE LOCORUM HIERONIMUS DICIT

Qui peccant in loco sancto. in eodem quoque occidendi sunt. In loco castrorum finees interfecit uirum et meretricem. {cf. Nm 25:6–8} Quicumque maculauerit sanctum. sancta non defendent eum. Christus male facientes in templo. flagris compescuit. {id est flagellis eiecit gl. sup. lin.}

A50 (D59) — cf. B88 (I88, O69 first part), which adds an additional scriptural exemplum
Source (qui peccant ... occidendi sunt) Coll.Hib.B 30.16 (MS B6, fol. 54v); Coll.Hib.A 28.13; Coll.Hib.A 28.13.a
Source (in loco ... defendent eum) Coll.Hib.B 30.16 (MS B6, fol. 54v); Coll.Hib.A 28.13.a
Source (christus ... compescuit) Coll.Hib.B 30.16 (MS B6, fol. 54v, with ‘fragis’ corr. to ‘flagris’), abbrev.; cf. Coll.Hib.A 28.13.c, which has ‘flagellis compescuit et eject’

[C55] HIERONIMUS DICIT

Qui percusserit malos eo quod mali sunt. minister domini est.

A51 (D60); B89 (I89, O69 last sentence)

[C56] CANON ARAUSICANUS

{quantum intellegentes sunt. add. in mg.} Amentibus {id est dementibus gl. sup. lin.} quecumque pietatis sunt conferenda sunt.

A52 (D61); B91 (I91, O70 last sentence)
Source Coll.quad. 4.357 — CORA.441.12

[C57] CANON CARTAGINENSIS

Omni die exorciste inerguminis manus inponant.

A53 (D62); B92 (I92, O70 first sentence)
Source Coll.quad. 4.358; Coll.Dach. 2.112b; cf. Coll.vet.Gall. 60.1, which ascribes this canon to ‘Africanorum’ — SEA 62 (= Carthage IV, 90)

[C58] CANON ARAUSICANUS
Qui palam aliquando arrepti sunt. non solum non assumendi ad ullaum ordinem clericatus sed si iam aliqui ordinati sunt. ab inposito officio repellendi.

A54 (D63); B93 (I93, O71 second part)

Source  Coll.quad. 4.362 — CORA.441.15

[C59] CANON CARTAGINENSIS

Sacerdote uerbum in ecclesia faciente. qui egressus de auditorio fuerit excommunicetur.

A55 (D64); B94 (I94, O74)

Source  Coll.quad. 4.290; Coll.Dach 2.95b; cf. Coll.vet.Gall. 28.2, which ascribes this canon to ‘Africanorum’ — SEA 31 (= Carthage IV, 24)

[C60] CANON CARTAGINENSIS

Laicus presentibus clericis. nisi ipsis prouocandis docere non audeat.

A56 (D65); B95 (I95, O75)

Source  Coll.quad. 4.349; cf. Coll.vet.Gall. 28.5, which ascribes this canon to ‘Africanorum’ — SEA 38 (= Carthage IV, 98)

[C61] Omnis mundialis sapiens. si sapiens sit non iudicet iudicia ecclesie.

A57 (D66); B96 (I96, O76) — cf. 1177 and Wulfstan’s De ven.sacerd., which incorporate this canon

Source  Coll.Hib.B 24.34 (MS B6, fol. 39r); Coll.Hib.A 21.26b

[C62] CANON CARTAGINENSIS

Mulier quamuis docta et sancta sit. uiros in conuentu docere non audeat.

A58 (D67); B97 (I97, O77)

Source  Coll.quad. 4.350; cf. Coll.vet.Gall. 28.4, which ascribes this canon to ‘Africanorum’ — SEA 37 (= Carthage IV, 99)

[C63] CANON CARTAGINENSIS

Sponsus et sponsa cum benedicendi sunt a sacerdote. a parentibus aut a paranymphis {id est anuntiis gl. sup. lin.} offerantur. qui cum benedictione acceperint. eadem nocte pro reuerentia ipsius benedictionis uirginitate permaneant.

A59 (D68); B98 (I98, O78)

Source  Coll.quad. 4.352; Coll.Dach 1.61; cf. Coll.vet.Gall. 5.4o, which ascribes this canon to ‘Africanorum’ — SEA 101 (= Carthage IV, 13)

[C64] CANON DICIT.

Presbiterum conuiuo secundarum nuptiarum interesse non debere. maxime cum petatur. {he he beo swiðe gebeden. gl. sup. lin.} secundis nuptiis penitentiam tribuere.

A60 (D69); B99 (I99, O79)

Source  cf. Coll.Quesn. (PL 56, col. 444B); Coll.Sanb. (fol. 26r) — CNEO.315.7 (Isidori vulg.), first sentence

[C65] GREGORIUS

Si quis coniugem suam si fieri potest. non cupidine uoluntatis. sed solummodo creandorum liberorum gratia utitur. iste profecto siue de ingressu ecclesie. seu de sumendo dominici corporis sanguinisque misterio. sui est delinquendus iudicio. quia nobis prohiberi non debet. cum iuxta prefinitem sententiam etiam [p. 31] ecclesiam licuerit intrare. Uerumtamen quia ipsa licita amixtio coniugissime {coniugis sine corr.} uoluntate carnis fieri non potest. ideo aliquando a sacri loci ingreessu abstinendum est. qui {quia corr.} uoluntas ipsa esse sine culpa nullatenus potest.

A61 (D70); B121 (I120, O102)
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Source (si quis ... prohiberi non debet)  
DGRE.590.1843, c. 8 (eds Ewald–Hartmann, 341, lines 13–16)

Source (si fieri potest)  
unidentified

Source (cum ei ... licuerit intrare)  
DGRE.590.1843, c. 8 (eds Ewald–Hartmann, 342, lines 2–3)

Source (ueruntamen ... nullatenus potest)  
DGRE.590.1843, c. 8 (eds Ewald–Hartmann, 340, lines 29–31)

Source (ideo aliquando)  
unidentified

[C66] GELASIUS PAPA.

Deo utis deo uirginibus uel uiduis. nisi in epiphania. aut in albis. paschalibus. aut in apostolorum nataliciis. sacrum minime uelamen inponant. nisi forsitan sicut de baptismate dictum est graui languore correptis. ne sine hoc munere de seculo transean. implorantibus non negetur.

A62 (D71); B100 (I100, O80)

Source  
Coll.quad. 4.223 — DGEL.492.636, c. 12 (ed. Thiel, 369)

[C67] CANON CARTAGINENSIS

Placuit ut ante XXV annos etatis. nec diaconus ordinetur. nec uirgines consecrentur.

A63 (D72) — cf. B101 (I101, O81), which conflates this canon with A15

Source  
Coll.quad. 4.222; Coll.Dach. 3.79 — CCAR.397.1b (= Carthage III, 4, partial; CCAR.419.16d)

[C68] BASILII EPISCOPI

Oportet tamen infantes cum uoluntate et consentu parentum. immo ab ipsis parentibus oblatis. sub testimonio plurimorum suscipi.

A64 (D73); B102 (I102, O82)

Source  
Coll.quad. 4.225 — BASIL.-RYFINVS, Regula 7.4 (ed. Zelzer, 39) | first part

[C69] Ysidorus.

Quicumque a parentibus proprisi in monasterio fuerit delegatus. {id est traditus gl. sup. lin.} nouerit se ibi perpetuo mansurum. Nam anna samuel puerum natum et ablactatum deo obtulit. qui in ministerio templi permansit. {cf. 1 Rg 1:24–8}

A65 (D74); B103 (I103, O83)

Source  
Coll.quad. 4.226 — BEN.AN. Cod.reg. 4 (eds Holste–Brockie, 189, Isidore’s rule) 2 | partial, abbrev.

[C70] INSTITUTIO PATRUM.

Die dominico nihil aliud agendum est. nisi deo uacandum. in ymnis. et psalmis et canticis spiritalibus.

A66 (D75) — cf. B115 (I115, O96), which adds ‘dies quoque ... colendi sunt’ to this canon

Source  
Coll.quad. 4.297, partial, abbrev. — Reg.IV patr. 3.6–7 (ed. de Vogüé, 194), partial, abbrev., adapted

[C71] CANON AURELIANENSIS

Id etiam miserationis intuitu equirem duximus custodire. ut qui pro quibuscumque culpis in carceribus deputantur. ab archidiacono seu a preposito ecclesiæ singulis dominicis diebus requirantur. ut necessitas uictorum {uel uictuum gl. sup. lin.} secundum preceptum diuinum

2 The relevant part of Isidore’s Regula is not printed by Campos, who believes it to be an interpolation based on CTOL.633.49; cf. Reglas monásticas, eds. Campos–Roca, 95 n. to line 89.
misericorditer subleuetur. atque a pontifice competens {id est deliciens gl. sup. lin.} uictus de domo ecclesiq tribuatur.

A67 (D76); B116 (I116, O97)

Source Coll.quad. 4.283 — CORL.549.20

[C72] DE DECIMIS IN LEGE

Decimas et primitias non tardabis offerre. {Ex 22:29}

A68 (D77) — cf. B110 (I110, O92 first part), which combines this canon with Lv 27:30 and 27:32–3, as per Pirmin’s Scarapsus

Source Ex 22:29, abbrev.; cf. PIRMIN Scarapsus 24 (ed. Hauswald, 98, lines 2–3), which quotes the same scriptural passage

[C73] ITEM IN LEGE


A69 (D78); B113 (I113, O94)

Source (si intraueris ... non metas) Dt 23:25

Source (hoc et ...euuangelium dicit) unidentified, but cf. Mt 12:1, Mc 2:23, and Lc 6:1

[C74] ITEM IN LEGE

Ingressus itaque uineam proximi tui comedes uuas quantum tibi placuerit. foras autem ne feras tecum. {Dt 23:24}

A70 (D79); B114 (I114, O95)

Source Dt 23:24

[C75] CANON BRACHARENSIS

Si quis paganorum consuetudinem sequens diuinos et s ortilegos in domum suam introduxerit. quasi ut malum foras mittant. aut maleficia inueniant. uel lustrationibus paganorum seruiant. V annos peniteant.

A71 (D80); B153 (I151, O134)

Source Coll.quad. 4.139; Coll.Dach. 1.95 — CBRA.561.71

[C76] CANON CARTAGINENSE

Auguriis uel incantationibus seruientem. a conuentu ecclesiæ separatundum. secundum gradus penitenciq diffíñitos. {id est terminatos gl. sup. lin.}

A72 (D81)

Source (auguriis ... separatundum) Coll.quad. 4.136; Coll.Dach. 1.99; cf. Coll.vet.Gall. 55.2, which ascribes this canon to ‘Africanorum’ — SEA 83 (= Carthage IV, 89) | first part

Source (secundum ... diffíñitos) Coll.quad. 4.138; Coll.Dach. 1.94; Coll.vet.Gall. 44.4a (Stuttgart HB VI 112 only) — CANC.314.23 (Dion.II) | last phrase

[C77] CANON EPISCOPORUM.

Catholicus si capillos more totonderit barbarorum ab ecclesia dei alienus habeatur. et ab omni christianorum mensa donec delictum emendet.

A73 (D82) — cf. C217/D146 last sentence; B156 (I154, O136), which draws independently on the same source material and combines it with material from C218

This witness of Coll.vet.Gall. shares unique readings with Coll.Wig.C 145/D 205.
Appendix X

[C78] Clericus nec comam nutriat. nec barbam.
A74 (D83) — cf. B157 (I155, O137), which combines this canon with material from C218
Source Coll.vet.Gall. 41.18; cf. Coll.Hib.B 11.9 (MS B6, fol. 13v)/Coll.Hib.A 10.u, which have 'non comam' and 'barbam (sed) radat' — SEA 25 (= Carthage IV, 44)

[C79] CANON AFFRICANUM.
Clericus non debet armis uti. nec ad bellum procedere. quia canones docent. ut quicumque clericus in bello fuert mortuus. neque oblatione neque oratione postuletur pro eo. sepultura tamen non priuetur.
A75 (D84) — cf. C194/D202, which combines this canon with material from PHAL.800 (or perhaps
Coll.quad./Dach.); B159 (I157, O139); B165 (I162, O–); O30
Source ÆLFRIC Ep.2.178 (ed. Fehr, 55), adapted — ‘quicumque clericus ... priuetur’: Coll.Hib.B 42.15 (MS B6, fol. 87r)/Coll.Hib.A 40.15.c | abbrev.

[C80] ITEM.
Non debet clericus indui monachico habitu. nec laicorum uestibus uti. et uir si utetur ueste muliebri. anathema est Aut mulier si uirili utetur indumento. anathema est.
A76 (D85) — cf. B158 (I156, O138), which adapts and combines this canon with material adapted from C219
Source (non debet ... utetur indumento) ÆLFRIC Ep.2.193 (ed. Fehr, 56)
Source (anathema est) unidentified

[C81] BASILIUS EPISCOPUS
Cum excommunicato neque orare. neque loqui. neque uesci cuique licebit.
A77 (D86) — cf. 1171/O166, which combines this canon with other material (especially DGRE.590.†1334)
Source Coll.quad. 4.253 (ascribed to Basil in MS A5 and Vatican, Biblioteca Apostolica Vaticana, Lat. 1352) — BEN.AN. Cod.reg. 17 (eds Holste–Brockie, 196), partial, abbrev. adapted; cf. ISIDORE, Regula 18 (ed. Campos, 117, lines 454–55)

[C82] CANON SANCTORUM PATRUM
Si quis a proprio episcopo communione priuatus est. non ante suscipiatur ab aliis. quam suo reconcilietur episcopo. aut certe ad sinodum quæ congressatur occurrens. pro se satisfaciat. {id. est emendat. gl. sup. lin.} Hec autem difinitio maneat circa laicos et presbiteros et diacones. omnesque qui sub regula esse mon[p. 33]strantur.
A78 (D87)
Source cf. Coll.vet.Gall. 17.12e (Stuttgart HB VI 112 only), 4 which has 'quam a suo' and 'certe si ad synodum' — CANT.328.6 (Dion.II), abbrev.

[C83] Canonum auctoritas prohibet ne quis episcopus aut clericus assensum prebeat in morte cuisslibet hominis. siue latronis. siue raptoris. seu homicidé. ne innocentiam perdat.
A79 (D88) — cf. B161 (I159, O141), which abbreviates this canon
Source ÆLFRIC Ep.2.191 (ed. Fehr, 56), adapted

[C84] CANON PATRUM
Si quis episcopus dampnatus a sinodo. uel presbiter. aut diaconus a suo episcopo ausi fuerint aliquid de ministerio sacro contingere. siue episcopus iuxta precedentem consuetudinem. siue

4 This witness of Coll.vet.Gall. shares unique readings with Coll.Wig.C 145/D 205.
presbiter aut diaconus. nullo modo liceat ei nec in alio sinodo restitutionis spem aut locum habere satisfactionis. sed et communicantes ei omnes abici de ecclesia. et maxime si postea quam didicerint aduersum memoratos. prolatam fuisse sententiam: eisdem communicare temptauerint. A80 (D89)

Source Coll.vet.Gall. 17.12b (Stuttgart HB VI 112 only)\(^5\) — CANT.328.4 (Dion.II)

[C85] CANON PATRUM
Si quis episcopus aut aliquis ordinatus in consuetudine ebriosus fuerit. aut desinat aut deponatur. A81 (D90)

Source Coll.quad. 4.167; PECU.700.1.1 — cf. PTHU.700.1.1.1

[C86] BASILIUS
Si quis detraxerit eo qui preest. VII a conuentu ecclesiastico dies separatus. ut maria soror aaron que detraxerat moysi peniteat. A82 (D91)

Source Coll.quad. 4.158 — cf. BASIL–RYFINVS Regula 44 (ed. Zelzer, 88)

[C87] CANON APOSTOLORUM
Presbiter aut diaconus qui in fornicatione aut perjurio uel furta aut homicidio captus est. deponatur. A83 (D92); O42; B34 (I36, O–)

Source Coll.quad. 4.40; PHAL.800.5.4; Reg.aduauct.Chrod. 64 — Can.apost.25, adapted | first half

[C88] CANON NICENSES
Interdicit per omnia magna sinodus. non episcopo. non presbitero. uel diacono. nec alicui omnino qui in clerio est licere subintroductam mulierem habere. A84 (D93); B32 (I34, O–) — cf. O145, which draws on CNIC.325.3 more fully

Source Coll.quad. 4.43; PHAL.800.5.8; Coll.Dach. 1.49, first half — CNIC.325.3 (Dion.II), first half

[C89] SINODUS DICIT
Quicumque in illicito matrimonio fuerint post penitentiam. non debent fieri in una domo. ne se inuicem causa amoris copulauerint. A85 (D94); B138 (I137, O119)

Source Coll.Hib.B 49.32 (MS B6, fol. 111v), adapted. Note: this canon not found in Coll.Hib.A 47

[C90] ITEM
Canones docent. ut si quis acceperit uiuam. aut dimissam mulierem. aut qui bis duxerit uxorem. numquam fiat diaconus. numquam sacerdos. A86 (D95); B33 (I35, O–); O146

Source ÆLFRIC Ep.2.113 (ed. Fehr, 48), adapted

[C91] ITEM

\(^5\) This witness of Coll.vet.Gall. shares unique readings with Coll.Wig.C 145/D 205.
Muliere mortua. licet uiro post mensem accipere alteram. [p. 34] Post annum licet mulieri accipere alterum uirum.

A87 (D96); B127 (I126, O108)

Source PTHU.700.2,12.10, adapted

[C92] **DE ABSTINENTIA**

Greci et romani tribus diebus abstinent se a mulieribus ante panes propositionis sicut in lege scriptum est.

A88 (D97)

Source PTHU.700.1,12.3

[C93] **SINODUS AGATENSIS**

Seculares qui in natali domini et pascha. et pentecosten. non communicauerint. catholici esse non credantur.

A89 (D98); B44 (I46, O–)

Source Coll.Hib.B 44.19 (MS B6, fol. 91r). Note: this canon not found in Coll.Hib.A 42 — CAGD.506.18, abbrev., adapted

[C94] **CANON AFFRICANUS**

Placuit ut secundum euangelicam disciplinam neque dimissus ab uxor. neque dimissa a marito alteri coniugatur. sed ita maneat aut sibimet reconcilientur.

A90 (D99); C141 — cf. B131 (I130, O112), which combines C141 (which duplicates this canon) with C140/D117

Source Coll.quad. 4.60; PHAL.800.4.10; Coll.Dach. 1.74 — Reg.eccl.Cart.exc. 102 (= Conc.Milev. 17) | first sentence

[C95] **INNOCENTIUS PAPA**

Qui uiuente uxor. quam dimisit duxerit alienam. et qui dimissam duxerit. uterque adulter est. Dominus in euangelio dicit. Quicumque dimiserit uxorem suam nisi ob fornicationem et aliquam duxerit. mechatur. Et qui dimissam duxerit: mechetur. {mechatur corr.} {Mt 19:9}

A91 (D100–01)

Source (qui uiuente ... adulter est) Coll.quad. 4.61, first sentence — DINN.401.293, c. 6 (ed. Wurm, 73, lines 5–7), adapted. Note: both Coll.quad. and DINN.401.293 continue to quote Mt 19:9 (as in the present canon), but in abbreviated form.

Source (dominus ...mechatur) Coll.quad. 4.59, first sentence; Mt 19:9. Note: 'qui dimissam duxerit mechatur' probably omitted in D101 through homoioeteleuton.

[C96] **HIERONIMUS DICIT**

Sola fornicatio est quæ uxores uincit affectum. immo cum illa unam carmen in aliis diuiserit. et se fornicatione separabit a marito. non debet teneri. ne uiurum quoque sub maledicto faciat. dicente scriptura. Qui adulteram tenet. stultus et impius est. {Prv 18:22} Ubicumque igitur fornicatio est libere uxor dimittitur. et quia poterat accidere. ut aliquis calumniam faceret innocenti. et ob secundam copulam nuptiarum ueteri crimen inpingueret. sic priorem dimittere iubetur uxor. ut secundam prima uiuente non habeat. Quod enim dicit. tale est si non propter libidinem. sed propter injuriam dimittis uxor. 

A92 (D102)

Source Coll.quad. 4.59, partial — JEROME, Comm.in Mat.libri IV, lib. 3, vers. 19-9 (eds Hurst–Adriaen, 167, lines 764–74)

[C97] **ITEM HIERONIMUS**

Si uir uiue mulier ex consensu religionem cepit. licet alterum accipere nouum coniugium. sed puellam uel puerum.
Appendix X

[A93 (D103)] — cf. B129 (I128, O110), which combines this canon with C142/D118 and the first part of C146/D206
Source Coll.Hib.A 46.5, adapted. Note: this canon not found in Coll.Hib.B.

[C98] CANON AFFRICANUS
Sacerdos penitentiam imploranti: [p. 35] absque persone aceptione penitencię leges imperet.
A94 (D104)
Source Coll.quad. 4.21; cf. Coll.Dach. 1.12, PHAL.800.3.1b and Coll.vet.Gall. 64.1, which have
‘iniungat’ for ‘imperet’ — SEA 18 (= Carthage IV, 74)

[C99] CANON AFFRICANUS
Penitentes secundum canones non debent communicare ante consummationem penitentię. Nos
autem pro misericordia miserantis dei. post annum. uel duos. uel tres. licentiam damus.
A95 (D105); B45 (I47, O–)
Source PPTH.800.39.4 (ed. van Rhijn, 100, lines 10–12); cf. PECU.700.14.6 —
PTHU.700.1,12.4 | adapted

[C100] BASILII EPISCOPI
Penitentem ex corde ita oportet suscipi. sicut dominus ostendit cum dicit. quia conuocat amicos
et uicinos dicens. Congratulamini mihi quia inueni ouem meam quam perdideram. {Lc 15:6}
A96 (D106) — cf. I166/O161, which combines this canon with Coll.quad. 4.26 and further penitential material;
D172
Source Coll.quad. 4.24 — BASIL–RFINVS Regula, 27 (ed. Zelzer, 75)

[C101] ITEM BASILIUS
Erga eum qui pro peccato non penitet. tales esse debemus. sicut dominus precepit dicens. sit tibi
sicut gentilis et publicanus. {Mt 18:17}
A97 (D107) — cf. I166/O161, which draws on the same source more fully, and combines this canon with Coll.quad.
4.24 and further penitential material; D172; Wulfstan’s Admon.sp.doctr., which incorporates this canon
Source Coll.quad. 4.26 — BASIL–RFINVS Regula, 28 (ed. Zelzer, 75) | first half

[C102] CANON AURELIANENSIS
Penitentiam coniugatis. non nisi ex consensu dandam.
A98 (D108)
Source Coll.quad. 27; Coll.Dach. 1.13; Coll.vet.Gall. 64.25 — Coll.Arel. 22

[C103] SINODUS ROMANA
Filii cum ad annos pubertatis uenerint. cogantur aut uxores ducere. aut continentiam profiteri. sic
et filię eadem ėtate debent eandem legem seruare.
A99 (D109); B124 (I123, O105)
Source Coll.Hib.B 56.6 (MS B6, fol. 119v), adapted; cf. Coll.Hib.A 66.16, which has ‘prosectari
ecclesiae filiae vero’ for ‘profiteri sic et filię’

[C104] CANON AFFRICANUS
Penitentibus secundum differentiam peccatorum episcopi arbitrio penitentię tempora
decernuntur.
A100 (D110) — cf. O13 first sentence
Source Coll.quad. 4.14; Coll.Dach. 1.11; cf. Coll.vet.Gall., which ascribes this canon to
‘Concilio Hypone regio’ — CCAR.397.30a (= Reg.eccl.Cart.exc. 43a; Carthage III, 31)

[C105] DE LAPSI ROMANI DICUNT.
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Parens cuius filius per neglegentiam non baptizatus obiit, I annum peniteat. et numquam sine aliqua penitentia sit. Si sacerdos ad quem pertinebat uocatus uenire neglegit ipse damnationem animae. Iudicio episcopi sui castigetur. Sed et omnibus licet fidelibus ubi forte moriturum inuenerint non baptizatos. immo preceptum est animas eripere a diabolo per baptisma. id est benedicta simpliciter aqua in nomine domini. baptizare illos in nomine patris et filii et spiritus sancti. intinctos. aut superfusos aqua. Vnde oportet eos qui possunt fideles monachos. maxime et scientiam baptizandi. et si longius alicubi exierint eucharistiam semper secum habere.

Source PBEA.800.1.37–9 (ed. Albers, 403); cf. PBED.700.3.40–2, which has slightly different wording

[C108] EX CONCILIO BRACARENSI.
De his qui sibi quacumque neglegentia mortem inferunt eorum commemoratio in oblatione non fiat. Similiter et de his qui pro suis sceleribus puniuntur. placuit ut hi qui sibi ipsis aut per ferrum. aut per uenenum. aut per precipitium. {suffocat. scilicet sancta sinodus elegit gl. sup. lin.} aut suspensum. uel quolibet modo uiolente inferunt mortem. nulla pro illis in oblationem commemoratio fiat. neque cum psalmis ad sepulturam eorum cadavera deductur. Multi enim sibi hoc per ignorantiam usurparunt; Similiter et de his placuit fieri. qui pro suis sceleribus puniuntur.

Source (de his qui ... sceleribus puniuntur) Coll.quad. 4.97, rubric; Coll.Dach. 1.105, rubric
Source (placuit ut ... sceleribus puniuntur) Coll.quad. 4.97; Coll.Dach. 1.105 — CBRA.561.16

** * * * Cross–Hamer’s ‘A’ version ends here * * * **

[C109] INCIPIT EXCERPTIO DE CANONIBVS CATHOLICORUM PATRVM VEL PENITENTIALE⁴ AD REMEDIVM ANIMARVM DOMNI ECHBERHTI ARCHIEPISCOPI EBORACE CIVITATIS
Institutio illa quæ fiebat in diebus patrum nostrorum rectas uias numquam deseruit. Qui instituerunt penitentibus atque lugentibus suas passiones ac uitias medicamenta salutis eternæ. quia diuersitas culparum diuersitatem facit penitentibus [p. 38] medicamentum. {sic} Nam si medicorum corporum diversa medicamenta uel potionibus solent facere contra diuersitatem infirmitatum. uel si iudices secularum causarum diuersa iudicia recte atque diligenter tractant. quomodo recte iudicent inter miserum et diuites. inter causam et causam. quanto magis sacerdotes dei diversa medicamenta animarum inuisibilium hominibus pensare et tractare oportet. ne per stultum medicum uulnera animarum fiat inertis animarum fiant peiora propheta dicente: conputruerunt et deteriauerunt {sic} cicatrices meæ a facie insipientiæ meæ. {Ps 37:6} O stulte medice. noli decipere animam tuam et illius. ne publicam {sic} penam accipias. uel septuplum. uel millenam. Audi christum dicentem. si cecus cecum duxerit. nonne ambo in foueam cadunt? {Lc 6:39} Non intellegis quod iudex iustus et fortis. uidet. et audit. et in palam abscondita deduct. et reddet uniuque secundum opera ipsorum. Vere sunt nonnulli cecorum sacerdotum. canum similitudine currentium ad cadavera mortuorum. uel more coruorum uolantium. qui dum ad sacerdotium euehunet non propter deum. sed plus propter honorem terrenum. inhiantes lucra terrena. ceci

⁴ penitentiale] -le written as if uel

Ezechiel ait. Ve pastoribus israel qui pascebant semetipsos et non greges meos. lac bibebant et lanis eorum operiebantur. Et quod confractum fuit non alligabant. et quod crassum fuit manducabant. et cetera. 

Ezechiel ait. Ve sacerdotibus qui comedunt peccata populi mei. hoc est sibi eorum sumentes uictimas. et non orantes pro eis. comedentes hostias. et non corripientes. Qui ubi morituros homines audiunt. inde gaudentes preparant se ad predam. quasi corui ad cadauera mortuorum. Nunc ergo fratres qui uoluerit sacerdotalem auctoritatem accipere. in primis propter deum cogitet. et preparet arma eius antequam manus episcopi tangat caput ipsius. 

DE EGRIS QUI IEIUNARE NON POSSUNT

Pretium uiri uel ancille pro mense uel anno. In euangelio. Mulier paupercula pro quadrante laudatur. plusquam potentes pro pretio magno. {cf. Mc 12:42–4} Et ideo qui potest implere quod in penitentiali scriptum est. hoc ualde bonum est. Quia per corpus peccat. per corpus et peniteat. Qui autem ieiunare non potest. secundum posse pauperibus elemosinam tribuat. id est pro unaquaque die denarium. uel II uel III. et dimittat debitoribus. id est peccantibus in se conuertatque peccatores ab errore.

Item pro anno donet in elemosinam solidos XXX. Secundo anno XX. Tertio anno XV solidos. Potentes autem potenter peniteant. uel penitentiam potenter redimant. id est ut zacheus dixit. Domine dimidium bonorum et reliqua. et si liquid defraudaui reddo quadruplum. {Lc 19:8} Et qui potest de terra aliquid ecclesiis dei conferre in elemosinam conferat. Et de mancipiis propriis dimittat liberos. ac captiuos redimat. et quod iniuste egit. ab illo die non repetat sed uiriliter peniteat.

ALIA

Cantatio unius missæ. pro [***]bus {duobus corr.} diebus. Tres missæ pro ebdomada. XII missæ pro mense duodecies. XII missæ pro anno.

Legimus in penitentiale pro criminalibus [p. 51] culpis annum I uel II aut III. siue IIII aut V uel VI penitentiam agere in pane et aqua. uel pro alis minutis culpis. diem I aut

Note: D178 is at times slightly more, at times slightly less faithful to the source than C115
(catalog. JONES, ‘Ælfric’s letter’, no. 11[v]; catalog. HAGGENMÜLLER, Die Überlieferung, 161)
D178 — cf. O18

Coll.Wig.O 18, partial. Note: C115/D178 replaces O18’s ‘uiuat’ with ‘et ieiunet III dies ad nonam et III ad uesperam’ (from the original source) — PPTH.800.15.42–3 (ed. van Rhijn, 44–5, lines 133–56), adapted

[C116] DE CONFESSIONE FIDELIUM ACCIPIENDIS. {sic} QUALITER PRO MODULO ET QUANTITATE PECCATI SIT PENITENTIÆ TEMPORIS INSTITUTIO.

Querendum namque est sacerdoti. cum accipit quorumlibet fidelium confessionem peccatorum qualiter ipsum peccatum primum perpetratum sit. aut si postea iteratum. aut frequenter perpetratum. Si sponte. si coactus. si per ebrietatem uel per quodlibet aliud ingenium factum sit. Et cum inuenerit unde radix illi {sic} peccati processit. tunc congruabat medicinam. [p. 52] Secundum canonem itaque autenticorum patrum esse debet. et non secundum placitum hominis. nec in hac parte ulterius aut gratia hominis sectanda est. sed ulterius dei omnibus exquendae. quatinus dignis precibus et penitundine digna placari possit omnipotens uindictam quam suo uiuo prouocaut.

(coll. [as ‘C’] BRÖMMER, Capitula episcoporum I, 155–56; catalog. JONES, ‘Ælfric’s letter’, no. 12[i]; catalog. HAGGENMÜLLER, Die Überlieferung, 162)
D170

Source
THEODVLF Cap.2, 3.1–2 (weit.rezept.), abbrev.

[C117] DE PRESBITERO SI NON PROHIBEAT ADULTERIUM

Presbiter si in domum suam adulterium {adulterum corr.} uel adulteram retinuerit et quod nefas est consenserit adulterium in domo sua fieri. sciat se sui gradus honore priuandum. Si uero hoc in plebe sibi commissa repererit. et statim si uires suppetunt {id est si sufferre possunt gl. sup. lin.} non emendaerit. sed siuerit et consenserit adulterius. aut propter potentiam. aut propter illos beneficium. sciat se cum depalatum fuerit excommunicandum. Si uero ille quantum potuit et increpauit et ammouit 7 et excommunicauit. et non potuit illud malum uitare animam suam liberatui. Verumtamen cum omni studio debet archidiacono suo. et archidiaconus episcopo nuntiare.

(coll. [as ‘C’] BRÖMMER, Capitula episcoporum I, 153–54; catalog. JONES, ‘Ælfric’s letter’, no. 12[ii]; catalog. HAGGENMÜLLER, Die Überlieferung, 162)
D179

Source
THEODVLF Cap.2, 2.1 (weit.rezept.)

7 ammouit corr. from ammonit?
[C118] **DE INCESTIS.**

De incestis omni studio perquirendum est sacerdotibus per homines ueraces. et timorem dei ante oculos habentes. et si repertum fuerit. statim aut per se emendare studeant. aut cum adiutorio archidiaconi et episcopi. hoc ipsum extirpare satagant. \{desiderant gl. in mg.\} ne tanto flagitiis scelere et illi polluantur et pereant. et alii eorum uicinitate omnipotentis dei iram incurrant.


**D180**

*Source*  
*Theodvlf* Cap.2, 2.2 (weit.rezept.)

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[C119] **DE HOMICIDIIS.**

Si quis uoluntarię et per insidias homicidium perpetrauerit. \{fecerit gl. sup. lin.\} iugi se penitentia submittat. Et si hoc publice actum constat. Si laicus est ponat arma et omnem secularem militiam et publice satisfaciat. ita ut XL diebus extra ecclesiam \[p. 53\] foris ad hostium oret. quibus in pane et aqua exactis. a communione. orationum quinquennii remoueatur.  
Post quinquennium tantum in orationem communionum recipiatur. non offerat. non corpus domini omnino adtingat. in quo perdurans XIII annos. tunc ad plenan communionem cum oblacione recipiatur. Et si mors antea preoccupauerit. circa exitum uitę hanc consequatur humanitatem. ut uiacicum accipiat et eucharistiam. Abstinentia igitur illius sit in arbitrio sacerdotis. ut secundum personam et possibilitatem. sic ei inponatur et abstinentia ciborum. Si autem occultum sit. occultę similiter agat. ut superius insertum tenetur.


**D181**

*Source*  
*Theodvlf* Cap.2, 4.1 (weit.rezept.) — ‘si quis uoluntarię ... penitentia submittat’ and ‘circa exitum uitę’: CANC.314.21/22 (Isidori vulg.), abbrev., adapted

*Source (et si mors antea preoccupauerit)*  
unidentified

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[C120] **ITEM**

Si quis casu non uolens homicidium perpetrauerit. prior quidem regula post VII annorum penitentiam commune sociuat. secundum grados constitutos. Hec uero archirani \{sic\} conciliii diffinitio quinquennii temporis tribuit. ita uidelicet. ut XL diebus foris ecclesiad hostium stet. quibus peractis. biennio ab oratione ceterorum fidelium segregetur non communicet. non offerat. post biennium recipiatur in communione orationum et offerat. non tamen communicet. Post quinquennium ad plenan communionem recipiatur. Abstinentia ciborum in arbitrio sacerdotis manebit. secundum personam et qualitatem hominis. sic et pondus abstinentię erit.


**D182**

*Source*  
*Theodvlf* Cap.2, 4.2 (weit.rezept.) — ‘si quis casu ... constitutos’ and ‘quinquennii temporis tribuit’: CANC.314.22/23 (Isidori vulg.), abbrev., adapted

*The following four canons have been added in the outer margin of A2, p. 53, which has since been trimmed leaving lacunae in these marginal additions. The additions are so placed on the page as to make them seem like glosses to C120, though their subject matter (mothers committing abortion) clearly links them with C121. The hand that makes these additions is roughly contemporary with that of the main scribe (Ker, Catalogue, 94) and is the same that makes additions to A2, pp. 54–5.*
Appendix X

[C120a] Mulier quę occidit filium suum homicidium facit. XV annos peniteat. et numquam mutet nisi dominicis dieb[us]
Source cf. PECU.700.6.9; PMEA(Me),700.162 — PTHU.700.1,14.25

[C120b] Si paupercula sit. qu[od] leuius iudicauerunt secund[um] qualitatem culpe et facultatum possessio[nem] ut VII annos peniteat
Source cf. PETHU.700.1,14.26; PECU.700.6.10

[C120c] Mulier que concepit [et] occidit infantem suum ante XL dies in utero [...] annum peniteat. Si postea ut homicida peniteat. id est III annos. IIII feria et [...] et III XLmas.
Source (mulier ... homicida peniteat) cf. PETHU.700.1,14.27
Source (id est ... XLmas) cf. PTHU.700.1,14.24

[C120d] Mulier abstineat se a uiro suo sanctus gregorius precipit et uir eam. quoadusque prole[m] quę gignitur. ablactetur et Theodorus III menses. ante partum quando concepit. et post dies purgat[i]onis. dies et noctes XL
Source (mulier ... a uiro suo) cf. PECG.700.7.1; PBIG.700.2,9.3; PPTH.800.11.2 — PTHU.700.2,12.3
Source (et uir eam ... ablactetur) DGRE.590.1843, c. 8 (eds Ewald–Hartmann, 339, line 3), adapted
Source (III menses ... noctes XL) cf. PECG.700.7.1; PBIG.700.2,9.3; PPTH.800.11.2, first part — PTHU.700.2,12.3, adapted

[C121] DE MULIERIBVS
Mulieres quę fornican tur et partus suos necant. secum agunt ut utero conceptus {sic} excutiant. {id est expellant gl. sup. lin.} antiqua quidem difinitio. usque ad exitum uęeas ab ecclesia remouit. humanius autem nunc secundum archirani {sic} consilii definitionem. X annorum tempus penitentię submittuntur. ita uidelicet ut XL diebus foris ad hostium ecclesie orent. quibus peractis annor um IIIr spatio a communone fidelium. et oblationum [p. 54] remoueantur. exinde in communione orationum recepte decennii tempus impleant. et propter humanitatem eucharistiam post actam penitentiam accipiant. Erit tamen in arbitrio sacerdotis. utrum post perfeccionem penitentie ad corpus christi accedere debeant. secundum quod eas uiderit conpunctas. et lacrimis adsuetas. et deuotionem magnam habentes. Ciborum abstinentia erit in sacerdotis prouidentia. secundum quod eas uiderit posse ex persona qualitatis.
Source (mulieres quę ... nunc) THEODVLF Cap.2, 5.1 (weit.rezept.) — ‘mulieres quę ... nunc’ and ‘X annorum penitentie’: CANC.314.20/21 (Isidori vulg.), abbrev., adapted
Source (X annorum ... nunc) THEODVLF Cap.2, 5.1 (weit.rezept.) — ‘mulieres quę ... nunc’ and ‘X annorum penitentie’: CANC.314.20/21 (Isidori vulg.), abbrev., adapted

[C122] ITEM
Mulier quę duobus fratribus nupserit. abici debere usque ad diem mortis. sed propter humanitates non in extremis suis sacramentis reconciliari oportet. ita tamen ut prius solutur coniugium. et maneat innupta et uir eius absque uxore. simili penitentia subdatur. Quod si duo fratres cum una
femina fornicati fuerint. nescientes alter alterius fornicationem. statim ut cognouerint adulterium qui eam habet uxorem. dimittat. Et ille quidem post actam penitentiam. si uxor defuncta fuerit potest alteri sociari. illa uiuente nequaquam. Illa numquam alterius poterit in coniugium adsumi. sed iugi penitentia submissa ad exitum uitæ communionis gratiam percipiat.

Source
THEODVLF Cap.2, 5.2–3 (weit.rezept.) — 'mulier quę ... ita tamen ut': CNEO.315.2 (Isidori vulg.), partial

[C123] DE HIS QUI FILIUM OPPRIMUNT.
Mulier quę dormiens filium suum obpresserit. et mortuus fuerit. VII annos peniteat. uir eius si in domo illius fuerit: IIII". Si uero in uno lecto simili modo peniteant. II annos in pane et aqua. reliquos. IIII". secundum quod sacerdos uiderit illos posse. ita eis abstinentiam inponat ciborum.

Source
THEODVLF Cap.2, 5.4 (weit.rezept.)

The following three canons have been added in the outer margin of A2, p. 54 by the same hand that copied canons 120c–d and 125a–b. The additions are so placed on the page as to make them seem like glosses to C123.

[C123a] Qui necat filium suum sine baptismo. canon iudicabit ut X annos peniteat. sed per misericordiam VII.

Source
cf. PMEA.700.112 — PTHU.700.1,14.30, adapted


Source
PTHU.700.1,14.24, first part

[C123c] Bigamus {twihæmed gl. sup. lin.} unum annum peniteat. id est IIII feria. et VI feria abstineat se a carne. þæt is se þe tuwa wifad. Trigamus {þryhæmed. se þe þiwa wifað gl. sup. lin.} similiter III quadragessimas peniteat.

Note: ‘twihæmed’ and ‘þæt is se þe tuwa wifad’ should be taken together as a gloss of ‘bigamus’.

Source
cf. PECU.700.3.19–20; PPTH.800.13.16–17 — PTHU.700.1,14.2–3, partial, abbrev., adapted

[C124] NE {sic} ADULTER

Source
THEODVLF Cap.2, 5.5 (weit.rezept.)

[C125] ITEM
Si cuius uxor adulterium perperauerit. et hoc a uiro deprehensum fuerit et publicatum. dimittat uxorem si uoluerit propter fornicationem. Illa uero secundum quod superius insertum est publice agat penitentiam. Vir uero eius illa uiuente nullatenus habebit licentiam aliam ducere uxorem:
quod si uoluerit adulteram sibi reconciliare licentiam habeat: ita tamen ut pariter cum illa penitentiam agat. Exacta penitentia ad communionis gratias sicut superius continetur insertum. uterque accedat. Similis forma et in muliere seruabitur. si eam uir eius adulterauerit. habet potestatem dimittendi uirum propter fornicationem. maneat tamen innupta. quamdiu uir eius uixerit. Quia nec illa habet potestatem aliquam accipere illa uiuente. ne illa alium uirum ducere illo uiuente. habent tamen potestatem sibimetipsis reconciliari.

(coll. [as ‘C’] BROMMER, Capitula episcoporum I, 162–63; catalog. JONES, ‘Ælfric’s letter’, no. 12[x]; catalog. HAGGENMÜLLER, Die Überlieferung, 162)

D193
Source
THEODVLF Cap.2, 5.6 (weit.rezept.)

The following two canons have been added in the outer margin of A2, p. 55, which has since been trimmed leaving lacunae in these marginal additions. They were added by the same hand that copied canons 120c–d and 123a–c, and are so placed on the page as to make them seem like glosses to C125.

Source
CF. PECU.700.7.17 — PTHU.700.1,15.5, partial, adapted

[C125b] Laicum pellentem uxorem propriam sine iudicio episcopi et alteram duxerit uel ab alio dimissam. commun[i]one priuetur.
Source
CF. C339
Source (sine iudicio episcopi)
Can.apost. 48 (Dion.II), adapted
Source
unidentified

[C126] DE FURTO
(coll. [as ‘C’] BROMMER, Capitula episcoporum I, 164; catalog. JONES, ‘Ælfric’s letter’, no. 12[xi]; catalog. HAGGENMÜLLER, Die Überlieferung, 162)

D194
Source
THEODVLF Cap.2, 6.1–2 (weit.rezept.)

[C127] DE FALSO TESTIMONIO
Qui falsum testimonium dixerit. et eius testimonium alicui nocuerit. VII annos peniteat. ita tamen ut ille qui falsum testimonium dixerit damnum restituat homini illi cui per falsum testimonium nocuit. et tunc poterit ad ueram penitentiam uenire. Si autem hoc facere noluerit. si facit tamen postea. sciat se in uacuum penitentiam agere.
(coll. [as ‘C’] BROMMER, Capitula episcoporum I, 164; catalog. JONES, ‘Ælfric’s letter’, no. 12[xii]; catalog. HAGGENMÜLLER, Die Überlieferung, 162)

D195
Source
THEODVLF Cap.2, 6.3 (weit.rezept.)

[C128] DE INCESTUOSIS
De his qui irrationabiliter uersati sunt uel uersantur id est de his qui cum pecoribus cogitu {sic} mixti sunt. aut more pecorum incesta commisserunt cum consanguineis. aut cum masculis concubuerunt. Quotquot [p. 56] igitur ante uicesimum etatis seu annum tale crimen admiserunt. XV annis penitentia exacta. orationibus tantum incipienti participari. et quinquennium alterum in communione simplici perdurantes. post uicesimum cum oblatione ad communionem suscipiantur. Discutiatur autem et uita eorum quæ fuerit tempore penitentie. et ita hanc
humanitate \{sic\} consequantur. Quod si qui perseverantius abusi sunt hoc crimen. prolixius tempus habeant penitentie. Quotquot uero exacta XX annorum \{sic\} etate et uxores habentes in hoc crimen inciderint. XX que\(^9\) annis penitentia acta at ad communionem orationum tantum. Altero uero quinquennio perdurantes. plenam cum oblatione recipiant communionem. Quod si et uxor habentes et excedentes quinquesimum \{sic\} \{sic\} etatis su\{sic\} annum. ad exitum uinctur. Hoc de his qui publice ad confessionem uenerint. et publice penitentiam egerint. Quod si occulte actum est. et occulte ad sacerdotem uenerint. et puram confessionem fecerint. occule penitente debet. \{sic\} secundum \{sic\} modum quod superius continetur. Ita uidelicet ut si ante uicesimum etatis annum aliquid aut per ignorantiam hoc egit. aut forte ignorabat tale esse crimen. lenius erga eum agendum est. hoc in sacerdotis pendebat arbitrio. qui diligenter discutere debet. qualiter in hoc scelus delapsus sit. aut quam longo tempore in illo scelere uersatus est. et tunc secundum [p. 57] quod ab illo penitente confessum fuerit ita illi modus penitentiae adhibeatur. uidelicet quod si per ignorantiam hoc egit semel. aut bis. et statim ut cognouit graue esse scelus dimisit. ut humanius loquamur. VII annos peniteat. III absteat a carne et uino.\(^10\) non communicet. non offerat. et omni se lamento subiciat. Ceteros \(III^{or}\) secundum modum fragilitatis. in arbitrio sacerdotis erit abstinentia ciborum. Quod si longiori tempore in hoc crimen uersatus est. et postquam nouit illud scelus magnum esse peccatum. et communitus iterum atque iterum hoc perpetravit sicut superius continetur insertum uta penitentia. Primum. XV annos ab omni communione fidelium segregatus. per illos XV annos non offerat. non communicet ad orationem cum ceteris christianis in \{sic\} ecclesia non stet. Quibus exactis. tantum ad communionem orationum suscipiat. Ex quibus XV annis. V a carne et uino absteat. Deinde postea. XX annis expletis. si bene cum lacrimis et cum omni deuotione penitentiam egit. ad plenam communionem et reconciliationem suscipiat. Similiter et de ceteris temporibus supra insersit obscurandum est.

\(\text{D196} \)

\textit{Source} \hspace{1cm} \textit{THEODVLF Cap.2, 7.1–10 (weit.rezept.) — de his qui ... communionem mercantur'}:

\begin{itemize}
\item \textit{CANC.314.15/16 (Isidori antiq.), abbrev.: qui sicut muta ... \{sic\} tempestate iactantur'}:
\item \textit{CANC.314.16/17 (Isidori antiq.), abbrev., adapted}
\end{itemize}

\[\text{[C129] DE SACERDOTI \{sic\} LAPSU}\]

Si quis presbiter adulterium perpetrauerit. si depalatum et publice factum. ab ordine sacerdotii cessabit. et publica penitentia X annorum purgabitur. Quod si occulte hoc fecerit. et occulte ad confessionem uenerit. occule ei penitentia inponatur. Quod si ille se lacrimis et orationibus deuotissime cotidie lauerit et elemosinarum exhibitione peccata sua extinguere curauerit. si occultum est poterit occule in suo permanens gradu agere penitentiam. Similis forma et de diaconibus [p. 58] et his qui in sacris ordinibus constituunt sunt seruanda est. Ita uidelicet. ut diaconus VII annos peniteat. subdiaconus V secundum prefixos gradus usque ad ultimum.

\(\text{(coll. [as ‘C’] BROMMER, Capitula episcoporum I, 168–69; catalog. JONES, Ælfric’s letter’, no. 12[xiv]; catalog. HAGGENMÜLLER, Die Überlieferung, 162)}\)

\(^9\) que] read \textit{quinque}

\(^{10}\) uino] corr. from uiro ?
Appendix X

D197

Source THEODVLF Cap.2, 8.1–2 (weit.rezept.), abbrev.

[C130] DE CARITATE FRATERNÄ

Presbiteri inter se caritatem mutuam habentes. procul omni fastu superbię et inuidię mordacitate exemplum subditis donantes. non rapaces. non cupidi. non uinolenti. non procaces. non rixosi. non calumpniam cuiquam ficientes. {sic} sed in omnibus semetipsos inreprehensibiliter custodientes formam salutis plebibus monstrent. quatenus eorum exemplis ad ėternam uitam. et morum proficiant et humilitate subleuentur.

(coll. [as ‘C’] BROMMER, Capitula episcoporum I, 171; catalog. JONES, ‘Ælfric’s letter’, no. 12[xv]; catalog. HAGGMÜLLER, Die Überlieferung, 162)

D198

Source THEODVLF Cap.2, 9.1 (weit.rezept.)

[C131] DE SACERDOTALI AMMONITIONE

Sacerdos cum a fidelibus confessionem accipit. inter cetera debet eum ammonere. ut de octo principalibus uitiis confessionem faciant. et emendationem promittant ad penitentię medicinam.

(coll. [as ‘C’] BROMMER, Capitula episcoporum I, 172; catalog. JONES, ‘Ælfric’s letter’, no. 12[xvi]; catalog. HAGGMÜLLER, Die Überlieferung, 162)

D199

Source THEODVLF Cap.2, 10.1 (weit.rezept.)

[C132] DE TEMPERANTIA PENITENTIĘ


(catalog. JONES, ‘Ælfric’s letter’, no. 13a)
cf. D200, which substitutes ‘hos et illos ut superius insinuatur’ for ‘fortem uidelicet ... et laicum’; 1165, which combines this canon with material from Caesarius’s Epencyclopaedia; O9; II66/O161, which adapts some of the same source material differently: C109/D168

Source (pro capitalibus ... ordinem cuiusque) unidentified, but cf. Coll. quad. 4.40 (~ Can.apost. 25)
Source (non enim .. quoque et laicum) PECG.700.pref., but only as in Coll.Wig.C 109/D 168 and other English witnesses to this text | abbrev., adapted

Source (vulgo enim ... continentię) unidentified, but cf. BEDE, In Luc.exp. 2, vers. 7:16 (ed. Hurst, CCSL 120, 159, lines 2332–334); HINCMAR De

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fraterna] frat with macron over t

One English witness to PECG.700.pref., Paris, Bibliothèque nationale, Lat. 10575, does not share these distinctive readings. On the possible significance of this, see above, Chapter 4 p. 155.
[C133] QUOD NULLI SIT ULTIMA PENITENTIA DENEGANDA

Source (vera ... asserente) PHAL.800.3.2, first sentence; Coll.quad. 4.6, second sentence; PPTH.800.37.1 (ed. van Rhijn, 98, lines 5–7) — PCEL.422.369, c. 3 (ed. Coustant, col. 1068B)

Source (in quacumque ... saluus erit) cf. Ez 33:12. Note: PHAL.800.3.2 and Coll.quad. 4.6 quote Is 30:15

Source (gaudium ... indigent penitentiam) Lc 15:10, 15:7, conflated

Source (cum ergo ... reuelari) PHAL.800.3.2, second sentence; Coll.quad. 4.6, last sentence; cf. PPTH.800.37.1 (ed. van Rhijn, 98–9, lines 8–9) — PCEL.422.369, c. 3 (ed. Coustant, col. 1068B)

Source (viuo ego ... et uiiuat) Ez 33:11, abbrev.

Source (si impius ... non morietur) Ez 18:21, abbrev.

Source (si auerterit ... ipso morietur) unidentified

Source (si auerterit ... ipso morietur) Ez 18:24, abbrev.

D201; I175/O16 — cf. O149, which combines 'ambulemus igitur ... spatium habemus' with additional material
Appendix X

Source (unumquemque ... preterita iudicat) DEFENSOR Lib.scintill. 22.14 — ISIDORE, Sententiae 2.14.6, second sentence
Source (non enim ... perseverantibus datur) DEFENSOR Lib.scintill. 22.12 — ISIDORE, Sententiae 2.7.1, first part unidentified
Source (nunc igitur ... habemus) Is 1:16–17, abbrev.
Source (qui sequitur ... lumen ute) Io 8:12
Source (satis alienus ... incidat in mortem) DEFENSOR Lib.scintill. 9.29—30 — unidentified (attr. to ‘Gregorius’ in Lib.scintill.)
Source (salomon ... animam) DEFENSOR Lib.scintill. 34.6
Source (et isidorus ... requirunt) DEFENSOR Lib.scintill. 34.8 — ISIDORE, Sententiae 2.4.1 | first sentence
Source (corrigemus ... ueniam) DEFENSOR Lib.scintill. 34.10, last sentence — ISIDORE, Syn. 1.54, partial, abbrev. | adapted
Source (qui enim ... cadit) DEFENSOR Lib.scintill. 34.9 — ISIDORE, Syn. 1.53, last sentence, adapted
Source (desperatio ... omni peccato) DEFENSOR Lib.scintill. 34.10 — ISIDORE, Syn. 2.25, third sentence | adapted
Source (nulla itaque ... suspendat) DEFENSOR Lib.scintill. 34.11, first sentence — ISIDORE, Syn. 1.54 | second sentence
Source (multi enim ... indulgentiam tribuit) DEFENSOR Lib.scintill. 9.75–6 — CAESARIVS, Sermo 64.1 + 64.4 (ed. Morin, 275, lines 14–18 + p. 277, lines 10–11)
Source (cui honor ... amen) a commonplace: see, e.g. CAAC.816.9 (ed. Werminghoff, 323, line 19)

[C134] DE CONIUGIO
Scriptum est in lege. [p. 61] Si seduxerit quis uirginem necdum desponsatam. dormieritque cum ea. dotabit eam et habebit ea uxor.em. {Ex 22:16}
(catalog. JONES, ‘Ælfric’s letter’, no. 14i[ii])
B122 (I121, O103) — cf. D112, which adapts this canon
Source Ex 22:16

[C135] AGUSTINUS
Qui uxor.em optat accipere. sicut illam uirginem inuenire desiderat. ita et ipse usque ad uonptias uirginitatem custodiat.
B123 (I122, O104)
(catalog. JONES, ‘Ælfric’s letter’, no. 14i[ii])
Source Coll.Hib.A 46.16; Coll.Hib.B 48.15 (MS B6, fol. 103r); Coll.Tur. 3 | first sentence, with inscription to ‘Augustinus’ — CAESARIVS, Sermo 43.5 (ed. Morin, 192, lines 17–19)

[C136] AGUSTINUS
Quale est quod multi uiuorum ante uorphias concubinas sibi adhibere non erubescent. quas post annos dimittant. et sic postea legitimae uxor.es accipiant; Unde coram domino. et coram angelis eius testor. atque denuntio. deum ista coniugia semper habuisse. et numquam licet numquam licebit.
(catalog. JONES, ‘Ælfric’s letter’, no. 14i[iii])
D113; B136 (I135, O116)

[C137] AGUSTINUS
Si mulier fornicata fuerit relinquenda est. sed illa uiuente altera non est ducenda.
(catalog. JONES, ‘Ælfric’s letter’, no. 14i[iv])
Appendix X

D114; B132 (I131, O –) — cf. Coll.Wig.B 130 (I129, O111), which incorporates this canon
Source Coll.Hib.A 46.2; Coll.Hib.B 48.2 (MS B6, fol. 101r) | second last sentence, adapted

[C138] SINODUS ARELATENSIS
Quicumque dimiserit uxorem suam. et reliqua {Mt 5:32} (catalog. JONES, ‘Ælfric’s letter’, no. 14ii.a)
Source Coll.Hib.A 46.14; cf. Coll.Hib.B 48.13 (MS B6, fol. 102v), which differs slightly in wording — ‘adolescentes fideles ... tamen non accipiant’; CARL.314.11 (10), partial, adapted
Mt 5:32

[C139] DE LIBRO HERMAS
Hermas dixit ad pastorem angelum.ellite mihi domine ut te paucas interrogetem. Die dicit inquid.
INTERROGATIO Si uxorem quis habeat in domo fidelem. et eam postea reprehenderit adulteram. quero an peccat si cum illa maneat? RESPONSIO Et dixit. Quamdui delictum illius non cognouerit. non peccat. Si autem peccatum illius cognouerit et mulier penitentiam delicti sui non agit. sed in sua nequitia perseuerat delinquet si cum ea uiuet. et particeps conscienti illius fiet.
INTERROGATIO Quid inquam faciet maritus {se ceorl gl. sup. lin.} si uxor eius in eodem [p. 62] uitio permanserit? RESPONSIO Dimittat inquid eam. et ipse se contineat. Quod si dimissa ista aliam duxerit uxorem. et ipse adulterium commitit. INTERROGATIO Et si postea quam ab eo dimissa est mulier. penitentiam agit. et ad maritum reuerti uoluerit. num recipietur?
Et dixit. Si recepta non fuerit. peccat maritus. et grande in se delictum admittit. Omnis enim qui penitentiam delictorum suorum agit: recipit ueniam. Ideo ergo maritus post diuortium {id est separatio. uel repudium gl. sup. lin.} uxoris aliam non debet accipere ne penitenti occasionem mulieri auferat. Hec res tam uiro quam mulieri communis est.
Source Coll.Hib.A 46.15, abbrev. adapted; cf. Coll.Hib.B 48.14 (MS B6, fol. 102v–103r), first part, which differs slightly in wording — ‘adolescentes fideles ... tamen non accipiant’
Mt 5:32

[C140] CANON CARTAGINENSIS
Nec uxor a uiro dimissa alium accipiat uirum uiuente uiro suo. nec uir aliam accipiat uxorem. uiuente uxore priore.
Source Coll.Wig.A 90 — Reg.eccl.Cart.exc. 102, first sentence

[C141] CANON AFFRICANUS
Placuit ut secundum euangelicam disciplinam nec dimissus ab uxor neque dimissam a marito alteri coniungantur sed ita maneant. aut sibimet reconcilientur. 
Source ANSEGIS Coll.cap. 1.42 — Admon.gen.(789) 43

[C142] Legitimum coniugium non licet separari sine consensu amborum potest tamen alteri alteri cum consilio episcopi licentiam dare ad seruitutem dei accedere.
ITEM SERMO DE CONIUGIO

Legitimum coniugium nemo disingugere presumat. Quia cum iudei dominum interrogarent. si licet homini uxorem suam {dimittere add. sup. lin.} {Mt 19:3} ille respondit. Non licet homini uxorem suam dimittere. Et qui dimiserit uxorem suam nisi propter fornicationem et aliam duxerit mechantur. Et qui dimissam duxerit. adulterium facit. {Mt 19:9} Videte ergo quam graue peccatum sit adulterium. quia scriptum est. neque adulteri regnum dei possidebunt. {1 Cor 9:9–10} Illa ergo cessavit esse uxor. quæ fidem castitatis tenere noluit. Et iterum scriptum est. Qui tenet adulteram stultus est et impius. {Prv 18:22} Aliter enim nullum modo [p. 63] dimittenda est. Et apostolus dicit. Precipio non ego eum sed dominus: uxor suam a viro non discedere. Quod si discesserit: maneat innupta aut sibimet reconciliari. {reuocari cum amicitia non discedere} {1 Cor 7:10–11} Et iterum. Alligatus es uxori. noli querere solutionem. Solutus es ab uxor. noli querere uxorem. {1 Cor 7:27} Vbicumque igitur coniugium sociatum fuerit preter causam fornicationis. nullo modo separetur. Quod si sterilis {untymende sterilis} est si deformis. {unfaenger} {1 Cor 7:3} si ætate uetula. {stincende un理智} si caede. {giffre un理智} si iracunda. {gifre} si iracundia. {iracunda iracunda} et iterum alligatus ... querere uxorem).

[1 Cor 7:27] Vbicumque igitur coniugium sociatum fuerit preter causam fornicationis. nullo modo separetur. Quod si sterilis {untymende sterilis} est si deformis. {unfaenger} {1 Cor 7:3} si ætate uetula. {stincende un理智} si caede. {giffre un理智} si iracunda. {gifre} si iracundia. {iracunda iracunda} et iterum alligatus ... querere uxorem).

...
non discedere. Quod si discesserit. manere innuptam. aut uiero suo reconciliari. Et uiir similiter
uxorem suam non dimittat. Si quis uxorem habet infidelem. et hæc consentit habitare cum illo.
non dimittat illam. Et si qua mulier habet uirum infidelem. et hic consentit habitare cum illa. non
dimittat uirum. Sanctificatus est enim uir infidelis in muliere fidei. et sanctificata est mulier
infidelis per uirum fidelem. {1 Cor 7:10–14} Alligatus es uxori. noli querere solutionem. Solutus
es ab uxore. noli querere uxorem. Si autem acceperis uxorem. non peccasti. et si nubserit uirgo
non peccabit. {1 Cor 7:27–8} Qui igitur matrimonio iungiit uirginitatem suam bene facti: qui
autem non iungit: melius facit. Mulier alligata est legi quanto tempore uivit uior eius. Quod si
dormierit uior eius liberata est. cui uult nubat. tantum in domino. Beatior autem erit si sic
permanserit: secundum consilium meum. Puto enim quod et ego spiritum dei habeo; {1 Cor
7:38–40}
(Catalog. Jones, ‘Ælfric’s letter’, no. 14v)
D204; ‘mulier sui corporis ... non habet sed mulier’; B126 (I125, O107); ‘mulier alligata est ... si sic permanserit’:
B128 (I127, O109) — cf. B125 (I124, O106)
Source 1 Cor 6:18–7:40, abbrev., adapted

[C145] SERMO SANCTI AUGUSTINI.
Augustinus. Audite karissime membra christi et matris catholice ecclesiæ filii. Sufficiant uobis
uxores. fornicari enim uobis non liceat. Concubinas igitur uobis non licet habere. et si non
habetis uxores. Audiat deus. si uos surdi estis. audiant angeli eius. si uos contemnitis.
concubinas uobis non liceat habere. Et si non habeatis uxores. non licet uobis habere concubinæ.
quas postea dimittatis et alias ducatis uxoribus. Quanto magis damnpatio uobis erit si uolueritis
habere et concubinas et uxoribus. Non licet uobis habere uxoribus quorum priores mariti uiuunt: nec
uobis femine habere uiores licet quorum priores uxoribus uiuunt. Adulteria siue ista coniugia [p. 65]
non iure fori sed iure seculi. nec illam feminam quæ per repudium discessit a marito. solius
fornicationis causa. licet uxor adulteram ducere. Et uos femine. nec ullos uiores a quibus per
repudium discesserat uxoribus eorum maritos habere licebit. Adulteria sunt non coniugia.
Contemnetur episcopus. non timetur christus. Nolite mirari turbam malorum fridendum filii mei.
nolite mutare uias latas quarum finis ad interitum ducit.
(Catalog. Jones, ‘Ælfric’s letter’, no. 14vi)
D205 Source Coll.vet.Gall. 49.3 (Stuttgart HB VI 112 only) — AVG. Sermo 392 (PL 39, col 1710) | abbrev.

[C146] QUALITER CONIUGATUS CONUERTI DEBEAT AD MONASTERIUM
Si quis uult coniugatus conuerti ad monasterium. non est recipiendus. nisi prius a coniuge
castiæa profiteante fuerit absolutus. Nam si illo uiuente per incontinentiam alteri nubserit.
proculdubio adultera erit. nec recipitur apud deum eiusmodi uiri conversion. cuius sequitur
coniugalis fæderis prostitutio. Tales igitur tune sine culpa secuntur christum. relictio seculo. si
habeant ex pari voluntate castitatiss consensum.
(Catalog. Jones, ‘Ælfric’s letter’, no. 14vi[i])
D206 — cf. B129 (I128, O110), which combines the first part of this canon with A93 and C142/D118
Source Coll.quad. 4.78 — BEN.AN. Cod.reg. 4 (eds Holste–Brockie, 189, Isidore’s Rule), partial

This witness of Coll.vet.Gall. also shares unique readings with Coll.Wig.A 22.

Source ([catalog. JONES, ‘Ælfric’s letter’, no. 14viii[iii]])

[cf. B133–34 (I132–33, O113–14), which abbreviate, adapt and split this canon]

Source (si mulier ... comprobatur) PPTh.800.13.24 — cf. PTHU.700.2,12.20

Source (si cuius uxor ... faciat) PPTh.800.13.25, abbrev. — cf. PTHU.700.2,12.21–3

Source (annos VII) unidentified

[C148] [p. 66] DE INCESTIS CONIUNCTIONIBUS

Nemo incestis coniunctionibus se inquinet. quia in leuitico scriptum est. Omnis homo ad proximam sanguinis sui non accedat. {Lv 18:6}

Source ([catalog. JONES, ‘Ælfric’s letter’, no. 14vii[iii]])

D207 — cf. B137 (I136, O118), which combines this canon with material (including the same scriptural quotation) from PPTh.800

Source Pirmin Scarapus 16 (ed. Hauswald, 54, lines 31–4), abbrev., adapted

[C149] ITEM DE INCESTIS CONIUNCTIONIBUS

Mulier si duobus fratribus nupserit. abici eam debere usque ad diem mortis. sed propter humanitatem in extremis suis sacramentum reconciliari oportet. ita tamen ut si forte sanitatem recuperauerit matrimonio soluto ad penitentiam admittatur. Quod si defuncta fuerit mulier huiusmodi consortio constituta: difficilis erit penitentia remanenti. Quam sententiam tam uiri quam mulieres tenere debebunt.

Note: this canon possibly a later, unauthorized addition to the Wigorniensis (see above, Chapter 5 n. 153)

Source ([catalog. JONES, ‘Ælfric’s letter’, no. 14viii.a])

D208

Source Coll.Quesn. c. IV (PL 56, col. 444A); PPTh.800.14.14 — CNEO.315.2 (Isidori vulg.)

[C150] ITEM DE INCESTIS CONIUNCTIONIBUS.

Si quis sponsam habens sorori eius forsitan intulerit uiolentiam. eique inheserit tamquam suę. hac autem deserta postea uxor eam duxerit desponsatam. illa uero quę uitium passa est. si for[*][**]em {forte necem corr.} sibi intulerit. omnes hii qui facti huius consci sunt. X annos in penitentiam redigantur. secundum canones constitutos.

Note: this canon possibly a later, unauthorized addition to the Wigorniensis (see above, Chapter 5 n. 153)

Source ([catalog. JONES, ‘Ælfric’s letter’, no. 14viii.b])

14 The relevant part of Isidore, Regula, 4 is not printed by Campos, who believed it to be an interpolation; Reglas monásticas, eds. Campos–Roca, 96, n. to line 100.

Appendix X

**ITEM DE INCESTIS CONIUNCTIONIBUS**

Si quis fornicationem cum propinqua perpetrauerit. aut forte cum illa quam antea cognatus habuit. primitus anathematizetur. deinde peniteat VII annos. uel X uel XIIII.

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**DE GRADIBUS PROPINQUITATIS**

Primo gradu continentur pater et mater. He persone sequentibus quoque gradibus pro substantia earum ipso ordine dupllicantur. Duo aui. paternus et maternus aui patruus. id est patris frater et soror. Pater amita. auunculus et matertera matris frater et soror.

II Auaus enim et auia tam ex patre quam ex matre. Nepos neptis. tam ex filio quam ex filia. Frater. soror tam ex patre quam ex matre accipientur.

III Tertio gradu uenient. proauus paua. \{sic\} Infra pronepos proneptis. ex oblico fratri fratrificis spare [p. 67] filius filia.

III Quarto gradu uenient supra. abauus abaua. Infra abnepos abneptis. patuelis soror patruelis. id est patru filius filia. Consobrinus et consobrina. id est auunculi et matertere filius et filia. Itemque consobrini qui ex duobus sororibus nascentur quibus addescit patruus magnus. amita magna. id est auui paterni frater et soror et materni frater et soror.


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16 *Coll.Wig C 150/D* 209 has three readings (‘uiolentiam’, ‘deserta’, ‘facti huius’) that are collectively unique to *Coll.Quesn.*’s version of CANC.314.24/25.
Appendix X

Source ALARIC Breviarium, Pauli sententiae 4.10.1–8 (ed. Hänel, 408), abbrev., first two paragraphs adapted

[C153] GREGORIUS INTERROGATIONIBUS AGUSTINI ITA RESPONDIT
Quedam terrena lex in romana republica permittit. ut siue frater et soror seu duorum fratrum germanorum uel duarum sororum filius et filia miscantur. sed experimento didicimus ex tali coniugio sobolem non posse succrescere. Et sacra lex mosaica prohibet cognationis turpidinem {sic} reuelare. Vnde necesse est ut iam III uel VII {sic} generatio fidelium licenter sibi iungi debeat. Nam secunda quam prediximus a se omnimodo abstinere debet.

(catalog. JONES, ‘Ælfric’s letter’, no. 14x[i])
D213; B141 (I140, O130)
Source JOHN DIAC. Vita Gregorii 2.37 (PL 75, col. 101B–C), partial; cf. BEDE HE 1.27 (ed. Plummer, 50–1) — DGRE.590.1843, c.5 (eds Ewald–Hartmann, 335, lines 7–12)

[C154] ITEM UERO RATIONABILI CAUSA
Verum post multum temporis. a feliçe mesani siciliç presule presule requisitus gregorius utrum augustino scripsisset ut anglorum III generatione contracta matrimonia minime soluerentur. humillimus pater inter cetera talem reddidit rationem: Quod scripsi augustino anglo per gentis episcoipo. nostro alumnpo uidelicet ut recordatus estimo de sanguinis conjunctio ipsis et anglo generi qve nuper ad fidem venerat ne a bono quod ceperat metuendo austeriora recederet specialiter et non generaliter certissime scripisses cognoscas. Vnde et mihi omnis romana ciuitas testis existit. Hec ea intentione heç illis scriptis mandaui unde postquam firma radice in fide fuerint solidati. si infra propria consanguinitatem inuenti fuerint non separantur. aut infra affinitatis lineam. id est usque ad VII generationem iungantur. Sed adhuc illos neophitos existentes. [p. 68] sepissime eos prius illicita docere et uerbis ac exemplis instruere. et quae post de talibus egerint. rationabiliter ac fideliter excludere oportet. Nam iuxta apostolum qui ait. 

(catalog. JONES, ‘Ælfric’s letter’, no. 14x[ii])
D214 — cf. B142 (I141, O131), which abbreviates this canon
Source JOHN DIAC. Vita Gregorii 2.38 (PL 75, cols 101C–102A) — cf. DGRE.590.11334 (PL 77, cols 1323C–1324B), also in PS.-ISIDORE, Decretales (ed. Hinschius, 749) and in Paris, Bibliothèque nationale, Lat. 3182 (Collectio Fiscani), pp. 340b–43a (but approx. 2 folios containing the relevant part of this letter are now missing)

[C155] GREGORIUS
Si quis monacham uel commatrem spiritalem. uel fratris uxorrem. uel nepthem. uel nouercam. uel consobrinam. uel de propria cognatione uel quam cognatus habuit duxerit uxorem. anathema sit.

Note: the text printed by van Rhijn as part of PPTH.800.14.25 is an interpolation found only in MS A1, p. 37.

(catalog. JONES, ‘Ælfric’s letter’, no. 14x[iii])
D119; B140 (I139, O–)
Source PPTH.800.14.25 (in MS A1 only; ed. van Rhijn, 34, lines 90–3); cf. PHAL.800.4.22; Coll.quad. 4.68 — BEN.LEV. Cap. 3.179 (ed. Schmitz, 36, lines 11–13), abbrev.; cf. CROM.721.3–9

[C156] DE FILIIS ADULTERARUM DEFICIENDIS CUM MATRIBUS EZECHIEL PROPHETA DICTIT.
Eicite matrem fornicariam. et filios fornicationis. Augustinus dicit. Mulier adultera dimittenda est cum adulterii fructu. ne benedicta progenies sit contaminata; Abraham eiecit agar cum filio suo. ne fieret cum femine benedicto. Audi dominum dicentem. Eice agar cum filio. non enim heres erit filius ancille cum filio libere.

(catalog. JONES, ‘Ælfric’s letter’, no. 14xi)

D120–21 — cf. B130 (I129, O111), which combines the rubric and first sentence of this canon with material from Pirmin’s Scarapsus, and additional material from Coll.Hib.

Source (DE FILIIS ... MATRIBUS) Coll.Hib.B 48.38, rubric (MS B6, fol. 105v)


[C157] ITEM

Si quis cum spiritalem {sic} commatrem peccauerit. primitus anathematizetur. Deinde peniteat VII annos. uel X uel XIII et numquam postea cum illa se coniungat. sed semper aliquid peniteat.

(catalog. JONES, ‘Ælfric’s letter’, no. 14xii)

D122 — cf. C200, which lacks ‘uel X uel XIII’; B143 (I142, O122), which combines the equivalent canon C200 with C199 and 201

Source (si quis ... se iungat) PPTH.800.14.22, partial, abbrev.

Source (uel X uel XIII) unidentified, but cf. Coll.Wig.C 151/D210 and Coll.Wig.C 158/D123

Source (sed semper aliquid peniteat) unidentified, but cf. Coll.Wig.C 201 and Coll.Wig.B 135

[C158] ITEM


(catalog. JONES, ‘Ælfric’s letter’, no. 14xiii)

D123 — cf. C201, which has ‘III in pane et aqua’ for ‘uel X uel XIII’ and adds ‘semperque ... aliquid peniteat’; B143 (I142, O122), which combines the equivalent canon C201 with C199 and C200

Source (laicus maculans ... plus peniteat) PPTH.800.12.21 (ed. van Rhijn, 25, lines 127–29), abbrev., adapted + PPTH.800.12.10 (ed. van Rhijn, 22, line 65), adapted | conflated — PEG.700.5.15

Source (quia christiana ... condemnat) PPTH.800.12.7 (ed. van Rhijn, 21, lines 48–9) — DINN.402.293, c. 3 (ed. Wurm, 70, lines 5–6)

[C159] EX EPISTOLA PAPAE SIMACHI DE RAPTORIBUS

Raptores igitur uiduarum uel uirginum ob inmanitatem tanti facinoris detestamur. illos uehementius persequendo et maxime qui sacras uirgines uel volentes. uel inuitas matrimonio suo sociare temptauerint. uos pro tam nefandissimi criminis atrocitate a communione suspendi precipimus.

(catalog. JONES, ‘Ælfric’s letter’, no. 14xiv; catalog. HAGGENMÜLLER, Die Überlieferung, 162)

D124

Source Coll.quad. 4.70; PHAL.800.4.16; Coll.Dach. 1.69 — DSYM.498.764, c. 4 (ed. Thiel, 725)

[C160] IN CONCILIO CALCEDONENSI. DE HIS QUI RAPIIUNT PUellas

Eos qui rapiiunt mulieres sub nomine simul habitandi cooperantes aut conhibentes. raptoribus decreuit sancta sinodus. ut si quidem clerici sunt decendant gradu proprio. si uero laici anathematizentur.

(catalog. JONES, ‘Ælfric’s letter’, no. 14xv[i]; catalog. HAGGENMÜLLER, Die Überlieferung, 162)

D125

Source Coll.quad. 4.71; PHAL.800.4.17; Coll.Dach. 1.70 — CCHA.451.27 (Dion.I/II)
Appendix X

[C161] Si quis virginem aut uiuam rapuerit III vel V vel VII annos peniteat secundum qualitatem personę.
(catalog. JONES, ‘Ælfrie’s letter’, no. 14xv[iii]; catalog. HAGGENMÜLLER, Die Überlieferung, 162)
D126
Source (si quis ... rapuerit III) PHAL.800.6.19; PREM.700.5.6 — PBOB.700.33; PBUR.700.37;
PFLO.700.34; PMEA.700.35; PPAS.700.29
Source (uel V ... personę) unidentified

[C162] Desponsatas puellas et post ab aliis rapatas. placuit erui et eis reddi quibus ante fuerant desponsatę etiam si eis a raptoribus ius {sic} inlata constiterit.
(catalog. JONES, ‘Ælfrie’s letter’, no. 14xv[iii]; catalog. HAGGENMÜLLER, Die Überlieferung, 162)
D127
Source Coll.quad. 4.72; PHAL.800.4.18; Coll.Dach. 1.71 — CANC.314.10 (Dion.II)

[C163] QUOD NON LICEAT ALTERIU SPONSAM AD MATRIMONII IURA SOR 
SORTIRI EX EPISTOLA
(catalog. JONES, ‘Ælfrie’s letter’, no. 14xvi; catalog. HAGGENMÜLLER, Die Überlieferung, 162)
D128
Source Coll.quad. 4.73 — DSIR.384.255, c. 5 (ed. Coustant, col. 628B), first sentence adapted

[C164] DE MATRIMONIO SERVVLORUM.
(catalog. JONES, ‘Ælfrie’s letter’, no. 14xvii[i])
D129 — cf. B135 (I134, O115), which adapts this canon
Source PPTH.800.10.34–5 — cf. PTHU.700.2, 13.4–5

[C165] DE UEXATIS A DIABULO.
Si homo uxatus a diabolo et nescit aliquid nisi ubique discurrere et occidit semetipsum quacumque causa oretur pro eo si ante religiosus erat. Si pro disperatione aut pro timore aliquo. aut pro causis incognitis. deo relinquimus hoc iudicium et non ausi sumus orare pro eo. Qui semetipsum occiderit propria uoluntate. missas pro eo facere non licet. Sed tamen orare. et elemosinas largire.
(catalog. JONES, ‘Ælfrie’s letter’, no. 14xvii[ii])
A105 (C–, D–) 17 — cf. O72, which abbreviates this canon
Source PTHU.700.2, 10.1–3; cf. PBIG.700.4,2.1

17 Cross–Hamer, Canon law, 113, print this canon as the last canon of the A version as it stands in Coll.Wig.R.
LIBRO PRIMO CAPITULORUM AECCLESIASTICORUM MAGNI IMPERATORIS CAROLI DE MANSIS UNUSCUISQUE ECCLESIAE.
Sancitum est ut unicuique ecclesia unus mansus integer absque alio seruitio attribuatur. et presbiteri constituti. non de decimis neque de oblationibus fidelium. non de domibus neque de atriis. uel ortis iuxta ecclesiam positis. nec de prescripto manso aliquid seruitium faciant preter ecclesiasitcum. Et si quidam amplius habuerint. inde senioribus suis seruitium impendant.

DE PRESBITERIS UNIUSCUISQUE ECCLESIAE IN EODEM.
Statutum est postquam hoc impletum fuerit. ut unaqueque ecclesia suum presbiterum habeat. ut id fieri facultas prouidente episcopo permiserit. et unusquisque presbiter una tantum sit contentus ecclesiae.

IN EODEM DE UILLIS NOUIS ET ECCLESIIIS NOUITER CONSTITUTIS.
Statutum est de uillis nouis et ecclesiis nouiter constitutis ut decimis de ipsis uillis. ad eadem ecclesias conferantur.

LIBRO SACUNDO {sic} DE ANTIQUIS ECCLESIIIS UT HONORE {sic} SUUM HABEANT.
Aecclesia antiquitus constitutæ. nec decimis. nec aliis possessionibus priuentur. ita ut nouis oratoriiis tribuatur.

INCIPIIT ordo confessionis Sancti hieronimi qualiter confiteri debeat christianus peccata sua. Quando aliquid voluerit confessionem facere peccatorum suorum uiriliter agat. et non erubescat confiteri scelera et facinora se accusando. quia inde uenit indulgentia. et quia sine confessione nulla est uenia. Confessio enim sanat. et justificat. et ueniam peccatis donat. Inprimis igitur prosternat se humiliter in conspectu dei super terram ad orationem et lacrimas fundens roget beatam mariam cum sanctis angelis. et sanctis apostolis. et omnibus sanctis dei. ut ipsi intercedant pro se ad dominum. ut deus omnipotens dignetur ei donare sapientiam perfectam et ueram intellegentiam ad confitendum peccata sua.

Christe audi nos.
Sancta maria.
Ommes sancti orate. et reliqua.
Post hæc cum fiducia surgens confiteatur penitens credulitatem suam dicens
Credo in unum deum. et reliqua.

post hæc incipiat confessionem suam coram deo et coram sacerdote confitens peccata sua. Sequitur oratio.

Preueniat hunc famulum tuum. Nomen. quæso domine misericordia tua. ut omnes iniquitates eius celeri indulgentia deleantur. per.

(18) also in: Brussels, Bibliothèque royale Albert 1er, MS 8558–63 (2498), fol. 132r–v; Cambridge, Corpus Christi College, MS 201, pp. 114–15 (imperfect) and 170; London, British Library, Cotton Tiberius A. iii, fol. 55r–v — cf. MS A5, fols 15v–17v

Source (rubric) Old English handbook, Part I — the ordo confessionis in MS A5, fols 15v–17v, abbrev., adapted

[171] (A2, pp. 72–3): Old English handbook, Part III

(18) also in: Brussels, Bibliothèque royale Albert 1er, MS 8558–63 (2498), fols 56r–v and (again) 94v–95r; Oxford, Bodleian Library, Junius 121 (5232), fols 65v–66r — cf. the modified version in Cambridge, Corpus Christi College, MS 201, pp. 115–17 and the partial, modified version in Oxford, Bodleian Library, Laud misc. 482 (1054), fols 45r–46r; cf. LawVIATr(Lat) 10.2 and 52–3

[172] (A2, pp. 73–9): Old English handbook, Part IV

(18) also in: Brussels, Bibliothèque royale Albert 1er, MS 8558–63 (2498), fols 133r–137v; Cambridge, Corpus Christi College, MS 201, pp. 117–21 — cf. the partial version in London, British Library, Cotton Tiberius A. iii, fol. 95r

[173] (A2, pp. 79–83): Old English handbook, Part V

(18) also in: Brussels, Bibliothèque royale Albert 1er, MS 8558–63 (2498), fols 137v–139v (imperfect); Cambridge, Corpus Christi College, MS 201, pp. 121–24; London, British Library, Cotton Tiberius A. iii, fols 95r–97v — cf. the partial versions in Oxford, Bodleian Library, Junius 121 (5232), fols 66v–67v, Oxford, Bodleian Library, Laud misc. 482 (1054), fols 45v–46r, and Cambridge, University Library, Additional 3206

[174] DE FIDE CATHOLICA

Primum omnium ammonemus. ut fides catholica ab episcopis et presbiteris diligenter legatur et omni pupulo {populo corr.} predicetur. quia hoc primum preceptum est domini dei omnipotentis in lege. Audi israel quia dominus deus tuus. deus unus est. {Dt 6:4} et ille diligatur ex toto corde. et ex tota mente. et ex tota anima et tota uirtute nostra. {Mc 12:30}

Source (rubric) cf. ANSEGIS Coll.cap. 1.58

[175] DE CONCORDIA

Item ut pax sit et concordia et unanimitas cum omni populo christiano. inter episcopos. et abbates. comites. iudices. et omnes ubique maiores seu minores personas quia nil deo {sine add.

18] sic pro et

(catalog. JONES, ‘Ælfric’s letter’, no. 16[ii])
Source (rubric) cf. ANSEGIS Coll.cap. 1.59
Source Admon.gen.(789) 62

[C176] DE IUSTO IUDICIO
Item ut quibus data est potestas iudicandi iuste iudicent. sicut scriptum est. iuste iudicate filii hominum. {cf. Io 7:24} Non in muneribus. quia munera excecant corda prudentium. et subuertunt uerba iustorum. {Ex 23:8} Non in adulatione nec in consideratione persone sicut in euteronomio {deuteronomio corr.} dictum est quod iustum est iudicate. siue ciuis {ciues corr.} sit. ille siue peregrinus. nulla sit distantia personarum quia dei iudicium est. {Dt 1:16–17}

Primum namque iudicii diligenter discenda est. lex a sapientibus populi composita. ne per ignorantiam a uia ueritatis errent. Et dum ille rectum intellegit iudicium. cauethat ne declinet. aut per aediumam aliquorum. aut per amorem cuiuslibet amici. aut per timorem cuiuslibet potentis. aut propter premium a recto iudicio declinet. Et honestum nobis uidetur. ut indices {sic} ieiuni causas audiant et discernant.

(catalog. JONES, ‘Ælfric’s letter’, no. 16[iii])
Source (rubric) cf. ANSEGIS Coll.cap. 1.60
Source Admon.gen.(789) 63

[C177] DE IURAMENTO
Item habemus in lege domini precipiente. non perurbabis in nomine meo. nec pollues nomen domini dei in uanum. {Lv 19:12; Ex 20:7} Ideo ommino ammonendi sunt omnes diligent. [p. 85] ut caueant perium. non solum in sancto euangelio. uel in altare. seu in sanctorum reliquis. sed et in communi eloquio. quia sunt aliqui qui per caritatem et ueritatem iurant et caueant se a iuramento nominis dei. et nesciunt quia idem est deus. quod est caritas et ueritas dicente iohanne apostolo. quia deus caritas est. {1 Io 4:8} Item ipse dominus in euangelio. Ego sum uia et ueritas. {Io 14:6} Ideo qui in ueritate et caritate iurat: in deo iurat. Item cauendum est ne pharisaiaca superstitione aliquis plus aurum honoret quam altare. ne dicat ei dominus. Stulte et cecę quid est maius aurum an altare quod sanctificat aurum? {Mt 23:17} Sed et nobis honestum uidetur ut qui in sanctis habeat iurat. hoc ieiunus faciat. cum omni honestate et timore dei. et sciat se rationem reddat deo uniuscuiusque iuramentui ubicumque sit siue intra ecclesiam siue extra ecclesiam. Et ut paruuli qui sine rationabili çatęe sunt non cogantur iurare. et qui semel perjuratus fuerit. nec testis sit post hec. nec ad sacramentum accedat. nec in sua causa uel alterius iurator existat.

(catalog. JONES, ‘Ælfric’s letter’, no. 16[iv])
Source Admon.gen.(789) 64

[C178] DE AUGVRIIS
Item habemus in lege domini mandatum. non auguriamini. {Lv 19:26} et in deuteronomio. nemo sit qui ariolios sisctetur. uel sompnia obseruet. uel ad auguria intendat. Item ne scit maleficus. nec incantator nec phitonum consulator. {Dt 18:10–11} Ideo precipimus. ut calculatores et incantatores nec tempestarii. uel obligatores non fiant. et ubicumque sunt emendetur uel
dampnentur. Item de arboribus uel petris. uel fontibus ubi aliqui stulti. luminaria uel alias obseruationes faciunt. omnino mandamus. ut iste pessimus usus. et deo exsecrabilis. ubicumque inueniatur tollatur et destruatur

(catalog. JONES, ‘Ælfric’s letter’, no. 16[iv])
Source (rubric) cf. ANSEGIS Coll.cap. 1.62
Source Admon.gen.(789) 65

[C179] DE HODIO
Item predicari necesse est quantum malum sit odium uel inuidia quia in lege [p. 86] scriptum est. Non oderis fratrem tuum in corde tuo. sed publice argues. {Lv 19:17} Et in euangelio. Si peccauerit frater tuus uade et corripe eum inter te et ipsum solum et cetera quæ ibi leguntur. {Mt 18:15} De auaritia autem apostolum legitimus dicentem. auaritia quæ est idolorum seruitus cauenda est. {Eph 5:5} Item de concupiscencia legitur. quod radix sit omnium malorum. {1 Tim 6:10} Et in lege. non concupiscies rem proximi tui. {Ex 20:17}

(catalog. JONES, ‘Ælfric’s letter’, no. 16[vii])
Source (rubric) cf. ANSEGIS Coll.cap. 1.63
Source Admon.gen.(789) 66

[C180] DE HOMICIDIO
Item ut homicidia infra patriam sicut in lege domini interdictum est nec causa ultionis. nec auaritie latrocinanda fiat. et ubicumque inuenta fuerint a iudicibus nostris secundum legem ex nostro mandato uindicentur. et non occidatur homo nisi lege iubente.

(catalog. JONES, ‘Ælfric’s letter’, no. 16[vii])
Source Admon.gen.(789) 67

[C181] DE FURTIV
Item furta et injusta conubia necnon et falsa testimonia sicut sepe rogauimus prohibete diligenter. sicut et lex domini prohibit. et hoc cum magno studio ammonete. ut filii honorent parentes suos. quia ipse dicit. Honora patrem tuum et matrem tuam. ut sis longeuus super terram quam dominus deus dabit tibi. {Ex 20:12}

(catalog. JONES, ‘Ælfric’s letter’, no. 16[viii])
Source Admon.gen.(789) 68–9

[C182] DE SACERDOTIBUS
Vt episcopi diligenter discutiunt per suas parrochias presbiteros. et eorum fidelem et baptismam et missarum celebrationes et ut fidelem rectam teneant. et baptismam catholicam obseruent. et missarum preces bene intelligant. et ut psalmodia secundum divisiones uersum modulentur. et dominicana orationem ipsi intellegant. et omnibus predicent intellegendam. ut quisque sciat quid petat a deo. et ut gloria patri cum sanctis angelis et populo dei communi uoce. Sanctus. sanctus. sanctus decantent. Et omnimodis dicendum est presbiteris et diaconibus ut arma non portent. sed magis confident in defensione dei quam in armis.

(catalog. JONES, ‘Ælfric’s letter’, no. 16[ix])
cf. B159 (I157, O139), which combines the last sentence of this canon with material from C194/D202
Source Admon.gen.(789) 70

[C183] DE HONORE SACERDOTUM
Item placuit nobis ammonere reuerentiam uestram ut unus[p. 87]quisque uestrum uideat per suam parrochiam ut ecclesia dei suum habeat honorem. simul et altaria secundum suam magnitudinem uenerentur. et non sit domus dei et altaria sacrata peruia canibus {; add. sup. lin.} et uasa sacrata cum magna ueneratione habeantur. et ut sacrificia sanctificata cum magna
diligentia ab eis colligantur qui digni sunt. uel cum honore seruentur. et ut secularia negotia uel uaniloquia in ecclesiis non agantur. quia domus dei domus orationis debet esse non spelunca latronum. et ut intentos habeant amicos ad deum quando ueniunt ad missarum sollemnia. et ut non exeat ante completionem benedictionis sacerdotalis.

Source (rubric)
 cf. ANSEGIS Coll.cap. 1.67

Source
 Admon.gen.(789) 71

[C184] DE MINISTERIIS ECCLESIE.
 Sed et hoc flagitamus uestram almitatem. ut ministri altaris dei suum ministerium bonis moribus ornent. seu alii canonici observent eorum ordinem. et monachicę congregationis fratern obsecramus. ut bonam et probabilem habeant conversationem. sicut ipse dominus in euangelio preceptit. Sic luceat lux uestra coram hominibus ut uideant uestra bona opera et glorificent patrem uestrum qui in cela est. {Mt 5:16} ut eorum bona conversio multum protractaretur ad seruitium dei. Et non solum serui illi conditionis infantes. sed etiam ingenuorum filios adstringant sibi socient. et ut uael legentium puerorum fuerint. psalmos. cantus. grammaticam per singula monasteria uel episcopias. Et libros catholicos bene ueniret. et ueloptantes. et ueloptantes. non sinire eos uel legendo uel scribendo corrumpere. et sic opus est euangelium psalterium. et missale scribere perfectum; et sic omnes scribere perfecte etatis homines scribant cum omni diligentia;

Source (rubric)
 cf. ANSEGIS Coll.cap. 1.69(b)

Source
 Admon.gen.(789) 72

[C185] [p. 88] DE MONACHIS ET CANONICIS
 Simul et hoc rogare curabimus. ut omnes ubicumque qui se uoto monachice uite constrinserunt monachice et regulariter omnimodis secundum uotum suum uiuant. Secundum quod scriptum est. Vota uestra reddite domino deo uestro. {Ps 75:12} Et iterum. Melius est non uouere. quam uouere. quam uota non reddere. {Ec 5:4} et ut ad monasteria uenientes secundum regulam ordinem primo probentur: et sic accipiantur. Et qui ex seculari habitu in monasterio ueniunt: ut statim foras ad ministeria monasterii mandentur. antequam intus bene erudiantur. et ut monachi ad secularia placita non uadant. Similiter qui ad clericatum accedunt. quod nos nominamus canonicam uitam: uolumus quod illi canonicę secundum suam regulam omnimodis uiuant. et episcope eorum regant uitam. sicut abbatibus monachorum;

Source (rubric)
 cf. ANSEGIS Coll.cap. 1.69(b)

Source
 Admon.gen.(789) 73

[C186] DE MENSURIS ET PONDERIBUS
 Ut equales mensuras et rectas. et pondera iusta et equalia omnes habeant. siue in ciuitatibus. siue in monasteriis. siue ad dandum in illis. siue accipiendo. sicut in lege domini preceptum habemus. {cf. Lv 19:35–6} Itemque in salomone domino dicente. pondus et pondus. mensuram et mensuram uestra uelis anima mea. {Prv 20:10}

Source (rubric)
 cf. ANSEGIS Coll.cap. 1.69(b)

Source
 Admon.gen.(789) 74

[C187] DE HOSPITIBUS
 Ut hoc nobis competens et uenerabile enim uidetur. ut hospites et peregrini et pauperes suceptiones regulares et canonicas per loca diversa habeant. quia ipse dominus dicturus erit in remuneratione magni diei. hospes eram et suscepistis me. {Mt 25:35} Et
apostolus laudans hospitalitatem dixit. per hanc quidam placuerunt deo. et angelos hospitio susceperunt. {Hbr 13:2}
(catalog. JONES, ‘Ælfric’s letter’, no. 16[xiv])
Source Admon.gen.(789) 75

[C188] **DE FICTIS MONACHORUM.**
Ut illi clerici qui se fingunt habitu uel nomine monachos esse et non sunt. omnimodis uidetur corrigendos [p. 89] atque emendandos esse. ut uel ueri monachi sint. uel ueri canonici.
(catalog. JONES, ‘Ælfric’s letter’, no. 16[xv])
Source Admon.gen.(789) 77

[C189] **DE PSEUDOGRAFIA**
Item pseudografia et dubiè narrationes. uel què omnino contra fidem catholicam sunt:
neq credantur nec legantur sed condurentur. ne in errorem per talia scripta populus mittatur. Sed soli canonici libri et catholicis tractentur. et sanctorum auctoritatem dicta legantur et tradantur.
(catalog. JONES, ‘Ælfric’s letter’, no. 16[xvi])
Source Admon.gen.(789) 78, abbrev.

[C190] **DE CANTU.**
Vt cantu romanum pleniter discant et ordinabiliter per nocturnales uel gradale officium peragatur secundum quod beatè memoriè genitor noster pippinus rex decernuit {sic} ut fieret quando gallicanum tulit ob unanimitatem apostolice sedis. et sanctè dei ecclesiæ pacificam concordiam.
(catalog. JONES, ‘Ælfric’s letter’, no. 16[xvii])
Source (rubric) cf. ANSEGIS Coll.cap. 1.74
Source Admon.gen.(789) 80

[C191] **DE DOMINICIS DIEBUS**
Statuimus quoque secundum quod in lege dominus precepit. ut opera serulìa dominicis diebus non agantur {cf. Ex 20:8–10} sicut et bone memoriè genitor meus in suis sinodalibus edictis mandauit. Id est nec rurìalìa opera exerceantur. nec in uinea colenda nec in campis arando. nec in siluis stirpare. uel arbores cedere. uel in petris laborare. nec in orto laborent. nec ad placìta conueniant. nec uenationes exerceant. Et ad tria carraria opera licet fieri in die dominico. id est hostìlia carraria uel iuctualìa. uel si forte necesse erit corpus cuiuslibet deducere ad sepulìchrum. Item opera textilia feminine non faciant. nec capulent uestìtos nec consuant. uel aliqua pictìlia faciant. nec lanam carpere. nec linum battere. nec in publico uestìmenta lauare. nec berbices tondere habeant licetum. ut omnìmodis honor et requies diei seruentur. Sed et ad missarum sollemnia ad ecclesiæ undique conueniant: [p. 90] et laudent deum in omnìbus bonis què nobis in illa die facit.
(catalog. JONES, ‘Ælfric’s letter’, no. 16[xviii])
Source Admon.gen.(789) 81

[C192] **DE PREDICATIONE**
Sed et preuidendum est dilectìssimi et uenerabiles pastores et rectores ecclesiæ dei. ut presbyteros quos mittatis per parrochias uestræ ad regendum et predicandum per ecclesiæ populum deo seruentem. ut recte et honestè predicent. et non sinatis noua uel non canonica aliquos ex suo sensu. et non secundum scripturas sacras fingere et predicare populo. Sed et uosmetipsi utilìa honesta et recta. et què ad uitam ducent òternam predicate. aliòsque instruete et òc eadem predicent. Primo omnium predicandum est omnìbus generaliter. ut credant patrem et filium et spiritum sanctum unum esse deum omnipotentem òternum. inuìsibìlem. qui creauit òcelum et terram mare et omnia què in eis sunt. et unam esse deitatem substantiam et
maiestatem in tribus personis. patris. et filii. et spiritus sancti. Item predicandum est quomodo dei filius incarnatus est de spiritu sancto et maria semper uirgine pro salute et reparatione humani generis. passus. sepultus. tertia die resurrexit. et ascendit in celos. et quomodo iterum uenturus sit in maiestate diuina iudicare omnes homines secundum merita propria. et quomodo impii propter scelera sua cum diabolo in ignem eternum mittantur. et iusti cum christo et sanctis angelis suis in uitam eternam. Item diligenter predicandum est de resurrectione mortuorum. ut sciant et credant in eisdem corporibus premia meritorum accepturos. Item cum omni diligentia cunctis predicandum est pro quibus criminibus deputentur cum diabolo in eternum supplicium. Legimus enim apostolo dicente: \[\text{Gal 5:19–21}\] Ideo hęc eadem quę predico uobis sicut predixi. quoniam qui talia agunt regnum dei non consequentur. Et hoc ideo diligenter inuiuximus uestr\ę caritati. quia scimus temporibus nouissimis pseudodoctores esse uenturos sicut ipse dominus in euangelio predixit. Et apostolus paulus ad timotheum testatur. Ideo dilectissimi toto corde preparamus nos in scientia ueritatis. ut possimus contradicentibus ueritati resistere et diuina donante gratia uerbum dei crescat et currat et multiplicetur in profectum sanct\ę dei. scientes certissime quod qui talia agunt regnum dei possidebunt. Et hoc ideo diligenter inuiuximus uestr\ę caritati.quia scimus temporibus nouissimis pseudodoctores esse uenturos sicut ipse dominus in euangelio predixit. Et apostolus paulus ad timotheum testatur. Ideo dilectissimi toto corde preparamus nos in scientia ueritatis. ut possimus contradicentibus ueritati resistere et diuina donante gratia uerbum dei crescat et currat et multiplicetur in profectum sanct\ę dei. scientes certissime quod qui talia agunt regnum dei possidebunt. Et hoc ideo diligenter inuiuximus uestr\ę caritati. quia scimus temporibus nouissimis pseudodoctores esse uenturos sicut ipse dominus in euangelio predixit. Et apostolus paulus ad timotheum testatur. Ideo dilectissimi toto corde preparamus nos in scientia ueritatis. ut possimus contradicentibus ueritati resistere et diuina donante gratia uerbum dei crescat et currat et multiplicetur in profectum sanct\ę dei. scientes certissime quod qui talia agunt regnum dei possidebunt. Et hoc ideo diligenter inuiuximus uestr\ę caritati. quia scimus temporibus nouissimis pseudodoctores esse uenturos sicut ipse dominus in euangelio predixit. Et apostolus paulus ad timotheum testatur. Ideo dilectissimi toto corde preparamus nos in scientia ueritatis. ut possimus contradicentibus ueritati resistere et diuina donante gratia uerbum dei crescat et currat et multiplicetur in profectum sanct\ę dei. scientes certissime quod qui talia agunt regnum dei possidebunt. Et hoc ideo diligenter inuiuximus uestr\ę caritati.

(catalog. JONES, ‘Ælfric’s letter’, no. 16[xix]) cf. Coll.Wig.R, where this text is fragmentary

Source (rubric) cf. ANSEGIS Coll.cap. 1.76

Source Admon.gen.(789) 82

[C193] INCIPIT DE REGULA CANONICORUM


Oportunitas temporis dictauerit. Intra claustra positi. non otio uacent. sed aut diuinis officiis. aut propriis utilitatibus. aut certe magistrorum iussionibus pareant. ne otio torpentes ab apostolo audiant.


(ed. CROSS, ‘Newly-identified’, 81–3; catalog. JONES, ‘Ælfric’s letter’, no. 17) C318 — cf. Coll.Wig,R, where this text is fragmentary; cf. Wulfstan’s Sermo 10a (ed. BETHVRVM, Homilies, 192–93), which translates this text into Old English
Source CAAC.816.145 (ed. Werminghoff, p. 419 line 9–p. 419 line 6), abbrev., adapted

[C194] DE MILITIA SECVLARI.
Scyendum est quia penitentes ad militiam secularem post penitentiam redire non debent. Contrarium est omnino ecclesiasticis regulis. post penitentie actionem: redire a militiam secularem; Et clericus non debet et armis uti. nec ad bellum procedere. quia canones docent. ut quicumque clericus in bello aut in rixa mortuus fuerit. neque oblatione. neque oratione postuletur pro eo. sepultura tamen non priuetur. Et apostolus dicit. Nemo militans deo. implicet se negotiis secularibus. {2 Tim 2:4} Vnde non est liber a laqueis diaboli. qui se militiæ mundane uoluerit implicare.
(catalog. JONES, ‘Ælfric’s letter’, no. 18) D202 — cf. A75 (C79, D84); B159 (I115, O139), which combines all but the first two sentences of this canon with the last sentence of C182; O30, which adapts this canon; B165 (I162, O–)
Source (scyendum ... non debent) PHAL.800.3.7; Coll.quad. 4.29; Coll.Dach. 1.5 | rubric
Source (from contrarium est, excepting et clericus ... non priuetur) PHAL.800.3.7; Coll.quad. 4.29; Coll.Dach. 1.5 — DLEO.440.544, c. 12 (PL 54, cols 1206C–1207A)
Source (et clericus ... non priuetur) Coll.Wig.A 75 — ÆLFRIC Ep.2.178 (ed. Fehr, 55), adapted

[C195] INCIPIT QUALITER SACERDOS SUSCIPERE DEBEAT PENITENTEM
Quotiescumque christiani ad penitentiam accedunt. ieunia damus. et nos communicare cum eis debemus ieunio. ut non dicatur nobis quod sacerdotibus iudeorum dictum est a domino. Ue uobis legisperitis qui adgrauatis homines: et inponitis super humeros eorum onera grauia. ipsi autem in uno digito uestro non tangitis sarcinas ipsas. {Lc 11:46} Nemo enim potest subleuare cadentem sub pondere nisi inclinauerit se ut porrigat ei manum: neque ullus medicorum uulnera infirmantium potest curare. nisi fetoribus particeps fuerit. ita quoque nullus sacerdotum peccatorum uulnera curare potest. aut animabus peccata auferre nisi prestante sollicitudine et oratione lacrimarum. Necesse est sacerdotibus sollicitos esse pro peccantibus. quia sumus alterutrum membra: et si quid patitur unum membre compatuntur omnia membra. Ideoque et nos si uiderimus aliquem in peccatis iacentem: festinemus eum ad penitentiam per nostram doctrinam uocare. et quotiescumque dederis consilium peccanti. simulque da illi penitentiam statim iuxta qualitatem delicti et institutionem canonum. Oportet itaque eum qui pro inlicitis


Cf. Cambridge, Corpus Christi College, MS 201, p. 125; O170, which adapts ‘hoc est in uigiliis ... elemosinis multis’; ‘qui per corpus peccat: per corpus et peniteat’: also in C111, D171, I166/O161, O19, O160

Source (quotienscumque ... penitentiam statim) PHAL.800.6.pref., ‘Quotienscumque’ instruction (ed. Schmitz, 471), partial, abbrev., slightly adapted — cf. POX.700.pref. (eds Kottje et al., 187, lines 140–45)

Source (iuxta ... canonum) unidentified, but cf. PHAL.800.3.15 and R2L.1.107 (not in Hartmann)

Source (oportet itaque ... indesinenter penitere) Cambridge, Corpus Christi College, MS 201, p. 125; PHAL.800.3.5 (rubric), adapted; Coll.Dach. 1.3 (rubric), adapted — DLEO.440.544, c. 8 (rubric Dion.) (PL 54, col. 1199A), adapted

Source (qui enim ... se debet) Cambridge, Corpus Christi College, MS 201, p. 125; also in Coll.Wig.O 160 — ‘qui per corpus ... elemosinis multis’: PECG.700.13.11 (ed. Schmitz, 672, lines 11–12), adapted; cf. PECU.700.Redemptionstexte (ed. Schmitz, 604, lines 7–8); PREM.700.Redemptionstexte (ed. Asbach, 13, lines 15–17); ‘uetus namque ... sanantur’: PCUM.600.pref. 15, partial; also in Coll.Wig.I 166/O 161

Source (iuxta ... canonum)

[196] DE PENITENTIA

Potentes homines pro culpis criminalibus faciant ut zacheus dixit. Domine: dimidium bonorum et reliqua. {Lc 19:8} Nos tamen secundum traditiones patrum decernimus si forte non potest medietatem dare. donet saltim tertiam. uel IIIItam et de terrâ ad ecclesiâ conferat. et de mancipiis dimittat liberos. ac captiuos redimat. et quicquid iniuste egit. ab illo die non repetat. sed cum ieiuniis et orationibus ac uigiliis. medelam iugiter a pio iudice querat quamdiu uixerit.

(catalog. Jones, ‘Ælfric’s letter’, no. 20a)

Cf. C112 and D175; O21; Cambridge, Corpus Christi College, MS 201, p. 125

Source PPTH.800.49.13, abbrev., adapted — cf. PECU.700.Redemptionstexte (ed. Schmitz, 603 lines 17–28); PREM.700.Redemptionstexte (ed. Asbach, p. 12, line 19–p. 13, line 11); PECG.700.13.11 (ed. Schmitz, 672, lines 6–10)

[197] ITEM

Qui autem multa mala facit. in homicidio. in sacrilegio. in parricidio. in furtu. aut rapina. uel in fornicatione. et adultero. in mendacio. in periuio. et postea conuersus deo uult in monasterio servire usque in finem. peniteat quomodo sacerdos iudicauerit. Si in monasterio non uult intrare: duriter in laico habitu exul usque ad exitum uitâ peniteat.

(catalog. Jones, ‘Ælfric’s letter’, no. 20b)

Cf. O12, which appears to adapt this canon

Source unidentified, but cf. Coll.Wig.O 12, which expands on this material — cf. PTHU.700.1,7.1; PECU.700.14.1

[198] ITEM

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19 On the provenance of the ‘Quotienscumque’ instruction see Körntgen, Studien, 121–25, 130–45.
Si quis christianus christianum hominem quamuis seruum proprium in manu gentilium uendiderit. ille non est dignus inter christianos requiem habere donec redimat eum. Si autem non potuerit redimere eum. pretium quod accepit det pro eo in elemosinam. et alium de seruitute alio pretio redimat. et III annos abstineat a carne et uino et ferias legitimas in unaquaque ebdomada ieiunet ad nonam. Si autem non habuerit unde redimat [p. 96] quem uendiderat. tamen quod potuerit det in elemosinam pro eo. et VII annos peniteat.

(Catalog. JONES, ‘Ælfric’s letter’, no. 20c)

Source PPTH.800.36.3, abbrev., slightly adapted — cf. PHAL.800.6.93 (ed. Schmitz, Bussbücher II, 299–300)

[C199] **ITEM DE PENITENTIA**

Si quis fornicationem cum proprinqua perpetrauerit. aut forte cum illa quam antea cognatus habuit. primitus anathematizatur. deinde VII annos. (Catalog. JONES, ‘Ælfric’s letter’, no. 20d)

cf. C151/D210, which adds ‘uel X uel XIII’ to the end of this canon; B143 (I142, O122), which combines this canon with C200–01

Source PPTH.800.12.10 (ed. van Rhijn, 22, lines 62–6), abbrev., adapted

[C200] **ALIA**

Si quis cum spiritali commatre peccauerit. primitus anathematizatur. deinde VII annos peniteat. et numquam postea cum illa se iungat: sed semper aliquid peniteat. (Catalog. JONES, ‘Ælfric’s letter’, no. 20e)

cf. C157/D122, which adds ‘uel X uel XIII’; B143 (I142, O122), which combines this canon with C199 and C201

Source (si quis ... se iungat) PPTH.800.14.22, partial, abbrev.

Source (sed semper aliquid peniteat) unidentified, but cf. Coll.Wig.B 135

[C201] **ITEM**

Laicus maculans se cum ancilla dei. si genuerit ex ea. primitus anathematizetur. postea VII annos peniteat. III in pane et aqua. Similiter et illa peniteat. quia christiana religio fornicationem. in utroque sexu pari ratione condemnat semperque quamdiu uixerit. aliquid peniteat. (Catalog. JONES, ‘Ælfric’s letter’, no. 20f)

cf. C158/D123, which has ‘uel X uel XIII’ for ‘III in pane et aqua’; B143 (I142, O122), which combines this canon with C199 and C200

Source (laicus maculans ... illa peniteat) PPTH.800.12.21 (ed. van Rhijn, 25, lines 127–29), abbrev., adapted + PPTH.800.12.10 (ed. van Rhijn, 22, line 65), adapted | conflated — PECG.700.5.15

Source (quia christiana ... condemnat) PPTH.800.12.7 (ed. van Rhijn, 21, lines 48–9) — DINN.402.293, c. 3 (ed. Wurm, 70, lines 5–6)

Source (semperque ... aliquid peniteat) unidentified, but cf. Coll.Wig.C 157/D 122 and Coll.Wig.B 135

[C202] **ITEM**

Si quis laicus infantem suum oppresserit. III annos peniteat. I in pane et aqua (Catalog. JONES, ‘Ælfric’s letter’, no. 20g)

Source PPTH.800.15.37, partial; cf. PHAL.800.5; PIUD.700.3.1, first sentence; PMEA.700.18; PHUB.700.19 — PCOB.600.18, first sentence, adapted

[C203] **ITEM ALIA**

Infans infirmus et paganus commendatus presbitero. si moritur sine baptismo. presbiter deponatur. Si neglegentia parentum fuerit. III annos peniteant. I in pane et aqua. et numquam sine aliqua penitentia. (Catalog. JONES, ‘Ælfric’s letter’, no. 20h)
Source

PPTH.800.15.35; cf. PREM.700.8.66–9; PECU.700.6.30 — PTHU.700.1.14.28–9, abbrev., adapted

Source (et numquam sine aliqua penitentiae)

PPTH.800.12.8, last phrase (as in MS A1) 20 — PBED.700.3.40, last phrase

[C204] CANON HIBERNENSIS
Si quis furatus fuerit pecuniam ab ecclesia: mittatur sors. ut aut illius manus abscidatur. aut in carcerem mittatur diu ieunans gemens. et reddat integrum quod abstulit. aut peregrinus abiciatur. et restitutam dupplum. et iurabit quod non reuertatur donec impleuerit penitentiam. post penitentiam fiat monachus. semper penitens.

(catalog. JONES, ‘Ælfric’s letter’, no. 21a; catalog. HAGGENMÜLLER, Die Überlieferung, 162)

D134 — cf. B82 (I82, O63), which adds ‘et si in patria permanserit ... semper peniteat’ to the first part of this canon

Source


[C205] CANON HIBERNENSIS
Si quis abstulerit ab ecclesiæ terminis. pecora uel aliquid alicuius rei. capite raso et barba cum uestimento quod cum eo inuentum fuerit. VII uaccas simul cum propriis armis reddat. sed et ecclesiæ quæ sua sunt restituat.

(catalog. JONES, ‘Ælfric’s letter’, no. 21b; catalog. HAGGENMÜLLER, Die Überlieferung, 162)

D135

Source

unidentified

[C206] CANON HIBERNENSIS
Qui occiderit hominem intra septa monasterii exul cum damnatione in alienam [p. 97] regionem exeat. uel proiectis armis raso capite et barba. reliquum uitæ suæ tempus in monasterio deo seruiat. primo tamen parentibus satisfaciens.

(catalog. JONES, ‘Ælfric’s letter’, no. 21c; catalog. HAGGENMÜLLER, Die Überlieferung, 162)

D136 — cf. B87 (I87, O68), which abbreviates this canon

Source

unidentified

[C207] CANON HIBERNENSIS
Qui percusserit clericum perforatis asta uel ense indumentis illius. culpa non leuior erit: quam qui fracto crismale corpus christi uenerabile corruperit. quod et emendabit III annorum penitentia uel XII bomatrices reddat. aut extorris propria patria exulet; Aut vero si fuste eum percusserit. VI uaccas illi restituet. aut ut supradictum est. peniteat. Dominus enim per prophetam dicit. Nolite tangere christos meos et in prophetis meis nolite malignari. {1 Par 16:22; Ps 104:15}

(catalog. JONES, ‘Ælfric’s letter’, no. 21d; catalog. HAGGENMÜLLER, Die Überlieferung, 162)

D137 — cf. B70 (170 second part, O51), which abbreviates the second half of this canon and combines it with ‘si quis autem clericum ... dignitatem peniteat’

Source

unidentified

[C208] CANON HYBERITANUS
Qui leuauerit manum cum hasta aut gladio ad percutiendum aliquem iuxta episcopum uel abbatem aut scribam. redimat manum uel perdat. Quod si perforauerit uestimentum aut aliquid uulnerauerit. tondet caput cum barba et reddat uestimentum cum armis qualiter inuentus fuerit et manum redimat.

20 According to van Rhijn’s edition (p. 21, line 54), only A1 reads ‘aliaqua penitentia’.
Appendix X

(catalog. JONES, ‘Ælfric’s letter’, no. 21e; catalog. HAGGENMÜLLER, Die Überlieferung, 162)

D138 — cf. B69 (170 first part, O50), which combines part of this canon with ‘et deo seruiat ... lesit satisfaciat’

Source       unidentified

[C209] Si quis refugium crismalis alicuius sancti aut refugium baculis aut cymbalis fregerit aliquo modo uel per rapinam predam abstraxerit. uel homini aliqua ratione nocuerit. septempliciter restituet. et in dura penitentia in peregrinatione extranea per V annos permaneat. Et si laudabilis penitentia eius fuerit. postea ad solam patriam perueniat. Sin uero in exilio semper permanet.


D139 — cf. B85 (I85, O66), which adapts and conflates this canon with C210/D140

Source       unidentified

[C210] Si quis refugium euangelium {euangelii corr.} fregerit uel per rapinam aliquid abstulerit. septempliciter restituet. propter septiformem christi gratiam. et propter VII gradus ecclesiasticos. sed et per VII annos in dura penitentia permaneat in peregrinatione. Si uero non egerit penitentiam. excommunicandus [p. 98] est ab omni ecclesia catholica. et a communione christianorum omnium. nec sepultura illi in loco sancto tribuenda est.


D140 — cf. B85 (I85, O66), which adapts and conflates this canon with C209/D139

Source       unidentified

[C211] Si quis tirannus {id est rex gl. sup. lin.} aliquem iuxta episcopum ligauerit. sanum soluat et restituat. et III alios uiros coequarem cum omni eorum substantia episcopo reddat. et ipse solus usque ad X annos in dure peregrinationis penitentia permaneat. et si contigerit ut eum uulnerauerit. VII uiros cum omni substantia episcopo reddat. et ipse solus per spatium XX annorum. in peregrinatione permaneat. Si uero eum mortificauerit omnom suam hereditatem et omnem substantiam. cum hereditabus et substantiis comitum deo reddat. et ipse in peregrinatione perhenni. uel humanius in XXX annorum peregrinatione. absque carne et muliere et quo. in pane sicco uiuat. et exiguo uestimento et per duas noctes in una mansione non maneat. nisi tantum sollempnitibus precipuis. aut si infirmitas eum preoccupauerit; Et si inuitos comites habuerit. omnem substantiam eorum inter deum et hominem diuidant. et sic ipsi per spatium VII annorum in penitentia probabili permaneant.


D141 — ‘per duas noctes ... infirmitas eum preoccupauerit’: cf. C236/D163

Source       unidentified

[C212] SINODUS


(catalog. JONES, ‘Ælfric’s letter’, no. 23a[i])

D142 + D143 first sentence — cf. O10–11

Source (qui episcopum ... et aqua peniteat)     Coll.Wig.O 11, first part, abbrev., adapted
Appendix X

Source (mille solidos reddat ... DCCC solidos reddat ... CCC solidos reddat ... CCC solidos reddat) unidentified
Source (sinodus romana ... religione fiat) Coll.Wig.O 10, first part, abbrev.

(catalog. JONES, ‘Ælfric’s letter’, no. 23a[iii])
Note: a space was left for a rubric, though it has not been filled.
O10 second part — cf. D143, which combines this canon with the final sentence of C212
Source Coll.Wig.O 10 second part

[C214] INTERROGATIO
Si necessitas cogerit in quantum ualet iuramentum episcopi. presbiteri. diaconi. monachi?
D144 Source ECGR. Dialogus 1

[C215] INTERROGATIO
Quod si quis ex laicis clericum uel monachum occiderit: utrum pretium sanguinis secundum legem natalium parentum propinquus eius redditurum sit an ampliore pecunia senioribus suis satisfaciendum sit. uestra unanimitas sancti.
(catalog. JONES, ‘Ælfric’s letter’, no. 24b[i])
D145 Source ECGR. Dialogus 12, partial

(ed. RYAN, ‘Archbishop Ecgberht’, 60; catalog. JONES, ‘Ælfric’s letter’, no. 24b[iii])
D145 Source ECGR. Dialogus 12, partial
[C217] INCIPIUNT EXCERPTA DE LIBRI {sic} ROMANORUM ET FRANCORUM

Si quis seruus ingenuum occiderit. homicida parentibus traditur. et habebunt libertatem faciendi quod uoluerint. Si autem dominus seruo arma commiserit portare. et ingenuum hominem occiderit. ipsum et alium seruum se nouerit redditurum. Si quis ingenuus seruorum alius sine culpa occiderit. seruos IO domino restituat. si pro qua culpa serui fecerit seruus pro seruo. Si quis in rixa manum uel oculum pedemque {sic} hominis maculauerit ancillam siue seruum redderit cognoscat. Si quis hominem lancea gladioue ferrierit {sic} et interiora inspiciat. argenti libras III exsoluat. Si quis caput alterius per[p. 101]cuserit usque ad cerebri squamas argenti III. Si quis alapam alteri inpegerit. nec sanguis nec liuor appareat. V solidos argenti exsoluat. Si quis alterius in faciem alapam percusserit ut sanguis aut liuor appareat. se ancillam nouerit redditurum. Si quis lancea aut in brachio. aut in sura alterius foramen fecerit. tamen membro non noceat argenti libras II cognoscat reddere. Si quis fornicatus fuerit cum alterius uxore. aut sorore. aut filia. morte moriatur. Qui autem occiderit. nullam causam timeat habere. Si quis seruu[s] {seruum corr.} seruamque quamlibet pecudem uel rem aliquam conparauerat. et cum ipso fuerit consignatum. si auctorem aut fideissorem non habuerit. de furtu se nouerit componendum. Si quis de gallis uel de saxonibus uel de qualibet genti caballum comparauerit in quamlibet speciem testibus comprobet. Si autem consignatum fuerit et inuicem testes adequauerint sic ita equale diuidant. Si testes non habuerint et mendacium conatur inquirere. triplum se nouerit restiturum {sic} qui conatur. Paruulus usque ad annum XII pro delicto nihil nisi disciplinam accipiat. post hanc uero etatem quicquid delinquat uel furatur retribuat. Si quis ingenuus furtum fecerit et captus fuerit ipse morietur. nullus ab eo accipiat questionem. hoc usque ouem uel porcum. Quod si minus. triplum restituet. Fur per noctem occidi licet. per diem non licet. Qui occiderit in nocte. nullam causam habet. Si quis causa furti suspicacionem habuerit. et non est ei titulus rei ipsius. inter dies XX consignetur. et usquequo ueritas probetur. Si quis ad iudicium incopeditus {sic} uenire noluerit. et hoc per testes probetur. argenti libram unam cogatur exsoluere et quicquid ad eum fuerit repetitus sine dilatatione restituet. Si quis tributum non oportune reddiderit et ad iudicem a tributario conpulsus fuerit. si mense ante predicto neglexerit. pignus det. et si neglexerit menses II duplum restituet. Si quis ancillam aut seruum perdiderit. et suspcionem habuerit. XXIIII uiri nominatim congregentur. ex quibus XII iurent. si non: reddat qui adprobatur. Si quis caballum inuocandis uiris IX iurent nihil sequitur. Si quis seruus seruum occiderit. uius {sic} communis dominorum existat. Si bos uel uacca alium occiderit. uius ac mortuos in commune dominorum existat. Si quis commisso delicto sponte ad confessionem uenerit sacerdoti. a nullo condempnari precimus. Si quid ab aliis abstulerit reddat. Si ab alio fuerit comprobatus et rebellis fuerit. pretium rei abstracta reddat. et triplum se nouerit componendum. Quod si laicus repetierit clericum: causa episcopi iudicet inter illos in iudicio. Si clericus laicum competitit. ad iudicis asstantiam {sic} debeant peruenire. Si quis in morte heriditatem dimiserit quicquid coram testibus commendauerit. omnia permanere precimus {sic} nisi sunt iniqua. Si quis seruum uel ancillam uel uernaculum sua uoluntate libertate donauerit: nullus re[...]}
Appendix X

Source (exordium ... consecrarent)  Coll.Hib. A 52.1/Coll.Hib. B 52.1 (MS B6, fol. 114r) \ first sentence, abbrev. — ISIDORE, De eccl. offic. 2.4 (ed. Lawson, 55, lines 2–6), first sentence, abbrev., adapted

Source (petrus apostolus ... spinęęchristi) Coll.Hib. A 52.2/Coll.Hib. B 52.2 (MS B6, fol. 114r–v) \ adapted

[C219] CANON ROMANUS

Quicumque clericus ab hostiario usque ad sacerdotem sine tonica uisus fuerit. quę {sic} turpitudinem corporis et nuditatem tegat. et si non more romano capillos et barbam tenerit. excommunicetur.

(catalog. JONES, ‘Ælfric’s letter’, no. 26b)
cf. B158 (I156, O138), which adapts and combines this canon with material adapted from A76

Source  Coll.Hib. B 52.5 (MS B6, fol. 114v) — Synod. I Patric. 6 \ adapted

[C220] EXEMPLA SAXONICA AC {sic} CASTIGATIONEM HOMINUM

Germanië sane prouincie mos est doctoribus. ut omnium ordinatarum laicorumue delinquentium culpis cęuales in publico rependant noxas. Quamuis enim nobiles ignobilesque simili modo peccent. non uno tamen iudicio artantur. Si quis ulium personarum publice commiserit. haud dubium quę {sic; qvi in corr.} publice arguatur. Nimiram cum ad penitentiam convens sus fuerit. in die constitueto qui est lune. ante ecclesiæ ueniæt cilio indutus. nudis apparens pedibus. scopam uero et forpicem secum habeat. ibique commissum a preposito ecclesiæ aut ieiunio accepto. aut uerbera passus doleat. Attamen si preposito uidentur ut hic penitens tanta non ualeat ferre ieiunia. palam omni clero scopis uapuletur. quin etiam tonsus depiletur coma. Nobilis si unius carinę. hoc est XL moieiunium redimere cupit. aut flagra CC sustineat. aut CC solidos soluat.


D147

Source  unidentified

[C221] ITEM

Si quis nobilium personarum nefas perpetruerit et emendare sponte noluerit. aut fastu cordis elatus hoc agere spreuerit omni populo in derisum fiet. sicque excommunicatus ab episcopo inuitus ad penitentiam ueniet. et sic in carcerem [p. 106] missus peniteat. ieiunio maceretur luminisque absentia puniatur.


D148

Source  unidentified

[C222] ITEM EXEMPLUM.

Quodam namque audiuimus quod quędam sanctimonialis deprehensa in adulterio publice arguebatur. Huius etenim rei. sic ordo fuerat. Illa uero concipiente prolem cum genuisset for'tasse huiuscemodi res acta. episcopi peruenit ad aures. Qui mox precepit die dominico. dum missam celebraret eam cum infante adduci. statuique ipsum in matris collo omnique adstanti ait populo. Hıc namque est fornicaria quę fornicata est: peperitque filium iniquitatis. Porro ab omni plebe dum inluderetur ipsa meretrix iussa est flagellis cedi. et annorum XII penitentiam agere. Namque ipsum adulterum retrusum carcere. IX diebus flagellis cedi iussit totque annorum illi penitentiam imposuit.


D149

Source  unidentified
[C223] Sepe etiam et nos uidimus ipsi parridias ieuniis macerari uinclusque ferreis quantotiens coartari. ita ut proprio quis circumcinctus ense medius cum quo iracundus perculit trinisque uinclus adhibitis uno uincretur \{sic\} brachio et numquam solui aliquem. nisi uera penitentia subueniente sacris solueretur in locis. sed huius auctoritatis causa nostris latet paginis.

Note: a space was left for a rubric, though it has not been filled.

D150
Source unidentified

[C224] Quin etiam facinora sua refulentibus profiterique nolentibus grauia apponunt iudicia. Si quis delatus fuerit furtum facere aut quidlibet leuioris sceleris impetrasse. feruentis ferri se defendat examine. At uero sacrilegus et homicida qui retur esse alio utatur iudicio id est nouem calidis uomeribus ordinatim positis. nudis superambulet pedibus.

Note: a space was left for a rubric, though it has not been filled.

D151
Source unidentified


Note: a space was left for a rubric, though it has not been filled.

D152
Source unidentified

[C226] Audiuiimus etiam et opinionem de quodam adulterante clerico. quam graui sit usus iudicio. Nam cum ipse in nefario concubitu apud alterum uirum nupte uxorius deprehensius esset ductus est ad episcopum. illo quoque precipiente dira uerberum passus est supplicia. tandemque eius collo ad portandum grauis affigitur. trabes. et pro maioris adhuc causa dedecoris ei adcopulabatur liceis. et adnexus currui \{sic\} presulis. quocumque iter agendum esset consecutus est eum. et ad ultimum in suo fronte causa facti. acu inpingitur. hic est profanus adulter.

Note: a space was left for a rubric, though it has not been filled.

D153
Source unidentified

[C227] Hec\textsuperscript{21} quoque reticendum est. quod quidam presbiter furtum aggressus. ut audiuiimus bouem detraxit. Huic uero ne ad capitis duceretur periculum. ab episcopo decretum est. ut restituto boue. boui coniugaretur passimque per loca ductum uapulari. et omni comu decaluari. nam et ipsius fronte nomen odibile ad ultimum prenotatum est quod dicitur. FUR.

Note: a space was left for a rubric, though it has not been filled.

D154
Source unidentified

\textsuperscript{21} hec] nec conicet Bateson
[C228] Quедam sanctimonialis adulterio deprehensa. iubente episcopo flagellis cesa est. et omni expectante plebe. circa inguina eius concidebantur uestimenta et sic se de {sic} a suo depulsa est monasterio.

Note: a space was left for a rubric, though it has not been filled.

D155
Source unidentified


Note: a space was left for a rubric, though it has not been filled.

D156
Source unidentified


II. Si uero populus ad ecclesiam non conueniat. cum sacerdote intra ecclesiam et ora.

III. Ab uxoris carnali copulatione. et ab omni fornicatione te omnimodis abstine.

IIII. In toto isto anno carnum ne comedas exceptis diebus dominicis. et a natale domini usque epiphaniam. et pascha. et pentecosten. et ascensionem domini. uel sollemnitatem Sanctæ marie. et XII apostolorum et sancti iohannis baptistæ. et festuitatibus sanctorum in hac parochia quiescentium.

V. Unum tribus diebus in ebdomada. id est IIIda et IIIIda et VIIda bibere noli. aliis tribus caute bibe cum biberis.

VI. Paschę quoque unum pauperem omni dem\textsuperscript{23} \{sic\} refectionis tuę. Et si quando manducaueritis aut biberitis. uide ut ad crapulam aut ebrietatem non peruenias.

VII. De balneatione corporis [p. 110] tui et rasione in prouidentia erit presbiteri. Si autem hoc anno hęc libenter sustinueris deinceps deo propitio mitius iudicaberis.

\textit{Note:} a space was left for a rubric, though it has not been filled.


\(D158 \text{ cf. C235/D162; C237; C238/D164}\)

\textbf{Source} unidentified

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\[\text{[C232]} \text{(A2, p. 110): Bishop Wylfstan, Letter to the English clergy and religious, reporting on the penitential status of an unnamed English parricide (written 996x1002)}\]

\textit{Note:} a space was left for a rubric, though it has not been filled.

\((\text{coll. [as 'C'] Whitelock, C&S, I, ii, 233–34 [no. 1]; coll. [as 'X'] Aronstam, 'Penitential pilgrimage', 79 [no. 1]; coll. [as 'X'] Bethvrvm, Homilies, 374; catalog. Jones, 'Ælfric's letter', no. 28i})\)

\(D159 \text{ Copenhagen, Kongelige Bibliotek, Gl. Kgl. Sam. 1595 (4\(^{\circ}\)), fol. 41r}\)

\textbf{Source} unidentified

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\[\text{[C233]} \text{(A2, p. 110): Bishop Wylfstan, Letter to the English clergy and religious, beseeching prayers for an unnamed Englishman who unintentionally ('casu') killed his own child ('proprie sobolis') (written 996x1002)}\]

\textit{Note:} a space was left for a rubric, though it has not been filled.

\((\text{coll. [as 'C'] Whitelock, C&S, I, ii, 234 [no. 2]; coll. [as 'X'] Aronstam, 'Penitential pilgrimage', 79–80 [no. 2]; coll. [as 'X'] Bethvrvm, Homilies, 374–75; catalog. Jones, 'Ælfric's letter', no. 28ii})\)

\(D160 \text{ Copenhagen, Kongelige Bibliotek, Gl. Kgl. Sam. 1595 (4\(^{\circ}\)), fol. 41r}\)

\textbf{Source} unidentified

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\[\text{[C234]} \text{(A2, pp. 110–11): Bishop Wylfstan, Letter to the English clergy and religious, beseeching prayers for an unnamed Englishman who, in anger, killed his brother ('proprii fratris') (written 996x1002)}\]

\textit{Note:} a space was left for a rubric, though it has not been filled.

\((\text{coll. [as 'C'] Whitelock, C&S, I, ii, 234 [no. 3]; coll. [as 'X'] Aronstam, 'Penitential pilgrimage', 80 [no. 3]; coll. [as 'X'] Bethvrvm, Homilies, 375; catalog. Jones, 'Ælfric's letter', no. 28iii})\)

\(D161 \text{ Copenhagen, Kongelige Bibliotek, Gl. Kgl. Sam. 1595 (4\(^{\circ}\)), fol. 41r}\)

\textbf{Source} unidentified

\(\text{\textsuperscript{23} dem} \text{ die dona coniecit Bateson}\)
Appendix X

[C235] (A2, p. 111): (fol.12v): IOHANNES PAPA (XVIII ?), Letter to an unnamed archbishop, commending an unnamed penitential pilgrim ('nomine .N.') recently returning from Rome with a sentence of life-long penance for an unspecified crime (written 1004x1009 ?)
Note: a space was left for a rubric, though it has not been filled.
Note: this letter (beginning 'Huius igitur ostensorem') not catalogued by JAFFÉ–LÖWENFELD.
coll. [as ‘C’] WHITELOCK, C&S, I, 234–35 [no. 4]; coll. [as ‘X’] ARONSTAM, ‘Penitential pilgrimage’, 80 [no. 4]; catalog. JONES, ‘Ælfric’s letter’, no. 28iv)
D162; Copenhagen, Kongelige Bibliotek, Gl. Kgl. Sam. 1595 (4°), fol. 41r–v — cf. C231/D158; C237; C238/D164

[C236] (A2, p. 111): GREGORIVS PAPA (V ?), Letter to (arch)bishop Ælfric (of Canterbury, 995–1005 ?), commending an unnamed penitential pilgrim recently returning from Rome with a sentence of seven years of penance for unintentionally ('non sponte') killing his own son (written 996x997 ?)
Note: a space was left for a rubric, though it has not been filled.
Note: this letter (beginning 'Notum fieri volumus') not catalogued by JAFFÉ–LÖWENFELD.
coll. [as ‘C’] WHITELOCK, C&S, I, 235 [no. 5]; coll. [as ‘X’] ARONSTAM, ‘Penitential pilgrimage’, 81 [no. 6]; catalog. JONES, ‘Ælfric’s letter’, no. 28vi)
D163; Copenhagen, Kongelige Bibliotek, Gl. Kgl. Sam. 1595 (4°), fol. 41v — ‘in una domus duas noctes ... fuerit infirmitate’: cf. I183/O8 and C211/D141

[C237] (A2, pp. 111–12): IOHANNES PAPA (XVIII ?), Letter to an unnamed (arch?)bishop, commending an unnamed penitential pilgrim recently returning from Rome with a sentence of seven-years of penance for an unspecified crime (written 1004x1009 ?)
Note: this letter (beginning 'Dignum duximus dilectioni') not catalogued by JAFFÉ–LÖWENFELD.
coll. [as ‘C’] WHITELOCK, C&S, I, 235 [no. 6]; coll. [as ‘X’] ARONSTAM, ‘Penitential pilgrimage’, 81 [no. 6]; catalog. JONES, ‘Ælfric’s letter’, no. 28vi)
Copenhagen, Kongelige Bibliotek, Gl. Kgl. Sam. 1595 (4°), fol. 41v — cf. C231/D158; C235/D162; C238/D164

The following text has been added in the outer margin of A2, p. 112 by a roughly contemporary hand. The text is set off from the main text and divided into three sections by hand-drawn borders. The subject matter (terms for familial relationships) has little to do with any subject touched by the text on this page, except perhaps the mention of fratricide in C238/D164 and the killing of one’s ‘propra soboles’ in C239/D165.

[C237a] PATER. {Fæder gl. sup. lin.} AVVS. {ealdafæder gl. sup. lin.}
PROAVVS. {þriddafæder gl. sup. lin.} ABAVVS. {Fæorafæder gl. sup. lin.}
ATTAVVS. {Fiftafæder gl. sup. lin.} TRITAVVS {Sixtafæder gl. sup. lin.}
Patruus. frater patris. Patruelis. filius patrui. Fratuelis. {sic} filius fratris.
Source unidentified

24 Or perhaps Gregory VI, in which case the addressee would be Ælfric Puttoc, archbishop of York (1023–1051) and bishop of Worcester (1040–1041). This of course would mean that Coll.Wig.C 235/D 162, like Coll.Wig.D 167 and probably Coll.Wig.D 165, would be an unauthorized addition to Wulfstan’s collection of penitential letters.

25 Whitelock (C&S, Li, 233) suggests that Ælfric was designated episcopus and not archiepiscopus in this letter because he had not yet obtained his pallium, which he did in 997.
Appendix X

[C238] (A2, p. 112): IOHANNES PAPA XVIII, Letter to Archbishop Wulfstan, commending an unnamed penitential pilgrim recently returning from Rome with a sentence of life-long penance for killing his brother (‘fratricidio’) and for other crimes (written 1004x1009)
Note: a space was left for a rubric, though it has not been filled.
Note: this letter (beginning ‘Iste vir pro’) not catalogued by JAFFÉ–LÖWENFELD.
(coll. [as ‘C’] WHITELOCK, C&S, I.i, 235–36 [no. 7]; coll. [as ‘X’] ARONSTAM, ‘Penitential pilgrimage’, 81 [no. 7];
coll. [as ‘X’] BETTHVRVM, Homilies, 375–76; catalog. JONES, ‘Ælfric’s letter’, no. 28vii)
D164; Copenhagen, Kongelige Bibliotek, Gl. Kgl. Sam. 1595 (4°), fols 41v–42r — cf. C231/D158; C235/D162; C237

[C239] (A2, pp. 112–13): IOHANNES PAPA (XIX ?),26 Letter to an unnamed archbishop, commending an unnamed penitential pilgrim recently returning from Rome with a sentence of fourteen years of penance for unintentionally (‘casu accidente’) killing his own child (‘proprii sobolis’) (written 1024x1033 ?)
Note: a space was left for a rubric, though it has not been filled.
Note: this letter (beginning ‘Visis apostolorum liminis’) not catalogued by JAFFÉ–LÖWENFELD.
Note: this letter probably a later, unauthorized addition to Wulfstan’s collection of penitential letters.
(coll. [as ‘C’] WHITELOCK, C&S, I.i, 236 [no. 8]; coll. [as ‘X’] ARONSTAM, ‘Penitential pilgrimage’, 81 [no. 8];
catalog. JONES, ‘Ælfric’s letter’, no. 28viii)
D165

[C240] (A2, p. 113): Archbishop W(VLFSTAN ?),27 Letter to an unnamed pope (‘domino pape .N.’) and all Roman clergy, commending an unnamed penitential pilgrim arriving in Rome seeking penance for killing his cousin (‘avunculi sui filium’) (written 1002x1023 ?)
(coll. [as ‘C’] WHITELOCK, C&S, I.i, 237 [no. 9]; coll. [as ‘X’] ARONSTAM, ‘Penitential pilgrimage’, 82 [no. 10];
catalog. JONES, ‘Ælfric’s letter’, no. 28ix)
D166; Copenhagen, Kongelige Bibliotek, Gl. Kgl. Sam. 1595 (4°), fol. 42r, fol. 42r; Paris, Bibliothèque nationale, Lat. 943, fol. 170r

[C241] De prima predicacione sacerdotum.
Quomodo ecclesie construantur per sacerdotes.
De indumentis sacerdotum.
De moribus sacerdotum.
De domibus sacerdotum.
Quomodo sacerdotes suum crisma accipere debere.
Quomodo debeant sacerdotes baptizare siue mortuos sepelire seu penitentiam dare sine pretio.
Quod non debeant sacerdotes inebriari nec ullici fieri.
Quibus temporibus baptismum celebrari debent.
De decimis.

26 Aronstam, ‘Pope Leo IX’, 536 n. 13, has argued that this letter was written by Pope John XIX, noting that it is absent from Copenhagen, Kongelige Bibliotek, Gl. Kgl. Sam. 1595 (4°) (contemporary with Wulfstan), and that the style and type of the penance stipulated in this letter differentiate it from the letters in this collection that were written by Pope John XVIII.

27 ‘W.’ is the reading in MS C, while MSS DH have ‘.N.’ Instead of ‘.W. anglorum archiepiscopus’, the version of this letter that has been copied into Paris, Bibliothèque nationale, Lat. 943 has ‘.W. scyreburnensis ecclesie’, indicating Wulfsige, bishop of Sherborne (993–1002). Due to their being identical, determining whose version of this letter, Wulfstan’s or Wulfsige’s, is original may be impossible; however, Karl Jost and Dorothy Whitelock have suggested that Wulfstan’s version came first: see C&S, I.i, 230–31.
De dominis et seruis et quod non debeant sacerdotes personam illius {sic} accipere in iudicio.
De oblationibus dessidentium fratrum.
Qualem honorem sacerdotes prestare debeant ecclesiis dei.
Quales libros sacerdotes habere debeant.
De eucharistia. [p. 114]
De doctrina sacerdotum.
Quot sacerdotes ad concilium venire debeant.
Quod non debeant sacerdotes pecuniam dare pro ecclesia.

Note: a space was left for a rubric, though it has not been filled.
Note: the order of titles as given in C241 does not match exactly the sequence of canons in C242–59.
(coll. [partial, as C] BROMMER, Capitula episcoporum I, 234–52; catalog. JONES, ‘Ælfric’s letter’, no. 29a; catalog.
HAGGENMÜLLER, Die Überlieferung, 162)
cf. D215

[C242] Primo omnium credendum est atque omnibus generaliter predicandum patrem et filium et spiritum sanctum unum esse deum omnipotentem æternum inuisibiliter qui creauit celum et terram mare et omnia quæ in eis sunt. et unam esse deitatem et substantiam et maiestatem in tribus personis. patris. et filii. et spiritus sancti. Itemque quoniam filius dei incarnatus est de spiritu sancto et maria uirgine pro salute et reparatione humani generis. homo factus. passus. sepultus. et tertia die resurrerit et ascendit ad cælos. sedetque ad dexteram patris omnipotentis. et quia uenturus sit iudicare omnes homines secundum merita propria et quoniam omnes mortui in uera carne resurgent. Impii propter scelera sua diablo in ignem mittendi æternum. iusti uero cum christo et sanctis angelis eius in uitam aeternam.
(coll. [as ‘C’] BROMMER, Capitula episcoporum I, 235; catalog. JONES, ‘Ælfric’s letter’, no. 29b[i]; catalog.
HAGGENMÜLLER, Die Überlieferung, 162)

D216
Source RADVLF Cap. 1 — ANSEGIS Coll.cap. 1.76, partial, adapted

[C243] Placuit nobis ammonere frates et consacerdotes nostros. ut ecclesias {sic} dei per illorum parrochias suum habeant honorem et altaria secundum suam dignitatem uenerentur et exornentur domusque dei et altaria sacrata. non sint canibus et porcis peruiç. et ut secularia negotia uel uanilquia in ecclesiis non agantur. quia domus dei domus orationis debet esse. non spelunca latronum. {cf. Mt 21, 13}
(coll. [as ‘C’] BROMMER, Capitula episcoporum I, 235; catalog. JONES, ‘Ælfric’s letter’, no. 29b[ii]; catalog.
HAGGENMÜLLER, Die Überlieferung, 162)

D217 first part
Source RADVLF Cap. 2 (ed. Brommer, 235, lines 8–12) — ANSEGIS Coll.cap. 1.67, abbrev., adapted

(coll. [as ‘C’] BROMMER, Capitula episcoporum I, 235; catalog. JONES, ‘Ælfric’s letter’, no. 29b[iii]; catalog.
HAGGENMÜLLER, Die Überlieferung, 162)

D217 second part
Source RADVLF Cap. 2 (ed. Brommer, 235, lines 21–4)

cupiunt. per inemendatos libros male rogant. et pueros suos non sinant uel legendo uel scribendo eos corrumpere.

(coll. [as ‘C’] BROMMER, Capitula episcoporum I, 237; catalog. JONES, ‘Ælfric’s letter’, no. 29b[iv]; catalog. HAGGENMÜLLER, Die Überlieferung, 162)

Source RADVLF Cap. 5 (ed. Brommer, 237, lines 10–13)

[C246] tatuimus {sic} quoque ut cum studio summo lintheamina nitida altaribus preparentur et sacerdotalia indumenta cum quibus sacrificatur. obtima pro uiribus et munda habere satagant. et siue noua siue utestutate confecta ad alios usus transire nullo modo sinant.

(coll. [as ‘C’] BROMMER, Capitula episcoporum I, 237; catalog. JONES, ‘Ælfric’s letter’, no. 29b[v]; catalog. HAGGENMÜLLER, Die Überlieferung, 162)

Source RADVLF Cap. 5 (ed. Brommer, 237, lines 19–22) — cf. ANSEGIS Coll.cap. 1.146

[C247] Ut presbiteri semper habeant paratam eucharistiam. ut quando quique infirmauerint. statim eos communicent. ne sine communione moriantur. Et sacrificia sanctificata cum magna diligentia ab eis colligantur qui digni sunt. et cum honore seruentur. Ab omnibus autem cauendum summopere monemus. ut non diutius quam VII diebus seruentur. ne forte putrida et inhonesta appareant. sed tamdui in uase mundissimo custodiant usque dum alia dicata succedant.

(coll. [as ‘C’] BROMMER, Capitula episcoporum I, 238–39; catalog. JONES, ‘Ælfric’s letter’, no. 29b[vii]; catalog. HAGGENMÜLLER, Die Überlieferung, 162)

Source RADVLF Cap. 6, abbrev. — ‘ut presbiteri ... communione moriantur’: ANSEGIS Coll.cap. 1.155, abbrev., adapted; ‘et sacrificia ... honore seruentur’: ANSEGIS Coll.cap. 1.67, partial

[C248] Debet itaque christi sacerdos esse compositis moribus uultu hilari. sermone proficuo. exemplo salubi. animo placido. sine dolo et simulatione. atque omnibus in commune uirtutibus clarere. quatinus sibi commissos. non liuoris atque amaritudinis zelo pertrahat ad ruinam. sed caritatis atque dulcedinis prouidentia prouocet ad salutem.

(coll. [as ‘C’] BROMMER, Capitula episcoporum I, 238; catalog. JONES, ‘Ælfric’s letter’, no. 29b[vi]; catalog. HAGGENMÜLLER, Die Überlieferung, 162)

Source RADVLF Cap. 7 (ed. Brommer, 238 line 22–p. 239 line 4)


(coll. [as ‘C’] BROMMER, Capitula episcoporum I, 239; catalog. JONES, ‘Ælfric’s letter’, no. 29b[vii]; catalog. HAGGENMÜLLER, Die Überlieferung, 162)

Source RADVLF Cap. 8 — ‘ut doctrinam rectam ... deo petat’: ANSEGIS Coll.cap. 1.66, partial, adapted; ‘multi prostrahant ... celis est’: ANSEGIS Coll.cap. 1.68, partial, adapted
Appendix X

[C250] Omnes in commune seniores ecclesiarum laicos monemus. ut in domibus sacerdotum quæ munde et caste ac religiose esse debent. cum uxoribus uel alis feminis seu canibus habitare nullatenus presumat. {presumption corr.} quoniam inlicitum est eum qui soli deo seruire iubetur. Luxoriosius uerbis atque superfluis implicari tummultibus et commissi officii prefixas psallendi, uigilandi. orandi. atque si necessitas euenerit baptizandi infirmique et deficientibus subueniendi corrumpere metas. Hoc uero nefas deinceps fieri uetamus. ne dei ministri seculari oppressione ledantur. et christi grex carissimo pretio comparatus. neglegentia pastoris morte dampnetur. Si autem abhinc tale aliquid fuerit ad nostram citius perueniat notitiam. ut auctoritate diuina ad corrigendum. uel inuiti deducantur transgressores.

Source RADVLF Cap. 9

[C251] Secundum priscorum edicta patrum cuncti sacerdotes per parrochias constituti ad concilium uenire iubentur. ut ibi omnium questionum negotia ab episcopo discutiantur. Et quæ utilia conprobentur. et inutilia queque et inlicita canonicæ corrigitur. Unde monemus [p. 116a] omnes ut hæc salutaria monita custodire non neglegant. et ad synodum omni occasione sublata occurrere indifferenter satagent. qualiter unanimitate seruata omnia uero disceptationum ruinosa tollantur discidia. Si quis his institutionibus contrariæ temptauerit. et sinodalia iura contempnens. ad nostrum concilium nostrorumque ministrorum festinare distulerit. nisi iustam excusationis protulerit causam canonice excusationis sentiæ {sic} penam;

Source RADVLF Cap. 12

[C252] De presbiteris qui accipiendi crismatis gratia ad ciuitates in cena domini uenire soliti sunt constituius. ut ex decem eligatur unus. qui acceptum crisma sociis suis diligenter perferat. Hi uero qui non longius a ciuitate quam sex aut septem milibus habitant. ad accipiendum crisma per se ueniant. Tres autem omnes secum deferant ampullas. unam pro crismate. aliam pro oleo ad caticuminos. tertiam pro oleo ad infirmos unguendos. secundum apostoli iacobi documentum. cui etiam decreta patrum consonant. Infirmi oleo quod ab episcopo benedicitur: a presbiteris unguis debent. Dicit enim. Infirmatur quis in uobis inducat presbiteros ecclesiæ et orante super eum. unguentes eum oleo in nomine patris et oratio fidei saluabit infirmum. et alleuabit eum dominus. et si in peccatis sit remittentur ei. {lac 5:14–15} Non est ergo paruipendenda huiuscemodi medicina. quæ corporis animeque medetur languoribus. Presbiteri autem crisma sub sigillo custodiant. ut nulli sub texto medicine uel alienius maleficii28 dare presumant. si fecerint honore priuentur.

Source RADVLF Cap. 14


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28 maleficii] corr. from maleficiu?
Appendix X

(coll. [as ‘C’] BROMMER, Capitula episcoporum I, 246; catalog. JONES, ‘Ælfric’s letter’, no. 29b[xi]; catalog.
HAGGENMÜLLER, Die Überlieferung, 162)

D222 first part

Source RADVLF Cap. 17 (ed. Brommer, 246, lines 4–8) — ‘ut unusquisque presbiter ... relinqua ecclesiam’; ANSEGIS Coll. cap. 1.150

[C254] Audiuius quosdam sacerdotes maligno instinctu agitatos. pro baptismatis gratia siue pro sepulture loco pretia iniusta a nonnullis accepisse quod nefandissimum facinus in cunctis maiorum institutis nouimus prohibeam. Gratias enim datur. et gratias dare iubetur. [Mt 10:8] Et ideo nihil deinceps quilibet sacerdotum pro baptizandis siue sepelendi hominibus pretii exigere presumat. sed eos quos corporis ualitudo {id est fortitudo gl. sup. lin.} sociat solutis temporibus constitutis sponte baptizent. Et si in fine mortis constituti fuerint. eos absque aliqua dilatione {id est mara (sic) gl. sup. lin.} sine alicuius pretii munere ad regenerationis baptismum admitter. Cum vero ex hac uita recesserint. cum psalmis. et canticis diligenter ad sepulchrum illos deferant. nullum exinde pretium quirentes nisi ipsi aut parentes eorum. seu eleemosinarii {qui expendunt eleemosinam eleemosinarii gl. in mg.} sponte alicubi tribuant. Similiter de penitentia danda et de sacramento in ecclesia faciendo ecclesiastica uetat auctoritas nullum prorsus exquirere donum. Penitentiam querentibus cito succurrendum est. et iurantibus ne in periurium incidunt predicandum. Peccantes ergo ut ad penitentiam redeant omni sollicitudine inuitandi et iurantes ut crimine non incurrant omnimodis suo mori permittant. Alii quoque iuramenti pretium quod illis inlicite [p. 117] a sacerdotibus exigitur metuentibus periurium perpetrare non formidant. Si quis sacerdotum hec prohibita deprehensus fuerit amisisse. uel commissa potius spontanea voluntate citius non correxit. proprii honoris inrecuperabiler periculo subiacebit.

Source RADVLF Cap. 18


Source RADVLF Cap. 18

(cf. D222 second part, which abbreviates this canon)

Source RADVLF Cap. 17

(cf. D224, which abbreviates this canon)


Ammonendi sunt etiam domini subditorum ut circa subjectos pie et misericorditer agant. nec eos qualibet inuosta occasione condempent. nec ui opprimant. nec illorum substantiolas iniuste tollant. nec ipsa debita que a subditis reddenda sunt. impie ac crudeleri exigant. Quia ergo constat in ecclesia diuersarum condicionum homines. esse. ut sint nobiles. et ignobiles. serui. coloni inquilini. et cetera huiuscemodi nomina oportet ut quicuque {sic} eis prelati sunt clerici siue laici clementer erga eos agant et misericorditer eos tractent. siue in exi[p. 120]gends
ab eis operibus. siue in accipiendis tributis et quibusdam debitis. Sciantque eos fratres suos. esse. et unum patrem se habere deum. cui clamant. Pater noster qui es in cęlis. unam matrem sanctam ecclesiam. quę eos interemerato sacro fontis utero gignit. Disciplina igitur misericordissima. et gubernatio oportuna adhibenda est. Disciplina. ne indisciplinate uiuendo auctorem suum offendant gubernatione {sic} in cotidianis uiucomeatibus prelatorum amminiculo destituti fatescant. Quia igitur apostolo testante non est personarum acceptio apud deum. {Rm 2:11} et in omnibus iudiciis cauendum est. multo magis in hoc penitenti iudicio precaueri debet. ut nullus sacerdotum umquam aut gratia aut odio aliecius persone secus iudicet quam quod illi secundum sanctarum scripturarum auctoritatem et ecclesiasticam consuetudinem rectius uisum fuerit. Si ergo medici qui corporibus medicinam inferre conantur nequaquam propter personæ cuiuslibet accessionem his quos sanare cupiunt cauterio aut ferro. aut duris aliis quibuslibet rebus parcunt. multo magis his obseruandum est. qui non corporum sed animarum medici existunt. Neque enim pensanda. est. penitentia quantitate temporis. sed ardore mentis et mortificatione corporis. Cor autem contritum et humiliatum deus non spernit. {Ps 50:19} (coll. [as 'C'] BROMMER, Capitula episcoporum I, 251–52; catalog. JONES, 'Ælfric’s letter', no. 29b[xvi]; catalog. HAGGENMÜLLER, Die Überlieferung, 162)
cf. D225, which abbreviates this canon and combines it with B pref. (12, O–)
Source (ammonendi ... destituti fatescant) RADVLF Cap. 23 (ed. Brommer, p. 251 line 16–p. 252 line 6) — ‘ammonendi sunt ... crudeliter exigant’: ANSEGIS Coll.cap. 2.42; ‘quia ergo constat ... destituti fatescant’: ANSEGIS Coll.cap. 2.39
Source (quia igitur ... non spernit) RADVLF Cap. 24 — CCLN.813.34. Note: ‘in canonibus sacris inuenerit aut quod’ probably omitted in C258 through homoioiteleuton.

[C259] Oblationes dissidentium fratrum. neque in sacrario neque in gazophilacio recipiantur. Placuit etiam ut sicut plerumque fit. ut illi qui odio aut longinqua inter se lite discesserint. et ad pacem redire diuturna intentione noluerint de ecclesiæ excommunicatione pellantur. quouque ad caritatem [p. 121] que cooperuit multitüdimem peccatorum {cf. Lc 7:47} uenire festinent.

(coll. [as ‘C’] BROMMER, Capitula episcoporum I, 252–53; catalog. JONES, ‘Ælfric’s letter’, no. 29b[xvii]; catalog. HAGGENMÜLLER, Die Überlieferung, 162)
Source RADVLF Cap. 25

[C260] {INCIPIVNT CAPITULA SEQUENTIS OPERIS. add. in mg. }
I. Quod sacerdotes rationem redditur sunt pro his qui per neglegentiam pereunt.
II. Quibus armis sacerdotes uti debeant.
III. De operibus sacerdotum.
III. Quomodo sacerdotes consilium uenire debeant.
V. Vt sacerdotes in sacrificio offerre debeant.
VI. Quod sacerdote missam celebrante femine ad altarre non accedant.
VII. Quod soli sacerdot[e] {sacerdoti corr.} missam celebrare non liceat.
VIII. Quid in ecclesia recondi debeant.
IX. Quales in ecclesia sepeliri debeant.
X. Quare ad ecclesiæ ueniendum sit.
XI. Quod nisi in ecclesia missam celebrare non licet.
XII. Quod non debeant femine cum sacerdotibus habitate.
XIII. Qualiter sacerdotes se ab ebrietate abstinere debeant.
XIII. Quod unusquisque sacerdos in sua ecclesia et populo contentus sit.
XV. Vt nullus sacerdos clericum alterius accipiat.
XVI. Vt nullus sacerdos ecclesiam alterius subripiat.
XVII. Quod nulli baptismo gratia a sacerdotibus negetur.
Appendix X

XVIII. De calice et patena.
XVIII. Quod sacerdotibus licet nepotes suos in scolam mittere.
XX. Quod sacerdotes sine pretio habere debeant.
XXI. De instrumentis bonorum operum.
XXII. Quod omnes fideles orationem dominicam et symbolum discant.
XXIII. De obseruatione diei dominici.
XXIV. De predicatione sacerdotis. et quod in sinodo dicere debeant quantum in christum laborauerunt.
XXV. De hospitalitate.
XXVI. De periurio.
XXVII. De falso testimonio.
XXVIII. De m ofo orationis.
XXIX. De confessione fidelium.
XXX. De octo principalibus uitiis.
XXXI. Quomodo sacerdos ammonere debeant fideles de uerbis quibus locutus est dominus in iudicio.
XXXII. Quomodo sacerdos ammonere debeant filios suos doceant.
XXXIII. Quod [p. 122] caritas non in cibo et potu estimandi {sic} sit. sed in dilectione dei et proximi.
XXXIV. Quid predicandum sit mercatoribus.
XXXVI. Quid agendum sit in prima ebdomada ante XL.
XXXVII. De quadragesimali ieiunio.
XXXVIII. De elemosina cum ieiunio.
XXXIX. Qualiter in tempore ieiunii ad cibum accedendum sit.
XL. {sic} De XL abstinentia.
XLII. Quibus diebus in quadragesimali tempore communicandum sit.
XLIII. Quod nulle lites uel contentiones quadragesimali tempore esse debeant.
XLIV. Quod quadragesimali tempore a coniugibus abstinendum sit.
XLV. {sic} populus eucharistiam accipere debeat.

[C261] \{THEODULFVS FRATRIBUS ET CONPRESBITERIS NOSTRIS AURELIANENSIS PARROCHIÆ SACERDOTIBUS SALVTEM. add. in mg.\}

Obsebro uos fratres dilectissimi. ut erga subditarum plebium profectum et emendationem uigilantissima cura laboretis quatinus illis uiam salutis ostendentes. et eos uerbis et exemplis instruentes. et uos de eorum profectu et nos de uestro. domino nostro iesu christo auxiliante fructuosos illi manipulos reportemus. Obsebro etiam fraternitatem uestram. ut hec caput quæ ad emendationem uiæ breuiter digessi. {id est scripsi gl. sup. lin.} assidue legatis. et memorie commendetis. et eorum siue aliarum sanctarum scripturarum lectione mores conponatis. uitam emendentis. et cum subditis plebibus opitulante domino ad regna celestia certetis.

(coll. [as ‘C’] BROMMER, Capitula episcoporum I, 103; catalog. JONES, ‘Ælfric’s letter’, no. 30a; catalog. HAGGENMÜLLER, Die Überlieferung, 162)

29 The rubricator omitted the initial and chapter number for this title.
[C262] I. Ueraciter nosse debetis et semper meminisse quia nos quibus regendarum animarum cura commissa est. pro his qui nostra neglegentia pereunt. rationem reddituri sumus. Pro his uero quos uerbis et exemplis lucrati fuerimus premia āterne uitę percipiemus. Nobis enim a domino dictum est. uos estis sal terrę. {Mt 5:13} Hęc sunt enim arma. lectio uidelicet et oratio quibus diabolus expugnatur. Hęc sunt instrumenta. quibus eterna beatitudo adquiritur. his armis uitia conprimuntur. his alimentis uirtutes nutriuntur. (coll. [as ‘C’] BROMMER, Capitula episcoporum I, 104–05; catalog. JONES, ‘Ælfric’s letter’, no. 30b[ii]; catalog. HAGGENMÜLLER, Die Überlieferung, 162)

D227
Source THEODVLF Cap.I, 1

[C263] Oportet uos assiduitatem legendi habere et instantiam orandi. quia uita uiri iusti lectione instruitur. oratione ornetur. et assiduitate lectionis munitur homo a peccato. iuxta illum qui dicebat. in corde meo abscondi eloquia tua ut non peccem tibi. {Ps 118:11} Hęc sunt enim arma. lectio uidelicet et oratio quibus diabolus expugnatur. Hęc sunt instrumenta. quibus eterna beatitudo adquiritur. his armis uitia conprimuntur. his alimentis uirtutes nutriuntur. (coll. [as ‘C’] BROMMER, Capitula episcoporum I, 105; catalog. JONES, ‘Ælfric’s letter’, no. 30b[iii]; catalog. HAGGENMÜLLER, Die Überlieferung, 162)

D228
Source THEODVLF Cap.I, 2


D229
Source THEODVLF Cap.I, 3

[C265] Quando more solito ad sinodum conuenitis. uestimenta et libros et uasa sancta cum quibus uestrum ministerium et inuentionum officium peragitis uobiscum deferte. Necnon duos aut tres clericos siue laicos. cum quibus missarum sollemnia celebratis uobiscum adducite. ut probetur quam diligenter quamque studiose dei seruitium peragatis. (coll. [as ‘C’] BROMMER, Capitula episcoporum I, 106; catalog. JONES, ‘Ælfric’s letter’, no. 30b[v]; catalog. HAGGENMÜLLER, Die Überlieferung, 162)

Source THEODVLF Cap.I, 4
Appendix X

[C266] Panes quos deo in sacrificium offertis. aut a ubis ipsis aut a uestris pueris coram ubis nitide ac studiose fiant. et diligenter obseruetur. ut panis et uinum et aqua sine quibus missę nequeunt celebrari. mundissime atque studiose tractentur. et nihil in eis uile. nihil non probatum inueniatur. iuxta illud quod ait scriptura. Sit timor domini uobiscum et cum diligentia facite {2 Par 19:7}

(coll. [as ‘C’] BROMMER, Capitula episcoporum I, 107; catalog. JONES, ‘Ælfric’s letter’, no. 30b[vii]; catalog. HAGGENMÜLLER, Die Überlieferung, 162)

Source THEODVLF Cap.1, 5


(coll. [as ‘C’] BROMMER, Capitula episcoporum I, 107; catalog. JONES, ‘Ælfric’s letter’, no. 30b[vii]; catalog. HAGGENMÜLLER, Die Überlieferung, 162)

Source THEODVLF Cap.1, 6

cf. D230, which abbreviates this canon

[c268] Sacerdos missam solus nequaquam celebret. quia sicut illa celebrari non potest sine salutatione sacerdotis et responsione plebis. ita nimium nequaquam ab uno celebri debet. Esse enim debent qui ei circumstent. quos ille salutet. a quibus ei respondeatur. et ad memoriam illi reducendum est. illud dominicum dictum. ubicumque fuerint duo. uel III in nomine meo congregati. et reliqua. {Mt 18:20}

(coll. [as ‘C’] BROMMER, Capitula episcoporum I, 108; catalog. JONES, ‘Ælfric’s letter’, no. 30b[viii]; catalog. HAGGENMÜLLER, Die Überlieferung, 162)

D231

Source THEODVLF Cap.1, 7, abbrev. Note: ‘admonitione sacerdotis ... nihilominus plebis’ probably omitted through homoioteleuton.

[C269] Videmus crebro in cclesiis messes et fęnum congeri. unde uolumus. ut hoc penitus obseruetur. ut nihil in cclesiis preter uestimenta cclesiasticā et uasa sancta et libri recondantur. ne forte si alia ibi quam oportet negotia exerceantur. a domino audiamus. Domus mea domus orationis uocabitur. uos autem fecistis eam. et reliqua. {Mt 21:13}

(coll. [as ‘C’] BROMMER, Capitula episcoporum I, 108–09; catalog. JONES, ‘Ælfric’s letter’, no. 30b[ix]; catalog. HAGGENMÜLLER, Die Überlieferung, 162)

Source THEODVLF Cap.1, 8


(coll. [as ‘C’] BROMMER, Capitula episcoporum I, 109; catalog. JONES, ‘Ælfric’s letter’, no. 30b[x]; catalog. HAGGENMÜLLER, Die Überlieferung, 162)

Source THEODVLF Cap.1, 9
[C271] Non debere ad ecclesiam ob aliam causam conuenire. nisi ad laudandum deum et eius seruitium faciendum. Disceptationes uero et tumultus et uaniloquia. et ceteras actiones ab eodem sancto loco penitus prohibenda sunt. Ubi enim dei nomen inuocatur. deo sacrifi
ciocum offertur. angelorum frequentia inesse non dubitatur. Periculosum est tale aliquid uel agere quod loco non conuenit. Si enim dominus illos de templo eiecit qui uictimas quę sibi offerentur {sic} emebant uel uendebant. quanto magis illos iratus inde abiciet qui mendaciis. uaniloquiis. risibus. et huiuscemodi nugis. locum diuino cultui mancipatum fendant. {sic}
HAGGENMÜLLER, Die Überlieferung, 162)
D232
Source TEOdYLf Cap.I, 10

[C272] Missarum sollemnia nequaquam alibi nisi in ecclesia celeb Randy sunt. non in quibuslibet domibus et in uilibus locis. sed in loco quem elegerit dominus. iuxta illud scriptum est. Uide ne offeras holocausta tua in omni loco quem uideris. sed in loco quem elegerit dominus. ut ponat nomen suum ibi {Dt 12:13} excepta ratione eorum qui in exercitu pergentes ad hoc opus habent tentoria et altaria dedicata in quibus missarum sollemnia explean.
HAGGENMÜLLER, Die Überlieferung, 162)
Source TEOdYLf Cap.I, 11

[C273] Nulla femina cum presbitero in una domo habitet. Quamuis {id est tamen gl. sup. lin.} enim canones matrem et sororem et huiuscemodi personas in quibus nulla sit suspicio cum illo habitare concedant. hoc nos modis omnibus idcirco amputamus. quia in obsequio sub occasione illarum ueniunt alię feminę quę non sunt ei adfinitate coniuncte. et cum ad peccandum inliciunt.
HAGGENMÜLLER, Die Überlieferung, 162)
Source TEOdYLf Cap.I, 12

HAGGENMÜLLER, Die Überlieferung, 162)
cf. D234, which abbreviates this canon
Source TEOdYLf Cap.I, 13. Note: ‘per tabernas eatis ... comedendo neque’ probably omitted in D234 and ‘accipere e tuobis refectionem’ probably omitted in C274 through homoioteleuton

[C275] Nullus presbiter fidelibus sanctę dei ecclesiae de alterius presbiteri parrochie {sic} persuadeat ut ad suam ecclesiam concurrant. relicita propria ecclesia. et suas decimas sibi dent. sed unusquisque sua ecclesia et populo contentus. quod sibi non uult fieri. alteri nequaquam faciat. iuxta dictum euangelicum. quęcumque uultis ut faciant uobis homines. hec eadem facite illis. {Mt 7:12} Quisquis autem contra hec constituta uenerit aut his monitis nostris resistere temptauerit. aut gradum se sciat amissurum. aut in carcore longo tempore detinendum.
Appendix X

[879]

(coll. [as ‘C’] BROMMER, Capitula episcoporum I, 112–13; catalog. JONES, ‘Ælfric’s letter’, no. 30b[xv]; catalog. HAGGENMÜLLER, Die Überlieferung, 162)

D235
Source THEODVLF Cap.I, 14

[C276] Hoc quoque modis omnibus prohibemus. ut nullus uestrum alterius clericum sollicitet aut recipiat. quia grauis de hac re in sacris canonibus sententia est.
(coll. [as ‘C’] BROMMER, Capitula episcoporum I, 113; catalog. JONES, ‘Ælfric’s letter’, no. 30b[xvi]; catalog. HAGGENMÜLLER, Die Überlieferung, 162)
Source THEODVLF Cap.I, 15

[C277] Si quis presbiter inuentus fuerit alicui clerico aut laico munera dare aut dedisse ut ecclesiam alterius presbiteri subripiat. sciat se pro hac rapina et sua cupiditate. aut gradum amissurum. aut in carceris erumpnam longo tempore penitentiam agendi detinendum.
(coll. [as ‘C’] BROMMER, Capitula episcoporum I, 114; catalog. JONES, ‘Ælfric’s letter’, no. 30b[xvii]; catalog. HAGGENMÜLLER, Die Überlieferung, 162)
Source THEODVLF Cap.I, 16

[C278] Si paruulus egrotans ad quemlibet presbiterum baptismi gratia de cuiuslibet parrochie {sic} adlatus fuerit. ei baptismi sacramentum nullo modo negetur. Si quis hoc munus petenti concedere detrectauerit. et ille paruulus absque baptismatis gratia mortuus fuerit. nouerit se ille qui eum non baptizauit. pro eius anima rationem reddeturum.
(coll. [as ‘C’] BROMMER, Capitula episcoporum I, 114; catalog. JONES, ‘Ælfric’s letter’, no. 30b[xviii]; catalog. HAGGENMÜLLER, Die Überlieferung, 162)
Source THEODVLF Cap.I, 17

[C279] Nullus sacerdos seu laicus. presumat calicem aut patenam aut quælibet uasa sacra et diuino cultui mancipata. ad alios usus retorquere. Nam quicumque de calice sacrato aliud bibit [p. 128] preter christi sanguinem qui in sacramento accipitur. et patenam ad aliud officium habet quam ad altaris ministerium deterrendus est exemplo balthasar qui dum uasa domini in usus communes adsumpsit. uitam pariter cum regno amisit.
(coll. [as ‘C’] BROMMER, Capitula episcoporum I, 115; catalog. JONES, ‘Ælfric’s letter’, no. 30b[xix]; catalog. HAGGENMÜLLER, Die Überlieferung, 162)
Source THEODVLF Cap.I, 18

[C280] Si quis ex presbiteris uoluerit nepotem suum aut aliquem consanguineum ad scolam mittere in ecclesia sanctæ crucis. aut in monasterio sancti aniani. aut sancti benedicti. aut sancti lifardi. aut in ceteris de his cenobiis quæ nobis ad regendum concessa sunt. ei licentiam id faciendi concedimus.
(coll. [as ‘C’] BROMMER, Capitula episcoporum I, 115–16; catalog. JONES, ‘Ælfric’s letter’, no. 30b[xx]; catalog. HAGGENMÜLLER, Die Überlieferung, 162)
Source THEODVLF Cap.I, 19

[C281] Presbiteri per uillas et uicos scolas habeant. et si quilibet fidelium paruulos suos ad discendas litteras eis commendare uult. eos suscipere et docere non rennuant. sed cum summa caritate eos doceant. aduententes illud quod scriptum est. qui autem docti fuerint. fulgebunt quasi splendor firmamenti. et qui ad iustitiam erudiant multos. fulgebunt quasi stellæ in perpetuas aeternitates. {Dn 12:3} Cum ergo eos docent. nihil ab eis pretii pro hac re exigant. nec alicquid ab eis accipient. excepto quod eis parentes caritatis studio sua uoluntate obtulerint.

[C283] Commonendi sunt fideles ut generaliter omnes a minimus usque ad maximum orationem dominicam. et symbolum discant. Et dicendum est eis. quod in his duabus sententiis omne fidei christianae fundamentum incumbit et nisi quis has duas sentias {sententias corr.} et memoriter
Nam ille modus hospitalitatis non solum inhumanus sed etiam crudelis est quo numquam hospes ueraciter ipsae domini ad iudicium ueniens dicturus est. Dicente apostolo pondus et hospitio susceptis. Angelis hospitio placuerunt. Dicente apostolo. nisi forte ille qui recipitur sponte sua aliquid det. Dicendumque illis. qualiter multi per hospitalitatis officium deo placuerunt. Dicente apostolo. per hanc enim placuerunt quidam deo angelis hospitio susceptis. {Hbr 13, 2} et iterum. Hospitales sine murmuratione. {1 Pt 4:9} Et ipse dominus ad iudicium ueniens dicturus est. Hospes eram et collegistis me. {Mt 25:35} Sciant sane {uerae rite gl. sup. lin.} quicumque hospitalitatem non solum inhumanus sed etiam crudelis est quo numquam hospes
Appendix X

in domum ante recipitur. nisi prius dari hospotii {sic} merces compensetur. et quod deus agere iussit pro perceptione regni celestis pro acquisisine terrenarum rerum agatur.

(coll. as ‘C’) BROMMER, Capitula episcoporum I, 122–23; catalog. JONES, ‘Ælfric’s letter’, no. 30b[xxvi]; catalog. HAGGENMÜLLER, Die Überlieferung, 162)

Source THEODVLF Cap.I, 25

[C287] Predicandum est etiam ut periuurium fideles causeant. et ab hoc sumnopere abstinence. scientes hoc grande scelus esse. et in lege et prophetis siue euangelio prohibitum. Audiui enim quosdam paruiipendere hoc scelus et leuem quodammodo periuuris penitentiam modum inponere. Qui nosse debent talem de periuurio penitentiam inponere debere qualem et de adulterio. de fornicatione. de homicidio et de ceteris criminalibus uitiis. Si quis [p. 133] uero perpetratio periuurio aut quolibet criminali peccato timens penitentiam longam erumpnam ad confessionem uenire noluerit. ab ecclesia repellendus est siue a communione et consortio fidelium. ut nullus cum eo comedat neque bibat. neque oret. neque in sua eum domo recipiat.

(coll. as ‘C’) BROMMER, Capitula episcoporum I, 123; catalog. JONES, ‘Ælfric’s letter’, no. 30b[xxvii]; catalog. HAGGENMÜLLER, Die Überlieferung, 162)

Cf. D241, which adds ‘simili modo iudicentur uel damnentur falsi testes quia falsus testis non erit inpunitus. sed nequitia est pro cupiditate argenti et auri aut quid prodest homini si lucretur uniuersum mundum. et anima eum domino non faciat?’

Source THEODVLF Cap.I, 26

[C288] Dicendum est eis. ut a falso etiam testimoio abstinence. scientes et hoc grauiissimum scelus esse. et ab ipso domino in monte synai prohibitum. dicente domino non falsum testimonium dixeritis. {Ex 20:16} siue falsus testis non erit inpunitus. {Prv 19:5} Sciat se etiam quisquis hoc perpetrauerit. aut tali penitentia purgandum ut superius dicest est. de periuurio aut tali damnatione et excommunicatione damnandum. sic ut superius insertum est. Dicendumque illis est quod summa non dicam stultitia tali dampnatione et excommunicatione damnandum. sicut superius insertum est. Dicendumque quisquis hoc perpetrauerit. aut tali penitentia purgandum ut superius dictum est. de periurio aut quolibet criminali peccato timens penalitatem et in lege et prophetis siue eam grande scelus corruere. ut aut VII annis in arca erumpna sit. aut ab ecclesia sit repulsus. Dicente domino. quid prodest homini si lucetur uniuersum mundum. et animam suam detrimentum faciat?

{Mt 16:26} Quippe cum aliis uideatur pius existere sibimet crudelis existat.

(coll. as ‘C’) BROMMER, Capitula episcoporum I, 124; catalog. JONES, ‘Ælfric’s letter’, no. 30b[xxviii]; catalog. HAGGENMÜLLER, Die Überlieferung, 162)

Source THEODVLF Cap.I, 27


(coll. as ‘C’) BROMMER, Capitula episcoporum I, 125; catalog. JONES, ‘Ælfric’s letter’, no. 30b[xxix]; catalog. HAGGENMÜLLER, Die Überlieferung, 162)

Source THEODVLF Cap.I, 28

(coll. as ‘C’) BROMMER, Capitula episcoporum I, 126; catalog. JONES, ‘Ælfric’s letter’, no. 30b[xxx]; catalog. HAGGENMÜLLER, Die Überlieferung, 162)

D243

Source THEODVLF Cap.I, 29


Observationibus siue mutuis orationibus peccatorum nostrorum maculas diluimus. Confessio uero quam deo soli facimus in hoc uiuat. {sic} quia quanto nos memores sumus peccatorum nostrorum tanto horum dominus obliuiscitur. dicente eo per prophetam. et peccatorum tuorum non memorabor. {Ier 31:34} Tu autem memor esto quod dauid propheta se fecisse testatur cum dicit. Quoniam iniquitatem meam ego agnosco et peccatum. et reliqua. {Ps 50:5} {coll. as ‘C’} BROMMER, Capitula episcoporum I, 127–26; catalog. JONES, ‘Ælfric’s letter’, no. 30b[xxx]; catalog. HAGGENMÜLLER, Die Überlieferung, 162)

Source THEODVLF Cap.I, 30. Note ‘et e contrario quanto nos horum obliuiscimus tantum dominus reminiscitur’ probably omitted through homoioteleuton.


Source THEODVLF Cap.I, 30. Note ‘et e contrario quanto nos horum obliuiscimus tantum dominus reminiscitur’ probably omitted through homoioteleuton.

uitam eternam capessendam. {acciendi} nam et ipse parentes erga filios suos ac filias doceant parentibus obedientiam exhibere dicente domino. fili. honorifica patrem tuum. {Eph. 6:2; Sir 7:29} Nam et ipsi parentes erga filios suos ac filias modesto debent agere. dicente apostolo. et uos parentes nolite ad iracundiam prouocare filios uestros. {Eph 6:4} Nam et hoc dicendum est eis. ut si illi genitali affectu parcere uelint uiniuirs filiorum. non has inpune dominus abire sinet. nisi forte penitentia digna exhibeat. et quia leuius est filios {sic} parentum quolibet flagella suscipere. quam dei iram incurrire. Admonendus est populus. quod hoc sit uero caritas quæ deum diliget plus quam se. et proximum tamquam se. Et quid nihil uult alii facere. nisi quod sibi uult fieri. plura quæ recenseri longum est. Nam quicumque in potu et cibus et dannis atque accipientibus rebus caritatem putant. non mediocrer errant. dicente apostolo. regnum dei non est cibus et potus. {Rm 14:17} nam et ipsa quando cum caritate fiunt. bona sunt. et inter uirtutes non putanda. .{coll. [as ‘C’] BROMMER, Capitula episcoporum I, 131–32; catalog. JONES, ‘Ælfric’s letter’, no. 30b[xxxii]; catalog. HAGGENMÜLLER, Die Überlieferung, 162} Source (admonendus sunt ... iram incurrire) THEODVLF Cap.I, 33. Note: ‘et matrem ut sis longeus super terram’ (Eph 6:2–3) in D245 not found in source. 

Source (admonendus est ... non putanda) THEODVLF Cap.I, 34

[C295] Admonendi sunt qui negotios ac mercationibus rerum inuigilant. ut non plus terrena lucra quam uitam cupiant sempiternam. Nam qui plus de rebus terrenis quam de anima suæ salute cogitat. ualde a uia ueriitatis oberrat. Et qui iuxta quendam sapientem in uita sua perdidit intima sua. Sequendus est enim in hac parte sicut et in ceteris apostolicus sermo qui ait. et ne quis supergradiatur {sic} neque [p. 138] circumueniat in negotio proximum. uindex est enim deus de his omnibus. {1 Th 4:6} Sicut enim ab his qui labori agrorum et ceteris laboribus uictum. atque
uestimentum et necessaria usibus humanis adquirere inhianter {desideranter}²⁰ \textit{gl. sup. lin.}\{\} instant. decime et elemosinæ dande sunt. ita his quoque pro necessitatibus suis negotiis insistunt faciendum est. Unicuique enim homini deus dedit artem qua pascitur. et unusquisque de arte sua de qua corporis necessaria subsidia habet. anima \{animæ corr.\} quoque quod magis necessarium est subsidium administrare debet.

\textit{Source} \textit{THEODWLF Cap.I, 35}

[C296] Ebdomada prima ante inition quadragesime confessiones sacerdotes \{sic\} dande sunt penitentia accipienda discordantes reconciliandi et omnia iurgia sedanda. et dimittere debent debita inuicem de cordibus suis. ut liberis dicant. dimittet nobis debita nostra. sicut et nos dimittimus debitoribus. \{Mt 6:12\} Et sic ingredientes in beatæ. XL \textit{me} tempus. mundis et purificat mentibus ad sanctum pascha peraccedant et per penitentiam se renouent que est secundus baptismus. Sicut enim baptismum peccata. ita penitentia purgat. Et quia post baptismum peccator denuo non potest baptizari. hoc medicamentum a domino penitentiæ datum est. ut per eam uice baptismi peccata post baptismum diluantur. Septem enim modis peccata dimittit. scripture sancte demonstrant. Primo demonstrant in baptismate qui propter remissionem peccatorum datus est. Secundo per martyrium. iuxta quod ait psalmista. Beatus cuin non inputabit dominus peccatum. \{Ps 31:2\} quia iuxta eiusdem dauid sententiam remittuntur peccata per baptismum teguntur per penitentiam. non inputantur per martyrium. Tertio per elesmosanam \[p. 139\] iuxta danielem. qui profano nobochodonosor regi ait. peccata tua elesmosis redime. in misericordiis pauperum. \{Dn 4:24\} et illud ignem ardentem extinguit aquæ. et elesmosina extinguit peccatum. \{Sir 3:33\} Et dominus in euangelio. Uerumpatem date elesmosanam: et ecce omnia munda sunt ubis. \{Lc 11:41\} Quarto. si remittat quis peccanti in se peccata sua iuxta illud. dimittit et dimittetur ubis. date et dabitur ubis. \{Lc 6:37–8\} Et illud. sic et pater uester dimittet ubis peccata uestra. si remiseritis unicuique de cordibus uestrís. \{cf. Mc 11:25\} Quinto. si per predicationem suam quis et per bonorum operum exercitium. alios ab errore suo convvertat. iuxta illud quod ait apostulos. quoniam si converti fecerit quis peccatorem ab errore uiuç suç saluabit animam eius a morte. et cooperit multitudinem peccatorum. \{Iac 5:20\} per iusm chrism dominum nostrum. Septimo per penitentiam. iuxta quod ait dauid. conuersus sum in erumpna mea dum confringitur spina. \{Ps 31:4\}

\textit{Source} \textit{THEODWLF Cap.I, 36. Note ‘Sexto per caritatatem iuxta illud, caritas operit multitudinem peccatorum’ (1 Pt 4:8) probably omitted in C296 through homoioiteleuton; ‘per iusm chrism dominum nostrum’ perhaps omitted in D248 through homoioiteleuton.}

[C297] Ipsi autem XL cum summæ observatione custodiri debet. ut ieunion in ea preter dies dominicos qui abstinentia subtrati \{sic\} sunt. nullatenus resoluatur. quia ipsi dies decimo sunt anni nostri. quos cum omni religione et sanctitate transigere debemus. Nulla enim in his occasio sit resoluendi ieunion. \{sic\} quia alio tempore solet ieunion caritatis causa dissolui. isto uero nullatenus debet. quia in alio tempore ieinare in uoluntate et arbitrio cuilislibet prepositum est.

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²⁰\textit{desideranter} not desinanter as in \textit{Brommer}
in hoc uero non ieiunare preceptum dei transcendere est. Et in alio tempore ieiunare premium abstinentie adquirere. in hoc uero preter infirmos aut paruulos quisquis non ieiunat. penam sibi adquirit. quia eosdem dies dominus et per moysen et per [p. 140] heliam. et per semetipsum sacro ieiunio consecravit.

(coll. [as ‘C’] BROMMER, Capitula episcoporum I, 136; catalog. JONES, ‘Ælfric’s letter’, no. 30b[xxxvii]; catalog. 
HAGGENMÜLLER, Die Überlieferung, 162)

D249
Source THEODVLF Cap.I, 37

[C298] Diebus uero ieiunii elemosina facienda est et cibum siue potum quo quisque uti debeat si non ieiunet. pauperibus eroget. quia ieiunare et cibos prandii ad cenam reseruare. non mercedes sed ciborum est incrementum.

(coll. [as ‘C’] BROMMER, Capitula episcoporum I, 137; catalog. JONES, ‘Ælfric’s letter’, no. 30b[xxxviii]; catalog. 
HAGGENMÜLLER, Die Überlieferung, 162)

D250
Source THEODVLF Cap.I, 38

[C299] Solent plures qui se ieiunare putant. mox ut signum audierint ad horam nonam manducare qui nullatenus ieiunare credenti sunt. si ante manducauerint antequam uesperetinum celebretur officium. Concurrendum est enim ad missas. et auditis missarum siue uesperetinis officiis. largitas {sic} elemosinis. ad cibum accedendum est. Si uero aliquis necessitate constrictus fuerit ut ad missam conuenire non ualeat estimata uesperina hora completa oratione sua ieiunium absolvere debet.

(coll. [as ‘C’] BROMMER, Capitula episcoporum I, 137; catalog. JONES, ‘Ælfric’s letter’, no. 30b[xxxix]; catalog. 
HAGGENMÜLLER, Die Überlieferung, 162)

D251
Source THEODVLF Cap.I, 39

[C300] Abstinence uero in his diebus pene omnium deliciorum {sic} esse debet. et sobrie et caste uiuendum. Qui uero ouis. caseo. piscibus. uiuo. abstinerre potest. magne uiurtutis. est. Qui autem his aut infirmitate interueniente aut quilibet opere abstinere non potest utatur tantum ut ieiunium usque ad uesperam sollemniter celebrat. et uinum non ad ebrietatem sed ad refectionem corporis sui sumat. A caseo uero lacte butyro et ouis abstinerre et non ieiunare dementissimum est et ab omni ratione semotum. Uini enim ebrietas et luxuria prohibite sunt. non lac et oua. Non enim ait apostolus. nolite comedere lac et oua: sed nolite inebriari uiuo in quo est luxuria. {Eph 5:18}

(coll. [as ‘C’] BROMMER, Capitula episcoporum I, 138; catalog. JONES, ‘Ælfric’s letter’, no. 30b[xl]; catalog. 
HAGGENMÜLLER, Die Überlieferung, 162)

D252
Source THEODVLF Cap.I, 40

[C301] Singulis diebus dominicis in XL preter hos qui excommunicata {sic} sunt sacramenta corporis et sanguinis christi sumenda sunt. et in cena domini. et uigilia pasce. [p. 141] et in die resurrectionis domini. penitus ab omnibus communicandum est. et ipsi dies pascalis ebdomade omnes equali religione colendi sunt.

HAGGENMÜLLER, Die Überlieferung, 162)

D253
Source THEODVLF Cap.I, 41
[C302] In his ieiuniorum diebus. nulle lites. nulle contentiones esse debent. sed in dei laudibus et in opere necessario persistendum. Arguit enim eos qui contentiones et lites XL tempore. et qui debita a debitoribus exigunt dominus per prophetam dicens. Ecce in die ieiunii uestri inueniuntur uoluntates uestrae. et omnes debitores uestros repetetis. Ecce ad lites et contentiones ieiunatis. et percutitis pugno impiae. 
(Is 58:3–4)
(coll. [as 'C'] BROMMER, Capitula episcoporum I, 139; catalog. JONES, ‘Ælfric’s letter’, no. 30b[xlii]; catalog. HAGGENMÜLLER, Die Überlieferung, 162)
cf. D254, which abbreviates and adapts this canon
Source THEODVLF Cap.I, 42

[C303] bstinendum {sic} est enim in his sacratissimis diebus a coniugibus et caste et pie uiuendum. ut sanctificato corde et corpore isti sancti dies transigantur. et sic perueniatur ad diem sanctum paschæ. quia pene nihil ualet ieiunium quod coniugali opere polluitur. et quod orationes uigilie et elemosine non commendant.
(coll. [as ‘C’] BROMMER, Capitula episcoporum I, 139–40; catalog. JONES, ‘Ælfric’s letter’, no. 30b[xliii]; catalog. HAGGENMÜLLER, Die Überlieferung, 162)
D255
Source THEODVLF Cap.I, 43

[C304] Admonendus est populus. ut ad sacrosanctum sacramentum corporis et sanguinis domini nequaquam indifferenter accedat. nec ab hoc nimum abstineat. sed cum omni diligentia atque prudentia eligat tempus quando aliquamdiu ab opere coniugali abstineat. et uitiis se purget. uirtutibus exornet elemosinis et orationibus insistat. et sic ad tantum sacramentum accedat. Quia sicut periculosum est inpurum quemque ad tantum sacramentum accedere. ita etiam periculosum est ab hoc prolixo tempore abstiner. Sola ratione eorum qui excommunicati non quando eis libet sed certis temporibus communicant et religiosis quibusque {sic} sanctæ uiuentibus qui pene omni die id facient; [p. 142]
(coll. [as ‘C’] BROMMER, Capitula episcoporum I, 140; catalog. JONES, ‘Ælfric’s letter’, no. 30b[xliv]; catalog. HAGGENMÜLLER, Die Überlieferung, 162)
D256
Source THEODVLF Cap.I, 44

[C305] Vt missæ quæ per dies domínicos pecúliares a sacerdotibus fiunt. non ita in publico fiánt. ut per eas populus a publicis missarum sollemnibus quæ hora tertia canonice fiunt abstrahatur. qua pessimum usus est apud quosdam qui in diebus dominicis siue in quibuslibet festiuitatibus mox missam celebrant. etiam pro defunctis si audirent abscedunt. et per totum diem a primo manæ ebrietati et comestationi potius quam deo deseruiunt. Admonendus est populus. ut ante publicum peractum officium ad cibum non accedat. et omnes ad publicam sanctam matrem ecclesiam. missarum sollemnia et predicacionem audituri conueniant. et sacerdotes per oratoria nequaquam missas nisi tam caute ante secundam horam celebrant. ut populus a publicis non abstrahatur. sed siue sacerdotes qui in circitu urbis. aut in eadem urbe sunt. siue populus ut prædicticus in unum ad publicam missarum celebrationem conueniant. exceptis deo sacratis feminis quibus mos est ad publicum non egredi. sed claustris monasterii contineri.
(coll. [as ‘C’] BROMMER, Capitula episcoporum I, 141–42; catalog. JONES, ‘Ælfric’s letter’, no. 30b[xlv]; catalog. HAGGENMÜLLER, Die Überlieferung, 162)
D257
Source THEODVLF Cap.I, 45

[C306] Vere fratres karissimi hoc debetis scire unde fuit inceptum hoc exemplum. ut episcopi peccatores homines eicerint {sic} de ecclesia in capite ieiunii. et iterum post completam dignam
Appendix X


\(^{31}\) commendat] commdat, with macrons over o and second m, as if commendat
Appendix X

episcopi. propterea quia non custoditis obedientiam preceptorum dei. què nos supra
nouinauimus. {nominauimus corr.} propterea eicimus uos foras de ecclesia. et cantamus post uos
hoc quod dominus cantaut post adam quando expulit eum de paradiso. In sudore uultus tui
uesceris pane tuo et reliqua. {Gn 3:19} Sed quid fecit adam postquam fuit eictus de paradiso?
Certe multam et dignam penitentiam fecit. ut dignus esset quo deus reciparet eum in paradisum.
Et uos similiter fecitis dignam penitentiam. in ista XL quo uos sitis digni intrare in ecclesiam et
communicare corpori et sanguini domini. et propterea uos gaudenter. recipit sancta mater
ecclesia inter suos filios qui sunt filii dei adoptiui. hoc est electi. Hoc tamen debetis scire. quia
sicut beatus ambrosius dixit. Nullus episcopus potest absolvre penitentes. nisi ipsa penitentia
eorum fuerit digna de absoluzione. Penitentia de pena accepit nomen: ut homo peccator habeat
penam in corpore ieiunando et affligendo carnum suam per abstinentiam et per uigilias in
orationibus. Unde ait beatus hieronimus. Grandia ieiunia expellunt fortia uitia de homem. Et
longa parcitas cibi et potus: occidit luxuriam. Et propterea uos obis dicimus hoc. ut si non habetis
adhuc illam penitentiam factam quæ deo placeat ex uestra volubilitate perficie illam. Et si non
potestis ieiunare. uel [p. 146] elenmosinas potestis facere. quæ liberent uestras animas de inferno.
non debetis hoc attendere ut uos umquam non faciatis plus de penitentia. nisi quantum obris
fuerit commendatum. Sed de uestra uolubilitate debetis plus facere sicut faciebant sancti qui
portabant cilia. et abstinebant a carne et uino. et ieiunabant usque ad uesperam propter
desiderium uitæ ēterne. Et umquam non fuit illis sanctis de sacerdotibus talis penitentia
commendata. Fratres. iam modo est adam receptus in ecestri paradyso propter multum {multam
corr.} laboriosam penitentiam quam fecit. Et propter ipsam penitentiam meruit accipere
societatem cum dei fidelibus redemptis de sanguine christi. Et uos deo gratias hodie propter
penitentiam estis receptiur in ecclesia quasi in paradisum. Et quia uos conuenistis in ista die ad
recipiendam societatem sanctæ ecclesiæ. et ad absolutionem de uestris peccatis. et ieo unenstis
cum toto desiderio. quo uos possitis recipere tam magnum gaudium de paschali sollemnitate. et
to possitis communicare de corpore et sanguine domini. Propterea non debet remanere in obris
superbia pro qua cecidit lucifera angelus de ecestri gloria in infernum. De ipsa superbia dicit
scriptura. Deus superbis hominibus resistit. humilibus autem donat suam gratiam. {1 Pt 5:
5} Si ille angelus lucifer per superbia perdidit uiam ãternam. nos qui homines sumus numquam
poterimus habere illam gloriam si non per humilitatem. Debet cessare in nobis {sic} omnis
iraundia de qua dicit iohannes apostolus. Omnis qui odit fratrem suum homicida est. {1 Io 3:
15} Et dominus dicit in evangelió. Si non dimiseritis peccata hominibus. nec pater uester ecestri
dimmittet obris peccata uestra. {Mt 6:15} [p. 147] Debetis etiam dimittere ut non decipiatis alios
hominum per uestra uittiosa mendacia. et per uestra ingeniosa iuramenta. Uere illas tales homines
qui hoc faciunt. maledicit omnis ecclesia. orans cum propheta. Disperdat dominus uniuersa labia
dolosa. {Ps 11:4} et qui locuntur pacem cum proximo suo mala autem in cordibus eorum. da illis
deus secundum opera ipsorum. {Ps 27:3–4} De uentrís ingluuie admonet uos dominus temperare
dicens. Attendite ne grauentur corda uestra in crapula et ebrietate. {Lc 21:34} Crapula et ebrietás
est nimium manducare et bibere. Satis scitis uos. quia propter ingluuiem uentris cruciantur in
inferno illi homines qui semper manducant et bibunt usque ad saturitatem. et usque ad
ebrietatem. illi de suo uentre faciunt suam deum. Unde ait apostolus. Quorum deus uenter est et
gloria in confusione hoc est in uerucandia ipsorum erit qui terrena sapuiunt. {Phit 3:19} Et ituram
dicit apostolus. Esca. hoc est cibus uentri est deus. et uenter escis. hoc est cibis. Deus autem hunc
uentrem. et has. id est escas destruet {1 Cor 6:13} in fine mundi. hoc etiam nos amonem in
multis locis sancta scriptura. ut per omnia fugiamus þeores luxurie et omne genus fornicaonis.
Unde dicit apostolus. Neque fornicators. neque adulteri regnum dei possidebunt. {1 Cor 6:9–
10} Et beatus hieronimus ait. Qui autem luxuriam: uius mortus est. Preterea grandis bonitas
est ut dimittamus auaritiam de qua dicit apostolus. Auaritia est idolorum seruitus. {Col 3:5} Hoc

[Note: a space was left for a rubric, though it has not been filled.]

Source

D261

(Abbrev. 'Ælfric’s letter', no. 32[iii])

D259–60 — cf. Polity.II 23–30 (= Polity.II 16–23), which translates this text into Old English

Source (rex a regendo ... regere debet) unidentified, but cf. SEDVL.SCOTT. De rector.christ. 2 (ed. Dyson, 56, line 27); ISIDORE, Etym. 9.3.4; ALCVIN Epistola 18 (ed. Dümmler, 51, line 31)

Source (octo columnne ... pauperem) SEDVL.SCOTT. De rector.christ. 10 (ed. Dyson, 108, lines 7–13), abbr. Coll.Hib.B 27.22 (MS B6, fol. 45r, corrected by Wulfstan’s hand), all but last sentence, adapted slightly; cf. Coll.Hib.A 25.15.a, which has ‘haereditatem’ for ‘urertatem’

[C308] Sapientia est. decus et honor regis. in libro sapientiæ scriptum est. Initium sapientiæ timor domini. {Sir 1:16} Salomon dicit. Timor domini apponit dies. et anni impiorum breuiabuntur. {Prv 10:27} Audite reges et intelligite. discite iudices terræ. {Sap 6:16} id est diuinam scripturam diligenter adtendite; Note: a space was left for a rubric, though it has not been filled.

Source unidentified

[C309] Iustitia iusti regis est neminem iniuste iudicare. Aduenis et pupillis et uidiuis. defensorem esse. furta cohibere. {prohibere gl. sup. lin.} adulteria punire. inipudicos non nutrire. iniquos non
exaltare. impios de terra perdere. parricidas et periurantes de terra expellere. ecclesias dei defendere. pauperes pascere. iustos super regni negotia constituere. Senes et sapientes ac deum timentes consiliarios habere Magorum phitonissarum. atque insipientium superstitionibus non intendere. patriam fortiter contra aduersarios defendere. per omnia in deum confidere. fidem catholicam habere. filios suos impie agere non sinere. certis horis orationi insistere. ante horas congruas cibum non sumere. sed tempore statuto. Omnia cum discretione agere. bonos adiuuare. malos dampnare.

Note: a space was left for a rubric, though it has not been filled.

(Catalog. Jones, ‘Ælfric’s letter’, no. 32[iii])

D262

Source (Justitia ... cibum non sumere)

Coll. Hib. A 25.4.a/Coll. Hib. B 27.10 (MS B6, fol. 42v), first part, abbrev., adapted — Ps.-Cyprian De duodecim abusivis 9 (ed. Hellmann, p. 51 line 9–p. 52 line 6) \ abbrev., adapted

Source (sed tempore statuto ... dampnare)

unidentified

[C310] Iustitia regis. pax populorum est. tutamentum patriæ munimentum gentis. cura languorum gaudium hominum. fecunditas terræ. solacium pauperum. hereditas filiorum. segetum habundantia. arborum fecunditas. uite prosperitas. spes futuræ beatitudinis.

Note: a space was left for a rubric, though it has not been filled.

(Catalog. Jones, ‘Ælfric’s letter’, no. 32[iv])

D263

Source


Source (uitæ prosperitas)

unidentified

[C311] Item alibi legitur. prosperitas regni. misericordia regis. et exaltatio nominis eius in largitate. longitudo dierum eius in uero iudicio; [p. 150] Item salomon dicit. Misericordia et veritas custodiunt regem. et roboratur clementia thronum {sic} eius. {Prv 20:28}

Note: a space was left for a rubric, though it has not been filled.

(Catalog. Jones, ‘Ælfric’s letter’, no. 32[v])

D264

Source

Coll. Hib. A 25.4.b–c/Coll. Hib. B 27.10 (MS B6, fol. 43r), adapted

[C312] Iustitia boni regis patriam edificat. iniustitia iniusti regis patriam destruit. Scriptum namque est. Omnia membra caput sequuntur. {cf. Rm 12:5} Iniquitas enim regis iniqui. pacem populorum rumpit. et non solum presentis imperii faciem sibi ipsi suffocat. 32 sed etiam in filios et nepotes ne regni hereditatem obtineant. obscurat.

Note: a space was left for a rubric, though it has not been filled.

(Catalog. Jones, ‘Ælfric’s letter’, no. 32[vi])

D265

Source (Iustitia ... patriam destruit)

unidentified

Source (scriptum ... caput sequuntur)

cf. DCAL.217.†85, c. 2, as in Ps.-Isidore, Decretales (ed. Hinschius, 136)

Source (iniquitas ... obtineant obscurat)


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32 suffocat] read suffuscat
Appendix X


Note: a space was left for a rubric, though it has not been filled.
(catalog: JONES, ‘Ælfric’s letter’, no. 32[vii])

D266


Note: a space was left for a rubric, though it has not been filled.
(catalog: JONES, ‘Ælfric’s letter’, no. 32[viii])

D267

Source (breuis est ... temporalis potencia) DEFENSOR, Lib.scintill. 80.11 (ed. Rochais, 229, lines 1–2), abbrev.; cf. SEDVL.SCOTT. Coll.in apost. excerpt. 63 (eds Frede–Stanjek, 802, lines 2–3) — cf. SENeca, Controv. 2.1.1 (ed. Winterbottom, I, 204, lines 12–13)

Source (et exitus hora ... uita cum culpa) DEFENSOR, Lib.scintill. 80.20 (ed. Rochais, 230, lines 1–3) — ISIDORE, Sententiae 3.62.4 (ed. Cazier, 328, lines 15–18) | abbrev., adapted

[C315] Paulus dicit. Quamdiu quidem sum gentium apostolus ministerium meum honorificabo. {Rm 11:13} Qui rursus alias dicit. Facti sumus paruuli in medio uestrum. {1 Th 2:7} Exemplum procul dubio nobis sequentibus ostendit ut et humilitatem teneamus in mente. et tamen ordinis nostri dignitatem seruemus in honore. quatinus nec in nobis humilitas timida. nec erectio sit superba.

Note: a space was left for a rubric, though it has not been filled.
(catalog: JONES, ‘Ælfric’s letter’, no. 33a[i])

Source DGRE.590.1354 (ed. Norberg, 320, lines 3–8)

* * *

There follows on A2, pp. 150–57 a series of texts on pastoral privilege and responsibility (Sauer’s ‘Block VII’), of which the following text (C316) is the final part

[C316] (A2, pp. 156–57): De rapinis ecclesiasticarum rerum

Note: a space was left for a rubric, though it has not been filled.

D258 — cf. London, British Library, Cotton Vespastian A. xiv, fol. 173v, which adds two additional canons to the end of this text; O28, which greatly adapts this text

[C317] Fratres. Scitote quia diuisa est potestas secularis et potestas spiritualis. Bonis secularibus decet. ut sint defensores ecclesiæ. et propugnatores gregis christi. spiritualibus autem conuenit. ut sint intercessores pro omni populo dei. Miles quidem christi armis humanis uti non debet. ut testimonia multa declarant. Incipiamus testimonium a deo et domino nostro iesu christo qui dum


33 Note, however, that the uncorrupted (and slightly adapted) form in Coll.Wig O 30 is marred by anacoluthon: Nam dominus noster iesus christus cum pro humano genere crucis ullet subire tormentum, et a militibus esset tentus, petrus euaginato gladio absidit auriculam malchi, quam dominus sanitati restituit, et petro prohibuit ne postea unquam gladio pugnaret. The syntax should be emended to read Nam cum dominus noster iesus christus pro humano genere...
obsequium dignum exhibeant. Doctiores minus doctis nequaquam se preferant. sed magis eos
cum caritate edificant. neque [p. 160] hi qui nobilitate generis aut uirtutum donis pollent. ceteris
se tumide superextollant. Omnes in congregacione uicissim sibi caritatis officio seruant. Quibus
etiam in refectorio comedentibus et religioso silentium tenentibus continuam legaturlectio.
Delinquentes. zelo rectitudinis pariter arguant et castigent. Pueros et adolores {sic}
neglegentes uerberum disciplinis corripiant. Singuli iuxta capacitatem suam diuersarum artium
erudiantur disciplinis. ut nullus in collegio canonicato inutilis appareat. ne uota fedelium otiosus
comedat.
Tales quippe esse immo taliter conuersari. decet omnes qui diuinis officiis se
mancipauerunt. Quapropter studeant hoc breuiiter collecta sedula meditatione perlegere. et
memorię commendare. et adiuuante diuina gratia iuxta diuerse adimplere. quatins diuinis
iuisionibus obtemperantes. ad christum in cuius sorte esse noscuntur eo opitulante peruenire
mereantur. Amen.

(coll. [as 'X'] CROSS, 'Newly-identified', 81–3; catalog. JONES, 'Ælfric's letter', no. 36)
C193 — cf. Coll.Wig.R, where this text is fragmentary; cf. Wulfstan's Sermo 10a (ed. BETHVRVM, Homilies, 192–
93), which translates this text into Old English
Source CAAC.816.145 (ed. Werminghoff, p. 419 line 9–p. 419 line 6), abbrev., adapted

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There follows on A2, pp. 160–83 Ælfric's Ep.2 and 3, Wulfstan's Sermo 8a, and De chrismate ('Crisme unguendum
moyses primum ... christi ęterni regis et sacerdotos', a text incorporated into Sermo 8a in MS A1).

[p. 183...]
[C319] Officium quidem missę magna ex parte ad solum pertinet sacerdotem cui sacrificandi
data est licentia et ueneranda misteria consecrare. Et ideo sacerdotes procurent magnopere. ut
sint prius innocentes. mansueti. sobrii. et humiles. Deinde cum casto corpore et mundo corde
accedant ad benedicendum dei sacrificium conseruantes semper munditiam cordis et corporis. ne
irritam faciant consecrationem quam in manibus cum magna promissione susceperunt. nec ab
huius unquam uectionis dignitatis degenerent. Nam et oblationes quas in sacrificio deo
offerant. aut semetipsis aut a discipulis ab eis bene eruditis nitidę et studiose preparamur. et
diligenter obsueretur. ut panis et uinum et aqua. sine quibus nequaquam missę celebrantur. pura
et munda fiant. quia si altert agatur. non solum ab altae domini et a conuuiuo sanctorum
separabuntur. sed etiam cum his qui acuetum cum felle mixtum obtulerunt domino in passione
crucis. nisi cito de his uera penitentia neglegentiis ante exitum uite subuenerit punientur.
Sacerdos enim habet personam christi. Altare uero crucem christi significat. Panis extensus super
altae. corpus domini demonstrat extensum in cruce. Uinum et aqua in calicę monstrant
sacramenta quę de latere domini in cruce domini fluxerunt. id est sanguis et aqua. Sacrificium
itaque dictum est quasi sacrum factum quia prece mystica consecratur in [p. 184] memoriam pro
nobis dominice passionis. cuius panis et calicę sacramentum. eucharistiam greci dicunt quod
latine bona gratia interpretatur. Ideoque cotidie corpus christi offertur et sanguis. ne obluiuoni
passio eius tradetur. Ipse enim dicit. Quotiescumque hoc feceritis in meam commemorationem
facite. {1 Cor 11:25} Sacramenta quippe ecclesiastica sunt. baptismum et crisma corpus christi et
sanguis. quę ob id sacramenta dicuntur. quia sub tegumento carnaliu rum rerum uirtus diuina
secretius salutem eorumdem sacramentorum operatur. Unde et a secretis uirtutibus uel a sacris
sacramenta dicuntur. Unde greci misterium dicitur. quod secretam et reconditam habeat
dispensationem.

(catalog. JONES, ‘Ælfric’s letter’, no. 41)
Copenhagen, Kongelige Bibliotek, Gl. Kgl. Sam. 1595 (4°), fols 79v–80r (where the title ‘De officio missae’ is added in Wulfstan’s hand); ‘officium quidem ... subuenerit punientur’: also in Cambridge, Pembroke College, MS 25, fol. 159r–v, where it is titled ‘De officio missae [sic] et mysterio atque orationibus canonice horarum, Sermo Rabani Mauri’ (cf. CROSS, Carolingian sermonary, 41; CROSS–TYNBERG, Copenhagen Wulfstan collection, 23) — cf. B109 (I109, O–), which adapts part of this text

Source (officium quidem ... mysteria consecrare) Cambridge, Pembroke College, MS 25, fol. 159r — HRAB.MAVRVS De inst.cleric. 2.1 (ed. Zimpel, 344, lines 3–5), abbrev., adapted. Note: this passage not found in the selection of material from HRAB.MAVRVS De inst.cleric. 2.1–10 in A2, pp. 194–97.


Source (sacerdos enim ... christi significat) unidentified

Source (panis extensus ... sanguis et aqua) AMALAR. Lib.officialis 4.47.3 (ed. Hanssens, 542, lines 18–21), abbrev.

Source (sacrificium itaque ... gratia interpretatur) ISIDOIRE, Etym. 6.19.38; HRAB.MAVRVS De inst.cleric. 1.32 (ed. Zimpel, 338, lines 9–13) | abbrev.

Source (ideoque cotidie ... commemorationem facite) unidentified

Source (sacramenta quippe ... id sacramenta dicuntur) ISIDOIRE, Etym. 6.19.39–40, partial; HRAB.MAVRVS De inst.cleric. 1.24 (ed. Zimpel, 316, lines 3–7) | adapted

Source (unde greci ... habeat dispensationem) ISIDOIRE, Etym. 6.19.42, last sentence; HRAB.MAVRVS De inst.cleric. 1.24 (ed. Zimpel, 316, lines 12–13)

[C320] Initium quidem sacerdotii aaron fuit quamquam melchisedech prior obtulerit sacrificium. et post hunc abraham isaac et iacob. Sed isti spontanea voluntate non sacerdotali auctoritate ista fecerunt. Ceterum aaron primus in lege sacerdotale nomen accepit primusque pontificali stola et zonam auream et superhumerale. et cetera que supra memorata sunt. Filii autem aaron super tonicam {sic} sacramenta quippe ... id sacramenta dicuntur ideoque cotidie ... commemorationem facite. Cuius figuram faciebat moyses. Si enim aaron filii presbiterorum figuram faciebant. et aaron tunicas lineas cincti tantummodo et tyarati. adstaban sacrificio dei. Sed for constrictum aaron superhumerale. et zonam auream et superhumerale. et cetera que supra memorata sunt. Filii autem aaron super tonicam {sic} accipiebat poderem stolam sanctam et coronam auream mitram et caput eius atque hoc ritu consecrabitur. Filios quaeque eius adplicabis et indues lineis tunicis. quod clausulas baltheo et pones tyaram in capite eius et laminam sanctam super tyaram unctionis fundens super indues aaron uestimentis suis. id est linea tonica et superhumerale et rationale. quod constringes eius et applicabis ad hostium tabernaculi testimonii. Cumque laueris patrem cum filiis aqua. et ideo sacerdot

('ælfric's letter', no. 42.i[a]) Copenhagen, Kongelige Bibliotek, Gl. Kgl. Sam. 1595 (4°), fols 18r–v and 80r–v (where the title ‘De sacerdotibus’ is added in Wulfstan’s hand); Boulogne-sur-Mer, Bibliothèque Municipale, MS 63 (70), fol. 20r (–20v ?), with
Actenus de primodiis sacerdotalibus in ueteri testamento. in nouo testamento post christum sacerdotalis ordo a petro cepit. Ipsi enim primum datus est pontificatus in ecclesia christi. Sic enim loquitur a eum dominus. Tu es inquid petrus. et super hanc petram edificabo ecclesiam meam. et porte inferi. non preualebunt aduersus eam et tibi dabo claues regni celorum. {Mt 16:18–19} Hi ergo ligandi soluendique potestatem primus cepit. primusque ad fidem populum uirtute suæ predicationis adduxit. Siquidem et ceteri apostoli cum petro pari consortio. honores et potestates acceperunt. Qui etiam in toto orbe dispersi. euuangelium predicauerunt.

orationibus incumbere. Cum fratribus habere pacem. nec quemquam ex membris suis discerpere. Nullum dampnare nisi conprobatum. nullum excommunicare. nisi discussum. Quique ita humilitate pariter et auctoritate prestabat. ut nec per nimiam humilitatem [p. 188] suam subditorum uitia conualsecere faciat. nec per inmoderatam auctoritatem. seueritatis potestatem exerceat. sed tanto cautius erga commissos agat. quanto durius a christo judicari formidat. Tenebit quoque illam supereminentem donis omnibus caritatem. sine qua omnis uirtus nihil est. Custos enim sanctitatis caritas est. Locus autem huius custodis humilitas. habebit etiam inter huiusmodi supereminentes. esurientes pascere. uestire nudos. suscipere peregrinos. captiuos redimere. uiduas pupillos tueri. eę c oportet eum sollita dispensatione curam gerere pauperum. omnia et castitatis eminentiam. ita ut mens christi corpus confe...
Appendix X

Source (porro uox ... auditores faciat) CAAC.816.3 (ed. Werminghoff, 319, lines 32–6); ISIDORE, De eccl.off. 2.11 (ed. Lawson, 71, lines 32–8); ‘porro uox ... femineum sonans’: also in Coll.Hib.A 5.4

[C324] Exorciste ex greco in latinam adiurantes siue increpantes uocantur. quad innocuant super inerguminos. uel super eos qui habent spiritum inmundum. nomen domini iesu christi adiurantes per eum ut egrediatur ab eis spiritus inmundus. Exorcismus autem coniuratio est.

(catalog. JONES, ‘Ælfric’s letter’, no. 42 ii[f])

Note: a space was left for a rubric, though it has not been filled.

MS A1, p. 202; Copenhagen, Kongelige Bibliotek, Gl. Kgl. Sam. 1595 (4°), fol. 20v; Boulogne-sur-Mer, Bibliothèque Municipale, MS 63 (70), fol. 22v (ed. FEHR, Hirtenbriefe, 257)

Source (exorciste ... egrediatur ab eis) ISIDORE, Etym. 7.12.31
Source (spiritus inmundus) unidentified
Source (exorcismus ... coniuratio est) ISIDORE, Etym. 6.19.55

[C325] Accoliti grece: latine ceraferarii dicuntur a[d]portandis {aportandis corr.} cereis quando euuangelium legitur. aut sacrificium offertur. ad signum letiti[e]{le}.) {lettie corr.}

(coll. [as ‘C’] FEHR, Hirtenbriefe, 257; catalog. JONES, ‘Ælfric’s letter’, no. 42 ii[d])

MS A1, p. 202 (coll. [as ‘O’] FEHR, Hirtenbriefe, 257); Copenhagen, Kongelige Bibliotek, Gl. Kgl. Sam. 1595 (4°), fol. 20v; Boulogne-sur-Mer, Bibliothèque Municipale, MS 63 (70), fol. 22v (ed. FEHR, Hirtenbriefe, 257)

Note: a space was left for a rubric, though it has not been filled.

Source ISIDORE, Etym. 7.12.29–30, partial; CAAC.816.5 (ed. Werminghoff, 320, lines 19–22) | abbrev.

[C326] Subdiaconi. id est subministri. qui nathinnei in hesdra uocantur. id est in humilitate deo seruientes. Isti obedient officiis leiturarum. Isti uasa corporis et sanguinis iesu christi diaconis ad altare offerunt. quibus propheta dicentur {a[per]d[iaconi]} cerihus propheta dicentur femineum sonans. mundamini qui fertis uasa domini. {Is 52:11}

(catalog. JONES, ‘Ælfric’s letter’, no. 42 ii[f])

Note: a space was left for a rubric, though it has not been filled.

MS A1, pp. 202–03; Copenhagen, Kongelige Bibliotek, Gl. Kgl. Sam. 1595 (4°), fol. 20v; Boulogne-sur-Mer, Bibliothèque Municipale, MS 63 (70), fol. 22v (ed. FEHR, Hirtenbriefe, 257)

Source CAAC.816.3 (ed. Werminghoff, 320, lines 25–34); ISIDORE, De eccl.off. 2.10 (ed. Lawson, 69, lines 2–15) | abbrev., adapted
Source (id est subministri) cf. Coll.Hib.A 4.1


(coll. [as ‘C’] FEHR, Hirtenbriefe, 257; catalog. JONES, ‘Ælfric’s letter’, no. 42 ii[f])

Note: a space was left for a rubric, though it has not been filled.

MS A1, p. 203 (coll. [as ‘O’] FEHR, Hirtenbriefe, 257); Copenhagen, Kongelige Bibliotek, Gl. Kgl. Sam. 1595 (4°), fols 20v–21v — cf. Boulogne-sur-Mer, Bibliothèque Municipale, MS 63 (70), fol. 22v (ed. FEHR, Hirtenbriefe, 257), which adds ‘nam sacerdos sine diacono nomen habet sed officium non habet’ (from ISIDORE, De eccl.off. 2.8). REYNOLDS, ‘De officiis VII graduum’, 132 n. 78 notes that this ‘treatise’ (by which he perhaps means C321–297) is also found in the twelfth-century MS Edinburgh, University Library, Laing. 56 (Borland 105), fol. 31v

Source (diaconus grece ... exorti sunt) ISIDORE, Etym. 7.12.22, rearranged, adapted. Note: ‘quia ministrat presbitero’ not in source. Note: ‘nam sacerdos sine diacono nomen habet sed officium non habet’ (from ISIDORE, De eccl.off. 2.8) has been added to Boulogne-sur-Mer, Bibliothèque Municipale, MS 63 (70), fol. 22v

Source (leuitam ... communicare) Coll.Hib.A 8.2/Coll.Hib.B 8.2 (MS B6, fol. 11v), partial

Appendix X

[C329] Beati pauli apostoli uerba proferamus. quomodo ad timotheum uel ad titum de eligendis episcopis admonuit decens. Ait namque ad timotheum. Oportet ergo episcopum inreprehensibilem esse unius uxoris uirum. sobrium. prudentem. pudicum. ornatum. hospitalem. doctorem. non uinolentum. non percussionem. sed modestum. non litigiosum. non cupidum. {1 Tim 3:2—3} non neophitum. ne in superbiam elatus in iudicium incidat diaboli. {1 Tim 3:6} Item ad titum. Oportet enim episcopum sine crime esse. sicut dei dispensatore. non superbum. non iracundum. non uinolentum. non percussionem. non turbis luceri cupidum. sed hospitalem. benignum. sobrium. iustum. sanctum. continentem. amplectentem eum qui secundum doctrinam est fidelem sermonem. ut potens sit exortari in doctrina sana. et eos qui contradicunt arguer. {Tit 1:7—9} Quod ait ad timotheum. oportet episcopum inreprehensibilem esse [p. 191] sibilem esse {1 Tim 3:2} idipsim quoque ad titum. si quis est sine crime. {Tit 1:6} Omnes uirutes in uno sermone comprehendid. et pene rem contra naturam exigat. Si enim omne peccatum etiam in otioso uerbo reprehensione dignum est. quis ille qui absque crime id est reprehensione uersetur in mundo? Sed futurus pastor Ecclesiae talis eligitur. ad cuius comparationem recte grex ceteri nominantur. Sic lingua inreprehensibilis queritur. ut doctus merito suspicatur. Perdit enim auctoritatem docendi cuius sermo operibus destructur. Unius uxoris id est ante electionem non post ordinationem. Sobrium. et non comedens et bibens cum ebriosi. percuti pet seruos et ancillas. sed incertum domini expectet aduentum. et det consuerus in tempore cybaria. Prudentem. pudicum.

(\textit{ed. \[partial\]} FEHR, Hirtenbriefe, 257–58; catalog. JONES, ‘Ælfric’s letter’, no. 42.iii)

\textit{Note: a space was left for a rubric, though it has not been filled.}

\textit{Copenhagen, Kongelige Bibliothek, Gl. Kgl. Sam. 1595 (4°), fols 21r–23r, with the title 'Item beati Hieronimi excerptum de episcopis'; Boulogne-sur-Mer, Bibliothèque Municipale, MS 63 (70), fols 23r–25r, with the title 'Item beati Hieronimi excerptum de episcopis' (ed. \[partial\]} FEHR, Hirtenbriefe, 257–58)
Source (beati pauli apostoli... namque ad timotheum)  unidentified
Source (oporet ergo episocum... incidat diaboli) 1 Tim 3:23, 6
Source (oporet enim episocum... contradicunt arguere) Tit 1:7–9
Source (quod ait ad timotheum) unidentified
Source (oporet episocum... grex ceteri nominetur) CAAC.816.11 (ed. Werminghoff, 328, lines 21–6) — JEROME, Epistola 69, c. 8 (ed. Hilberg, I, p. 694 line 19–p. 695 line 2)
Source (sic lingua inreprehensibilis... operibus destruitur) CAAC.816.11 (ed. Werminghoff, 328, lines 27–8) — JEROME, Epistola 69, c. 8 (ed. Hilberg, I, 695, lines 3–5)
Source (id est ante electionem non post ordinationem) unidentified
Source (et non comedens... tempore cybaria) CAAC.816.10 (ed. Werminghoff, 327, lines 17–18) — JEROME, Comm.ad Timum v. 1:7 (PL 26, col. 566B)
Source (prudentia decet episocum uelut doctorem ecclesiae) unidentified
Source (et sacerdotalis pudicitia... sit libera) CAAC.816.10 (ed. Werminghoff, 328, lines 13–14) — JEROME, Comm.ad Timum vers. 1:8–9 (PL 26, col. 569A)
Source (non comptum uestibus sed moribus) unidentified, but cf. CAAC.816.94 (ed. Werminghoff, 371, lines 6–7) — cf. JEROME, Epistola 52, c. 5 (ed.Hilberg, I, 424, lines 1–2)
Source (qui uitia non habet... ornatus est) CAAC.816.11 (ed. Werminghoff, 328, lines 33–4) — JEROME, Epistola 69, c. 8 (ed. Hilberg, I, 695, lines 19–20)
Source (si enim omnes christi... inhumanus est) cf. CAAC.816.9 (ed. Werminghoff, 325, lines 35–8); CAAC.816.10 (ed. Werminghoff, 328, lines 8–10) — JEROME, Comm.ad Timum vers. 1:8–9 (PL 26, col. 568A)
Source (doctrina namque a sacerdotibus exquiritur) unidentified, but cf. CAAC.816.11 (ed. Werminghoff, 329, lines 3–4) — cf. JEROME, Epistola 69, c. 8 (ed. Hilberg, I, 696, line 5)
Source (innocens enim... dertexta est) CAAC.816.11 (ed. Werminghoff, 329, lines 4–6) — JEROME, Epistola 69, c. 8 (ed. Hilberg, I, 696, lines 6–9)
Source (uinolentia scurronum... maledictus non remaledixit) CAAC.816.11 (ed. Werminghoff, 329, lines 8–13) — JEROME, Epistola 69, c. 9 (ed. Hilberg, I, 696, lines 12–21)
Source (altiori tamem intellectu) unidentified
Source (non percussorem illum... percutiat infirmorum) CAAC.816.10 (ed. Werminghoff, 327, lines 30–2) — JEROME, Comm.ad Timum v. 1:7 (PL 26, col. 567B)
Source (duobus malis unum... modestia refrenetur) CAAC.816.11 (ed. Werminghoff, 329, line 14) — JEROME, Epistola 69, c. 9 (ed. Hilberg, I, p. 696 line 21–p. 697 line 1)
Source (audiant hoc) unidentified
Source (qui garrulitatem... semonibus intonant) CAAC.816.11 (ed. Werminghoff, 329, lines 15–16) — JEROME, Epistola 69, c. 9 (ed. Hilberg, I, 697, lines 3–5)
Source (iracundus doctor... potius uulnerat) CAAC.816.33 (ed. Werminghoff, 354, lines 28–30); ISIDORE, Sententiae 3.40.1 | adapted
Source (id est non tumentem... pluribus prosit) CAAC.816.10 (ed. Werminghoff, 327, lines 21–2) — JEROME, Comm.ad Timum v. 1:7 (PL 26, col. 566B)
Source (turpis lucri appetitus ab episocopo debet esse alienus) CAAC.816.10 (ed. Werminghoff, 327, lines 32–3), abbrev. — JEROME, Comm.ad Timum v. 1:7 (PL 26, col. 567C)
Source (episcopus qui imitator... crastina cogitemus) CAAC.816.10 (ed. Werminghoff, p. 327 line 37–p. 328 line 2) — JEROME, Comm.ad Timum v. 1:7 (PL 26, col. 567C–D). Note: the sources have 'zona' instead of 'petra'.
Appendix X

Source (auratiam in sacerdotem ... cuiquam probans) CAAC.816.11 (ed. Werminghoff, 329, lines 17–18) — JEROME, Epistola 69, c. 9 (ed. Hilberg, I, 697, lines 5–6)

Source (heri caticuminus ... discipuli iam magistri sunt) CAAC.816.11 (ed. Werminghoff, 329, lines 26–34) — JEROME, Epistola 69, c. 9 (ed. Hilberg, I, 698, lines 2–5 + p. 698 line 11–p. 699 line 1)

Source (justus quoque episcopus ... et subditos habet) CAAC.816.10 (ed. Werminghoff, 328, lines 14–18) — JEROME, Comm.ad Titum vers. 1:8–9 (PL 26, col. 569A–B)

Source (talis ergo sit pontifex christi ... obseruare oportet) CAAC.816.11 (ed. Werminghoff, 330, lines 3–4) — JEROME, Epistola 69, c. 9 + 10 (ed. Hilberg, I, 699, lines 6–7 + lines 13–14)

* * *

There follows in A2, pp. 194–97 an epitome of Hrabanus Maurus’s De inst.cleric. 2.1–10 (also in MS A1, pp. 205–12; see Jones, ‘Wulfstan’s liturgical interests’, 352 no. 8). The second half of p. 197 and all of p. 198 was left blank by the main scribe, suggesting that the scribe’s exemplar of Coll.Wig. ended at this point. All further Coll.Wig.C chapters should therefore be viewed as of doubtful authenticity as respects the collection as shaped under Wulfstan of York.

The following canon has been added at the top of A2, p. 198 by a hand of s. xi2.

[C329a] [p. 198] REGORIUS {sic} MAXIMINIANO EPISCOPO SYRACUSANO.
PRESBITEROS diaconos ceterosque cuiuslibet ordinis clericis. {clericos corr.} quibus animarum cura commissa est. uel qui ecclesiis quoquomodo militant monachos uel abbates per monasteria fieri non permittas. nisi mortis grauitate coactos. et in seculari uita nimia obstinantia permanere nolentes. Satis incongruum est si cum unus ex his ordo quis non possit explere. ad utrumque iudicetur idoneus.

(catalog. JONES, ‘Ælfric’s letter’, no. 44)

Note: this canon a later, unauthorized addition to the Wigorniensis

Source JOHN DIAC. Vita Gregorii 2.54 (PL 75, col. 112B–C) — DGRE.590.1282 (ed. Norberg, I, 229, lines 18–24), adapted

Source (nisi mortis ... permanere nolentes) unidentified

[C330] [p. 199a]34 Quo tempore pascha celebretur.
Quod bigami non admittantur ad clerum.
Quod hi qui uiduam uel eiectam aut meretricem acceperint non admittantur ad clerum.
Clericum fideiusseorem esse non posse.
Ut qui se eunuchizauerit: clericus non fiat.
Quod episcopus aut presbiter aut diaconus si pro criminibus damnnati fuerint. minime communione priuentur.
Quod officium pristinum damnnati pro criminibus usurpare non debant.
Quod episcopus. presbiter et diaconus. aleator et ebriosus esse non debat.
Quod35 Laicus pellens suam coniugem: communione priue[n]tur. {priuetur corr.}

34 Pp. 199–200 in two columns.
Expliciunt capitula niceni. {sic}
ncipit {sic} concilium eiusdem.
Ut nullus clericus feneretur.
De flecendo genu.
Quod subdiaconis licitum non est nuptiis interesse.
De diaconibus qui tempore ordinationis de nuptiis adtestati sunt.
De desponsatis puellis et ab aliis corruptis.
De his qui diuersis modo partus suos interimunt.
De presbiteris qui uxoribus acceperunt. uel fornicati sunt. [p. 199b]
Quod non oporteat in bigami nuptiis orare presbiteris.
nicipit {sic} sinodus gangrensis.
De mulieribus quæ utantur uirilibus indumentis.
De mulieribus quæ supretextu {sic} christianitatis adtondunt.
De continentia.
De diuersis ordinibus ab uxoribus abstinendis.
De avaritia. uel de terminis patrum.
Ut clerici non ad usuram fenerent.
De his qui in periculo positi reconciliantur.
Ut nullus episcopus. presbiter et diaconus conductor existat:
Et ut lectores uxoribus accipient: et clerici abstineant ab usuris.
Et quo tempore. uel ipsi uel uirgines consecrentur.
Si quis clericus ordinatur moneri debet constitueta seruare. et ut corporibus defunctorum
    eucharistia non detur. nec baptisma. [p. 200a] et ut per singulos annos per omnes
    prouincias ad concilium metropolitani conueniatur.
De episcopis uel sequentibus ordinibus qui sacrosancta misteria contrecrant placuit ab uxoribus
    contineri.
Si quis clericorum pauper promotus in ordine postea habuerit aliquid, ecclesiæ potestati subiciant.
Ut presbiteri rem ecclesiæ in qua sunt constituti. non uendant. et nulli episcopo liceat rem tituli
    matris ecclesiæ usurpare.
Ut clerici ab uxoribus debeant abstinerere.
De his qui uxoribus atque {sic} uiros dimittunt: ut sic maneant.
Quod adam non sit factus a deo mortalis.
Quod in oratione dominica sancti pro se dicant dimitte nobis debita nostra.
(catalog. JONES, ‘Ælfric’s letter’, no. 45a)
Note: this text probably a later, unauthorized addition to the Wigorniensis
Note: these titles correspond to C331–69; titles for Coll.Wig.C340–42, 346–47, and 353 are omitted, however
Source (quo tempore ... communione priuetur) Can.apost. 8, 17, 18, 20, 22, 25, 29, 42, 48 (rubrics) (Dion.II).
    Note: the source for the final rubric reads ‘Laicum pellentem
        suam coniugem communione priuandum’
Source (ut nullus clericus feneretur) CCAR.419.5. rubric (B); FVLG.FERANDVS Brev.canonum 123
    (CCSL 149, 297)
Source (de flecendo genu) CNIC.325.20. rubric
Source (quod subdiaconis ... nuptiis interesse) unidentified

35 quod] written by the main scribe, though possibly added later
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Source (de diaconibus qui ... suos interimunt) CANC.314.9, 10, 20 (rubrics) (Dion.I/II)
Source (de presbiteris qui ... orare presbiteris) CNEO.315.1.rubric (Dion.I/II), CNEO.315.7.rubric (Dion.II)
Source (de mulieribus ... christianitatis adtondunt) CGAN.355.13.rubric (Dion.I/II) + CGAN.355.17.rubric (Dion.I)
Source (de presbiteris qui ... orare presbiteris) CNEO.315.1.rubric (Dion.I/II), CNEO.315.7.rubric (Dion.II)
Source (de mulieribus ... christianitatis adtondunt) CGAN.355.13.rubric (Dion.I/II) + CGAN.355.17.rubric (Dion.I)
Source (de continentia ... uxoribus abstinendis) CCAR.419.3.rubric (A/B/C), CCAR.419.4.rubric (C)
Source (de auaritia uel de terminis patrum) CCAR.419.5.rubric (B + C)
Source (ut clerici non ad usuram fenerent) cf. Coll.Sanb. (marginal addition in MS C2, fol. 37r)
Source (ut clerici ab ... debita nostra) Reg.eccl.Cart.exc. 70 (37), 102 (69), 109 (76), 115 (82)
Source (ut clerici non ad usuram fenerent) cf. Coll.Sanb. (marginal addition in MS C2, fol. 37r)
Source (ut clerici ab ... debita nostra) Reg.eccl.Cart.exc. 70 (37), 102 (69), 109 (76), 115 (82)

[C331] Si quis episcopus aut presbiter, aut diaconus. sanctum paschę diem ante uernale eqüinoctium cum iudeis celebrauerit: deponatur.
(catalog. JONES, ‘Ælfric’s letter’, no. 45b[i])
Note: this canon probably a later, unauthorized addition to the Wigorniensis
Source Can.apost. 8 (Dion.I)

[C332] i {sic}³⁷ quis post baptismum secundis [p. 200b] fuerit nuptiis copulatus aut concubina
non potest esse episcopus. uel presbiter. aut diaconus. nec prorsus ex numero eorum qui ministerio sacro deseruiunt.
(catalog. JONES, ‘Ælfric’s letter’, no. 45b[ii])
Note: this canon probably a later, unauthorized addition to the Wigorniensis
Source Can.apost. 17 (Dion.I/II)

[C333] Si quis uiduam et eietam acciperit. aut meretricem. aut ancillam. uel aliquam de his qui publicis spectaculis mancipantur. non potest esse episcopus. aut presbiter. aut diaconus. aut ex eo numero qui ministerio sacro deseruiunt.
(catalog. JONES, ‘Ælfric’s letter’, no. 45b[iii])
Note: this canon probably a later, unauthorized addition to the Wigorniensis
Source Can.apost. 18 (Dion.I/II)

[C334] Clericus fideiuessionibus inseruiens. deponatur.
(catalog. JONES, ‘Ælfric’s letter’, no. 45b[iv])
Note: this canon probably a later, unauthorized addition to the Wigorniensis
Source Can.apost. 20 (Dion.I)

[C335] Si quis abscidit semetipsum id est si qua {sic} amputauit sibi uirilia. non fiat clericus. quia suus homicida est. et dei conditionis inimicus.
(catalog. JONES, ‘Ælfric’s letter’, no. 45b[v])
Note: this canon probably a later, unauthorized addition to the Wigorniensis
Source Can.apost. 22 (Dion.I/II)

³⁶ Munier notes (CCSL 149, p. 118), possibly in error, that this marginal addition occurs in Paris, Bibliothèque nationale, Lat. 3836.
³⁷ i] read si
Appendix X

[C336] Episcopus. aut presbiter. uel diaconus. qui in fornicatione. aut periuorio. aut furto captus est. deponatur. non tamen communione priuetur. Dicit enim scriptura. Non uindicabit dominus bis in idipsum. {Na 1:9}
(catalog. JONES, ‘Ælfric’s letter’, no. 45b[vii])
Note: this canon probably a later, unauthorized addition to the Wigorniensis
Source Can.apost. 25 (Dion.I/II)

(catalog. JONES, ‘Ælfric’s letter’, no. 45b[vii])
Note: this canon probably a later, unauthorized addition to the Wigorniensis
Source Can.apost. 29 (Dion.II)
Source (potius quam iuste) unidentified. Note: Can.apost. 29 reads ‘depositus iuste’

(catalog. JONES, ‘Ælfric’s letter’, no. 45b[viii])
Note: this canon probably a later, unauthorized addition to the Wigorniensis
Source Can.apost. 42 (Dion.I/II)

[C339] Si quis laicus uxorem propriam pellens. alteram uel ab alio dimissa duxerit. communione priuetur.
(catalog. JONES, ‘Ælfric’s letter’, no. 45b[ix])
Note: this canon probably a later, unauthorized addition to the Wigorniensis
cf. C125b
Source Can.apost. 48 (Dion.I/II)

[C340] De eunuchis et qui seipsos abscidunt. uel eunuchizant. in totum ad clerum admitti non debent.
(catalog. JONES, ‘Ælfric’s letter’, no. 45b[x])
Note: this canon probably a later, unauthorized addition to the Wigorniensis
Note: this canon (really a rubric) not represented in the list of capitula in C330
Source CNIC.325.1.rubric (prisca), adapted

[C341] i {sic; lege Si} quis per languorem a medicis sectus est. aut a barbaris abscisus. iste maneat in clero.
(catalog. JONES, ‘Ælfric’s letter’, no. 45b[xi])
Note: this canon probably a later, unauthorized addition to the Wigorniensis
Note: this canon not represented in the list of capitula in C330
Source CNIC.325.1 (prisca; Attici), first sentence

[C342] Si quis autem sanus se abscedit. etsi in clero positum. abici oportet et ceteri. nullum ex his debere promoueri. Ita et hiis qui a barbaris uel ab dominis castrati sunt. ubi inueniuntur enim. hos a canonibus non posse a clericatu suo uel a presbiteratu summoueri.
(catalog. JONES, ‘Ælfric’s letter’, no. 45b[xii])
Note: this canon probably a later, unauthorized addition to the Wigorniensis
Note: this canon not represented in the list of capitula in C330

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38 potius quam iuste ‘with force and unjustly’ ?
Appendix X

Source (si quis ... debere promoueri) CNIC.325.1 (prisca), second sentence
Source (ita et hiis ... inueniuntur enim) CNIC.325.1 (prisca), last sentence, adapted
Source (hos a canonibus ... summoueri) unidentified

[C343] Quam {sic} multi sub regula constituti auaritiam et turpia lucra sectantur oblitique divinie scripture dicentes. {sic} Qui peccuniam suam non dedit ad usaram. {Ps 15:5} Cum mutuum dederunt: centesimas exigunt. Iuste constituit sancta et magna synodus. ut si quis inuentus fuerit post hanc defensionem usuras accipiens. aut ex adinuentione aliquia uel quolibet modo negotium transigens. aut hemiolia. id est sescupla exigens. uel aliquid tale prorsus excogitans turpis lucris gratia. deiciatur a clero. et alienus existat a regula.

(catalog. JONES, ‘Ælfric’s letter’, no. 45b[xiii])
Note: this canon probably a later, unauthorized addition to the Wigorniensis
Source CNIC.325.17 (Dion.I)

[C344] Quoniam sunt quidam qui in die dominico genuflectentes. et in diebus pentecostes. ut omnia in uniuersis locis consonanter obseruantur. placuit sancto concilio stantes domino uota persoluere.

(catalog. JONES, ‘Ælfric’s letter’, no. 45b[xiv])
Note: this canon probably a later, unauthorized addition to the Wigorniensis
Source CNIC.325.20 (Dion.I/II)

[C345] Nullum autem subdiaconorum ad nuptias transire precepimus. ne aliquam preuaricationem adsumpserit.

(catalog. JONES, ‘Ælfric’s letter’, no. 45b[xv])
Note: this canon probably a later, unauthorized addition to the Wigorniensis
Source Const.Silv. 8 (SK1) (ed. Wirbelauer, 238–40, lines 135–36)

[C346] ullus39 {sic} lector uel hostiarius uasa sacrata contingere audeat. [p. 202]

(catalog. JONES, ‘Ælfric’s letter’, no. 45b[xvi])
Note: this canon probably a later, unauthorized addition to the Wigorniensis
Note: this canon not represented in the list of capitula in C330
Source Const.Silv. 9 (SK1) (ed. Wirbelauer, 240, line 137); Const.Silv. 6 (SK2) (ed. Wirbelauer, 312, line 127) | adapted

[C347] Ut nullus ex laica persona ad honorem accoliti subleuetur: nisi prius fuisset lector annos XXX. Deinde una die exorcista. et postea accipiat onus accoliti. et sit in eodem ordine accolitus annos X. et postea accipiat onus subdiaconatus. et in subdiaconatu autem annos V permaneat. et deinde ad diaconatum pertingit. Itaque XXX presbiterorum examen ut esset {sic} diaconi cardinales quia ad {!} primam sedem erat constituutum {sic} et seruiret annos VII.

(catalog. JONES, ‘Ælfric’s letter’, no. 45b[xvii])
Note: this canon probably a later, unauthorized addition to the Wigorniensis
Note: this canon not represented in the list of capitula in C330
Source Const.Silv. 11 (SK1) (ed. Wirbelauer, 242, lines 158–64), abbrev., adapted

[C348] iaconi {sic} quando ordinatur. si in ipsa ordinatione protestati sunt dicentes. uelle se uxorom ducere. nec posse contineri. Hi si postmodum ad nuptias convenerint: in ministerio maneant propterea quod his episcopus licentiam dederit; Quicumque sane tacuerunt: et

39 ullus] read nullus
susceperunt manus impositione professi continentiam: et postea ad nuptias conuenerunt; a ministerio cessare debebunt;
(catalog. JONES, ‘Ælfric’s letter’, no. 45b[xviii])
Note: this canon probably a later, unauthorized addition to the Wigorniensis
Source       CANC.314.9 (Dion.I)

[C349] esponsatas {sic} puellas et postea ab aliis raptas. placuit erui. et his reddi quibus ante fuerunt desponsate etiamsi eis a raptoribus uis inlata constiterit.
(catalog. JONES, ‘Ælfric’s letter’, no. 45b[six])
Note: this canon probably a later, unauthorized addition to the Wigorniensis
Source       CANC.314.10 (Dion.I)

[C350] De mulieribus quæ fornicantur et partus suos necant. uel quæ agunt secum. ut de utero conceptus excutiant; Antiqua quidem definitio usque ad exitum uitæ eas ab ecclesia remouet; Humanus {sic} autem nunc definimus. ut eis X annorum tempus secundum prefixos gradus penitentiæ tribuantur.
(catalog. JONES, ‘Ælfric’s letter’, no. 45b[xx])
Note: this canon probably a later, unauthorized addition to the Wigorniensis
Source       CANC.314.20 (Dion.I)

[C351] Presbiter si uxorem acceperit: ab ordine deponatur. Si uero fornicatus fuerit. aut adulterium perpetrauerit: expellatur amplius. et ad penitentiam deducatur.
(catalog. JONES, ‘Ælfric’s letter’, no. 45b[xxi])
Note: this canon probably a later, unauthorized addition to the Wigorniensis
Source       CNEO.315.1 (Dion.I)

[C352] Presbiteris in nuptiis bigami orare non conuenit. quia cum penitentia bigamus egeat. quis⁴⁰ erit presbiter qui propter conuuium talibus nuptiis possit [p. 203] prebere consensum?
(catalog. JONES, ‘Ælfric’s letter’, no. 45b[xxii])
Note: this canon probably a later, unauthorized addition to the Wigorniensis
Source       CNEO.315.7 (Dion.II), adapted

[C353] Si quis carnem preter sanguinem et idolis immolatum et suffocatum cum religione manducantem et fide condemnat tamquam spem propter asem huiuscumodi non habentem: anathema sit.
(catalog. JONES, ‘Ælfric’s letter’, no. 45b[xxiii])
Note: this canon probably a later, unauthorized addition to the Wigorniensis
Note: this canon not represented in the list of capitula in C330
Source       CGAN.355.2 (Dion.I)

[C354] Si qua mulier propter continentiam quæ putatur {putatur corr.} commutat habitum et pro solitis mulieribus uestibus uiriles adsumit: anathema sit.
(catalog. JONES, ‘Ælfric’s letter’, no. 45b[xxiv])
Note: this canon probably a later, unauthorized addition to the Wigorniensis
Note: this canon and C355 are referred to by the same capitulum in C330
Source       CGAN.355.13 (Dion.I)

⁴⁰ quis] quis, with macron above, as if quamuis
Appendix X

[C355] Si qua mulierum propter diuinum cultum ut estimat crines attondunt {sic} quos ei deus ad subiectionis memoriam tribuit. tamquam preceptum dissoluans obtendentiu: anathema sit.  
(catalog. JONES, ‘Ælfric’s letter’, no. 45b[xxv])  
Note: this canon probably a later, unauthorized addition to the Wigorniensis  
Note: this canon and C354 are referred to by the same capitulum in C330  
Source  
CGAN.355.17 (Dion.I)  

[C356] Aurelius episcopus dixit Cum preterito concilio de continentię et castitatis moderamine tractaretur. gradus. isti tres qui constrictione quadam castitatis per consecrationis annexi sunt; Episcopos inquam presbiteros et diaconos ita placuit. ut condeget sacros antistites. ac dei sacerdotes. neconon leuitas qui sacramentis diuinis inseruiunt. continentes esse in omnibus quod possunt simpliciter quod a domino postulant impetrare: ut quod apostoli docuerunt. et ipsa seruabit antiquitas: nos quoque custodiamus.  
(catalog. JONES, ‘Ælfric’s letter’, no. 45b[xxvi])  
Note: this canon probably a later, unauthorized addition to the Wigorniensis  
Source  
CCAR.419.3 (A/C)  

(catalog. JONES, ‘Ælfric’s letter’, no. 45b[xxvii])  
Note: this canon probably a later, unauthorized addition to the Wigorniensis  
Source  
CCAR.419.4 (C)  

[C358] Aurelius episcopus dixit. Auaritiae cupiditas quam rerum omnium malorum matrem esse nemo quis dubitet. proinde prohibenda est. ne quis alienos fines. usurpet aut per premium terminos patrum statutos transcendat.  
(catalog. JONES, ‘Ælfric’s letter’, no. 45b[xxviii])  
Note: this canon probably a later, unauthorized addition to the Wigorniensis  
Source  
CCAR.419.5 (A, B), first sentence  

[C359] lericis\textsuperscript{41} \{sic\} itaque licitum [p. 204] non est de quibuslibet feneribus accipere usuram quę uel obscure sunt. uel sub genere latent inspects\textsuperscript{42} \{sic\} nobis formam accipient. ceterum de quibus apertissime diuinus scripturas sanxit non est ferenda sententia: sed potius exequentam. proinde quod in laicis deprehenditur id multo magis debet in clericis. predampnari uniuersum concilium. dixit. Nemo contra prophetas. nemo contra euangelia facit sine periculo.  
(catalog. JONES, ‘Ælfric’s letter’, no. 45b[xxix])  
Note: this canon probably a later, unauthorized addition to the Wigorniensis  
Source  
CCAR.419.5 (C) (ed. Munier, 134, lines 42–50), first part adapted  

[C360] Aurelius episcopus dixit. Si quisquam in periculo fuerit constitutus. et reconciliare diuinis altaribus petierit. Si episcopus absens fuerit. debet utique presbiter consulere episcopum. et sic

\textsuperscript{41} lericis] read clericis  
\textsuperscript{42} inspecta ea] read inspectae a
Appendix X

periclitantem eius precepto reconciliare quam rem debemus salubri consilio roborare. Ab uniuersis episcopis dictum est. placet quod sanctitas uestra necessario nos instruere dignata est.
(catalog. JONES, ‘Ælfric’s letter’, no. 45b[xxx])

Note: this canon probably a later, unauthorized addition to the Wigorniensis

O14
Source CCAR.419.7 (A, B, C)

[C361] Item placuit. ut episcopi. presbiteri et diaconi. non sint conductores aut procuratores neque ullo turpi negotio et inhonestum uictum querant. quia respicere debent scriptum esse. Nullus militans deo implicat se negotiis secularibus. {2 Tim 2:4} Placuit ut lectores cum ad annos pubertatis venirent. cogantur aut uxores ducere. aut continentiam profiteri. Item placuit ut clericus commodauerit pecuniam. pecuniam accipiant si speciem eandem speciem. quam dederit accipiat. et ut ante uiginti quinque annos ætatis. nec diacones ordinentur. nec uirgines consecrentur. et ut lectores populum non saluent. {sic}
(catalog. JONES, ‘Ælfric’s letter’, no. 45b[xxxii])

Note: this canon probably a later, unauthorized addition to the Wigorniensis
Note: this canon represented three times in the list of capitula in C330

Source CCAR.419.16 (C). Note: the source reads ‘ante uiginti annos aetatis’; for ‘uiginti quinque annos’, cf. CCAR.419.16 (19.a) (A, B)

[C362] Aurelius episcopus dixit. Addimus fratres karissimi preterea cum de eorundam clericorum quamuis lectorum erga uxores proprias incontinentia referetur? Placuit quod et in diuersis conciliis firmatum est sub diaconis qui sacra misteria contrectant. et diaconas et presbyteris sed et episcopi secundum propria statuta etiam ab uxoribus se continentiam. ut tamquam non habentes uideantur esse. Quod nisi fecerint: ab ecclesiastico remouentur {sic} officio.

Ceteros autem clericos ad hoc non cogi. nisi maturiore etate ab uniuerso concilio dictum est quæ uestra sanctitas est iustæ moderata. et sancta et deo placita sunt confirmamus.
(catalog. JONES, ‘Ælfric’s letter’, no. 45b[xxxiii])
Note: this canon probably a later, unauthorized addition to the Wigorniensis

Source CCAR.419.18 (A, C)

[C363] Item placuit ut episcopi. presbiteri. diaconi. uel quicumque clericis qui nihil habentes ordinentur. et tempore episcopatus uel clericatus sui agros uel quecumque predia nomine suo comparant tamquam rerum dominicarum inuasionis crimine teneantur. nisi admoniti in eclesia eadem ipsa contulerint. Si autem ipsis propriæ aliquid liberalitate aliquius uel successione

(catalog. JONES, ‘Ælfric’s letter’, no. 45b[xxxiv])
Note: this canon probably a later, unauthorized addition to the Wigorniensis
Source CCAR.419.32 (A, C)

[C365] tem\footnote{tem\textemdash read item} \{sic\} placuit ut presbiteri non uendant rem ecclesiae: ubi sunt constituti nescientibus episcopis suis: quomodo et episcopis non licet uendere predia ecclesiastico ignoriante concilio. uel presbiteris suis non habente ergo necessitate. \{sic\} nec episcopo liceat matriċis ecclesiæ rem tituli sui usurpare.
(catalog. JONES, ‘Ælfric’s letter’, no. 45b[xxxv])
Note: this canon probably a later, unauthorized addition to the Wigorniensis
Source CCAR.419.33 (C)

[C366] reterea\footnote{preterea\textemdash read preterea} \{sic\} cum de eorundem clericorum quanuis erga uxorēs proprias incontinentia refferetur. Placuit episcopos et presbiteros et diaconos secundum priora statuta etiam ab uxoribus continere. quod nisi fecerint: ab ecclesiastico remoueant [ab] \{[ab] ras.\} officio. Ceteros autem clericos ad hoc non cogi: sed secundum uniuscuiusque ecclesiæ consuetudinem obseruari debere.
(catalog. JONES, ‘Ælfric’s letter’, no. 45b[xxxvi])
Note: this canon probably a later, unauthorized addition to the Wigorniensis
cf. C363
Source Reg.eccl.Cart.exc. 70 (37); cf. CCAR.419.25 (30) (A, B, C)

[C367] Placuit ut secundum euangelicam et apostolicam disciplinam. neque dimissus ab uxorēm: \{uxore corr.\} neque dimissa a marito alteri coniugatur: sed ita maneant. aut sibimet reconciliēntur. quod si contemperisent: ad penitentiam redigantur \{religantur corr.\} in qua causam \{sic\} legem imperialem petendum promulgari.
(catalog. JONES, ‘Ælfric’s letter’, no. 45b[xxxvii])
Note: this canon probably a later, unauthorized addition to the Wigorniensis
Source Reg.eccl.Cart.exc. 102 (69)

[C368] t\footnote{t\textemdash read ut} \{sic\} quicumque dicit Adam primum hominem mortalem factum: ita ut sibi peccaret. siue non peccaret moreretur in corpore. hoc est de corpore exiret non peccati merito sed necessitate naturæ: anathema sit.
(catalog. JONES, ‘Ælfric’s letter’, no. 45b[xxxviii])
Note: this canon probably a later, unauthorized addition to the Wigorniensis

[C369] Item placuit ut quicumque dixerit in oratione dominica id dicere eos sanctos dimitte nobis debita nostra. \{Mt 6:12\} ut non pro se ipsis hoc dicant quia non est eis iam necessaria ista petitio. sed pro aliis qui sunt in suo populo peccatores. et ideo non dicere unumquam sanctorum dimitte mihi debita mea: sed dimitte nobis debita nostra. ut hoc pro aliis potius quam pro se iustus petere intellegatur: anathema sit. Sanctus enim et iustus erat apostolus iacobus cum

\footnotesize
\begin{itemize}
\item[\footnote{tem\textemdash read item}]\textit{item}
\item[\footnote{preterea\textemdash read preterea}]\textit{preterea}
\item[\footnote{t\textemdash read ut}]\textit{ut}
\end{itemize}
dicebat. In multis [p. 207] enim offendimus omnes. {Iac 3:2} nam quare additum est omnes nisi ut ista sententia conueniret. et psalmo ubi legitur? Ne intres in iudicio cum seruo tuo quoniam non iustificabitur in conspectu tuo omnis uiiens. {Ps 142:2} Et in oratione sapientissimi salomonis. Non est homo qui non peccavit. {4 Rg 8:46} Et in libro sancto iob; In manu omnis homo infirmitatem suam. {Iob 37:7} Unde etiam danihel sanctus et iustus cum in oratione pluraliter diceret. Peccauius iniquitatem fecimis. et cetera {Dn 9:5} que ibi ueracter et humiliter confitetur ne putetur quemadmodum quidam sentiunt hoc non de suis sed de populi sui potius dixisse peccatis. Postea dixit cum orarem et confiterer peccata mea et peccata populi mei domino deo meo {Dn 9:20} voluit {sic} dicere peccata nostra sed et populi sui dixit et sua quoniam futuros istos qui tamquam prophetam {sic} preuident.

Note: this canon probably a later, unauthorized addition to the Wigorniensis

Source Reg.eccl.Cart.exc. 115 (82) — CCAR.418.8 (rec.Quesn.). Note: 'hominis signat ut sciat omnis' (Iob 37, 7) and 'tam male intellegent' probably omitted through homoioteleuton

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The following three canons have been added to A2, pp. 207–08 by a later hand (Jones’s Scribe 2).

[C369a] DE CAPITVLIS BEATI PAPÆ ADRIANI ET ANGILRAMNI EPISCOPI.
Accusationes aduersus doctorem nemo suscipiat quia non potest humane condemnarni examine quem deus suo iudicio reseruauit.

Note: this text a later, unauthorized addition to the Wigorniensis

Source Cap.Angilramni 71 (12)

[C369b] Presbiter non aduersus episcopum. non diaconus aduersus presbiterum. non acolitus aduersus subdiaconam. non exorcista aduersus acolitum. non lector aduersus exorcistan. {sic} non ostiarius aduersus lectorem det accusationem aliquam. Et non condemnabitur praesul. nisi in septuaginta duobus. Neque praesul summus a quoquam iudicabitur. Quoniam scriptum. est. non. est. discipulus super magistrum. {Mt 10:24; Lc 6:40} Presbiter autem in cardine constitutus nonnisi in quadraginta IIIor testibus damnabitur. Diaconus cardinarius constitutus urbis romæ. Nisi in uiginti sex non condempnabitur. Subdiaconus. acolitus exorcista lector. nisi sicut scriptum est in septem testibus non condempnabitur. Testes autem sine aliqua sint infamia. uxores et filios habentes et omnino christum praedicantes.

Note: this text a later, unauthorized addition to the Wigorniensis


[C369c] EX CONCILIO TOLETANO.
Episcopus. presbiter. aut diaconus. si a gradu suo. iniuste deiectus in secunda synodo innocens reperriatur non potest. esse. quod fuerat nisi gradus amissos recipiat coram altari[o] {altari corr.} de manu episcoporum. Si episcopus est orarium anulum et baculum. si presbiter orarium et planetam. si diaconus orarium et albam. si subdiaconus patçnem et calicem. Sic et reliqui gradus ea in raparationem sui recipiant. quae cum ordinartur perceperant.

Note: this text a later, unauthorized addition to the Wigorniensis

Source CTOL.633.28. Note: 'ut si episcopus fuerit' probably omitted through homoioteleuton
A2 ends here. Corpus 265, pp. 209–36 comprise a separate section of the codex, which was copied by later scribes (Jones’s scribes 2–5), and which was bound to A2 sometime before the fourteenth century. On the one hand, this gives serious grounds for doubting that the following chapters originally formed part of Coll.Wig. On the other hand, the authenticity of the excommunication rites in Corpus 265, pp. 209–15 is suggested by the fact that similar rites are also found in Coll.Wig.D 270–71 (though note that these are near the end of Coll.Wig.D and in the company of much inauthentic material).
Appendix XI: Transcription of the Bodleian copy (Barlow 37) of the Collectio Wigorniensis (Coll.Wig.D)

Fols 1r–61v of Oxford, Bodleian Library, Barlow 37 (SC 6464) (s. xiiex/xiiin, Worcester?) are copied by four Hands (A, B, C and D) writing English pregothic minuscule. Though relatively late in date, Barlow 37 preserves much material originally compiled in early eleventh-century England, in the form of Wulfstan’s Commonplace Book. The first part of the codex (fols 1–61) is to be distinguished from the second (fols 62–158) on the following grounds: fols 1–61 are ruled differently than the rest of the codex; there is a hand change at fol. 62r (though the new hand can also be found copying text in the very first quire); and the material preserved in the second half—largely excerpts from Burchard, Ivo and others—is either later than or not known to have been available in England during the Anglo-Saxon period. The first half of Barlow 37, that containing the Commonplace Book, contains extensive marginalia by one of the main scribes (Hand A), who also annotates the second half. The marginalia are keyed loosely to the Commonplace Book material, and stand as commentaries or developments of the ideas expressed therein. The marginalia are drawn from various canonical sources that were popular in the twelfth and thirteenth centuries, like BD, Gratian’s Decretum and the Liber extra. Some of the marginalia also appear to be drawn from the Summa monacensis (or Summa ‘Inperatorie maiestati’), a canonical gloss-commentary written ca 1175, now extant uniquely in Munich, Staatsbibliothek, Clm 16084, fols 1–9, 11–16 and 18–27. All of these marginalia have been transcribed in the edition below, even though they are clearly later than the Commonplace Book

1 This fact seems to have hitherto gone unnoticed. To date the most important study of Barlow 37 is Sauer, ‘Transmission and structure’. See also: R. Aronstam, ‘Pope Leo IX and England: an unknown letter’, Speculum 49 (1974), 535–41, at 536–38 and 541; Brommer, ed., Capitula episcoporum I, esp. 49–55; N. Denholm-Young, apud Madan et al., Summary catalogue, II.2, no. 6464; Haggenmüller, Die Überlieferung, 84–6 and 160–62; and Hohler, ‘Some service-books’, 223–24.

2 Wormald, ‘Holiness of society’, 197 n. 36.

material on which they comment. Moreover, even within its copy of the Commonplace Book, Barlow 37 includes several texts that are later (i.e. post-Wulfstanian) additions, like the series of texts on fols 20r–v and 42v–43v that are drawn from BD, along with several accretions to PPGR.800. Another, well-known post-Wulfstanian addition is the papal letter by Leo IX to Archbishop Eadsige of Canterbury found on fol. 13r–v (beginning ‘Hunc Andream presbiterum’). This controversial letter, wherein Leo permits a cleric convicted of homicide to be restored to holy orders, was commonly misascribed in the twelfth century to Pope Alexander III (indeed, it was catalogued by Jaffé–Löwenfeld as JL13912 under the decretals belonging to this later pope), a fact that created some controversy among twelfth-century canonists.

For an explanation of editorial conventions, see above, pp. 556, 729, and 809.

* * * Collectio Wigorniensis D * * *

**Preceding in Barlow 37, fol. iii is a series of excerpts from Gregory the Great’s *Moralia in Iob*, copied by Hand A**

[f. 1r] **INCIPIUNT EXCERPTIONES DE LIBRIS CANONICIS.**
(catalog. SAVER, ‘Transmission’, item 1; catalog. HAGGENMÜLLER, Die Überlieferung, 160)

[D1] **AURELIUS AUGUSTINUS EPISCOPUS DICIT.**
{Hand A stops; Hand B begins} Nvlli sacerdotum suos {liceat add. sup. lin.} canones ignorare. nec quicquam facere quod patrum possit regulus {sic} obuiare. et ne excusatio de ignoratione nascatur. uel per obliuionem aliquid neglegatur. frequenter in hoc libello quasi in speculo perspiciant. quod canonum est regulis definitum. Verumtamen non omnes clerici iudicia canonice constitutionis usurpare aut legere debent: sed solummodo presbiteri. Sicut enim sacrificium offerre non debent nisi episcopi et presbiteri. sic nec iudicia ista alii usurpare debent.

| Source (nvlli ... obuiare) | Coll.quad. 4.232 — DCEL.422.371, first sentence (Coustant, col. 1072) |
| Source (et ne excusatio ... nascatur) | Coll.quad. 4.233, first sentence — DLEO.440.402, c. 2 (ed. Wurm, 89, lines 22–3) |
| Source (uel per obliuionem ... perspiciant) | Coll.quad. 4.234 — AVG. Praec. 8.2 (ed. Verheijen, 437, lines 240–42) | adapted |

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5 See Kuttner, ‘The decretal “Presbiterum”’. 
[D2] SINODVS ROMANA DICIT.
Si in qualibet prouincia ost{sic} fuerint questiones. et inter clericos dissidentes non conueniant. ad maiorem referantur et si illic facile non discutiantur. ubi fuerit congregata: ibi iudicentur.
A2 (C4) — cf. B55 (I56, O–), which combines this canon with A3 and abbreviates the whole
Source Coll.Hib.B 23.5 (MS B6, fol. 32v); Coll.Hib.A 20.5.a

[D3] ITEM.
Si questiones difficiles oriantur. ad sedem apostolicae romanae referantur.
A3 (C5)— cf. B55 (I56, O–), which combines this canon with A2 and abbreviates the whole
Source Coll.Hib.B 23.5 (MS B6, fol. 32v); Coll.Hib.A 20.5.b, abbrev. | adapted

[D4] ITEM INSTITVCIO DICIT
Cauendum est ad alienas prouincias aut ecclesias referantur cause que alio more et alia religione utantur. siue ad iudeos qui umbre magi {magis corr.} quam ueritati deseruiunt. aut ad brittones qui omnibus contrarii sunt. et a romano more et unitate ecclesie set {sancte corr.} abscidunt. aut hereticos. quamuis in ecclesiasticis causis doctis{corr.} et studiose fuerint.
Note: a mark (signe de renvoi?) in the left margin possibly indicates that something is to be inserted between ‘more et’. The same mark appears elsewhere in this Barlow 37, namely on folios 5v, 11v, 13v, 17r, 19r, 21v, (26r?,) 26v, 27v, (28v,?) 29r, (29v,?, 30r?), 30v, 31v, 32v, 33r, 45v and 54v. Only on fol. 5v is this mark accompanied by any corresponding marginal material (an excerpt from the Summa monacensis).
A4 (C6)
Source Coll.Hib.B 23.6 (MS B6, fol. 32v); Coll.Hib.A 20.6. Note: ‘et a romano more et unitate ecclesiae sanctae abscidunt’ probably omitted in C6 through homoioteleuton.

[D5] DE EPISCOPIS PAVLVS APOSTOLVS DICIT.
Oportet enim episcopum per omnia irreprehensibilem esse {1 Tim 3:2} sicut dei dispensatorem. Non superbum. non iracundum. non uiolentum. non percussorem. non turpis lucri cupidum. sed hospitalem. benignum. sobrium. sanctum. et cetera. {Tit 1:7–8}
A5 (C7); B30 (I32, O–)
Source cf. ANSEGIS Coll.cap. 2.36

[D6] INSTITUTIO SANCTORUM PATRUM.
Obse[rua]ndum {obsendum corr.} est itaque episcopis. ut in caritate radicati et fundati. {Eph 3:17} ueram pascere et concordiam integram inuicem habeant. ita ut sit omnium et in omnibus quasi cor unum et anima una. {Act 4:32}
A6 (C8) — cf. B35 (I37, O–), which adds ‘et in ore omnium uere fidei integra doctrina’ to the end of this canon
Source unidentified, but cf. the Old English parallels cited by Jost, Wulfstanstudien, 32 n. 1

[D7] ITEM INSTITUTIO SANCTORUM
[f. 1v] Episcopi quoque et presbiteri fidem catholicam instanter populo predicent. et omnes homines non solum uerbis uerum etiam exemplis omnimodo instruant studeantque habere assiduitatem legendi. et instantiam orandi.
A7 (C9) — cf. C263/D228; O31 and Wulfstan’s De past.et praedic., which adapt ‘fidem catholicam ... omnimodo instruant’; I177, which adapts ‘et omnes homines ... omnimodo instruant’
Source (episcopi ... instruant) unidentified; cf. Coll.Wig.O 31, Coll.Wig.I 177 and Wvlfstan, De past.et praedic. (ed. Elliot, 45, lines 26–8)
[D8] ITEM SANCTORUM PATRUM.
Pasca ceteris {sic} temporibus celebrare. omnibus generaliter satagendum est: id est post XIII luna primi mensis.
*A8 (C10); B43 (I45, O–)*
Source unidentified, but cf. CHER.672.1

[D9] ITEM SANCTORUM PATRUM.
Baptismatis sacramenta indifferenter presbiteri indigentibus tribuant. et penitentiam querenlibus citissime succurrant. nullum exinde precium requirentes. nisi ipsi aut parentes eorum seu elemosinarii sponte aliquid dederint. Si quis uero his institutionibus contrarie temptauerit. aut excommunicationis sentiet penam. aut carceris erumpnam diu sustineat.
*A9 (C11); B46 (I48, O–)*
Source unidentified

[D10] CANON APOSTOLORUM.
Si quis episcopus aut presbiter. aut diaconus per pecunias optinuerit dignitatem deiciatur. et ipse et ordinator eius. et a communione modis omnibus abcidatur. {sic} sicut simon magus petro.
*A10 (C12); B50 (I51, O–) — cf. O39, which adds additional scriptural material to this canon*
Source Coll.vet.Gall. 4.12 — Can.apost.30 (Dion.I/II)

*The following two passages have been added in the margin of Barlow 37, fol. 1v by Hand A. If meant as glosses on the text, there is no indication on the page of to which canons they pertain; nevertheless, the subject matter (how contestants for an election are to be considered; the kinds of dignity belonging to the holy orders) suggests that the glossator was prompted by D10–14 (various rules/instructions for elections).*

Source unidentified, but cf. Summa monacensis (‘Inperatorie maiestati’)

Source unidentified, but cf. Summa monacensis (‘Inperatorie maiestati’)

[D11] DE ORDINATIONE EPISCOPORUM.
Episcopus a tribus episcopis ordinetur uel ab omnibus si fieri potest qui sunt in prouincia.
Appendix XI

A11 (C13) — cf. O34 and B106 (I106, O–), which draw independently on, and adapt, the same source
Source (episcoporum ... ordinetur uel) Coll.vet.Gall. 5.1, second part, adapted; cf. Coll.Wig.O 34 — CNIC.325.4 (versio Rufini; epit.Hisp.), partial, adapted
Source (ab omnibus ... prouincia) Coll.vet.Gall. 5.1, first part, adapted; cf. Coll.Wig.O 34 — CNIC.325.4 (versio Isidori), partial, adapted

[D12] ITEM DE ORDINATIONE EPISCOPORUM.
Episcoporum ordinationes fieri oportet dominicis diebus non in agris non in uillulis. sed in urbis precipuis pro tanti nominis dignitate.
A12 (C14); O35; B107 (I107, O–) — cf. D268, which incorporates this canon
Source (episcoporum ... diebus) unidentified
Source (non in agris ... dignitate) unidentified, but cf. CLAO.300.57

[D13] DE ORDINATIONE PRESBITERORUM UEL DIACONORUM.
Clericorum ordinationes fieri oportet. quatuor temporum sabbatis coram populo.
A13 (C15) — cf. D268, which incorporates and adapts this canon; O36/B108 (I108, O–) and I184/O156, each of which adapts D268 differently
Source unidentified

[D14] IN CONCILIO QUOQUE NEOCESARIENSI STATUTUM EST.
Vt nullatenus presbiter ordinetur ante tricesimum etatis annum. quia dominus noster iesus christus non predicauit ante tricesimum sue etatis annum.
A14 (C16) — cf. D268, which incorporates ‘IN CONCILIO ... tricesimum etatis annum’; B105 (I105, O85), which inserts ‘nisi rationabili necessitate cogente’ from A15
Source ANSEGIS Coll.cap. 1.49 — cf. CNEO.315.11

[D15] DE CONSECRATIONE VIRGINUM IN CONCILIO AFFRICANO.
Vt uirgines non uelentur nec diaconi ordinentur ante XXV annos nisi rationabili necessitate cogente.
A15 (C17) — cf. D268, which incorporates this canon; A63 (C67, D72); B101 (I101, O81), which conflates this canon with A63
Source ANSEGIS Coll.cap. 1.45 — cf. Reg.eccl.Cart.exc. 26
Source (nec diaconi ordinentur) unidentified

[D16] GELASII PAPAE.
De votis deo uirginibus nisi aut in epiphania. aut in albis pascalibus aut in apostolorum nataliciis sacrum minime [f. 2r] uelamen imponat.
A16 (C18)
Source Coll.quad. 223 — DGEL.492.636, c. 12 (ed. Thiel, 369) | first half

[D17] DE SECULARIBUS CURIS
Episcopus aut presbiter uel diaconus nequaquam seculares curas assumat. sin aliter deponatur. et in unica ecclesia episcopus nullam rei familiaris curam ad se reuocet. sed lectioni et rationi. {sic} et uerbi dei predicationi tantum uacet. et uilem suppellectilem. ac uictum pauperem habeat. et dignitatis sue auctoritatem fide et per uite meritum querat. et cum apostolis penuriam patiente sustineat.
A17 (C19) — cf. B37a–b (I39a–b, O–): C1 second and fourth sentences
Source (episcopus ... deponatur) Coll.Hib.A 2.27 (this canon not in Coll.Hib.B [B6]); cf. Coll.vet.Gall. 37.1, which has ‘deiciatur’ for deponatur’ — Can.apost. 7 (Dion.II)
Source (et in unica ecclesia) unidentified
Appendix XI

Source (episcopus nullam ... tantum uacet) Coll.Hib.A 1.10.b; Coll.vet.Gall. 41.3; cf. Coll.Hib.B 1.11 (MS B6, fol. 4r), whose word order is slightly different — SEA 3 (= Carthage IV, 20)

Source (et uilem ... querat) Coll.Hib.A 1.10.d; Coll.vet.Gall. 41.4 (and 32.6); cf. Coll.Hib.B 1.11 (MS B6, fol. 4r), whose wording is slightly different — SEA 4 (= Carthage IV, 15) | adapted

Source (et cum apostolis ... sustineat) unidentified, but cf. Phil 4:12

[D18] CANON AFFRICANI CONCILII.
Episcopus absque concilio presbyterorum: clericos nisi ordinet.
A18 (C20); B51 (I52, O–) — cf. C1 eleventh sentence
Source Coll.Hib.A 1.10.l; Coll.vet.Gall. 5.5; Coll.Hib.B 1.11 (MS B6, fol. 4v) — SEA 10 (= Carthage IV, 22) | partial, abbrev.

[D19] ITEM.
Episcopus nullus causam audiat absque presentia clericorum suorum.
A19 (C21) — cf. C1 twelfth sentence; B52 (I53, O–), which adds a clause of exception to this canon
Source Coll.vet.Gall. 36.1, first half; cf. Coll.Hib.A 1.10.m/Coll.Hib.B 1.11 (MS B6, fol. 4v), which has ‘judicare audeat’ — SEA 14 (= Carthage IV, 23), first half

[D20] CANON CARTAGINENSIS.
Nichil rect[*] {rector corr.} sine fratrum suorum consilio faciat. Scriptum est enim. Omnia fac cum consilio. et post factum non penitebis. {Sir 32:24}
Note: ‘tor†’has been added beside this canon in the right margin by the main scribe, perhaps as a corrector’s mark (cf. ‘rector’). A20 (C22); B53 (I54, O–)
Source Coll.quad. 4.261, rubric + first sentence — cf. BEN. Regula 3 (ed. Hanslik, 29–31). Note: the inscription to Carthage is not found in Coll.quad. 4.261, but was probably inferred from Coll.quad. 4.259.

[D21] CIPRIANUS EPISCOPUS DICIT.
Firmum decretum esse non potest. quod non plurimorum uidebitur habuisse consensum.
A21 (C23); B54 (I55, O–)
Source Coll.quad. 4.264 — NOVAT. Epistola 30.5.3 (in Novatiani opera, ed. G.F. Diercks, CCSL 4 [Turnhout, 1972], 203, lines 27–8)

[D22] CANON EPISCOPORUM.
Non temere quemquam communione priuet episcopus. et ne quem alius episcopus ab ecclesia expulenter. siue clericum. siue laicum. suscipiat alius.
A22 (C24); B56 (I57, O–)
Source (non temere ... priuet episcopus) Coll.vet.Gall. 17.12.1 (Stuttgart HB VI 112 only), 6 first sentence; Coll.quad. 4.259, rubric (note that A5 lacks ‘episcopus’); Coll.Dach. 2.9, rubric — Reg.ecll.Cart.exc. 133, rubric; Carthage VII, 5, last sentence
Source (et ne quem ... suscipiat alius) Coll.vet.Gall. 17.1 — CNIC.325.5 (versio Rufini), first sentence, also as EVSEB.—RVFINVS HE 10.6 (eds Mommsen–Schwartz, II, 966, lines 17–18)

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6 This witness of Coll.vet.Gall. also shares unique readings with Coll.Wig.C 145/D 205.
Appendix XI

[D23] **CANON NICENI.**

*Hand B stops; Hand A resumes* Nemo qui ad alium pertinet subripiens. in sua ecclesia ordinet. absque consensu illius ad quem pertinet.

_A23 (C25); B57 (I58, O–)_

*Source* Coll.vet.Gall. 13.5 — CNIC.325.18 (versio Rufini), also as EVSEB.—_RVFINS_ HE 10.6 (eds Mommsen–Schwartz, II, 968, lines 17–18)


[D24] **CANON EPAONENSI S.**

Altaria nisi lapidea: crismatis unguine non consecrentur.

_A24 (C26); B59 (I60, O–)_

*Source* Coll.vet.Gall. 20.1 — CEPA.517.26


[D25] **CANON LAODICENSES.**

Non oportet in domibus non dedicatis oblationes celebrari ab episcopis uel presbiteris.

_A25 (C27)— B60 (I61, O–)_

*Source* Coll.vet.Gall. 27.8; Reg.adauct.Chrod. 70; CAAC.816.84 — CLAO.300.58 (Dion.I/II)

*Source (non dedicatis)* unidentified


[D26] **CANON AURELIANENSES.**

Episcopus pauperibus *{Hand A stops; Hand B resumes}* et infirmis qui debilitate faciente non possunt suis manibus laborare. uictum et uestimentum in quantum possibilitas fuerit largiatur.

_A26 (C28); B63 (I64, O–)_

*Source* Coll.vet.Gall. 31.6 — CORL.511.16


[D27] **CANON APOSTOLORUM.**

Omnium ecclesiasticarum curam episcopus habeat. et ea uelut deo contemplante dispenset. Nec ei liceat ex his alicud omnno *{omnino corr.}* contingere. nec parentibus propriis que dei sunt condonare. Quod si dei sunt: tamquam pauperibus subministret. ne eorum [f.2v] occasione ecclesie negotia depredentur.

_A27 (C29); B38 (I40, O–), which draws afresh on the same source_

*Source* Coll.vet.Gall. 32.1 — Can.apost.39 (Dion.II) | first phrase adapted


[D28] **CANON AURELIENSIS {AURELIANENSES corr.}**

Omnes basilice que per diuersa constructe sunt loca. uel construuntur: placuit secundum priorum canonum regulam. ut in eius episcopi in cuius territorio site sunt. potestate consistant.

_A28 (C30)_

*Source* Coll.vet.Gall. 32.5 — CORL.511.17


[D29] **THEODORUS.**

Statutum est ut sine auctoritate uel consensu episcoporum presbiteri in quibuslibet ecclesiis non constituantur. nec inde expellantur. et si quis hoc facere temptauerit. sinodali sententia feriatur.

_A29 (C31); B64 (I65, O–) — cf. B24 (I26, O–), which draws afresh on ANSEGIS Coll.cap. 1.84_

*Source* Reg.adauct.Chrod. 76 — ANSEGIS Coll.cap. 1.84, first sentence + 1.83, last sentence, abbrev.


[D30] **CANON EPISCOPORUM.**

Episcopi nullatenus secularibus negotiis. plus quam dei seruitii quod absit subditi existant. sed maxime curam animarum habeant. ut secundum apostolum populum dei sui exemplis bene corrigant. et sane quoque doctrine sermonibus instruant.

_A30 (C32); B65 (I66, O–) — cf. I177, which adapts ‘episcopi nullatenus secularibus ... existant’
[D31] **CANON. EPISCOPORUM**
Saints in subject of subjects. Illus debitam prebeant obedientiam. et nullo iactantie sue studio semetipsos atollant.

**Source**
CCLO.747.1, second half, adapted

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[D32] **ITEM.**
Si quis alicuius episcopi clericum uel monachum susceperit absque consensu illius. sacrilegus iudicetur. et a communione suspendatur. quoadusque clericum uel monachum proprio episcopo restituat quod et si clerici contumax redire noluerit: anathema sit.

**Source**
unidentified, but cf. CNIC.325.15–16

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[D33] **CANON AURELIANENSIS.**
Abbes pro humilitatis religione in episcoporum potestate consistant et si quid extra regulam fecerint. ab episcopis corriganlur. Qui semel in anno in loco ubi episcopus eligerit. accepta uocatione conueniant. Monachi autem abbatibus omni se obedientie deuotione subiciant. Quod si quis per contumatiam extiterit in deuotis. aut per loca aliqua euagari. aut peculiare alicquid presumpserit habere. omnia que adquiserit ab abbatibus auferantur. secundum regulam monasterio profuturam. Ipsi autem qui fuerint perugagi ubi inuenti fuerint cum auxilio. episcopi tamquam fugaces sub custodia reuocentur: et reum se ille abba futurum esse cognoscat. qui in huiusmodi personas nisi regulari aduersate distrixerit. uel etiam qui monachum susceperit alienum.

**Source**
Coll. vet. Gall. 45.3 — CORL.511.19

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[D34] **CANON AURELIANENSIS.**
Si quis autem abbas cautos in regimine et humilis cast[is] sobriusque misericors. discretus non fuerit: ac diuina precepta uerbis et exemplis non ostenderit. ab episcopo in cuius consistit. The correcting scribe forgot to add the * mark (signifying *us*) to complete the correction to castus

**Source**
Coll. quad. 4.207 — SMARAG. Exp. in reg. S. Ben. 64.1–6 (eds Spannagel–Engelbert, p. 313, line 7–p. 314, line 2), partial, abbrev., adapted

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[D35] **CANON EPISCOPORUM.**
Si extiterit abbas diuinis iussionibus preuaricator reguleque sancte contemtator: ab episcopo ciuitatis cum consensu abbatum aliorumque monachorum deum timentibus. honore abbatis priuetur. Conuenit enim episcopum ciuitatis. ut sancta et magna sinodus calcidoneensis decreuit: competentem monasteriorum prouidentiam gerere.

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7 castis] the correcting scribe forgot to add the * mark (signifying *us*) to complete the correction to castus
Appendix XI

A35 (D37); B73 (I73, O54)
Source Coll. quad. 4.208 — ‘si extiterit ... abbatis priuetur’: cf. SMARAG. Exp.in reg.S.Ben. 64.4–6 (eds Spannagel–Engelbert, 313–14); ‘conuenit enim ... gerere’: CCHA.451.4, last sentence

[D36] LEO PAPA.
Propositum monachi deseri non potest aliquo pacto. Quod enim quis uouit deo reddere debet. Psalmista namque dicit. Vouete et reddite domino deo uuestro. {Ps 75:12}
A36 (C38); B74 (I74, O55)
Source (propositum ... reddere debet) Coll. quad. 4.217—DLEO.440.544, c. 14 | first part, abbrev.
Source (vouete ... uuestro) Ps 75:12

[D37] THEODORVS.
Monachi non migrent de loco ad locum. sed in ea permaneant obedientia: quam tempore sue conversioni promiserunt.
A37 (C39); B75 (I75, O56)
Source CHER.673.4

[D38] FRUCTUOSUS EPISCOPUS.
Monachus sancte regule uiolator siue contemtor. uel parauolorum incestuose adolescencium consectator. publice uerberetur. Coronam capitis quam gestat: amittat. decaluatusque turpiter obprobria patiatur. uel uinculis artatus ferreis carcerali angustia maceretur.
A38 (C40); B76 (I76, O57)
Source Coll. quad. 4.81, first half — FRVCT. Regula 15 (ed. Campos, 154–55, lines 313–318) | abbrev., adapted

[D39] CANON AGATENSIS.
Si quis monachus adulterium uel furtum fecerit quod pocius sacrilegium dici potest. id censuimus ordinando. ut uirgis cesus tanti criminis reus. nunquam officium clericatus excipiat. Si uero iam clericus in id facinus fuerit deprehensus: nominis ipsius dignitate priuetur.
A39 (C41); B77 (I77, O58)
Source Coll. quad. 4.127 — Reg.patr.III, 13 (ed. de Vogüé, 540) | partial
Source (adulterium aut) unidentified

[D40] CANON AURELII EPISCOPI.
Carnes in cibo monachi nunquam sumant. pulli. uero uel altilia cuncta in congregatione non ministrentur. Infirmitis tantum prouideantur et accipere liceat.
A40 (C42 first part); B78 (I78, O59)
Source Coll. quad. 4.171 — AVREL. Reg.ad monach. 51.1–2 (ed. Schmidt, 254)

[D41] [f. 3v] ISIDORI EPISCOPI.
Abbati uel monacho. monasterii seruum non licet facere liberum. Impium est ut qui res ecclesie non contulerit: dampnum inferat.
A41 (C42 second part)— B79 (I79, O60)
Source (abbati ... facere liberum) Coll. quad. 4.305, first sentence — ISIDORE, Regula 20 (ed. Campos, 119, line 494)
Source (impium est ... inferat) Coll. quad. 4.307 — CTOL.633.67 | partial

The following three passages have been added in the margin of Barlow 37, fol. 3v by Hand A. If meant as glosses on the text, there is no indication on the page of to which canons they pertain. That these passages, qualifying how ‘consuetudo’ and ‘regulae’ may be overturned, are set next to D41–58, which confirm the special jurisdiction,
property rights and privileges of the Church, suggests that the glossator was to some extent attempting to subvert certain ancient ecclesiastical rights.


Source (scit sancta) unidentified, but cf. Summa monacensis (‘Inperatorie maiestati’)
Source (nos consuetudinem) GRATIAN, D. 12 c. 8
Source (omnia refutantur) cf. GRATIAN, C. 35 q. 8 c. 1, last sentence


Source (sciendum est) cf. Summa monacensis (Munich, Staatsbibliothek, Clm 16084, fol. 3ra)
Source (sciendo est) GRATIAN, D. 29 c. 1

[D41c] In articulo neccesitatis uel infirmitatis: claudicant regule iuris.

Source unidentified, but cf. Summa monacensis (‘Inperatorie maiestati’)

[D42] CANON TOLETANUS.
Si quis episcoporum aut presbiterorum uel ministrorum ex rebus ecclesie que in quibuscumque locis a fidelibus largiuntur. aliquid aufert. et male rapta cum confusione restituet. et excommunicationis annue sententiam subbit.

A42 (C43); B80 (I80, O61)
Source Coll.quad. 4.306, abbrev. — CTOL.655.1, partial, abbrev.

[D43] CANON HYBERITANORUM.

A43 (C44); B81 (I81, O62)
Source Coll.quad. 4.120; PECU.700.4.1 — PTHU.700.1,3.2

[D44] Si clericus in demoliendis sepulcris fuerit deprehensus: a clericatus ordine pro sacrilegio submoueatur.

A44 (C45) first part; B83 (I83, O64) first part
Source Coll.quad. 4.125 — CTOL.633.46 | first sentence, adapted

[D45] CANON TOLETANENSIS
Si quis sepulcrum uiolauerit. VII annos. peniteat III ex his: in pane et aqua.

A44 (C45) second part —B83 (I83, O64) second part
Source Coll.quad. 4.124; PHAL.800.6.29 — PPAS.700.9/PSLE.700.14, adapted

[D46] CANON HYBERITANORUM
Eos qui ad ecclesiam confugerint trahi non oportet. sed eos domini sui promissa intercessione. exire persuadeant. Quod si ab ecclesia exeuntibus penale aliq {dominus add. sup. lin.} intulerit ut ecclesie inimicus habeatur excommunicatus.

Source Coll.quad. 4.366 — Coll.Arel. 30

[D47] HIERONIMUS.
Ecclesia defendit quos in sinu suo recipit. more galline que pullos proprios et alie non nutrit et defendit. Ita ecclesia cunctos fugientes in se defendere debet.

Source Coll.Hib.B 30.7 (MS B6, fol. 53r–v), first part, abbrev.; cf. Coll.Hib.A 27.23.b, which abbreviates the same unidentified source

[D48] CANON ROMANORUM.
Nemo audeat nudare ecclesiam. qualescumque fuerint principes eius. Filii enim aaron et hely mali erant. et tamen non retraxit deus ab eis dona populi.

Source Coll.Hib.B 20.8 (MS B6, fol. 27v); cf. Coll.Hib.A 17.7.b, which has ‘sint’ for ‘fuerint’

Source Coll.Hib.B 39.36 (MS B6, fol. 77v); Coll.Hib.A 37.33.b | partial, adapted


Source Coll.Hib.B 39.36 (MS B6, fol. 77v); Coll.Hib.A 37.33.b | partial, adapted

[D50] IERONIMVS.
Qvamuis mali principes semetipsos destruunt: dei ecclesia manet sine culpa. Christus quamuis nouerat iudam se traditurum: loculos non detraxit ab eo.

Source Coll.Hib.B 20.8 (MS B6, fol. 27v), abbrev.; cf. Coll.Hib.A 17.7.a, which has ‘est’ for ‘manet’

Source Coll.Hib.B 39.36 (MS B6, fol. 77v); Coll.Hib.A 37.33.b | partial, adapted

[D51] DE IURE SACERDOTUM SECUNDUM LEGEM.
Primicie omnis populi israel. erunt sacerdotum. et decime. et plura de primogenitis. {cf. Nm 5:9–10; 18:17–19}

Source Coll.Hib.B 2.13 (MS B6, fol. 7v); cf. Coll.Hib.A 2.11.a, which has ‘sacerdotes’ for ‘sacerdotum’

[D52] ITEM.
Victimam pro peccato et delicto commedant ipsi. et omne uotum in israel. et omnia libamenta ex omnibus que offeruntur: sacerdotum erunt. et primitiu a ciborum. {Ez 44:29–30}

Source Coll.Hib.B 2.13 (MS B6, fol. 7v); Coll.Hib.A 2.11.b

[D53] ITEM.
Pectus et armum dextrum tuli a filiis israel iure perpetuo. {Lv 7:34} et sacerdotum erunt.

Source Coll.Hib.B 2.13 (MS B6, fol. 7v); Coll.Hib.A 2.11.c
[**D54**] **ITEM.**
Notandum quod non Aaron fecit sibi vestimenta sed Moses et alii. quod significat omnia necessaria sacerdotis a principe fieri.
_A49 (C–); O88. Note: this canon probably omitted in Coll.Wig.C through homoioiteleuton_
_Source Coll.Hib.B 2.13 (MS B6, fol. 7v); cf. Coll.Hib.A 2.11.e, which lacks ‘notandum quod’_

[**D55**] **ITEM.**
Notandum quod non Aaron ipse fecit tabernaculum sed populus et artifices consilio Moysi. quod significat sacerdotum non esse construere ecclesiam.
_A49 (C51); O89_
_Source Coll.Hib.B 2.13 (MS B6, fol. 7v). Note: this canon probably omitted in Coll.Wig.C through homoioteleuton_
_Source (populus et artifices) unidentified_

[**D56**] **ITEM.**
Aaron non cedebat hostias nisi paucas. sed populus: manum tamen ponebat sacerdos super caput hostiae. quod significat sacerdotum non esse post uictum laborare.
_A49 (C52); O90_
_Source Coll.Hib.B 2.13 (MS B6, fol. 7v); cf. Coll.Hib.A 2.11.f, which differs in wording_

[**D57**] **ITEM.**
Non Aaron nec filii eius portabant tabernaculum et utensilia eius. sed tantum immolabant. quod significat ministerios debere fieri cum sacerdotibus.
_A49 (C53 first part); O91_
_Source Coll.Hib.B 2.13 (MS B6, fol. 7v), adapted; cf. Coll.Hib.A 2.11.g, which differs in wording_

[**D58**] **ITEM.**
Qvi altario deseruiunt. dederuiunt. {deseruiunt corr.} de altari participentur. {1 Cor 9:13}
_A49 (C53 last sentence) — cf. B110 (O92 first part, but not I110), which incorporates this canon_
_Source Coll.Hib.B 2.13 (MS B6, fol. 7v); Coll.Hib.A 2.11.d_

[**D59**] **DE VIOLATIONE LOCORUM. IERONimus DICIT.**
_A50 (C54) — cf. B88 (I88, O69 first part), which adds an additional scriptural exemplum_
_Source (qvi peccant ... occidenti sunt) Coll.Hib.B 30.16 (MS B6, fol. 54v); Coll.Hib.A 28.13.rubric, partial_
_Source (in loco ... defendant eum) Coll.Hib.B 30.16 (MS B6, fol. 54v); Coll.Hib.A 28.13.a_
_Source (christus ... conpescuit) Coll.Hib.B 30.16 (MS B6, fol. 54v, with ‘fragis’ corr. to ‘flagris’), abbrev.; cf. Coll.Hib.A 28.13.c, which has ‘flagellis conpescuit et ejecit’_

[**D60**] **IDEM.**
Qvi percussisset malos eos {eo Quod corr.} mali sunt: minister domini est.
_A51 (C55); B89 (I89, O69 last sentence)_
_Source Coll.Hib.B 29.12 (MS B6, fol. 49r); Coll.Hib.A 27.8a; Coll.Tur. 99 — JEROME, Commentariorum in Hierotheleum libri XIV, 3.9.1b (ed. F. Glorie, CCSL 75 [Turnhout, 1964], 103, lines 422–24) | abbrev., adapted_

[**D61**] **CANON ARAUSICANUS.**
Amentibus quecumque pietatis sunt: conferenda sunt.
Appendix XI

A52 (C56);  B91 (I91, O70 last sentence)
Source  Coll.quad. 4.357 — CORA.441.12

[D62] CANON CARTAGINENSIS
Omni die exorciste inerguminis manus inponant.
A53 (C57);  B92 (I92, O71 first sentence)
Source  Coll.quad. 4.358; Coll.Dach. 2.112b; cf. Coll.vet.Gall. 60.1, which ascribes this canon to 'Africanorum' — SEA 62 (= Carthage IV, 90)

[D63] CANON ARAUSIANUS.
Qvi palam aliquando arepti sunt: non solum {non add. sup. lin.} assumendi ad ullum ordinem clericatus. sed si iam alqui ordinati sunt: ab inposito offitio repellendi.
A54 (C58);  B93 (I93, O71 second part)
Source  Coll.quad. 4.362 — CORA.441.15

[D64] CANON CARTAGINENSIS.
Sacerdote uerbum in ecclesia faciente. qui egressus de auditorio fuerit:excommuicetur. {sic}
A55 (C59);  B94 (I94, O74)
Source  Coll.quad. 4.290; Coll.Dach. 2.95b; cf. Coll.vet.Gall. 28.2, which ascribes this canon to 'Africanorum' — SEA 31 (= Carthage IV, 24)

[D65] CANON CARTAGINENSIS.
Laicus presentibus clericis. nisi ipsis prouocandis: docere non audeat.
A56 (C60);  B95 (I95, O75)
Source  Coll.quad. 4.349; cf. Coll.vet.Gall. 28.5, which ascribes this canon to 'Africanorum' — SEA 38 (= Carthage IV, 98)

[D66] ISIDORVS DICIT.
Omnis mundialis {si add. sup. lin.} sapiens sit: non iudicet iudicia ecclesie.
A57 (C61);  B96 (I96, O76) — cf. I177 and Wulfstan's De ven.sacerd., which incorporate this canon

[D67] CANON CARTAGINENSIS.
Mvlier quamuis docta et sancta sit: uiros in conuentu docere non audeat.
A58 (C62);  B97 (I97, O77)
Source  Coll.quad. 4.350; cf. Coll.vet.Gall. 28.4, which ascribes this canon to 'Africanorum' — SEA 37 (= Carthage IV, 99)

[D68] CANON CARTAGINENSIS.
Sponsus et sponsa cum benedicendi sunt a sacerdote. a parentibus aut a paranimp his offerantur. Qui cum benedictionem acceperint eadem nocte pro reuerentia ipsius benedictionis. in uirginitate permaneat.
A59 (C63);  B98 (I98, O78)
Source  Coll.quad. 4.352; Coll.Dach 1.61; cf. Coll.vet.Gall. 5.4o, which ascribes this canon to 'Africanorum' — SEA 101 (= Carthage IV, 13)

[D69] CANON DICIT.
Presbiterum conuiuio secundarum nuptiarum interesse non debere. maxime cum petatur. secundis nuptiis penitenciam tribuere.
A60 (C64);  B99 (I99, O79)
Source  cf. Coll.Quesn. (PL 56, col. 444B); Coll.Sanb. (fol. 26r) — CNEO.315.7 (Isidori vulg.), first sentence
[D70] GREGORIVS.
Si quis coniugem suam si fieri potest. non cupiditate uoluntatis. sed solummmodo creandorum liberorum gratia utitur: iste profecto siue de ingressu ecclesie. seu de sumendo dominici corporis sanguinisque mysterio: sui est relinquendus iuditio. quia a nobis prohiberi non debet: cum ei iuxta prefinitam sentenciam etiam ecclesiam licuerit intrare. Verumtamen [f. 4v] quia ipsa licita ammixtio coniugis sine uoluptate carnis fieri non potest. ideo aliquando a sacri loci ingressu abstinendum est: quia uoluptas ipsa esse sine culpa nullatenus potest.

Source (si quis ... prohiberi non debet)  
DGRE.590.1843, c. 8 (eds Ewald–Hartmann, 341, lines 13–16)
Source (si fieri potest)  
unidentified
Source (cum ei ... licuerit intrare)  
DGRE.590.1843, c. 8 (eds Ewald–Hartmann, 342, lines 2–3)
Source (uerumtamen ... nullatenus potest)  
DGRE.590.1843, c. 8 (eds Ewald–Hartmann, 340, lines 29–31)
Source (ideo aliquando)
unidentified

[D71] GELASIUS PAPA.
Deuotis deo uirginibus uel uiduis. nisi aut in epyphania. aut in albis pascalibus. aut in apostolorum nataliciis. sacrum minime uelamen inponant. nisi forsitan sicut de baptismate dictum est graui languore correptis ne sine hoc munere de seculo transeant. inflorantibus non negetur.

Source  
Coll.quad. 4.223 — DGEL.492.636, c. 12 (ed. Thiel, 369)

[D72] CANON CARTAGINENSIS.
Placuit ut ante XXV annos etatis. nec diaconus ordinetur. nec uirgines consecrentur.

Source  
Coll.quad. 4.222; Coll.Dach. 3.79 — CCAR.397.1b (= Carthage III, 4, partial; CCAR.419.16d)

[D73] BASILII EPISCOPI.
Oportet tamen infantes cum uoluntate et consensu parentum. immo ab ipsis parentibus oblatos. sub testimonio plurimorum suscipi.

Source  
Coll.quad. 4.225 — BASIL–RVFINVS, Regula 7.4 (ed. Zelzer, 39) | first part

[D74] ISIDORUS.
Qvicumque a parentibus propriis in monasterio fuerit delegatus nouerit se ibi perpetuo mansurum. Nam anna samuel puerrum natum et ablactatum deo optulit. qui in ministerio templi permanit. {cf. 1 Rg 1:24–8}

Source  
Coll.quad. 4.226, partial, abbrev. — BEN.AN. Cod.reg. 4 (eds Holste–Brockie, 189, Isidore’s rule), partial

[D75] INSTITUTUM PATRUM.

8 The relevant part of Isidore’s Regula is not printed by Campos, who believes it to be an interpolation based on CTOL.633.49; cf. Reglas monásticas, eds. Campos–Roca, 95 n. to line 89.
Die dominico nichil aliud agendum est: nisi deo uacandum. in hymnis. et in psalmis {et canticis add. sup. lin.} spiritalibus.

A66(C70) — cf. B115 (I115, O96), which adds ‘dies quoque ... colendi sunt’ to this canon

Source Coll.quad. 4.297, partial, abbrev. — Reg.IV patr. 3.6–7 (ed. de Vogüé, 194), partial, abbrev., adapted

[D76] Id etiam miserationis intuitu. equum duximus custodire. ut pro quibuscumque culpis in carceribus deputantur. ab archidiacono seu a preposito ecclesie singulis dominicis diebus requirantur. ut necessitas uinctorum secundum preceptum divinium misericorditer subleuetur. atque a pontifice competens uictus de domo ecclesie tribuatur.

A67 (C71); B116 (I116, O97)

Source Coll.quad. 4.283 — CORL.549.20

[D77] DE DECIMIS IN LEGE SCRIPTUM EST

Decimas et primicias non tardabis offerre. {Ex 22:29}

A68 (C72) — cf. B110 (I110, O92 first part), which combines this canon with Lv 27:30 and 27:32–3, as per Pirmin’s Scarapsus

Source Ex 22:29, abbrev.; cf. PIRMIN Scarapsus 24 (ed. Hauswald, 98, lines 2–3), which quotes the same scriptural passage

[D78] ITEM IN LEGE.

Si intraueris in segetem amici tui. frange spicas et manu contere. falce autem non metas. {Dt 23:25} Hoc et discipipuli {sic} salvatoris fecerunt. spicas uidelicet manibus fricantes. et manducantes sabbatis {Lc 6:1} ut evangelium dicit.

A69 (C73); B113 (I113, O94)

Source (si intraueris ... non metas) Dt 23:25

Source (hoc et ...evangelium dicit) unidentified, but cf. Mt 12:1, Mc 2:23, and Lc 6:1

[D79] ITEM IN LEGE.

Ingressus itaque uineam proximi tui. commedes uuas quantum placuerit tibi. foras autem ne feras tecum. {Dt 23:24}

A70 (C74); B114 (I114, O95)

Source Dt 23:24

[D80] CANON BRACHARENSIS.

Si quis. paganorum consuetudinem sequens diuinios et sortilegos in domum suam introduxerit. quasi ut malum foras mittant. aut maleficia inueniant. uel lustracionibus paganorum seruiant: V annos. peniteat.

A71 (C75); B133 (I135, O134)

Source Coll.quad. 4.139; Coll.Dach. 1.95 — CBRA.561.71

[D81] CANON CARTAGINENSE.

Avguriis uel incantacionibus seuientem {seruientem corr.} a conuentu ecclesie separandum. secundum gradus penitencie diffinitos.

A72 (C76)

Source (avguriis ... separandum) Coll.quad. 4.136; Coll.Dach. 1.99; cf. Coll.vet.Gall. 55.2, which ascribes this canon to ‘Africanorum’ — SEA 83 (= Carthage IV, 89) | first part
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Source (secundum ... diffinitos) Coll.quad. 4.138; Coll.Dach. 1.94; Coll.vet.Gall. 44.4a (Stuttgart HB VI 112 only) — CANC.314.23 (Dion.II) | last phrase

[D82] CANON EPISCOPORUM.
[f. 5r] Catholicus si capillos more totonderit barbarorum ab ecclesia dei alienus habeatur. et ab omni christianorum mensa donec delictum emendet.
A73 (C77) — cf. C217/D146 last sentence; B156 (I115, O136), which draws independently on the same source material and combines it with material from C218
Source ELRF 61 (= Coll.Wig.C 217/D 146 last sentence), adapted

[D83] CANON AFFRICANI
Clericus nec comam nutriat nec barbam.
A74 (C78) — cf. B157 (I115, O137), which combines this canon with material from C218
Source Coll.vet.Gall. 41.18; cf. Coll.Hib.B 11.9 (MS B6, fol. 13v)/Coll.Hib.A 10. u, which have ‘non comam’ and ‘barbam (sed) radat’ — SEA 25 (= Carthage IV, 44)

[D84] ITEM.
Clericus non debet armis uti. nec ab {sic} bellum procedere. quia {canones add. sup. lin.} docent: ut quicumque clericus in bello mortuus fuerit. neque oblatione neque oratione postuletur pro eo. sepultura tamen non priuetur.
A75 (C79) — cf. C194/D202, which combines this canon with material from PHAL.800 (or perhaps Coll.quad./Dach.); B159 (I117, O139); B165 (I162, O—); O30
Source ÆLFRIC Ep.2.178 (ed. Fehr, 55), adapted — ‘quicumque clericus ... priuetur’: Coll.Hib.B 42.15 (MS B6, fol. 87r)/Coll.Hib.A 40.15.e, abbrev.

[D85] ITEM.
Non debet clericus indui monachico habitu nec laicorum uestibus uti. Et uir utatur ueste muliebri anatema {anathema corr.} est. aut mulier si uirili utatur indumento anathema est.
A76 (C80) — cf. B158 (I115, O138), which adapts and combines this canon with material adapted from C219
Source (non debet ... utatur indumento) ÆLFRIC Ep.2.193 (ed. Fehr, 56)
Source (anathema est) unidentified

[D86] BASILIUS EPISCOPUS.
Cum excommunicato neque orare. neque loqui. neque uesci cuique licebit.
A77 (C81) — cf. 1171/O166, which combines this canon with other material (especially DGRE.590.†1334)
Source Coll.quad. 4.253 (ascribed to Basil in MS AS5 and Vatican, Biblioteca Apostolica Vaticana, Lat. 1352) — BEN.AN. Cod.reg. 17 (eds Holste–Brockie, 196), partial, abbrev. adapted; cf. ISIDORE, Regula 18 (ed. Campos, 117, lines 454–55)

[D87] CANON SANCTORUM PATRUM.
Si quis a proprio episcopo communione priuatus est pri {non corr.} ante suscipiatur ab aliis quam suo reconcilietur episcopo. aut certe ad sinodum que congregatur occurrens pro se satisfaciat. Hec autem diffinitio maneat circa laicos. et presbiteros et diacones. omnes {omnesque corr.} qui sub regula esse monstratus.
A78 (C82)
Source cf. Coll.vet.Gall. 17.12e (Stuttgart HB VI 112 only), which has ‘quam a suo’ and ‘certe si ad synodum’ — CANT.328.6 (Dion.II), abbrev.

9 This witness of Coll.vet.Gall. shares unique readings with Coll.Wig.C 145/D 205.
[D88] **ITEM.**
Canonum auctoritas prohibit ne quis episcopus aut clericus assensum prebeat in morte cuiuslibet hominum. {hominis corr.} siue raptoris. seu homicide. ne innocenciam perdat.

*Source*  
ÆLFRIC Ep.2.191 (ed. Fehr, 56), adapted

[D89] **CANON PATRUM.**
Si quis episcopus dampnatus a sinodo. uel presbiter aut diaconus a suo episcopo. ausi fuerint aliquid de ministerio sancto contingere. siue episcopus iuxta precedentem consuetudinem. siue presbiter aut diaconus nullo modo liceat ei nec in alia sinodo restitutionis spem. aut locum habere satisfactionis. sed excommunicantes euomens abici de ecclesia. et maxime si postea quam didicerint aduersum memoratos. prolatam fuisset sententiam: eisdem communicare temptauerint.

*A79* (C83) — cf. *B161* (I159, O141), which abbreviates this canon

*Source*  
Coll.vet.Gall. 17.12b (Stuttgart HB VI 112 only) — CANT.328.4 (Dion.II)

[D90] **CANON PATRUM.**
Si quis episcopus aut aliquis ordinatus in consuetudine ebriosus fuerit. aut desinat aut deponatur.

*A81* (C85)

*Source*  
Coll.quad. 4.167; PECU.700.1.1 — cf. PTHU.700.1.1.1

[D91] **BASILII EPISCOPI.**
Si quis detraxerit eo qui preest. VII a conuentu ecclesiastico dies separatur. ut maria soror aaron que detraxerat moysi peniteat.

*A82* (C86)

*Source*  
Coll.quad. 4.158 — cf. BASIL–RINFINS Regula 44 (ed. Zelzer, 88)

[D92] **CANON APOSTOLORUM.**
Presbiter aut diaconus qui in fornicatione. aut perjurio aut furto aut homicidio captus est deponatur.

*A83* (C87); O42; B34 (I36, O–)

*Source*  
Coll.quad. 4.40; PHAL.800.5.4; Reg.adauct.Chrod. 64 — Can.apost.25, adapted  
| first half

[D93] **CANON NICENI.**
[f. 5v] Interdicit per omnia. magna sinodus non episcopo. non presbitero. non diacono. nec alicui omnino qui in clero est. licere subintroductam mulierem habet. {habere corr.}

*A84* (C88); B32 (I34, O–) — cf. *O145*, which draws on CNIC.325.3 more fully

*Source*  
Coll.quad. 4.43; PHAL.800.5.8; Coll.Dach. 1.49, first half — CNIC.325.3 (Dion.II), first half

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10 This witness of *Coll.vet.Gall.* shares unique readings with *Coll.Wig.C 145/D 205.*

11 This witness of *Coll.vet.Gall.* shares unique readings with *Coll.Wig.C 145/D 205.*
The following three passages have been added in the margin of Barlow 37, fol. 5v by Hand A. The first passage is added some ways down the page, next to a signe de renvoi that makes it appear as a gloss to ‘annum licet mulieri’ in D96; nevertheless, the subject matter of these passages (the types of ‘cupiditas’ that disqualify one from holy orders; the different grades of ecclesiastical punishment, and which punishments can be exercised on a bishop’s own authority; what factors may increase or decrease the severity of a punishment) suggests that they rather pertain to D92–93 (on crimes committed by the clergy).


Source unidentified, but cf. Summa monacensis (‘Inperatorie maiestati’)


Source unidentified, but cf. Summa monacensis (‘Inperatorie maiestati’)

[D93c] Duo dissuadent seueritatem pen. Ratio. cum multitudo est in scelere. ne deterius fiat. Lex. ut qui post uotum duxit uxorem. nec disiungitur. Duo suadent penam. culquia {sic} inpunita non debet relinqui. Cautela culpe. ut cum pro lapsu eucharistie. sacerdoti penam {sic} inponitur. uel innocenti in detestione simonie;

Source unidentified, but cf. Summa monacensis (‘Inperatorie maiestati’)

[D94] SINODUS DICIT.
Qvicumque inlicito matrimonio fuerint: post penitenciam non debent fieri in una domo. ne {se add. sup. lin.} inuicem causa amoris copulauerint.

A85 (C89); B138 (1137, O119)

Source Coll.Hib.B 49.32 (MS B6, fol. 111v), adapted. Note: this canon not found in Coll.Hib.A 47

[D95] ITEM
Canones docent ut si quis acceperit uiduam aut dimissam mulierem. aut qui bis duxerit uxorem. nunquam fiat diaconus: nunquam sacerdos.

A86 (C90); B33 (135, O–); O146

Source ÆLFRIC Ep.2.113 (ed. Fehr, 48), adapted

[D96] ITEM.
Muliere mortua licet uiro post mensem accipere alteram. Post annum licet mulieri accipere alterum uirum.

A87 (C91); B127 (1126, O108)

Source PTHU.700.2,12.10, adapted

[D97] ITEM DE ABSTINENTIA MARITI.
Greci et romani tribus diebus abstinent se a mulieribus ante panes propositionis sicut in lege scriptum est.

12 culquia] read culpa
[D98] **SINODUS AGATENSIS.**

Seculares qui in natale domini et pasca et pentecosten non commuicauerint: {sic} catholici esse {non add. sup. lin.} credantur:

_A88 (C92)_

Source  
PTHU.700.1.12.3

[D99] **CANON AFFRICANI.**

Placuit ut secundum evvangelicam disciplinam. neque dimissus ab uxore. neque dimissa a marito alteri coniungantur. sed ita mane ant. aut sibimet reconcilientur.

_A89 (C93); B44 (I46, O–)_

Source  
Coll.Hib.B 44.19 (MS B6, fol. 91r). Note: this canon not found in Coll.Hib.A 42 — CAGD.506.18, abbrev., adapted

[D100] **INNOCENTII PAPA.**

Qvi uiuente uxore quam dimisit. duxerit aliam. et qui dimissam duxerit: uterque adulter est.

_A90 (C94); C141 — cf. B131 (I130, O112), which combines C141 (which duplicates this canon) with C140/D117_

Source  
Coll.quad. 4.60; PHAL.800.4.10; Coll.Dach. 1.74 — Reg.eccl.Cart.exc. 102 (= Conc.Milev. 17) | first sentence

[D101] **DOMINUS IN EVANGELIO DICIT.**

Qvicumque dimiserit uxorem suam. nisi ob fornicationem et aliam duxerit mechatur. {Mt 19:9}

_A91 (C95 first part)_

Source  
Coll.quad. 4.61, first sentence — DINN.401.293, c. 6 (ed. Wurm, 73, lines 5–7), adapted. Note: both Coll.quad. and DINN.401.293 continue to quote Mt 19:9 (as in the next canon), but in abbreviated form.

[D102] **IERONIMUS DICIT.**

Sola fornicatio est que uxoris uincit affectum. immo cum illa. unam carnem in aliam diuiserit: et se fornicatione separeuit a marito. non debet teneri. ne uirum quoque sub maledicto faciat: dicente scriptura. Qui adhulteram tenet stultus et impius. {P r v 18:22} Vbicumque igitur fornicatio est: libere uxor dimittitur. Et quia poterat accidere. ut aliquis calumpniam faceret innocenti. et ob secundam copulam nuptiarum. ueteri crimen inpingeret: sic priorem dimittere iubetur uxorom. ut secundam prima uiuente non habeat. Quod enim dicit: tale est sine {si non corr.} propter libidinem sed propter injuriam: imittis {dimitissis corr.} uxorom.

_A92 (C96)_

Source  
Coll.quad. 4.59, partial — JEROME, Comm.in Mat.libri IV, lib. 3, vers. 19:9 (eds Hurst–Adriaen, 167, lines 764–74)

[D103] **IDEM.**

Si uir uel mulier ex consensu religionem ceperit: licet alterum accipere nouum coniugium. sed puellam uel puerum.

_A93 (C97)— cf. B129 (I128, O110), which combines this canon with C142/D118 and the first part of C146/D206_

Source  
Coll.Hib.A 46.5, adapted. Note: this canon not found in Coll.Hib.B.

[D104] **CANON AFFRICANI CONCILII.**

Sacerdos penitenciam inploranti abique {sic} persone acceptione penitencie leges imperet.

_A94 (C98)_
Appendix XI

Source Coll.quad. 4.21; cf. Coll.Dach. 1.12, PHAL.800.3.1b and Coll.vet.Gall. 64.1, which have 'iniungat' for 'imperet' — SEA 18 (= Carthage IV, 74)

[D105] ITEM.

Source PPTH.800.39.4 (ed. van Rhijn, 100, lines 10–12); cf. PECU.700.14.6 — PTHU.700.1,12.4 | adapted

[D106] BASILIVS EPISCOPUS.
[f. 6r] Penitentem ex corde ita oportet suscipi: sicut dominus ostendit cum dicit. quia conuocat amicos suos et uicinos dicens. Congratulamini mihi quia inueni ouem meam quam perdideram. {Lc 15:6}

Source Coll.quad. 4.24 — BASIL–RVFINVS Regula, 27 (ed. Zelzer, 75)

[D107] ITEM IDEM.
Erga eum qui pro peccato non penitet tales esse debemus: sicut dominus precepit dicens. Sit tibi sicut gentilis et publicanus. {Mt 18:17}

Source Coll.quad. 4.26 — BASIL–RVFINVS Regula, 28 (ed. Zelzer, 75) | first half

[D108] CANON ARELATENSIS.
Penitenciam coniugatis nisi ex consendu {consensu corr.} dandam.

Source Coll.quad. 27; Coll.Dach. 1.13; Coll.vet.Gall. 64.25 — Coll.Arel. 22

[D109] SINODUS ROMANA DICUNT.
Filii cum ad annos pubertatis uenerint: cogantur aut uxores ducere. aut continenciam profiteri. sic et filie eadem etate debent eandem legem seruare.

Source Coll.Hib.B 56.6 (MS B6, fol. 119v), adapted; cf. Coll.Hib.A 66.16, which has 'prosectari ecclesiae filiae vero' for 'profiteri sic et filiē'

[D110] CANON AFFRICANI
Penitentibus secundum differentiam peccatorum. episcopi arbitrio. penitencie tempora decernantur.

Source Coll.quad. 4.14; Coll.Dach. 1.11; cf. Coll.vet.Gall., which ascribes this canon to 'Concilio Hypone regio' — CCAR.397.30a (= Reg.eccl.Cart.exc. 43a; Carthage III, 31)

[D111] DE LAPSIS ROMANI DICUNT.
Qui cum gradu cecidit. sine gradu consurgat. contentus nomine tantum. Et contra in apocalipsi. Memento unde cecideris et age penitenciam et opera tua priora fac. {Apc 2:5}

Source (DE LAPSIS ... nomine tantum) Synod.II Patric. 10 (ed. Breen, 113, lines 38–40), abrev.; 'qui cum gradu cecidit sine gradu consurgat': also in Coll.Hib.B 13.1 (MS B6, fol. 14v)

Source (ROMANI DICUNT) unidentified
* * * Cross–Hamer’s ‘A’ version ends here * * *

[D112] DE CONIUGIO.
Scriptum est in lege. Si seduxerit quis uirginem necdum desponsatam dormieritque cum ea: dabit ei omne quod habet. et desponset eam. et habebit eam uxorem. {Ex 22:16}

Source Coll.Wig.C 134 — Ex 22:16 | adapted

[D113] AGVSTINUS.
Qvale est quod multi uirorum ante nuptias concubinas sibi adhibere non erubescent. quas post annos dimittunt. et sic postea legitimas uxor(es) accipiunt. Vnde coram domino. et coram angelis eius testor atque denuncio. deum ista coniugia semper prohibuisse. et nunquam placuisse. et precipue christianis temporibus concubinas habere nunquam licuit. nunquam licet. nunquam licebit.


[D114] IDEM.
Si mulier fornicata fuerit: relinquenda est. sed illa uiuente: altera non est ducenda.

Source Coll.Hib.A 46.2; Coll.Hib.B 48.2 (MS B6, fol. 101r) | second last sentence, adapted

[D115] SINODUS ARELATENSIS.
Adolescentes fideles uxor(es) suas in adulterio deprehendentes: placuit ut uiuentibus uxor(es) licet adulteris. alias tamen non accipiant. Hoc propterea agitur. ne penitenti locum quandoque penitentia excludat. et ne seipsum multis maculet copulet copulis. Dominus dicit in evangelio. Quicumque dimiserit uxor(es) suam. et reliqua. {Mt 5:32}

Source Coll.Hib.A 46.14; cf. Coll.Hib.B 48.13 (MS B6, fol. 102v), which differs slightly in wording — ‘adolescentes fideles ... tamen non accipiant’: CARL.314.11 (10), partial, adapted

[D116] DE LIBRO HERMAS

\textit{C139} — cf. B129 (I128, O110)


\[D117\] \textbf{CANON CARTAGINENSIS.}

Nec uxor a uiro dimissa. alium accipiat uirum uiuente uiro suo. nec uir aliam accipiat uxorem: uiuente uxore priore.

\textit{C140} — cf. B131 (I130, O112), which combines this canon with C141

\textit{Source} ANSEGIS Coll.cap. 1.42 — Admon.gen.(789) 43

\[D118\] \textbf{GREGORIUS.}

Legitimum coniugium non licet separari sine consensu amborum. potest tamen alter alteri cum consilio episcopi. licenciam dare: ad seruitutem dei accedere.

\textit{C142}— cf. B129 (I128, O110), which combines this canon with A93 and the first part of C146/D206

\textit{Source} PREM.700.5.41; PTHU.700.2,12.7–8 | adapted

\[D119\] \textbf{IDEM.}


\textit{Note: the text printed by van Rhijn as part of PPTH.800.14.25 is an interpolation found only in MS A1, p. 37.} 

\textit{C155; B140 (I139, O–)}

\textit{Source} PPTH.800.14.25 (in MS A1 only; ed. van Rhijn, 34, lines 90–3); cf. PHAL.800.4.22; Coll.quad. 4.68 — \textit{BEN.LEV.} Cap. 3.179 (ed. Schmitz, 36, lines 11–13), abbrev.; cf. CROM.721.3–9

\[D120\] \textbf{DE FILIIS ADULTERARUM EICIENDIS CUM MATRIBUS. EZECHIEL PROPHET A DICIT.}

Eicite matrem fornicariam. et filios fornicationis.

\textit{C156 first sentence} — cf. B130 (I129, O111), which incorporates this canon (with rubric)

\textit{Source (DE FILIIS ... MATRIBUS)} Coll.Hib.B 48.38, rubric (MS B6, fol. 105v)

\textit{Source (EZECHIEL ... fornicationis)} Coll.Hib.B 48.38 (MS B6, fol. 105v), partial, adapted; cf. Coll.Hib.A 46.30.a, which differs slightly in wording

\[D121\] \textbf{SUPER HOC AVGUSTINUS.}


\textit{C156 second part}

\textit{Source (AVGVSTINVS ... cum filio libere)} Coll.Hib.B 48.38 (MS B6, fol. 105v), partial, abbrev., adapted; cf. Coll.Hib.A 46.30.b, which differs slightly in wording

\[D122\] \textbf{ITEM.}

Si quis cum spirtuali commatre peccauerit. primitus anathematizetur. deinde peniteat VII annos. uel X uel XIII et nunquam postea cum illa se iungat. sed semper aliquid peniteat.
Appendix XI

C157 — cf. C200, which lacks ‘uel X uel XIXII’; B143 (I142, O122), which combines the equivalent canon C200 with C199 and 201

Source (si quis ... se iungat) PPPTH.800.14.22, partial, abbrev.
Source (uel X uel XIXII) unidentified, but cf. Coll.Wig.C 151/D210 and Coll.Wig.C 158/D123
Source (sed semper aliquid peniteat) unidentified, but cf. Coll.Wig.C 201 and Coll.Wig.B 135

[D123] ITEM.

C158 — cf. C201, which has ‘III in pane et aqua’ for ‘uel X uel XIXII’ and adds ‘semperque ... aliquid peniteat’; B143 (I142, O122), which combines the equivalent canon C201 with C199 and C200

Source (laicus maculans ... plus peniteat) PPPTH.800.12.21 (ed. van Rhijn, 25, lines 127–29), abbrev., adapted + PPPTH.800.12.10 (ed. van Rhijn, 22, line 65), adapted | conflated — PECG.700.5.15
Source (quia christiana ... condemnat) PPPTH.800.12.7 (ed. van Rhijn, 21, lines 48–9) — DINN.402.293, c. 3 (ed. Wurm, 70, lines 5–6)

[D124] ITEM.
Raptores igitur uiduarum ueluirginum ob immunitatem tanti faciniis: detestamur. illos uehementius perseverando. et maxime qui sacras uirgines. uel volentes uel inuitas. matrimonio suo sociare temptauerint. quos pro tam nefandissimi criminis atrocitate: a communione suspendi precipimus.

C159

Source Coll.quad. 4.70; PHAL.800.4.16; Coll.Dach. 1.69 — DSYM.498.764, c. 4 (ed. Thiel, 725)

[D125] IN CONCILIO CALCIDONENS.
Eos qui rapiunt mulieres sub nomine simul habitandi. cooperantes aut cohibentes raptoribus. decreuit sancta sinodus. ut si quidem clerici sunt: decidant gradu proprio. Si uero laici: anathematizentur.

C160

Source Coll.quad. 4.71; PHAL.800.4.17; Coll.Dach. 1.70 — CCHA.451.27 (Dion.I/II)

[D126] ITEM.
Si quis uirginem aut uiduam rapuerit: III uel V uel VII annis peniteat. secundum qualitatem persone.

C161

Source (si quis ... rapuerit III) PHAL.800.6.19; PREM.700.5.6 — PBOB.700.33; PBUR.700.37; PFLO.700.34; PMEA.700.35; PPAS.700.29
Source (uel V ... persone) unidentified


C162

Source Coll.quad. 4.72; PHAL.800.4.18; Coll.Dach. 1.71 — CANC.314.10 (Dion.II)

[D128] EX EPISTOLA SIRICI PAPE QUOD NON LICEAT ALTERIUS SPONSAM AD MATRIMONII IURA SORTIRI.
Vt nemo desponsatam puellam alteri. in matrimonium accipiat: modis omnibus inhibebus. quia illa benedictio quam nupture sacerdos inponit. apud fideles ciusdam sacrilegii instar est: si ultra transgressione uioletur.

C163
[D129] DE MATRIMONIO SECULORUM. {SERVORUM corr.; uel secularium gl. sup. lin.}
Si seruum et ancillam dominus amborum in matrimonio coniunxerit. Postea liberato seruo uel ancilla. si non potest redimi qui in seruitio est: libero licet sicut quibusdam placet ingenuo coniugere. sed tamen ita exsecutum domini meæchus probatur. Qui uero taliter egerit. id est ut primam uxorem propter seruitium humanum dimittat. et postea liberatam ducat uxor. III annos peniteat. I in pane et aqua. quia contra mandatum domini fecit. Similiter et mulier peniteat si taliter fecerit. Si quis liber ancillam aut suam aut alterius. in matrimonio acceperit: non habet licenciam dimittere eam. si ante cum consuecto amborum coniuncti sunt. Si uero dimiserit eam et aliam ducit uxor. siue ancillam siue liberam: III annos peniteat. I in pane et aqua:
C164 — cf. B135 (II34, O115), which adapts this canon
Source

[D130] [f. 7v] LIBRO PRIMO CAPITULORUM ECCLESIASTICORUM MAGNI IMPERATORIS KAROLI DE MANSIS UNIUSCUISQUE ECCLESIE.
Sancitum est ut unicuique ecclesiæ. unus mansus integer absque alio seruitio tribuat.
{attribuatur corr.} et presbiteri constituti. non {de add. sup. lin.} decimis. neque de oblationibus fideliu. non de domibus uel de atris uel iuxta ecclesiam positis. nec de prescripto manso aliquid seruitium faciant. preter ecclesiasticum. et si aliquid amplius habuerint: inde senioribus suis debitum seruitium iuuent.
(catalog. HAGGENMÜLLER, Die Überlieferung, 162; catalog. SAVER, ‘Transmission’, item 2af[i])
C166 — cf. B26 (II28, O–), which adapts this canon
Source

[D131] DE PRESBITERIS UNIUSCUISQUE ECCLESIE IN EODEM.
Statutum est postquam hoc inpletum fuerit: ut unaqueque ecclesia suum presbiterum habeat. ubi id fieri facultas prouidenté episcopo permissérat. et unusquisque presbiter una. tantum sit contentus ecclesia.
(catalog. HAGGENMÜLLER, Die Überlieferung, 162; catalog. SAVER, ‘Transmission’, item 2af[ii])
C167
Source (statutum est ... episcopo permissérat) ANSEGIS Coll.cap. 1.86 — Cap.eccles.(818/19) 11
Source (et unusquisque ... ecclesia) unidentified, but cf. Episc.ad Hludow.imp. relatio 44 (eds Boretius–Kraus, 41, line 23)

[D132] IN EODEM DE UILLIS NOUIS ET ECCLESII DIFFERENTIIS.
Statutum est de uillis nouis et ecclesiis nouiter constitutis. ut decime de ipsis uillis ad easdem ecclesias conferantur.
(catalog. HAGGENMÜLLER, Die Überlieferung, 162; catalog. SAVER, ‘Transmission’, item 2af[iii])
C168
Source

[D133] LIBRO SECUNDO DE ANTIQUIS ECCLESII UT HONOREM SUUM HABÉANT.
Ecclesiæ antiquitæ constitute nec decimis. nec aliis possessionibus priuentur. ita ut nouis oratoris tribuuantur.
(catalog. HAGGENMÜLLER, Die Überlieferung, 162; catalog. SAVER, ‘Transmission’, item 2b)
C169 — cf. B25 (II27, O–), which has ‘alia una possessione’ with MS B6
Source ANSEGIS Coll.cap. 2.34; cf. ANSEGIS Coll.cap. 2.45; cf. MS B6, fol. 204v, where ANSEGIS Coll.cap. 2.45 has been augmented with the concluding words of 2.34 — CMNZ.813.41
[D134] CANON HYBERITANORUM.
Si quis furatus fuerit pecuniam ab ecclesia mittatur sors. ut aut illius manus absicidatur. aut in carcerem mittatur: diu ieiunans gemensque. et reddat integrum quod abstulit. aut peregrinus abiciatur. et restituat duplum. et iurabit quod non reuertetur donec sibi credit penitentiam. post penitentiam uero: fiat monachus semper penitens.
(catalog. HAGGENMÜLLER, Die Überlieferung, 162; catalog. SAVER, ‘Transmission’, item 3[i])
C204 — cf. B82 (B82, O63), which adds ‘et si in patria permanserit ... semper penteat’ to the first part of this canon

The following passage has been added in the margin of Barlow 37, fol. 7v by Hand A. If meant as a gloss on the text, there is no direct indication of to which canon it pertains. However, the passage begins some ways down the page, next to D134; moreover, given its subject matter (the different kinds of consent, and the degree of culpability each brings), the likelihood is much greater that the target text is D134–40 (on theft/violent crimes committed in the church/against the clergy), rather than the preceding D130–34 (on the division of tithes among churches).

Source unidentified, but cf. Summa monacensis (‘Inperatorie maiestati’)

[D135] CANON HIBERITANUS.
Si quis abstulerit ab ecclesie terminis pecora uel aliquid alicuius rei: capite raso et barba. cum uestimento quod cum eo inuentum fuerit VII uaccas simul cum propriis armis reddat. set et ecclesie quae sua sunt restituat.
(catalog. HAGGENMÜLLER, Die Überlieferung, 162; catalog. SAVER, ‘Transmission’, item 3[iii])
C205 Source unidentified

[D136] CANON HIBERITANUS.
Qvi occiderit hominem inter septa monasterii. exul cum dampnatione in alienam regionem exeat. uel proiectis armis raso capite et barba. reliquum uite sue tempus. in monasterio deo seruiat. primo tamen parentibus satisfaciens.
(catalog. HAGGENMÜLLER, Die Überlieferung, 162; catalog. SAVER, ‘Transmission’, item 3[iii])
C206 — cf. B87 (I87, O68), which abbreviates this canon
Source unidentified

[D137] CANON HIBERITANUS.
Qvi percussorit clericum perforatis hasta uel ense indumentis. illius culpa non leuior erit: quam qui fracto crismale corpus christi. uenerabile corrupserit. quod et emendabit trium annorum penitencia. uel XII bomotrices reddat. aut extorris propria patria exulet. aut uero si fuste eum percussorit: VI uaccas illi restituet. aut sicut supradictum est peniteat. Dominus enim per prophetam dicit. Nolite tangere christos meos et in prophetis meis nolite malinari. {1 Par 16:22; Ps 104:15}
(catalog. HAGGENMÜLLER, Die Überlieferung, 162; catalog. SAVER, ‘Transmission’, item 3[iv])
C207 — cf. B70 (170 second part, O51), which abbreviates the second half of this canon and combines it with ‘si quis autem clericum ... dignitatem peniteat’
[D138] [f. 8r] **CANON HYBERITANUS.**

Qvi leuauerit manum cum hasta ad percutiendum aliquem iuxta episcopum. uel abbatem. aut scribam redimat manum uel perdat. Quod si perforauerit uestimentum aut aliquid uulnerauerit: tondet capud cum barba. et reddat uestimentum cum armis qualiter inuentus fuerit. et manum redimat.

(catalog. HAGGENMÜLLER, *Die Überlieferung*, 162; catalog. SAVER, ‘Transmission’, item 3[v])

C208 — cf. B69 (170 first part, O50), which combines part of this canons with ‘et deo serviat ... lesit satisfaciat’

Source unidentified

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[D139] **CANON BRITONUM.**

Si quis refugium crismale alicuius sancti. aut refugium baculi aut cimbalis fregerit aliquo modo. uel per rapinam predam abstraxerit. uel homini aliqua ratione nocuerit: septempliciter restituet. et in dura penitentia in peregrinatione extranea per V annos permaneat. et si laudabils eius penitentia fuerit: postea ad solam patriam perueniat. Sin uero: in exilio semper permanet.

(catalog. HAGGENMÜLLER, *Die Überlieferung*, 162; catalog. SAVER, ‘Transmission’, item 4[i])

C209 — cf. B85 (I85, O66), which adapts and conflates this canon with C210/D140

Source unidentified

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[D140] **ITEM.**

Si quis refugium evvangelii fregerit. uel per rapinam aliquid abstulerit: septempliciter restituet propter septiformem christi gratiam. et propter VII gradus ecclesiasticos. sed et per VII annos in dura penitentia permaneat in peregrinatione. Si uero non egerit penitentiam excommunica
dus {sic} est ab omni ecclesia catholica et a communione christianorum omnium. nec sepultura ei in loco sancto tribuenda est.

(catalog. HAGGENMÜLLER, *Die Überlieferung*, 162; catalog. SAVER, ‘Transmission’, item 4[iii])

C210 — cf. B85 (I85, O66), which adapts and conflates this canon with C209/D139

Source unidentified

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[D141] **CANON BRITONUM.**

erit: omnem suam hereditatem. et omnem substantiam. cum hereditabus {sic} et substantiis comitum deo reddat. et ipse in peregrinatione perhenni. Vel humanius in XXX annorum peregrinatione. absque carne et muliere et equo pane sicco uiuat. et exiguu uestimento. et per duas noctes in una mansione non maneat. nisi tantum solep
nitatabus {sic} precipuis. aut si infirmitas eum preoccupauerit. Et si inuitos comites habuerit: omnem substantiam eorum inter deum et hominem diuidatur. et ipsi per spacium VII annorum in penitencia probabili permaneant.

(catalog. HAGGENMÜLLER, *Die Überlieferung*, 162; catalog. SAVER, ‘Transmission’, item 4[iii])

C211 — ‘per duas noctes ... in firmitas eum preoccupauerit’: cf. C236/D163

Source unidentified

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13 restituat] corr. from restituet?
[D142] **SINODVS {NICENA add. sup. lin.} DICIT.**


cf. C212; O11

Source (qui episcopum ... et aqua peniteat) Coll.Wig.O 11, first part, abbrev., adapted
Source (M solidos reddat ... DCCC solidos reddat ... CCCC solidos reddat ... CCC solidos reddat) unidentified


Note: the pattern of abbreviation strongly suggests that the arrangement in C is more original than that in D (catalog. SAVER, ‘Transmission’, item 5b)

C212 last sentence + C213 — cf. O10

Source Coll.Wig.O 10 (first part abbrev. as in C212)

[D144] **INTERROGATIO. {sic}**


(catalog. SAVER, ‘Transmission’, item 6a)

C214

Source ECGB. Dialogus 1

[D145] **ITEM INTERROGATIO.**

Quod si quis ex laicis clericum uel monachum occiderit: utrum pretium sanguinis. secundum legem natalium parentum propinquus eius reddendum sit: an ampliori pecunia senioribus suis. satisfaciendum sit: uestra unanimitas sanct[c]iat? {sanctiat corr.} **Responsio** Quicumque ex laicis

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14 secundum] seco, with macron over u, as if secum
occiderit episcopum. presbiterum diaconum uel monachum. at redat \{reddat corr.\} precium sanguinis ecclesie sue. ut supra scriptum est: nisi aut dignitas natalium. uel nobilitas generis maius reposcat precium. Non enim iustum est ut seruitium sancte professionis in meliori gradu perdatur: quod exterior uita sub laico habitu habuisse iure parentum dinoicitur.\[\]

Cui uero non est substantia ut redimatur se a perpetrato homicidio: regi dimittendum est ad puniendum. ne interfectores seruorum dei: se putent inpune posse peccare. Haec ergo uindicet. quam de homicidiis presbiterorum percensuimus: maneat erga abbates qui sunt sine ordine. nisi aliquem ex his. sinodale collegium altiori consilio aut superiorem aut inferiorem iudicauerit.

(\textit{catalog. SAVER, ‘Transmission’, item 6b})

\textit{C215–16}

Source \textit{ECGr. Dialogus 12}

[D146] \textbf{INCIPIVNT EXCERPTA DE LIBRIS ROMANORVM ET FRANCORVM.}


\footnote{\textit{si} corr from sed ?}
fuerit: si mense ante predicto neglexerit. pignus det. et si neglexerit menses II duplum restituet.
Si quis ancillam aut seruam perdidit: et suspitionem habuerit. XXIIIII urii nominatim
conregentur. ex quibus XII iurent. si non: reddat [*ui {qui corr.} appropatatur. Si quis caballum: 
inoocandis uris IX iurent: nichil sequitur. Si quis seruus seruam occiderit: uiuus communis
dominorum existat. Si bos uel uacca alium occiderit: uiuus ac mortuus in commune dominorum
existant. Si quis commissio delicto sponte ad confessionem uenerit sacerdoti. a nullo
condemnari precipimus. Si quii{sic} {quid corr.} ab aliis abstulerit: reddat. si ab alio fuerit
conprobatus. et rebellis fuerit: precium rei abstracte reddat. et triplum se nouerit conponendum.
Quod si laicus repetierit clerico causae episcopi: iudicent inter illos in iudicio. Si clericum laicum
competit ad iudicis astantiam debeant peruenire. Si quis in morte hereditatem dimiserit. quicquid
coram testibus commendauerit: omnia permanere precipimus. nisi sint iniqua. Si quis seruam uel
ancillam uel uernaculum: sua uoluntate libertate donauerint: nullus repetere permittatur. Si quis
sponte sua quamlibet rem alteri donauerit. hoc [f. 10r] priuate precipimus possidere. Si qua causa
ante iudicata: a nullo permettamus diuidicari. Si qua contentio circa finem territorii {sic} fuerit
exorta: testibus requiratur. et finis qui prius fuerat: ipse permaneat. Clericus uero si qua causa
competitur {competitus corr.} fuerit. et nullam iam infamiam ante portauerat: in ipsius iuramento
causa finiatur. quod si ante infamiam portauerit: indiciis iuratoribus II causam laici ordine liberet.
Si quis fideiussorem inuocauerit et contemperit: iudicii conditione damnetur. Si quis agrum aut
uillam conparauerit. et ipse capitale futrum fecerit: morte moriatur. terram quam emerat fisco
reuertatur. Quod si filios aut frater ex dono futrum fecerit: pariter et fugam fecerit ancillam et
seruam fisco reddat. et ex agro nichil possideat. Quod si innocens permanserit: heres hereditati
relinquatur. Si quis ad ecclesiam arma portauerit. et litem commiserit: argentii libram unam
cogatur exsolvere. et hoc egentibus in elemosinam. Si quis filiam marito tradiderit. legittimam
{sic} dotem accipiat. quod si casu mortis illum emiserit. et ipsa alteri uiro nubere uoluerit: filii
dotem accipiant. Quod si hos non habuerit: patri dari iubetur. Si quis ancillam aut seruam emerit:
et ante inpletum annum uitium in eo apparuerit: proprio domino suo reddi iubemus. quod si
annus transierit. quicquid in mancipio uiiui uidetur: nullo habeat reieitiendi {sic} causam. Si
quis caballum conparauerit. et usque ad mensem uitium non habuerit: nullo modo non reitiatur.
{sic} Si quis alterum ferierit. et sanguinem effuderit: vaccam reddat. et si mense ante portauerat:
in ipsius iuramento producerit. et si neglexerit menses II duplum restituet. Si quis ancillam
alterius siluam inlesam et altam deuoret. quod si grauiter fecerit. et ipsam effectionem reddere
precipimus. Si quis uillam uendere capiatur alteri uimo minanti aut sponte voluerit: siue domum.
siue ortum. potestatem habeat. et sepes que gignunt messes et herbam. Si quis clericiu ancillam
ferierit. secundum plagam laici ordine sine dubio reddat. Si laicus clericum percusserit: et dictis
manum suam redimat. et penitentiam agat. Si quis legittime {sic} legis uoluntate patrum [f. 10v]
nupto filiam iunxerit ei. et hoc iuxta concubinam ancillam sibi habere presumperit. ipse ab
ecclesia dei. et ab aliis christianorum. mensa sit extraneus. nisi ad penitentiam reuocetur. Si quis
ancillam suam sibi in matrimonio habere uoluerit: de suis rebus habet potestatem. si uoluerit
postea uenundare eam non conceditur. quod si eam uenundare uoluerit: eum damnare iubemus.
et ancillam illam in sacerdotis ponimus potestatem. Si quis catholicus capillos totonderit more
barbarorum: ab ecclesia dei alienus habeatur. et ab omni christianorum mensa donec delictum
emendet.
(catalog. HAGGENMÜLLER, Die Überlieferung, 162; catalog. SAVER, ‘Transmission’, item 7)
The following two decretals have been added in the margins of Barlow 37, fol. 9v and 10r by Hand A. If meant as glosses to the text, there is no indication on the page of to which sections they pertain. It is difficult to see how the subject matter of these decretals (clergy exacting money in lieu of punishment for crimes, or for special services/permissions; prelates who, sensing an appeal is imminent, pass sentences of suspension/excommunication without first giving due warning, and [clerical] defendants who, fearing an unfavourable decision, claim the right to appeal before their sentence has been passed) applies to any of the topics raised in the text of Coll.Wig.D at this point; however, D146b may answer to D146’s sections on non-appearance/performance at court (ELRF 29, 36, perhaps 44), and D146a may respond to those sections in D146 that require monetary compensation for violent crimes (e.g. ELRF 8–14, 46, perhaps especially 37 and 56–7).


Source 1 Comp. 5.32.3 (X 5.37.3) — DALE.1159.14315

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16 denigraret] denigret with macron over r

Source 1 Comp. 2.20.42 (X 2.28.26) — CLAT.1179.6


C220 Source unidentified

[D148] ITEM. Si quis nobilium personarum nefas perpetrauerit. et emendare sponte noluerit. aut fastu cordis elatus hoc agere spreuerit: omni populo in derisum fiet. sicque excommunicatus ab episcopo inuitus ad penitentiam ueniit. et sic in carcerem missus peniteat. ieiunio maceretur. luminisque absentia puniatur. (catalog. Saver. ‘Transmission’. item 8[ii])

C221 Source unidentified

[D149] ITEM EXEMPLUM. Qvodam namque tempore audiuimus. quod quedam sanctimonialis deprehensa in adulterio. publice arguebatur. Huius etenim rei sic ordo fuerat. Illa uero concipiente prolem cum genuisset:
Appendix XI

fortasse huiuscemodi re {sic} facta. episcopi peruenit ad aures. Qui mox precepit die dominico dum missam celebraret eam cum infante adduci. statuque ipsam in matris collum. omnique astanti ait populo. Hec namque. est. fornicaria que fornicata. [f. 11r] est: peperitque filium iniquitatis. Porro ab omni plebe dum illuderetur ipsa meretri[*]us. {meretrix corr.:} iussa. est. flagellis publice cedi. et annorum XII penitentiam agere. Namque et ipsum adulterum reclusum carcer. nouem diebus flagellis cedi iussit. totque annorum illi penitentiam imposuit.

The following decretal has been added in the margin of Barlow 37, fol. 10v by Hand A. If meant as a gloss on the text, there is no indication on the page of to which section it pertains; nevertheless, the decretal’s subject matter (clergy taking wives) suggests that D149 (relating a story about an adulterous nun) is the target text.

[D149a] [Idem Londonensi ?]\(^{17}\) Universalis ecclesie sollicitudo quam prouidentie domino regimus pro ecclesiariam statu nos conpellit. proensiori\(^{18}\) cura satagere. et ut secundum dominum et iusticiam disponantur: uig ilem diligentiam et studia adhibere. Accepmus autem ut plerique in tuo episcopatu degentes cum essent in accolitatus officio et infra constituted. uxorres duxerint. et nichilominus ecclesias quas habeant prius detinere presumunt. Vnde quoniam uxorati uxorati {sic} cum diuisi sunt. et eos cogitare oporteat quomodo placere ualeant. et servire: obsequiis solummodo non possunt diuinis intendere: fraternitati tue per apostolica scripta precipue mandamus quatinus predictos uiorum libere et absolute dimittare. appellatione remota. conpellas. et eas alis. personis. in sacris ordinibus constitutis concedas. Verum tamen si qui eorum aliquod in eisdem ecclesiis. simplex prius beneficium habuerat: {sic} ipsum eis excepto magisterio ecclesiariun. sub dissimula[**]one {dissimulatione corr.} dimittere poteris.

Sepe etiam et nos uidimus ipsi parricidas ieuniis macerari. uinclisque ferreis quantociens coartari. ita ut proprio quis circumcinctus ense medius cum quo iracundus pertulit. {sic} trinisque uinclis adhibitis uno uinciretur brachio. et nunquam solui aliquem: nisi uera penitentia subueniente sacris solueretur in locis. sed huius auctoritatis causa nostris latet paginis.

[D150] ITEM
Sepe etiam et nos uidimus ipsi parricidas ieuniis macerari. uinclisque ferreis quantociens coartari. ita ut proprio quis circumcinctus ense medius cum quo iracundus pertulit. {sic} trinisque uinclis adhibitis uno uinciretur brachio. et nunquam solui aliquem: nisi uera penitentia subueniente sacris solueretur in locis. sed huius auctoritatis causa nostris latet paginis.

[D151] ITEM.
Qvin etiam fatinora {sic} sua refutantibus profitterique nolentibus. grauia apportunt iudicia. Si quis dalatus {delatus corr.:} fuerit furtur. aut quidlibet leuioris sceleris perpetrass. feruentis ferri se defendat examine. At uero sacrilegus et homicida qui creditur. esse. alio utatur iudicio. id est IX calidis uomeribus ordinatim positis nudis superambulet pedibus.

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\(^{17}\) Two or three words above ‘vniversalis’ are no longer visible due to the folio having been resized.

\(^{18}\) proensiori] read propensiori
C224
Source unidentified

[D152] **ITEM.**
_Qvi autem suspicatur. esse. parricida. aut sui deceptor heri. et renuuit uerum. esse. unum de duobus judicium eligat. aut sepeliatur IX pedum profunditate usque in diem tertium. ut tamen inposita ori eius harundine tenuem emittat alitum. aut etiam cerato conseptus panno. igne consumente innoxius approbetur._
*(catalog. _SAVER_, 'Transmission', item 8[vii])*  
C225
Source unidentified

[D153] **ITEM.**
_Avdiuimus etiam et opinionem de quodam adulterante clerico. quam graui sit usus iuditio. Nam cum ipse in nefario concubitu apud alterum uirum nupre uxoris deprehensus. eset. ductus. est. ad episcopum: illo quoque precipiende dira uerberum passus. est. supplicia. tandemque eius collo ad portandum grauis affigitur trabes. et pro maioris adhuc causa dedecoris ei adcopulabantur licisca. et adnexus currui presulis. quocumque iter agendum. est. consecutus. est. eum. et ad ultimum in suo fronte causa facti. acu inpingitur: hic. est. profanus adulter._
*(catalog. _SAVER_, 'Transmission', item 8[vii])*  
C226
Source unidentified

[D154] **ITEM.**
_Hec_ quod quidam presbiter furtum aggressus. ut audiuimus bouem detraxit. _Huic uero ne ad capitis duceretur periculum: ab episcopo decretum. est. ut restituto boue boui coniugaretur. passimque per loca ductum uapulari. et omni coma decaluari. nam et ipsius fronte nomen odibile ad ultimum prenotatum. est. [f. 11v] quod dicitur fur;_  
*(catalog. _SAVER_, 'Transmission', item 8[viii])*  
C227
Source unidentified

_The following canon has been added in the margin of Barlow 37, fol. 11r by Hand A. If meant as a gloss on the text, there is no indication on the page of to which section it pertains. Nothing in the text on fol. 11r matches the subject matter of the first part of this canon (marriages and feasts for martyrs not to be celebrated during Lent); there is however a faint connection between the second part of this canon (on the proper grooming and attire for clerics) and D154 (relating a story about a priest who is shaved bald, branded and yoked to an ox as punishment for theft) vis-à-vis the mention of ‘coma’. Note, however, that D156, on the next page, treats more directly the issue of clerical vestments and hair (specifically the deprivation thereof as punishment for adultery)._

[D154a] Canon {Canones _corr._} orientalium antiquiorum patrum sinodis a uenerabili martino episcopo uel ab omni bracarensi concilio: excerptus. {excerpti _corr._} Non liceat in XL^a_ natales martirum celebrari. sed tantum sabbato et dominica pro commemoratione eorum oblationes offerri. sed nec natalicia nec nuptias liceat in XL celebrari. Item. Non oportet clericos comam

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19 _hec_ nec _coniecit Bateson_
nutrire. et sic ministrare. sed attonso capite patentibus auribus et secundum aaron talarem uestem induere: ut sint in habitu ornato.

Source (canones orientalium ... concilio excerpti) unidentified, but cf. Summa monacensis (‘Inperatorie maiestati’) Gratian, C. 33 q. 4 c. 9 — Martin Capitula 48; cf. CLAO 300.51–2 (Dion. I/II)

Source (non liceat ... XL celebrari) Gratian, D. 23 c. 32 — Martin Capitula 66; cf. SEA 25 (= Carthage IV, 44)

Source (non oportet ... in habitu ordinato) unidentified

[D155] ITEM EXEMPLUM AD TERROREM.

Qvedam sanctimonialis adulterio deprehensa. iubente episcopo flagellis cesa. est. et omni spectante plebe circa inguina eius concidebantur uestimenta. et sic fede a suo depulsa. est. monasterio.

Source (catalog. Saver, ‘Transmission’, item 8[ix]) C228

[D156] DE IUDITIO SACERDOTUM.


Source (catalog. Saver, ‘Transmission’, item 8[x]) C229

[D157] DE INPROUISO IUDITIO.

Sunt namque his temporibus iudices qui pro modico commisso homines morti statim adiudicant. paruipendentes monita apostoli dicentis. castigate: et non mortificate. {2 Cor 6:9} Castigandi sunt enim rei diris flagris. uel uinculis. et in carcerem mittendi sunt: et trabibus includendi. et plumati piceque perfusi ad spectaculum publicum in cippum mitti: et diuersis penis cruciandi sunt: ne anime pro quibus ipse dominus passus. est. in eterna pena dispereant. Diuersis itaque modis rei puniendi sunt. et non statim necandi: sed per penas saluandi. ne in eternas incidunt penas. [f. 12r] alii ut diximus catheinis et flagellis. alii fame. uel frigore constringendi sunt. alii pellem et pilos simul perdentes turpiter obprobria sustineant. et alii adhuc acrius constringantur. id est membrum perdant. oculum uidelicet uel nasum. manum uel pedem. seu aliud aliquod membrum. {sic} unusquisque autem prout gessit penas exsoluat. uerumtamen iudices non sint inmemores. euangelici sermonis. In quo enim iuditio iudicaueritis. iudicabimini.
\[\text{Mt 7:2}\] Iacobus quoque dicit. Iuditium. enim. est. sine misericordia. illi qui non facit misericordiam. \{Iac 2:13\}

\(\text{C}230\) — cf. I170/O165, which abbreviates and adapts this text, and combines it with material from Coll.Wig.B and Coll.Wig.I/O; I168 – 69/O163 – 64; LawVIAt(Lat) 10.1

\text{Source} \text{unidentified}

[D158] \textbf{EXEMPLUM PENITENCIE.}  
Qvinque uel VII annis tibi .N. penitentia nunc a nobis inponitur. sed in isto primo anno arma depone. ad communionem noli accedere.

Quando plebs ad ecclesiam conuenerit. ad hostium ecclesie missarum sollempnia audi.

Si uero populus ad ecclesiam non conueniat. cum sacerdote intra ecclesiam et ora. Ab uxoris carnali copulatione. et ab omni fornicatione te omnimodis abstine.

In toto isto anno carnem ne comedas. exceptis diebus dominicis. et natale domini usque epiphaniam. et pascha. et pentecosten. et ascensione \{sic\} domini. uel sollempnitate \{sic\} sancte marie. et sanctorum XII apostolorum. et sancti iohannis baptiste. et festiuitatibus sanctorum in hac parrochia quiescentium.

Vinum tribus in ebdomada diebus. id est II et IIII et VI\(\text{a}\) bibere noli. aliis tribus III. V et VII feria caute bibe. cum biberis. Pasce quoque unum pauperem. omni die refectionis tue. et si quando manducaueris aut biberis. uide ut ad crapulam aut ebrietatem non peruenias.

De balniatione corporis tui et rasione in prouidentia erit presbiteri.

Si autem hoc anno hec libenter sustineris: deinceps deo propitio mitius iudicaberis.

\(\text{Source}\) \text{unidentified}

[D159] \textbf{ITEM EXEMPLUM PENITENCIE.}  
(fol. 12r–v): Bishop WVLFSTAN, Letter to the English clergy and religious, reporting on the penitential status of an unnamed English parricide (written 996x1002)

\(\text{Source}\) \text{unidentified}

[D160] \textbf{ITEM EXEMPLUM.}  
(fol. 12v): Bishop WVLFSTAN, Letter to the English clergy and religious, beseeching prayers for an unnamed Englishman who unintentionally (‘casu’) killed his own child (‘proprii sobolis’) (written 996x1002)

\(\text{Source}\) \text{unidentified}

[D161] \textbf{ITEM EXEMPLUM.}  
(fol. 12v): Bishop WVLFSTAN, Letter to the English clergy and religious, beseeching prayers for an unnamed Englishman who, in anger, killed his brother (‘proprii fratris’) (written 996x1002)

\(\text{Source}\) \text{unidentified}

[D162] \textbf{ITEM EXEMPLUM.}  
(fol.12v): IOHANNES PAPA (XVIII ?). Letter to an unnamed archbishop, commending an unnamed penitential pilgrim (‘nomine .N.’) recently returning from Rome with a sentence of life-long penance for an unspecified crime (written 1004x1009 ?)

\text{Note: this letter (beginning ‘Huius igitur ostensorem’) not catalogued by Jaffé–Löwenfeld.}
Appendix XI

Appendix XI

[948]

C235; Copenhagen, Kongelige Bibliotek, Gl. Kgl. Sam. 1595 (4°), fol. 41r–v — cf. C231/D158; C237; C238/D164

[D163] ITEM EXEMPLUM.

(fols 12v–13r): GREGORIVS PAPA (V ?),

Letter to (arch)bishop Ælfric (of Canterbury, 995–1005 ?), commending an unnamed penitential pilgrim recently returning from Rome with a sentence of seven years of penance for unintentionally (‘non sponte’) killing his own son (written 996x997 ?)

Note: this letter (beginning ‘Notum fieri volumus’) not catalogued by JAFFÉ–LÖWENFELD.

(Coll. [as ‘Bar.’] WHITELOCK, C&S, I,i, 235–36 [no. 7]; coll. [as ‘B’] ARONSTAM, ‘Penitential pilgrimage’, 81 [no. 8]; catalog. SAVER, ‘Transmission’, item 9[v])

C236; Copenhagen, Kongelige Bibliotek, Gl. Kgl. Sam. 1595 (4°), fol. 41v — ‘in una domo duas noctes ... fuerit infirmitate’: cf. I183/O8 and C211/D141

[D164] ITEM EXEMPLUM.

(fol. 13r): JOHANNES PAPA XVIII, Letter to Archbishop Wulfstan, commending an unnamed penitential pilgrim recently returning from Rome with a sentence of life-long penance for killing his brother (‘fratricidio’) and for other crimes (written 1004x1009)

Note: this letter (beginning ‘Iste vir pro’) not catalogued by JAFFÉ–LÖWENFELD.

(Coll. [as ‘Bar.’] WHITELOCK, C&S, I,i, 237 [no. 9]; coll. [as ‘B’] ARONSTAM, ‘Penitential pilgrimage’, 82 [no. 10]; catalog. SAVER, ‘Transmission’, item 9[vii])

C238; Copenhagen, Kongelige Bibliotek, Gl. Kgl. Sam. 1595 (4°), fols 41v–42r — cf. C231/D158; C235/D162; C239

[D165] ITEM EXEMPLUM.

(fol. 13r): JOHANNES PAPA (XIX ?),

Letter to an unnamed archbishop, commending an unnamed penitential pilgrim recently returning from Rome with a sentence of fourteen years of penance for unintentionally (‘casu accidente’) killing his own child (‘proprii sobolis’) (written 1024x1033 ?)

Note: this letter (beginning ‘Visis apostolorum liminibus’) not catalogued by JAFFÉ–LÖWENFELD.

Note: this letter probably a later, unauthorized addition to Wulfstan’s collection of penitential letters.

(Coll. [as ‘Bar.’] WHITELOCK, C&S, I,i, 238–39 [no. 11]; coll. [as ‘B’] ARONSTAM, ‘Penitential pilgrimage’, 83 [no. 11]; catalog. SAVER, ‘Transmission’, item 9[viii])

C240

[D166] ITEM.

(fol. 13r): Archbishop W(ULFSTAN ?),

Letter to an unnamed pope (‘domino pape .N.’) and all Roman clergy, commending an unnamed penitential pilgrim arriving in Rome seeking penance for killing his cousin (‘avunculi sui filium’) (written 1002x1023 ?)

(Coll. [as ‘Bar.’] WHITELOCK, C&S, I,i, 237 [no. 9]; coll. [as ‘B’] ARONSTAM, ‘Penitential pilgrimage’, 82 [no. 10]; catalog. SAVER, ‘Transmission’, item 9[viii])

20 See above, Appendix X n. 24.

21 See above, Appendix X n. 25.

22 See above, Appendix X n. 26.

23 See above, Appendix X n. 27.
[D167] ITEM EXEMPLUM.
(fol. 13r–v): LEO PAPA (IX ?), Letter to Archbishop E(adsige ?), restoring to the priesthood the presbiter Andrew, who has recently completed/satisfied (in Rome?) a sentence of seven years of penance for murder (‘homicidii’) (written 1049x1050 ?)

Note: this letter (beginning ‘Hunc Andream presbiterum’) catalogued by JAFFÉ–LÖWENFELD as belonging to Pope Alexander III (JL 13912); on the misascription to Alexander, and the subsequent controversy this decretal generated in the twelfth century, see S. Kuttner, ‘The decretal “Presbiterum” (JL 13912) — a letter of Leo IX’, Bulletin of medieval canon law n.s. 5 (1975), 133–35.

Note: this letter a later, unauthorized addition to Wulfstan’s collection of penitential letters.


[24] septupla] with stroke through 1 as if septupula

[D168] INCIPIUNT EXCERPTA DE CANONIBUS CATHOLICORUM PATRUM. VEL PENITENCIALE AD REMEDIUUM ANIMARUM: ECHBE RTI ARCHIEPI SCOPI EBORACE CIUITATIS.

Institutio illa que fiebat in diebus patrum nostrorum. rectas uias nunquam deseruit. Qui instituerunt penitentibus atque lugentibus suas passiones ac uitia medicamenta salutis eterne. quia diuersitas culparum: diuersitatem facit penitentibus medicamenti. Nam si medici corporum diuersa medicamenta uel potiones solent facere contra diuersitatem infirmitatum uel si iudices secularium causarum diuersa iuditia recte atque diligenter tractant. quomodo recte iudicent inter miseros et diuites. inter causam et causam. quanto magis sacerdotes dei diuersa medicamenta animarum inuisibilium hominibus pensare et tractare oportet: ne per stultum medicum uulnera animarum fiant peiora propheta dicente. conputruerunt et deteriorauerunt cicatrices mee. a fatie 


Hezechiel namque ait. Ve pastoribus israel qui pascebant semetipsos et non greges meos. lac bibeant. et lanis operiebant: et quod confractum fuit non alligabant. et quod crassum manducabant. et cetera. {Ez 34:2–4} Item hezechiel ait. Ve sacerdotibus qui comedunt peccata populi mei. {Os 4:8; cf. Ez 44:29} hoc. est. sibi eorum sumentes uictimas. et non orantes pro eis: comedentes hostias. et non corripientes. Qui ubi morituros homines audiunt. inde gaudentes preparant se ad predam quasi corui ad cadauera mortuorum. Nunc ergo fratres qui uoluerit sacerdotalem auctoritatem accipere. in primis propter deum cogitet. et preparet arma eius antequam manus episcopi tangat caput ipsius. id est psalterium. lectionarium. antiphonarium. missalem. baptisterium. martirlogium. in anni circulum ad predicationem. et compotum. cum cyclo. hoc. est. ius sacerdotum. postea autem penitentialam. Qui hoc ordine secundum
nullus sacerdos in domibus uel aliis locis nisi unusquisque sacerdos cotidianis assistat orationibus pro pontifice cuius gubernatur regimine precibus assiduis pro vita et imperio domini imperatoris. unusquisque sacerdos orationem dominicam et s{	extsuperscript{a}}timentibus facultatis festis et diebus dominicis unusquisque sacerdos ecclesiam suam cum omni diligentia edificet. et reliquias sanctorum discernantur.


Source PE CG.700. pref., with some readings apparently distinctive to the English tradition of this text — 'eecehli ait ... non corripientes': Coll.Hib.A 2.17.a/ColHib.B 2.19 (MS B6. fol. 8v); 'in ulla re ... qualiter debes facere': ISIDORE. Syn. 2.78.

[D169] HAEC SUNT IURA QUE SACERDOTES DEBENT HABERE.

Vt unusquisque sacerdos ecclesiam suam cum omni diligentia edificet. et reliquias sanctorum cum summo studio uigiliorum noctis. et diuinis offitiis consueret. Vt omnes sacerdotes horis competentibus diei et noctis suarum sonent ecclesiisigna. et sacra tunc deo celebrent officia: et populos erudient. {erudiant corr.} quomodo aut quibus deos adorandus. est. horis. Vt omnibus festis et diebus dominicis unusquisque sacerdos euangelium christi predicet populo. Vt unusquisque sacerdos cunctos sibi pertinentes erudiant. {sic} ut sciant qualiter decimas totius facultatis ecclesiis diuinis debite offerant. Vt ipsi sacerdotes a populis suscipiant decimas. et nomina eorum quicumque dederint scripta habeant. et secundum auctoritatem canonicum coram timentibus deum diuidant. et ad ornamentum ecclesie primam elegant partem. sceleram {secundam corr.} autem ad usum pauperum. atque peregrinorum. per eorum manus misericorditer cum omni humilitate dispensent. tertiam uero sibimet temporibus reseruunt. Vt unusquisque sacerdos orationem dominicam et simbolum populo sibi comissioni curiose in sunket. ac totius religionis et christianitas cultum eorum mentibus ostendat. Vt cuncti sacerdotes precibus assiduis pro uita et imperio domini imperatoris. et filiorum ac filiarum salute orent. Vt unusquisque sacerdos cotidianis assistat orationibus pro pontifice cuius gubernatur regimine. Vt nullus sacerdos in domibus uel alius locis nisi in ecclesiis dedicatis celebrare missas audeat. Vt a
cunctis sacerdotibus ius et tempus baptismatis temporibus congruis secundum canonicham institutionem cautissime obseruetur. Vt omnes sacerdotes quibuscumque horis omnibus indigentibus baptismum [f. 15r] infirmitatis causa diligentissime tribuant. Vt nullus presbiter sacrum offitium siue baptismatis sacramentum. aut aliquid donorum spiritualium pro aliquo precio uendere presumat. \{sic\} ne uendentes et ementes in templo columbas imitentur. et pro his que adepti sunt gratia diuina non prencia concupiscant terrena. sed solam regni celestis gloriam promereantur accipere. Vt nullus presbiter a sede propria sancte ecclesie sub cuius titulo ordinatus fuit. ammonitionum \{ammonitioni corr.\} causa ad alienam pergam ecclesiam. sed ibidem deuotus usque ad uite permaneat exitum. Vt nullus sacerdotum numero. ebrietatis uiitium nutriet. nec alios cogat per suam iussionem inebriari. Vt nullus sacerdos extranearum mulierem habeat familiaritatem. nec in sua domo in qua ipse habitat ullam mulierem unquam permittat habi tare. Nulli sacerdoti liceat fideiuusorem. esse. neque derelicta propria lege: ad secural ia iuditia accedere presumat. Nemo sacerdotum ex numero arma pugnantium unquam portet. nec litem contra proximum ullam excitet. Vt nullus presbiter edendi et bibendi causa gradiatur in thabernas. Vt nullus sacerdos quicquam cum iuramento iuret. sed simpliciter cum puritate et ueritate dicat omnia. Vt cuncti sacerdotes omnibus sibi confiten tibus sua crimina. dignam penitentiam cum suma uigilantia indicent. \{sic\} et omnibus infirmis ante exitum uite uiaticum et communionem corporis christi misericorditer tribuant. Vt secundum diffinitionem sanctorum patrum. si quis infirmatur a sacerdotibus oleo sanctificato cum orationibus diligentissime tribuant medicinam. sed cum inuenerit unde radix illius peccati processit: tunc congre rum adhibeat medicinam.

Secundum canemone itaque auctoricorum \{sic\} patrum. esse. debet. et non secundum placitum hominis: nec in hac parte uoluntas aut gratia hominis sectanda. est. sed uoluntas dei omnibus exquirenda. quatinus dignis precibus et penitudine digna placari possit omnipotentis uindicata. quam suo uitio prouoca uit.

\(\text{Note: in all English witnesses except MSS A2 and A3 this text is immediately preceded by PECG.700.pref.}^{25}\) an arrangement probably originating with Paris, Bibliothèque nationale, Lat. 10575 or its exemplar.

\(\text{Source}\) GAEBRLAND Cap.I, 1–21

[D170] DE CONFESSIONIBUS FIDELIUM ACCIPENDIS QUALITER PRO MODULO ET QUANTITATE PECCATUM SIT PENITENCIE TEMPORIS INSTITU\(\text{IO}.\)

Qverendum namque est sacerdoti cum accipit quorunlibet fidelium confessionem peccatorum qualiter ipsum peccatum primus perpetratum sit. aut si postea iteratum. aut frequenter perpetratum. si sponte. si coacte. si per ebrietatem. uel per quodlibet aliud ingenium factum sit. Et cum inuenerit unde radix illius peccati processit: tunc congruam adhibeat medicinam.

Secundum canonem itaque auctoricorum \{sic\} patrum. esse. debet. et non secundum placitum hominis: nec in hac parte uoluntas aut gratia hominis sectanda. est. sed uoluntas dei omnibus exquirenda. quatinus dignis precibus et penitudine digna placari possit omnipotentis uindicata.quam suo uitio prouoca uit.

\(\text{Source}\) THEODVLF Cap.2, 3.1–2 (weit.rezept.), abbrev.

[D171] DIUERSITAS CULPARUM DIUERSITATEM EXIGIT PENITENCIARUM. [f. 15v]

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Sicut corporum medici diuersa medicamenta diuersis generibus morborum conponunt. ita. etiam. spiritales medici diuersis curationum generibus. animarum uulnera sanare debent. Vetus namque prouerbium est. Contraria: contrariis sanantur. Qui enim illicita commisit: a licitis coherecere se debet. et qui per corpus peccat: per corpus peniteat. Sed et hoc in omni penitencia sollerter intuendum est. quanto quis tempore in delictis maneat. qua eruditione sit inbutus. quali inpugnatur passione. quali existat fortitudine. quali uidet affligi lacrimabilitate. add. in mg. by Hand A


[D172] QUALITER PENITENS SUSCIPI DEBEAT.
Penitentem ex corde ita oportet suscipi. sicut dominus ostendit cum dicit. Quia conuocat amicos et uicinos dicens. Gratulamini mihi: quia inueni ouem. et reliqua. {Lc 15:6} Et item basilius dicit. Erga eum qui pro peccato non pertinet {sic} teles. {tales corr.} esse. debemus. sicut dominus precepit dicens. Sit tibi sicut gentilis et publicanus; {Mt 18:17} Et sicut apostolus docuit dicuit {sic} dicens. Subtrahite uos ab omni fratre ambulante inordinate. et non secundum traditionem quam tradidimus uobis; {2 Th 3:6}


[D173] HEC SUNT CAPITALIA CRIMINA
(fols 15v–18v): PECG.700

Source — Coll.Wig.I 166/O 161, abbrev. — Cambridge, Corpus Christi College, MS 201, p. 125

[D174] ITEM.

Source — Coll.Wig.C 111, abbrev. — Cambridge, Corpus Christi College, MS 201, p. 125; ’in evangelio ... precio magno’: unidentified

[D175] ITEM.

26 elemosinam] elemos with macron over s
Appendix XI

Pro uno anno donet in elemosinam. solidos XXX. Secundo anno. XX. Tercio anno. XV. Potentes autem potenter peniteant. uel penitenciam potenter redimant. id est ut zacheus dixit. ut superius scriptum est. Et qui. potest. de terra aliquid ecclesiis dei conferre in elemosinam: conferat. et de mancipiis propriis dimittat liberos. ac captiuous redimat et quod iniuste egit ab illo die non repetat. sed uiriliter peniteat.

(cf. C112, O20–1; Cambridge, Corpus Christi College, MS 201, p. 125; C196
Source Coll.Wig.C 112, adapted — Cambridge, Corpus Christi College, MS 201, p. 125, adapted; ‘sed uiriliter peniteat’: unidentified. Note: all sources quote Lc 19:8 where D175 has ‘ut superius scriptum est’.

[D176] ALIA MEDICINA.
Cantacio unius misse pro duobus diebus. Tres misse pro ebdomada. duodecim misse pro mense. Duodecies. XII misse pro anno.

(cf. C112, O22, which reads ‘tribus’ for ‘duobus’; Cambridge, Corpus Christi College, MS 201, p. 125
Source Coll.Wig.C 113 — Cambridge, Corpus Christi College, MS 201, p. 125

[D177] ro {sic} uno die. L spalmi {sic} cum genuflexionibus. uel spalterium {sic} totum sine genuflexione.

(cf. O23, which reads ‘tribus’ for ‘duobus’; Cambridge, Corpus Christi College, MS 201, p. 125
Source Coll.Wig.O 23 — Cambridge, Corpus Christi College, MS 201, p. 125


Note: D178 is at times slightly more, at times slightly less faithful to the source than C115
Source Coll.Wig.O 18, partial. Note: C115/D178 replaces O18’s ‘uiuat’ with ‘et ieiunet III dies ad nonam et III ad uesperam’ (from the original source) — PPTH.800.15.42–3 (ed. van Rhijn, 44–5, lines 133–56), adapted

[D179] DE PRESBITERO SI NON PROHIBET ADULTERIUM.
Presbiter si in domum suam adulterum uel adulteram retinuerit. et quod nefas est {consenserit add. sup. lin.} adulterium in domo sua fieri: sciat se sui gradus honore priuandum. Si uero hoc in plebe sibi comissam repererit. et statim si uires suppetunt non emendauerit sed siluerit: et consenserit adulteris aut propter potenciam. aut propter illorum beneficio: sciat se cum depalatum fuerit. excommunicandum. Si. uero. ille quantum potuit. et increpauerit et ammonuit. et

(D180) DE INCESTIS.
De incestis omni studio perquirendum est sacerdotibus. per homines ueraces. et timorem dei ante oculos habentes. Et si repertum fuerit: statim aut per se emendare studeant: aut cum adiutorio archidiaconi et episcopi. hoc ipsum exstirpare satagant. Ne tanto flagicii scelere et illi polluantur. et pereant. et alii eorum uicinitate omnipotentis dei iram incurrant.

(D181) DE HOMICIDIS.

(D182) ITEM.

(D183) DE MVILERIBVS.

(coll. [as 'O1'] BROMMER, Capitula episcoporum I, 160–61; catalog. HAGGENMÜLLER, Die Überlieferung, 162; catalyst. SAVER, 'Transmission', item 15[v])

Source

THEODVLF Cap.2, 5.1 (weit.rezept.) — 'mvlieres que ... nunc' and 'X annorum penitencie': CANC.314.20/21 (Isidori vulg.), abbrev., adapted

[D184] ITEM DE MVLIERIBVS.


(coll. [as 'O1'] BROMMER, Capitula episcoporum I, 161; catalog. HAGGENMÜLLER, Die Überlieferung, 162; catalyst. SAVER, 'Transmission', item 15[vi])

Source

THEODVLF Cap.2, 5.2–3 (weit.rezept.) — 'mvlier que ... ita tamen ut': CNEO.315.2 (Isidori vulg.), partial

[D185] DE \{HIS add. sup. lin.\} QUE FILIUM OPPRIMVNT.


(coll. [as 'O1'] BROMMER, Capitula episcoporum I, 162; catalog. HAGGENMÜLLER, Die Überlieferung, 162; catalyst. SAVER, 'Transmission', item 15[vii])

Source

THEODVLF Cap.2, 5.4 (weit.rezept.)

[D186] ITEM DE ILLIS QUI INFANTES OPPRIMVNT.


Note: this canon a later, unauthorized addition to the Wigorniensis
[D187] Ex concilio parisiensi. **DE PATRE ET MULIERE QUI FILIOS SUOS APUD SE MOTUOS {MORTUOS corr.} INUENIVNT**

De infantibus autem qui inueniuntur mortui. cum patre et matre. et non apparat utrum a patre aut matre occisus sit ipse infans uel suffocatus: an propria morte sit defunctus: non debent inde securi. esse. nec sine penitencia ipsi parentes. Sed tamen consideratio in eis debet esse pieas. {pietas corr.} ubi non fuit uoluntas mortis causa fuit. tamen propter negligencionam. XL diebus peniteant. Si autem eos non lates {latet corr.} eorum. esse. interfectores: scire debent se grauiter deliquisse. quod in anchirano conprobatur concilio. Quidam autem [h***] {h*** ras.} trium annorum penitenciam horum iudicant. esse. debere. [f. 20v] quorum unum in pane et aqua exiagant. atque ab omni luxuria. tempore penitencie sue se custodiant.

Note: rubric and inscription identical to those for BD 17.59 and Coll.2L/8P, not R2L 2.61. This canon is therefore a later, unauthorized addition to the Wigorniensis

**Source**

BD 17.59; Coll.2L/8P (Assisi, Bibl.comunale, CL 227) 7.285.35 — R2L 2.60, abbrev.; CMNZ.852.9, abbrev.; cf. PBED.700.15.1 (as a later addition); PECU.700.6.20; PBOB.700.17; PBUR.700.19; PCOB.600.18; PFLO.700.18; PHUB.700.19; PMEA.700.18; POX1.700.14; PPAS.700.11; PSAS.700.10; PSLE.700.18

[D188] Ex penitentiali romano. **DE FEMINIS QUE ABORTIVUM FECERUNT.**

Si qua mulier abortuum uoluntarie fecerit: tribus annis peniteat.

Note: this canon a later, unauthorized addition to the Wigorniensis

**Source**

BD 17.60; Coll.2L/8P (Assisi, Bibl.comunale, CL 227) 7.285.37; cf. Coll.quad. 4.106 — cf. PECU.700.6.21; PBOB.700.31; PBUR.700.35; PFLO.700.32; PMEA.700.33; PMEB.700.26; POX1.700.30; PPAS.700.11.27

[D189] De eodem. **ITEM.**


Note: this canon a later, unauthorized addition to the Wigorniensis

**Source**


[D190] **ITEM.**

Si qua neglexerit infantem suum custodire. ut per culpam suam sine baptismo moriatur: I anno uel III peniteat. et nunquam sit sine penitencia.

Note: this canon a later, unauthorized addition to the Wigorniensis

**Source**


[D191] De eodem. **ITEM.**

Si qua interficiat filium suum. uel filiam suam uoluntarie. post. partum: annos XII peniteat.

Note: this canon a later, unauthorized addition to the Wigorniensis

**Source**


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27 According to Fowler-Magerl, *Clavis canonum*, 150–55, the *Collectio 2 librorum* in Vatican, Biblioteca Apostolica Vaticana, Lat. 3832 and the *Collectio 8 partium* in Assisi, Bibl.comunale, CL 227 represent one and the same collection, compiled in Italy ca 1100.
[D192] DE ADULTERIS.

(coll. [as 'O'] BROMMER, Capitula episcoporum I, 162; catalog. HAGGENMÜLLER, Die Überlieferung, 162; catalog. SAVER, 'Transmission', item 15[viii])
C124

Source THEODVLF Cap.2, 5.5 (weit.rezept.)

[D193] ITEM.

(coll. [as 'O'] BROMMER, Capitula episcoporum I, 164–63; catalog. HAGGENMÜLLER, Die Überlieferung, 162; catalog. SAVER, 'Transmission', item 15[ix])
C125

Source THEODVLF Cap.2, 5.6 (weit.rezept.)

[D194] DE FURTO.
Si quis furtum fecerit. VII annis peniteat. tres in pane et aqua secundum furti qualitatem. ita et modus erit penitentia. Qui periurauerit: similiter semper {VII corr.} annis peniteat.

(coll. [as 'O'] BROMMER, Capitula episcoporum I, 164; catalog. HAGGENMÜLLER, Die Überlieferung, 162; catalog. SAVER, 'Transmission', item 15[x])
C126

Source THEODVLF Cap.2, 6.1–2 (weit.rezept.)

[D195] DE FALSO TESTIMONIO.
Qvi falsum testimonium dixerit. et eius testimonium alicui nocuerit: VII annis peniteat. ita tamen ut ille qui falsum testimonium dixerit. dapnum {sic} restituat homini illi. cui per falsum testimonium nocuit. et tunc poterit ad ueram penitentiam uenire. Si hoc autem facere noluerit. si tamen postea: sciit se in uacuum penitenciam agere.

(coll. [as 'O'] BROMMER, Capitula episcoporum I, 164; catalog. HAGGENMÜLLER, Die Überlieferung, 162; catalog. SAVER, 'Transmission', item 15[xi])
C127

Source THEODVLF Cap.2, 6.3 (weit.rezept.)

[D196] DE INCESTUOSIS.
De hiis qui irrationabileriter uersati sunt. uel uersantur. id est de hiis qui cum pecoribus co[f. 21r]itu mixti sunt. aut more pecorum incesta commiserunt. cum consanguineis. aut cum masculis concubuerunt. Quotquot igitur ante uicesimum etatis sue annum tale crimem admiserunt: XV annis penitencia exacta: orationibus tantum incipient participari. et quinquennium alterum in communione simplici perdurantes. post uicesimum cum oblatione ad communionem
suscipiantur. Discuatur {Discuciatur corr.} autem et uita eorum. que fuerit tempore penitencie. et ita hanc humanitatem consequantur. Quod si qui perseverantius abusi sunt hoc crimine: prolxius tempus habeant submixture. {sic} Qvotquot. uero. exacta XX annorum etate et uxores habentes in hoc crimen inciderint: XX annis penitencia exacta. ad communionem tantum post quinquennium. altero. uero. quinquennio perdurantes plenam cum oblatione recipiant communionem. Quod si et uxores habentes et excedentes. quidquagesimum {sic} etatis sue annum: ad exitum uite tantum communionem mereantur. Hi. uero. qui sicut muta uixerint animalia. et se et alios huiusmodi peccati tabe {sic} contaminauerunt: statutum est tempus penitentie. inter eos orare et stare debere qui tempestate iactantur. et spiritu inmundo uexantur. Hoc de hiis qui publice ad confessionem uenerint: et publice ad {ad expunct.} penitentiam egerint. Qvod si occulae actum est. et occulae ad sacerdotem uenerint. et puram confessionem fecerint: occulae penitere debent. secundum etatis modum quod superius continetur. Ita uidelicet. ut si ante XXmun etatis annuum aliquis aut per ignorantiam hoc egit. aut forte ignorabat. tale crimen. esse: lenius. erga. illum agendum est. hoc in sacerdotis pendebit iudicio. {uel arbitrio gl. sup. lin.} qui diligenter discutere debet. qualifier in hoc scelus dilapsus sit. aut quam longo tempore in illo scelere uersatus est. et tunc. secundum. quod ab illo penitente confessum fuerit: ita illi modus penitentie adhibeatur. Videlicet quod si per ignorantiam hoc egit semel et bis. et statim ut connouerit graue esse scelus dimisit ut humanius loquamur. VII annis peniteat. tres abstineat a carne et uino. non communicet. non offerat. et omni lamento subiciat. Ceteros IIIor secundum modum fragilitatis. in arbitrio sacerdotis erit ciborum abstinentia. Quod si longiori tempore.28 in hoc crime ursatus. est: et postquam nouit illud scelus magnum. esse. peccatum. et communitus iterum atque iterum hoc perpetravit: sic superius continetur insertum: ita penitebit. Primum. XV annos ab omni communione fidelium segregatus. per illos XV annos non offerat. non communicet ad orationem cum ceteris christianis. in ecclesia non stet. Quibus exactis: tantum ad communionem oratio[f. 21v]num suscipiatur. Ex quibus XV annis: V a carne et uino abstineat. Deinde postea. XX annis expletis. si bene et cum lacrimis et cum omni deuotione penitentiam egerit ad peenam {plenam corr.} communioem et reconciliationem suscipiatur. similiter et de ceteris temporibus supra insertis obseruandum est

(coll. [as ‘O,’] BROMMER, Capitula episcoporum I, 164–68; catalog. HAGGENMÜLLER, Die Überlieferung, 162; catalog. SAVER, ‘Transmission’, item 15[xii])

C128

Source

THEODYLF Cap.2, 7.1–10 (weit.rezept.) — ‘de hiis qui ... communione mereantur’: CANC.314.15/16 (Isidori antiq.), abbrev.; ‘qui sicut muta ... tempestate iactantur’: CANC.314.16/17 (Isidori antiq.), abbrev., adapted

[D197] DE SACERDOTALI LAPSU.

Si quis presbiter adulterium perpetrauerit. si depalatum et publice factum. ab ordine sacerdotii cessabit. et publica penitencia X annorum purgabitur. Quod si occulae hoc fecerit et occulae ad confessionem uenerit: occulae ei penitentia inponatur. Quod si ille se lacrimis et orationibus deuotissime cotidie lauerit. et elemosinarum largitione {uel exhibitioe gl. sup. lin.} peccata sua extinguere curauerit: si occultum est. poterit occulte in suo permanens gradu agere penitentiam. Similis forma et de diaconibus. et de his qui in sacris ordinibus constituiti sunt: seruanda. est. Ita uidelicet. ut diaconus VII annis peniteat. subdiaconus V secundum prefixos gradus usque ad ultimum.

28 tempore] trpore with macron above first r
Appendix XI

(coll. [as ‘O,’] BROMMER, Capitula episcoporum I, 168–69; catalog. HAGGENMÜLLER, Die Überlieferung, 162; catalog. SAVER, ‘Transmission’, item 15[xiii])

C129
Source TEOFVLF Cap.2, 8.1–2 (weit.rezept.), abbrev.

[D198] DE CARITATE FRATERNA.
Presbiteri inter se caritatem mutuam habentes. procul omni fastu superbia et inuidia mordatate {sic} exemplum subditis donantes. non rapaces. non cupidii. non uinolentii. non procaces. non rixosi. non calumpniam cuiquam facientes. sed in omnibus semetipso irreprensibiliter custodientes: formam salutis plebibus monstrant. quatinus eorum exemplis et morum probitate ad eternam utiam proficiant.

(coll. [as ‘O,’] BROMMER, Capitula episcoporum I, 171; catalog. HAGGENMÜLLER, Die Überlieferung, 162; catalog. SAVER, ‘Transmission’, item 15[xiv])

C130
Source TEOFVLF Cap.2, 9.1 (weit.rezept.)

[D199] DE SACERDOTALI AMMONITIONE.
Sacerdos cum a fidelibus confessionem accipit. inter cetera debet ammonere. {ammonere corr.} ut de VIII principalibus uitiis. confessionem faciant. et emendationem promittant. Ipsi. autem.29 sacerdotes penitenciam medicinam adibant.

(coll. [as ‘O,’] BROMMER, Capitula episcoporum I, 172; catalog. HAGGENMÜLLER, Die Überlieferung, 162; catalog. SAVER, ‘Transmission’, item 15[xvi])

C131
Source TEOFVLF Cap.2, 10.1 (weit.rezept.)

[D200] DE TEMPERANTIA PENITENTIE.

(catalog. SAVER, ‘Transmission’, item 16a)
cf. C132; I165; 09; I166/O161; C109/D168
Source Coll.Wig.C 132, abbrev.
Source (hos et illos ut superius insinuatur) unidentified; probably ref. to Coll.Wig.D 168

[D201] QUOD NULLI SIT ULTIMA PENITENCIA DENEGANDA.
Vera ad deum conversio in ultimis positorum mente potius est estimanda quam tempore. prophete hoc taliter asserente. In quacumque die peccator conversus fuerit. ingemueritque: saluus erit; {cf. Ez 33:12} Et evangeliicus sermo dicit. Gaudium est angelis dei super uno peccatore.

29 autem] not ad as in Brommer

Note: all other versions of this text quote Is 1:16–18 (not just Is 1:16–17) (catalog. SAYER, ‘Transmission’, item 16b)

C133; I175/O16 — cf. O149, which combines ’ambulemus igitur ... spatium habemus’ with additional material
Source (vera ... asserente) PHAL.800.3.2, first sentence; Coll.quad. 4.6, second sentence; PPTH.800.37.1 (ed. van Rijn, 98, lines 5–7) — PCEL.422.369, c. 3 (ed. Couston, col. 1068B)
Source (in quacumque ... salus erit) cf. Ez 33:12. Note: PHAL.800.3.2 and Coll.quad. 4.6 quote Is 30:15
Source (gaudium est ... indigent penitencia) Lc 15:10, 15:7, conflated
Source (cum ergo ... reuelari) PHAL.800.3.2, second sentence; Coll.quad. 4.6, last sentence; cf. PPTH.800.37.1 (ed. van Rijn, 98–9, lines 8–9) — PCEL.422.369, c. 3 (ed. Couston, col. 1068B)
Source (uuiuo ego ... et uiuat) Ez 33:11, abbrev.
Source (si impius ... non morietur) Ez 18:21, abbrev.
Source (heu quam terribiliter iterum dicit) unidentified
Source (si auerterit ... ipso morietur) Ez 18:24, abbrev.
Source (unumquemque ... uita iudicat) DEFENSOR Lib.scintill. 22.14 — ISIDORE, Sententiae 2.14.6, second sentence
Source (non enim ... perseuerantibus) DEFENSOR Lib.scintill. 22.12 — ISIDORE, Sententiae 2.7.1, first part
Source (nunc igitur ... nobismetipsis) unidentified
Source (lauamini ... benefacere) Is 1:16–17, abbrev.
Source (ambulemus ... comprehendant) cf. CAESARIUS, Sermo 197.4 (ed. Morin, 798, lines 19–20); also in O149
Source (nec differamus ... habemus) cf. CAESARIUS, Sermo 109.2 (ed. Morin, 452, lines 19–20); also in O149
Source (qui sequitur ... lumen uite) Lc 15:10, 15:7, conflated
Source (satis alienus ... incidat in mortem) DEFENSOR Lib.scintill. 9.29–30 — unidentified (attr. to ‘Gregorius’ in Lib.scintill.)
Source (salomon ... animam) DEFENSOR Lib.scintill. 34.6
Quod et si ita fuerit: permaneant in castitate.
diximus propter fornicationem. Aut recte si uoluntae amborum fuerit: propter regnum c
camelia: velis nolis qualiscumque fuerit tenenda est: et nullo modo dimittenda.
nisi sicut
fetida. si temulenta. vel
causam fornicationis nullo modo separetur. Quod si sterilis est si deformis. si etate uetula. si
ab uxore: noli querere uxorem. {1 Cor 7
4.29; Coll.Dach. 1.5 | rubric
Source (et clerici ... non priuetur)  Coll.Wig.A 75 — ÆLFRIC Ep.2.178 (ed. Fehr, 55), adapted

[D203] SERMO DE CONIUGIO.
Legitimum coniugium nemo disiungere presumat. quia cum iudei dominum interrogarent. Si
licet homini dimittere uxorem suam: {Mt 19:3} ille respondit. Non licet hominem uxorem suam
dimittere. Et qui dimiserit uxorem suam. nisi propter fornicationem et aliam duxerit: mechatur. et
qui dimissam duxerit: adulterium facit. {Mt 19:9} Uidete. ergo. quam graue peccatum sit
adulterium. quia scriptum est neque adulteri regnum dei possidebunt. {1 Cor 9:9–10} Illa ergo
cessavit esse uxor: que fidem castitatis seruare {vel tenere gl. sup. lin.} noluit. Et iterum
scriptum est. qui tenet adulteram stultus et impius est. {P
cessauit esse uxor: que fidem castitatis seruare {vel tenere
adulterium. quia scriptu
qui dimissam duxerit: adulterium facit. {Mt 19
L
Source (corrigamus ... uniam)  DEFENSOR Lib.scintill. 34.10, last sentence — ISIDORE, Syn. 1.54,
partial, abbrev. | adapted
Source (qui enim ... cadit)  DEFENSOR Lib.scintill. 34.10 — ISIDORE, Syn. 1.53, last sentence,
adapted
Source (desperatio ... omni peccato)  DEFENSOR Lib.scintill. 34.10 — ISIDORE, Syn. 1.54 | second sentence
Source (nulla itaque ... suspendat)  DEFENSOR Lib.scintill. 34.11, first sentence — ISIDORE, Syn. 2.25, third
sentence | adapted
Source (multi enim ... indulgentiam tribuit)  DEFENSOR Lib.scintill. 9.75–6 — CAESARIVS, Sermo 64.1 + 64.4 (ed.
Morin, 275, lines 14–18 + p. 277, lines 10–11)
Source (cui est honor et gloria in secula)  a commonplace: see, e.g. CAAC.816.9 (ed. Werminghoff, 323, line 19)

[D202] DE MILITIA SECULARI.
Sceindum est quia penitentes ad militiam secularem post penitenciam redire non debent.
Contrarium est om[f. 22v]ino ecclesiasticis regulis. post penitentie actionem redire ad militiam
secularem. Et clerici non debet et armis uti. nec ad bellum procedere. quia docent ut quicumque
sepultura tamen non priuetur. Et apostolus dicit. Nemo militans deo inplicat se secularibus
secularem. Et clericus non debet et armis uti. nec ad bellum procedere. quia docent ut quicumque
liendum est quia penitente ciendum est quia penitente
morinde. {2 T
Source (from contrarium est, excepting et clerici ... non priuetur)  PHAL.800.3.7; Coll.quad. 4.29; Coll.Dach. 1.5 | rubric
Source (et clerici ... non priuetur)  PHAL.800.3.7; Coll.quad. 4.29; Coll.Dach. 1.5 — DLEO.440.544, c.
12 (PL 54, cols 1206C–1207A)
Source (et clerici ... non priuetur)  Coll.Wig.A 75 — ÆLFRIC Ep.2.178 (ed. Fehr, 55), adapted

Source (haps ... requirunt)  DEFENSOR Lib.scintill. 34.8 — ISIDORE, Sententiae 2.4.1 | first sentence
Source (corrigamus ... uniam)  DEFENSOR Lib.scintill. 34.10, last sentence — ISIDORE, Syn. 1.54,
partial, abbrev. | adapted
Source (qui enim ... cadit)  DEFENSOR Lib.scintill. 34.10 — ISIDORE, Syn. 1.53, last sentence,
adapted
Source (desperatio ... omni peccato)  DEFENSOR Lib.scintill. 34.10 — ISIDORE, Syn. 1.54 | second sentence
Source (nulla itaque ... suspendat)  DEFENSOR Lib.scintill. 34.11, first sentence — ISIDORE, Syn. 2.25, third
sentence | adapted
Source (multi enim ... indulgentiam tribuit)  DEFENSOR Lib.scintill. 9.75–6 — CAESARIVS, Sermo 64.1 + 64.4 (ed.
Morin, 275, lines 14–18 + p. 277, lines 10–11)
Source (cui est honor et gloria in secula)  a commonplace: see, e.g. CAAC.816.9 (ed. Werminghoff, 323, line 19)
[D204] SERMO SANCTI PAULI APOSTOLI.
(catalog. SAVER. ‘Transmission’, item 18b)
C144. ‘mulier sui corporis ... non habet sed mulier’: B126 (I125, O107). ‘mulier alligata est ... si sic permanserit’: B128 (I127, O109) — cf. B125 (I124, O106)
Source 1 Cor 6:18–7:40, abbrev., adapted

Appendix XI

Source (legitimum ... adulterium facit) PIRMIN Scarapsus 16 (ed. Hauswald, 50–2, lines 5–21), abbrev., adapted
Source (uidete ergo ... seruare nolui) unidentified
Source (et iterum scriptum ... et impius) PIRMIN Scarapsus 16 (ed. Hauswald, 53, lines 25–6) unidentified
Source (aliter enim ... dimittenda est) unidentified
Source (et apostolus ... non discedere) PIRMIN Scarapsus 16 (ed. Hauswald, 52–3, lines 22–3) unidentified
Source (q[uod si discesserit ... reconciliari) unidentified
Source (et iterum alligatus ... querere uxorem) PIRMIN Scarapsus 16 (ed. Hauswald, 53, lines 23–5) unidentified
Source (ubicumque ... modo dimittenda) unidentified
Source (nisi sicut ... in castitate) unidentified

[D205] SERMO SANCTI AUGUSTINI EPISCOPI.

30 dimittatis] corr. from dimittetis?
uuunt. nec uobis femine habere uiros: quorum priores uxores uiuunt. Adulteria siue ista coniugia non iure dei fore. sed iure seculi. nec illam feminam que per repudium discersett a marito solius fornicationis causa. licet uxorem adulteram ducere. Et uos femine nec ullos uiros a quibus per repudium discesserant uxores eorum: maritos habere licebit. Adulteria sunt: non coniugia.

Contemnitor episcopus. non timetur christus. Nolite imitari turbam malorum fidelium filii mei. nolite imitari uias latas: quarum finis ad interitum ducit.

[D206] QUALITER CONIUGATUS CONVERTITI DEBEAT AD MONASTERIUM.
Si quis uult coniugatus converit ad monasterium: non est recipiendus nisi prius a coniuge castimoniam profitente fuerit absolutus. Nam si illo uiuente. per incontentiam {incontinentiam corr.} alteri nupserit: procul dubio adultera erit. nec recipitur apud deum eiusmodi uiri conversion: cuius sequitur coniugalis prostitutio. Tales igitur tunc sine culpa sequuntur.

Note: this canon possibly a later, unauthorized addition to the Wigorniensis (see above, Chapter 5 n. 153)

(Catalog. SAVER, ‘Transmission’, item 19a)
C146 — cf. B129 (I128, O110), which combines the first part of this canon with A93 and C142/D118
Source	Coll. quadr. 4.78 — BEN. AN. Cod.reg. 4 (eds Holste–Brockie, 189, Isidore’s Rule),

[D207] DE INCESTIS CONIUNCTIONIBUS.
Nemo incestis coniunctionibus se inquitet. quia in leuitico scriptum est. Omnis homo ad proximam sanguinis sui. non accedat. {Lv 18:6} [f. 23v]

(Catalog. SAVER, ‘Transmission’, item 19b)
C148 — cf. B137 (I136, O118), which combines this canon with material (including the same scriptural quotation) from PPTH.800
Source	PIRMIN Scarapsus 16 (ed. Hauswald, 54, lines 31–4), abbrev., adapted

[D208] ITEM DE INCESTIS CONIUNCTIONIBUS.
Mvlier si duobus fratribus nupserit. obici eam debere usque ad diem mortis. sed propter humanitatem in extremis suis sacramento reconciliari oportet. Ita tamen ut si forte sanitatem recuperauerat: {recuperaverit corr,} matrimonio soluto ad penitenciam admittatur. Quod si defuncta fuerit mulier. huiusmodi consortio constituta: difficilis erit penitencia remanenti. Quam sententiam tam uiri quam femine tenere deebunt.

Note: this canon possibly a later, unauthorized addition to the Wigorniensis (see above, Chapter 5 n. 153)

(Catalog. SAVER, ‘Transmission’, item 19c)
C149
Source	Coll. Quesn. c. IV (PL 56, col. 444A); 33 PPTH.800.14.14 — CNEO.315.2 (Isidori vulg.)

31 This witness of Coll. vet. Gall. also shares unique readings with Coll. Wig. A 22.
32 The relevant part of Isidore, Regula, 4 is not printed by Campos, who believed it to be an interpolation; Reglas monásticas, eds. Campos–Roca, 96, n. to line 100.
[D209] **ITEM DE INCESTIS CONIUNCTIONIBUS.**
Si quis sponsam habens. sorori eius forsitan intulerit uiolenciam: ei {eique corr.} inheserit tanquam sue. hac. autem deserta: postea uxor rem duxerit desponsatam. Illa uero que uitium passa. si forte necesse {sic} sibi intulerit. Omnes hii qui facti huius conscii sunt: X annos in penitenciam redigantur. secundum canones constitutos;

Note: this canon possibly a later, unauthorized addition to the Wigorniensis (see above, Chapter 5 n. 153) (catalog. SAVER, 'Transmission', item 19d)

C150

Source Coll.Quesn. c. III (PL 56, col. 442A–B); cf. PP800.14.13, PCAN.800.23.15, PHAL.800.6.20, and PMEA.700.45, which quote the Dion. translation of this canon — CANC.314.24/25 (Isidori vulg.)

[D210] **ITEM DE EADEM RE.**
Si quis fornicationem cum propinqua perpetrauerit. aut forte cum illa quam antea cognatus habuit: primitus anathematizetur. Deinde peniteat VII uel X uel XIIII annis. [f. 24r] (catalog. SAVER, 'Transmission', item 19e)

C151 — cf. C199, which lacks 'uel X uel XIII annis'

Source PP800.12.10 (ed. van Rhijn, 22, lines 62–9), abbrev., adapted

[D211] [fol. 24r]: arbor consanguinitatis ('scemata dicuntur ramusculi quos aduocati faciunt in genere ... et ceteri quorum figure hee sunt'; 'auctor mei generis mihi pater est ... propinquitas esse desinit'; 'haec consanguinas [sic] dum se ... tot gradibus terminaretvr')

(catalog. SAVER, 'Transmission', item 20a)

cf. B149 (I147, O128), which combines the first and second parts of this text with material from DGRE.590.‡1334; second part: O129 (in the company of an arbor sanguinitatis)

Source (diagram) cf. ISIDORE, Etym. 9.6.28 stemma 2

Source (scemata dicuntur ... hee sunt) ISIDORE, Etym. 9.6.28

Source (auctor mei generis ... esse desinit) cf. ISIDORE, Etym. 9.6.23

Source (haec consanguinas ... terminaretvr) ISIDORE, Etym. 9.6.29

[D212] **DE GRADIBVS PROPINQVITATIS.**


matrere magna. filius et filia. Hiis adecrxent propatruus proamita. Hii sunt patrui

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34 Coll.Wig.C 150/D 209 has three readings (‘uiolenciam’, ‘deserta’, ‘facti huius’) that are collectively unique to Coll.Quesn.’s version of CANC.314.24/25.

35 magni] magni, with macron over a, as if mangni

\textbf{VII.} Septimo gradu: qui sunt cognati. reg[ul\textit{a} \textit{corr.}} linea. supra infraque propriis nominibus non appellantur. sed ex transuersa linea continentur. fratres sorore sue. abnepos. abneptis. consobrini. filieque successiones. In his VII gradibus omnia propinquitatum nomina continentur. ultra quos nec affinitas inueniri: nec successio amplius propagari. potest.

\textit{Note: chapter numbers have been added in the margin, not the text} (\textit{catalog. SAVER, 'Transmission', item 20b})

\textit{C152 Source} ALARIC Breviarium, Pauli sententiae 4.10.1–8 (ed. Hānel, 408), abbrev., first two paragraphs adapted


\textit{[D214] ITEM DE RATIONABILI CAUSA.} [f. 25r]

Verum post multum temporis. a felice mesane sicilic presule requisitus gregorius. utrum augustino scripsisset. ut augsirgo quarta generatione contracta matrimonia minime soluarentur: humillimus pater inter cetera talem reddidit rationem. Quo ad scripsi augustino anglorum gentis episcopo. nostro alumpno uidelicet. ut recordatus estimo: de sanguinis consanguinitate. ipsi et anglorum genti que nuper ad fidem uenerat. ne a bono quod ceperat metuendo austeriora recederet: spetialiter et non generaliter certissime scripsisse cognoscas. Vnde et mihi omnis romana \textit{36} testis existit. Nec \textit{sic} ea intentione. hec illis. scriptis mandaui. unde postquam firma radice in fide fuerint solidati: si infra propriam consanguinitatem inueni fuerint. non separtentur: aut infra affinitatis lineam. id est usurque ad VII\textsuperscript{num} generationem iungantur. Sed adhuc illos neophitos existentes. sepsiisse eos prius illicita docere. et uerbis ac exemplis instruere. et que post de talibus egerint: rationabiliter ac fideliter excludere oportet. Nam iuxta apostolum qui ait. lac uobis potum dedi non escam: \{1 Cor 3:2\} Ista illis modo non posteris. ut prefixum est temporibus tenenda indulsimus. ne bonum quod infirma adhuc radice plantatum erat: exureretur. sed aliquantulum firmaretur. et usurque ad perfectionem firmaretur. \{custodiretur \textit{corr.}\} Hec ergo

\textit{\textsuperscript{36} romana] a short lacuna follows this word}
idcirco prestrinda {sic} curaui: ut {hi add. sup. lin.} qui dispensationis illicita matrimonia contrahunt. eruditissimum papam gregorium. non regulariter quarte generationis copulam censuisse. immo ueniabiliter {sic} simulque temporaliter permisisse conosscant.

(catalog. SÆVER, 'Transmission', item 21b)

C154

Source

JOHN DIA. Vita Gregorii 2.38 (PL 75, cols 101C–102A) — cf. DGRE.590.†1334 (PL 77, cols 1323C–1324B), also in PS.-ISIDORE, Decretaales (ed. Hinschius, 749) and in Paris, Bibliothèque nationale, Lat. 3182 (Collectio Fiscani), pp. 340b–43a (but approx. 2 folios containing the relevant part of this letter are now missing)

[D215] INCIPIUNT CAPITULA PAUCA CUIUSDAM SAPIENTIS.

De prima predicacione sacerdotum.

Qvomodo ecclesie construantur per sacerdotes.37

De indumentis sacerdotum.

De eucharistia.

De moribus sacerdotum.

De doctrina sacerdotu {sic}

Quod non debeant sacerdotes pecuniam dare pro ecclesia.

Quomodo debeant sacerdotes baptizare siue mortuos sepelire. seu penitenciam dare.

Quod non debeant sacerdotes inebriari. nec uillici fieri.

De decimis

De dominis et seruis. et quod non debeant sacerdotes personam ullius accipere in iuditio.

Note: the order of titles as given in D215 does not match exactly the sequence of canons in D216–25: one title matches a canon that has a different rubric (‘quomodo ecclesie construantur per sacerdotes’), one title (‘quomodo debeant sacerdotes baptizare ... dare’) has no corresponding canon, and two titles are out of order (‘quod non debeant sacerdotes inebriari ... fieri’ and ‘de decimis’).

(cf. C241)

[D216] DE PRIMA PREDICATIONE SACERDOTVM.


(coll. [as ‘O1’] BRÖMMER, Capitula episcoporum I, 234–35; catalog. HAGGENMÜLLER, Die Überlieferung, 162; catalog. SÆVER, 'Transmission', item 22[iii])

37 The rubric for the matching canon, D217, is Qualem honorem sacerdotes prerare [sic] debeant ecclesiis dei. This inconsistency probably arose due to the fact that D217 combines two separate canons (C243–244, on the dignity due churches, and on the building and upkeep of churches).

38 This title, though possibly referring to the second half of D222, does not have a corresponding canon within the sequence D216–25; but cf. C256.
QUALEM HONOREM SACERDOTES PRERARE \{sic\} DEBEANT ECCLESII DEI.


DE INDUMENTIS SACERDOTUM.

Statuimus quoque ut cum summo studio. lintheamina nitida altaribus preparentur. et sacerdotalia indumenta cum quibus sacrificatur: optima pro uiribus et munda habere satagant. et siue noua siue uetustate confecta: ad alios usus transire nequaquam sinant.

DE EUCHARISTIA.


DE MORIBUS SACERDOTUM.

Debet itaque christi. sacerdos compositis moribus. uultu hylari. sermone proficuo. exemplo salubri. animo placido. sine dolor et simulatione. atque in omnibus in commune uirtutibus clarere. quatinus sibi commissos. non liuoris atque amaritudinis zelo pertrahat ad ruinam: sed caritatis atque dulcedinis prouidentia prouocet ad salutem.

DE DOCTRINA SACERDOTUM.


Source RADVLF Cap. 8 — ‘ut doctrinam rectam ... deo petat’: ANSEGIS Coll.cap. 1.66, partial, adapted; ‘multi protrahant ... celis est’: ANSEGIS Coll.cap. 1.68, partial, adapted

[D222] QUOD NON DEBEANT SACERDOTES PECUNIAM DARE PRO ECCLESIA.

Statuimus quoque ut nullus sacerdos pro accepta ecclesia. munera dare presumat. et hoc iuxta canonom decreta. seu gloriosissimorum regum. karoli. scilicet. ac ludouici decernimus: ut unusquisque res qua {sic} post diem consecrationis adquisierit: ad propria relinquat ecclesiam. Avdiuimus quosdam sacerdotes maligno instinctu agitatos. pro baptismatis gratia siue pro sepulture loco precia iniusta a nonnullis accepisse. quod nefandissimum facinus. in cunctis maioris institutis novimus prohibitum. Gratis enim datur. et gratis dare iute

Et ideo nichil deinceps quilibet sacerdotum pro baptizandis siue sepeliendis hominibus precii exigere presumat. Si quis uero sacerdotum hec prohibita deprehensus fuerit admisisse: uel commissa sponteae uoluntate cicius non correxerit {subiacebit corr.}

(first part: C253 — second part: cf. C254)

Source (statuimus ... relinquat ecclesiam) RADVLF Cap. 17 (ed. Brommer, 246, lines 4–8) — ‘ut unusquisque res ... relinquat ecclesiam’: ANSEGIS Coll.cap. 1.150

Source (avdiuimus ... subiacebit) Coll.Wig.C 254, abbrev. — ‘avdiuimus ... exigere presumat’: RADVLF Cap. 18 (ed. Brommer, 246, lines 12–16); ‘si quis uero ... subiacebit’: RADVLF Cap. 18 (ed. Brommer, 247, lines 12–14)

[D223] DE DECIMIS.

Decimas de omnibus rebus. iuxta modum a beatis patribus constitutum. a cuncto populo cum omni devotione. dei ecclesiis reddendas. esse. monemus. Vt sacerdotes qui per sacras eorum orationes et oblationes. pro pace. pro tocius populi christiani salute. pro frugibus terre. pro infirmis quoque et defunctis. omnipotentis dei misericordiam inplorant: uictum et uestimentum et cetera que eis necessaria sunt. habeant. et ut hospitibus et peregrinis. orphanis. et uiduis. debilibus et egrotis: solatum prebere ualeant. Sunt preterea quidam qui decimas suas dare ad ecclesias suas neglegunt. {sic} ubi et ipsi et eorum serui missas audient. Proinde decreuimus ut omnes ibi decimas dent. ubi eorum infantes baptizantur. et ubi missas audient. et ubi res ipse comuenire uidentur. iuxta proprii episcopi decretum. Presbiteri uero ab his qui decimas non dant: uadios nunquam accipient. sed qui post crebras ammonitiones et predicaciones eas dare neglexerint: excommunicentur. iuramento autem propter periculum periurii: constringi eos nolimus.

First part: C253 — second part: cf. C254
QUOD NON DEBEANT SACERDOTES INEBRIARI NEQUE UILLICI FIERI.
Obseruandum est sacerdotibus ut se ab ebrietate abstineant. quoniam. secundum. scripturam ebrietate nulla utium excusat. et apostolus commo[f. 26v]net dicens. Nolite inebriari uino in quo est luxuria. {Eph 5:18} et neque per tabernas aut bibendo aut commedendo. neque domos aut uillas curiositate qualibet peragrent. {neque cum feminis add. sup. lin.} aut cum inpuris personis conuiuia exerceant. neque ad secularem {sic} iudicium perang. nisi forte ut pauperibus succurrant. aut de uero dei iudices ammoneant: ut iusta iuditia iudicent. Si uero eorum propria causa agenda. est: cum licentia episcopi et cum uocato {aduocato corr.} pergant. Prohibemus autem omnimodis. ut presbiteri. uillici et conductores seniorum non fiant. nec fideiussores existant. Vana spectacula. mortiferas huius seculi pompas. obsena iocorum uerba. risus inutiles. uenationem cum auibus uel canibus. munera iniusta et si qua sunt similia: monemus ut refugiant. Quoniam. secundum. apostolum. nemo militans deo implicat se negotiis secularibus ut ei placeat cui se probauit. {2 Tim 2:4}

DE DOMINIS ET SERUIS. ET QUOD NON DEBEANT SACERDOTES.
PERSONAM. ULLIUS ACCIPERE IN IUDICIO.
Ammonendi sunt. etiam. domini subditorum. ut circa subiectos pie et misericorditer agant. nec eos qualibet iniusta occasione condemnent. {sic} nec ui opprimant. nec illorum substantiolas iniuste tollant. nec ipsa debita que a subditis reddenda sunt: impie ac crudeliter exigant. Quia ergo {constat add. sup. lin.} in ecclesia diuersarum conditionum homines. esse. ut sunt nobiles et ignobles. serui. coloni. inquilini. et ceteros huiusmodi: oportet ut quicumque eis prelati sunt. clerici siue laici. elementer. erga. eos agant. et misericorditer contractent. siue in exigendis ab eis operibus. siue in accipiendis tributis. uel debitis. Sciantque eos fratres suos. esse. et unum patrem se habere deum. cui clamant. pater noster. qui es in celis. et unam matrem sanctam ecclesiam que eos intemerato sacri fo{39}ntis utero regenerauit. Disciplina: ergo. {igitur corr.} eis misericordissima et gubernatio oportuna adibenda est. Disciplina: ne indisciplinate uiuendo auctorem suum offendant. Gubernatio: ne in cotidianis uite commeatibus prelatorum adminiculo. deestitui fatescant. Quia igitur apostolo attestante. non est personarum acceptio apud deum: {Rm 2:11} et in omnibus iudicis cauendum est: multo magis in penitentie iuditio. precaueri debet. ut nullus sacerdotum unquam aut gratia aut odio alicuius. persone. secus iudicet quam quod in canonibus sacris inuenerit. aut quod illi. secundum. sanctarum scripturarum auctoritatem et ecclesiasticam consuetudinem: rectius uisum fuerit. Canones autem regulas dicimus quas sancti patres constituerunt. in quibus scriptum est quomodo canonici {sic} id est regulares clerici uiuere

39 regenerauit] regnau with macrons over n and u
40 canonici] not canonici as in Brommer
debent. Item. {non tam add. sup. lin.} pensanda est penitencia quantitate temporis: quam ardore mentis. et mortificatione corporis. Cor autem contributum et humilitatum: deus non spernit. {Ps 50:19} [f. 27r]

(coll. [as ‘O,’] BROMMER, Capitula episcoporum I, 251–52; catalog. HAGGENMÜLLER, Die Überlieferung, 162; catalog. SAVER, ‘Transmission’, item 22[xii])

cf. C258; ‘canones autem regulas ... uiuere dabit’: B pref. (I2, O–), which draws afresh on the same source

Source (ammonendi ... destinuit fatescant)

Coll.Wig.C 258 — RADVLF Cap. 23 (ed. Brommer, p. 251 line 16–p. 252 line 6); ‘ammonendi sunt ... crudeliter exigant’: ANSEGIS Coll.cap. 2.42; ‘quia ergo constat ... destitutis fatescunt’: ANSEGIS Coll.cap. 2.39

Source (quia igitur ... rectius usum fuerit)


Source (canones autem ... uiuere debent)

ÆLFRIC Ep.2.84 (ed. Fehr, 45); cf. Coll.Wig.B pref. (I2, O–)

Coll.Wig.C 258 — RADVLF Cap. 24 (ed. Brommer, 252, lines 17–19); ultimately CCLN.813.34 (ed. Werminghoff, 280, lines 19–21)

[D226] INCIPIUNT EXCEPTIONES {sic} QUEDAM DE CAPITULIS THEODULFI. AURELIANENSIS EPISCOPI. IN NOMINE DEI SUMMI SACERDOTIBUS CUNCTIS: SALUTEM.

Obsecro uos fratres dilectissimi. ut. erga. subditarum plebium profectum et emendationem: uigilantissima cura laboretis. quia ergo constat ... destitutis fatescunt.

Source (canones autem ... ipsum fuerit)


Source (canones autem ... uiuere debent)

ÆLFRIC Ep.2.84 (ed. Fehr, 45); cf. Coll.Wig.B pref. (I2, O–)

Coll.Wig.C 258 — RADVLF Cap. 24 (ed. Brommer, 252, lines 17–19); ultimately CCLN.813.34 (ed. Werminghoff, 280, lines 19–21)

[D227] QUOD SACERDOTES RATIONEM REDDITURI SUUNT PRO HIS QUI {PER add. sup. lin.} NEGLICIAM {NEGLIGENCIAM corr.} SUAM PEREUNT.

Veracer nobis debetis et semper meminisse: quia nos quibus regendarum animarum cura commissa est. pro his qui nostra negligentia perempt. rationem reddituris sumus. pro his uero quos uerbis et exemplis lucrati fuerimus: premium eternum uite percipiemus. Nobis enim a domino dictum est. Vos estis sal terre. {Mt 5:13} Quod si populus fidelis cibus est dei ... curatam nostri gradui secundum et pene coniunctum est. Sique vii quos...
Oportet uos assiduitatem habere legendi. et instantiam orandi. quia uita uiri iusti lectione instruitur oratione ornatur. et assiduitate lectionis munitur homo a peccato. iuxta illum qui dicebat. in corde meo abscondi eloquia tua ut non peccem tibi. {Ps 118:11} Hec sunt enim arma lectio. uidelicet. et oratio. quibus diabolus expugnat ur. Hec sunt instrumenta quibus eterna beatitudo adquiritur. His armis uitia conprimuntur. his alimentis uirtutes nutrivntur.

(coll. [as ‘O1] BROMMER, Capitula episcoporum I, 105; catalog. SAVER, ‘Transmission’, item 23[iii])

C263

Source THEODVLF Cap.I, 2

[D229] DE OPERIBUS SACERDOTEM. {sic} [f. 27v]
et et quando a lectione cessatur: debet manuum operatio subsequi. quia ociositas inimica est anime. Et antiquus hostis quem a lectione siue ab oratione seu ab operatione uacantem inuenerit: facile ad uitia rapit. Per usum namque lectionis. discitis qualiter et uos uiuatis. et alios doceatis.


(coll. [as ‘O1] BROMMER, Capitula episcoporum I, 106; catalog. SAVER, ‘Transmission’, item 23[iv])

C264

Source THEODVLF Cap.I, 3

[D230] QUOD SACERDOTE MISSAM CELEBRANTE FEMINE AD ALTARE NON ACCEDANT.

Nemine. {sic} missam sacerdote celebrante: nequaquam ad altare accedant. sed suis locis stent. Memores enim esse debent. {femine add. sup. lin.} infirmitatis sue. et sexus inbecillitatis. et iccirco sancta quem bibit in ministerio ecclesie contingere pertimescat. {sic} Que. etiam. laici uiri pertimescere debent. ne oze penam subeant. qui dum archam domini extraordinarie contingere uoluit: domino percutiente interiit.

(coll. [as ‘O1] BROMMER, Capitula episcoporum I, 107; catalog. SAVER, ‘Transmission’, item 23[v])

cf. C267

Source Coll.Wig.C 267 — THEODVLF Cap.I, 6 | abbrev.

[D231] QUOD SOLI SACERDOTI MISSAM CELEBRARE NON LICEAT.

Sacerdos missam solus nequaquam celebret. quia sicut illa celebrari non potest sine salutatione sacerdotis {et add. sup. lin.} responsione plebis: ita nimirum nequaquam ab uno debet celebrari.

Esse enim debent qui ei circumstent. quos ille salutet. a quibus ei respondeatur. et ad memoriam illi reducendum est illud dominicum dictum. Vbicumque fuerint duo uel III congregati in nomine meo et ego in medio eorum sum {Mt 18:20}


C268

Source THEODVLF Cap.I, 7, abbrev. Note: ‘admonitione sacerdotis ... nihilominus plebis’ probably omitted through homoioteleuton.

[D232] QUARE AD ECCLESIAM UENIENDUM SIT.

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41 instruitur] corr. from instrui ?

42 et] read set
Non debere ad ecclesiam ob aliam causam conuenire nisi ad laudandum deum. et eius seruitium faciendum. Deceptiones uero et tumultus et uaniloquia et ceteras actiones. ab eodem sancto loco penitus prohibenda sunt. Vbi enim nomen dei inuocatur. et deo sacrificium offertur: angelorum frequentia inesse. non dubitatur. Periculosum est tale aliquid dicere vel agere. quod loco non conuenit. Si enim dominus illos de templo eiecit. qui uictimas que sibi emebant vel uendebant: quanto magis illos iratus abiciet. qui mendatiis. uaniloquiis. risibus et huiuscemodi nugis: locum diuino cultui mancipatum fedant.

(coll. [as ‘O,’] Brommer, Capitula episcoporum I, 110; catalog. Saever, ‘Transmission’, item 23[vii])

C271

Source THEODVLF Cap.I, 10

[D233] QUOD NON DEBEANT FEMINE CUM SACERDOTIBUS HABITARE.

Nulla femina cum presbiteri in una domo habitet. Quamuis enim canones. matrem et sorores et huiuscemodi. personas. in quibus nulla sit suspicio cum illo habitare concedant: hoc nos modis omnibus idcirco amputamus. quia in obsequio. sub occasione illarum ueniunt alie que non sunt ei affinitate coniuncte et ei ad peccandum illiciunt.

(coll. [as ‘O,’] Brommer, Capitula episcoporum I, 111; catalog. Saever, ‘Transmission’, item 23[viii])

C273

Source THEODVLF Cap.I, 12

[D234] QUALITER SACERDOTES SE AB EBIETATE ABSTINEANT.


(coll. [as ‘O,’] Brommer, Capitula episcoporum I, 112; catalog. Saever, ‘Transmission’, item 23[ix])

cf. C274

Source Coll.Wig.C 274 — THEODVLF Cap.I, 13, abbrev. Note: ‘per tabernas eatis ...comedendo neque’ probably omitted in D234 and ‘accipere e tuobis refectionem’ probably omitted in C274 through homoioiteleuton

[D235] QUOD UNUSQUISQUE SACERDOS SUA ECCLESIA ET POPULO CONTENTUS SIT.

Nullus presbiter fidelibus sancte dei ecclesie. de alterius presbiteri parochia persuadeat. ut ad suam ecclesiam concurrant: relicita propria ecclesia. et suas decimas sibi dent. sed unusquisque sua ecclesia et populo contentus: quod sibi non uult fieri alteri nequaquam faciat. iuxta illud euuangelicum. {sic} Quecumque uultis ut faciant uobis homines: hec eadem facite illis. {Mt 7:12} Quisquis autem contra hec instituta uenerit. aut his monitis nostris resistere teptauerit: {sic} aut gradum se sciat amissurum. aut in carcere {carceris xumpnam (?) corr.} longo tempore detinendum penitentiam agendi.

(coll. [as ‘O,’] Brommer, Capitula episcoporum I, 112–13; catalog. Saever, ‘Transmission’, item 23[x])

C275

Source THEODVLF Cap.I, 14

[D236] QUOD NULLI BAPTISMI GRATIA A SACERDOTIBUS NEGETUR.

Si paruulus egrotans ad quemlibet presbiterum baptismi gratia. de cuiuslibet parochia adlatus fuerit. ei baptismi sacramentum nullo modo negetur. Si quis hoc minus petenti concedere
Appendix XI

detectauerus. et ille absque baptismate mortuus fuerit: nouerit se ille qui eum non baptizauit pro
 eius anima rationem redditurum.
(coll. [as ‘O,’] BROMMER, Capitula episcoporum I, 114; catalog. SAVER, ‘Transmission’, item 23[xi])
C278
Source THEODVLF Cap.I, 17

[D237] QUOD SACERDOTES SINE PRECIO DOCERE DEBEANT.
Presbiteri per uillas et uicos scolas habeant. et si quilibet fidelium suos paruulos ad discendas
literas eis commendare uult: eos suscipere et docere non reuulant. sed cum summa caritate eos
doceant. attendentes illud quod scriptum est. Qui autem docti fuerint: fulgebunt quasi spendor
{sic} firmamenti. et qui ad iusticiam erudunt multos fulgebunt quasi stelle in perpetuas
etermitates. {Dn 12:3} Cum ergo eos docent. nichil ab eis precii pro hac re exigant. nec aliquid ab
eis accipiant. excepto quod eis parentes. caritatis studio sua uoluntate obtulerint.
(coll. [as ‘O,’] BROMMER, Capitula episcoporum I, 116; catalog. SAVER, ‘Transmission’, item 23[xii])
C281
Source THEODVLF Cap.I, 20

[D238] QUOD OMNES FIDELES ORATIONEM DOMINICAM ET SIMBOLUM
DISCANT.
Commoneundi sunt fideles ut generaliter omnes a minimo usque ad maximum: orationem
dominicam et simbolum discant. et dicendum est eis quod in hiis duabus sententiis. omne fidei
christiane fundamentum incumbit. Et nisi qui has duas sententiias et memoriter tenuerit. et ex toto
corde crediderit. et in oratione sepissime frequentauerit: catholicus esse non poterit. Constitutum
namque est ut nullus crismetur. neque baptizetur. neque a lauacro fontis alium suscipiat. neque
coram episcopo ad confirmandum quemlibet teneat: nisi simbolum et orationem dominicam
memoriter tenuerit. exceptis his quos ad loquendum etas minime perduxit.
(coll. [as ‘O,’] BROMMER, Capitula episcoporum I, 119; catalog. SAVER, ‘Transmission’, item 23[xiii])
C283
Source THEODVLF Cap.I, 22

[D239] QUOMODO FIDELES ORARE DEBEANT. [f. 28v]
Dicendum est etiam illis: ut singulis diebus qui amplius non. potest: saltem duabus uicibus oret
mane. scilicet. et uespere. dicens simbolum siue orationem dominicam. siue Deus qui plasmasti
me miserere mei. Vel. etiam. deus proipicius {propicius corr.} esto mihi peccatori. Et deo gratias
agat pro cotidiane uite {uictualibvs add. sup. lin.} comeatibus. et quia se ad ymaginem suam
creare dignatus sit: et a pecudibus segregare. His actis. et solo deo creatore suo adorato: sanctos
inuocet. ut ipsi intercedere apud maiestatem diuinam dignentur. Hec faciant. quibus basilice
locus prope est: in basilica. Qui uero in itinere. aut pro qualibet occasione. in siluis aut in agris
est: ubicumque eum ipsa hora matutina uel uespertina inuenerit: sic faciat. scien deum ubique
presentem. esse. dicente spalmista. {sic} In omni loco dominationes {sic} eius. benedic anima
mea domino. {Ps 102:22} Et si ascendero in. celum: tu illic es. et cetera {Ps 138:8}
(coll. [as ‘O,’] BROMMER, Capitula episcoporum I, 120; catalog. SAVER, ‘Transmission’, item 23[xiv])
C284
Source THEODVLF Cap.I, 23

[D240] DE OBSERUATIONE DIEI DOMINICE.
Diei. uero. dominici quia in eo deus lucem condidit. in eo manna in heremo pluit. in eo
redemptor humani generis sponte pro salute nostra mortuus resurrexit. in eo spiritum sanctum
super discipulos infudit. tanta debet. esse. obseruantia: ut preter orationes et missarum solempnia.
{sic} et ea quae ad uescendum pertinent: nichil aliud fiat. Nam etsi necessitas fuerit. nauigandi.
siue iter agendi licencia datur. ita duntaxat. ut hac occasione misse et orationes non pretermittantur. Conueniendum est sabbato die cum luminaribus ad ecclesiam. conueniendum est ad uigilias siue ad matutimum offitium. conueniendum est etiam cum oblationibus ad missarum solemnia. Et dum ad ecclesiam conuenitur: nulla causa debet uel audiri. nulla iuriga sunt habenda. sed tantummodo deo uacandum est in celebrazione sacrorum offitiorum. et exhibitione elemosinarum. et in dei laudibus cum amicus proximis. et peregrinis spiritualiter epulandum.

(coll. [as ‘O,’] BROMMER, Capitula episcoporum I, 121–22; catalog. SAVER, ‘Transmission’, item 23[xv])

C285

Source THEODVLF Cap.I, 24

[D241] DE PERIURIO.

Predicandum est etiam ut periumur fideles caueant. et ab hoc summopere abstineant. Scientes hoc grande scelus. esse. et in lege et prophetis. siue evangeliio prohibitum. Audii enim quosdam paruiendere hoc scelus. et leuem quodammodo periuirs penitentie modum imponere. qui nosse debent. talem de periuirio penitentiam imponere debere: qualem et de adulterio. de fornicatione. et de ceteris criminalibus uitiis. Si quis uero perpetrato hoc periuirio. aut quolibet criminali peccato timens peregrinuris penitentie longam erumpam. ad confessionem unire noluerit: ab ecclesia repellendus est. siue a communione et consortio fidelium. ut nullus cum eo comedat neque bibat. neque oret. neque in sua eum domo recipiat. simili modo iudicentur. uel dampnentur falsi testes. quia falsus testis non erit inpunitus. [f. 29r]

(coll. [as ‘O,’] BROMMER, Capitula episcoporum I, 123; catalog. SAVER, ‘Transmission’, item 23[xvi])

cf. C287

Source THEODVLF Cap.I, 26

Source (simili modo ... inpunitus) unidentified

[D242] DE PREDICATIONE SACERDOTUM. ET QUID IN SINODO DICERE DEBEANT.


(coll. [as ‘O,’] BROMMER, Capitula episcoporum I, 125; catalog. SAVER, ‘Transmission’, item 23[xvii])

C289

Source THEODVLF Cap.I, 28

[D243] DE MODO ORATIONIS.

Admonere debetis fideles. ut assiduitatem et studium habeant orandi. Ipse autem orandi modus talis. esse. debet. ut primum dicto simbolo fidei sue fundamento. dicat quisquis est tribus uicibus.

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43 simili modo ... inpunitus] possibly added afterward, though by the main hand (Hand A; not, as Brommer indicates, ‘von anderer Hand’)


[D247] QUID PREDICANDUM SIT MERCATORIBUS.
Ammonendi sunt qui negotiis ac mercationibus rerum inuigilant. ut non plus terrena lucra quam uitam cupiant sempiternam. Nam qui plus de rebus terrenis. quam de anime sue salute cogitat: ualde a uia ueritatis aberrat. Et qui iuxta quendam sapientem. in uita sua perdidit intima sua. Sequendum. est enim in hac parte sicut et in ceteris: apostolicus sermo. qui ait. et ne quis supergregiatur neque circumueniat in negotio proximum suum. Vindex est enim deus de his omnibus {1 Th 4:6} Sicut enim ab his qui labori agrorum et ceteris laboribus uictum atque uestitum et necessaria usibus humanis. adquirere inhiantes instant. decime et elemosine danse sunt: ita his quoque qui pro necessitabilibus suis. negotiis insistunt: faciendum est. Vnicuique enim homini deus dedit artem qua pascitur. et unusquisque de arte sua de qua corporis necessaria subsidia habet: anime quoque quod magis necessarium est subsidium administrare debet. (coll. [as ‘O,’] Brommer, Capitula episcoporum I, 132–33; catalog. Saver, ‘Transmission’, item 23[xxii])

C295

Source

Theodvlf Cap.I, 36

[D248] QUID AGENDERIT {AGENDUM SIT corr.} IN PRIMA E[BDOMADA] QUADRAG[ESIME.]

Ebdomada prima ante inicium quadragesimse {quadragesime corr.} confessiones sacerdotibus danse sunt. penitencia accipienda. discordantes reconciliandi. et omnia iurgia sedanda. et dimittere debent debita inuicem de cordibus suis. ut liberius dicant. dimitte nobis debita nostra: sicut et nos dimittimus debitoribus nostris. {Mt 6:12} et sic ingredientes in beate XL

Source

Theodvlf Cap.I, 36. Note ‘Sexto per caritatem iuxta illud. caritas operet multitudo peccatorum’ (1 Pt 4:8) probably omitted in C296 through homoioteleuton; ‘per iesum christum dominus nostrum’ perhaps omitted in D248 through homoioteleuton.

[D249] DE QUADRAGESIMALI IEIUNIO.

Ipsa autem quadrasima {quadragesima corr.} cum summa observantia custodiri debet. ut ieiunium in ea. preter dies dominicos qui ab abstinentia subtracti sunt: nullatenus resoluatur.
Quia ipsi dies decime sunt anni nostri. quos cum omni religione et sanctitate transigere debemus. Nulla enim in his occasi sit resolventi ieunii. quia alio tempore solet ieunium caritatis causa dissolui. isto. uero: nullatenus debet. Quia in alio tempore ieunare. in uoluntate et arbitrio cuiuslibet positum est. In hoc uero. non ieunare: preceptum dei transcender est. Et in alio tempore ieunare. premium abstinentie adquirere. est: in hoc. uero. preter infirmos aut paruulos. quisquis non ieunat penam. sibi. adquirit. quia eosdem dies dominus et per moysem. et per heliam et per semetipsum sacro ieunio consecravit.

(.coll. [as ‘O;’] BROMMER, Capitula episcoporum I, 136; catalog. SAVER, ‘Transmission’, item 23[xxiv]) C297
Source THEODVLF Cap.I, 37

[D250] DE ELEMOSINA CUM. IEIUNIO.
Diebus. uero. ieunii. elemosina facienda est. et cibum siue potum quo quisque uti debeat. si non {non expunct.} ieunet. pauperibus eroget. quia ieunare et cibos prandii ad cenam reseruare: non mercedis. sed ciborum est incrementum;

(coll. [as ‘O;’] BROMMER, Capitula episcoporum I, 137; catalog. SAVER, ‘Transmission’, item 23[xxv]) C298
Source THEODVLF Cap.I, 38

[D251] QUALITER IN TEMPORE IEIUNII AD CIBUM ACCEDENDUM SIT. [f. 30v]
Solent plures qui se ieunare putant. mox ut signum audierint: ad horam IXa {sic} manducare. Qui nullatenus ieunare credendi sunt. si ante manduaucerint. quam uespertinum celebratur offitium. Concerrandum est enim ad missas. et auditis missarum. siue uespertinis offitiis. largitis elemosinis: ad cibum accedendum est. Si uero aliquis necessitate constrictus fuerit. ut ad missam uenire non ualeat. estimata uespertina hora. completa oratione. ieunium absoluere debet.

(oll. [as ‘O;’] BROMMER, Capitula episcoporum I, 137; catalog. SAVER, ‘Transmission’, item 23[xxvi]) C299
Source THEODVLF Cap.I, 39

[D252] DE QUADRAGESIMALI ABSTINENTIA;

(oll. [as ‘O;’] BROMMER, Capitula episcoporum I, 138; catalog. SAVER, ‘Transmission’, item 23[xxvii]) C300
Source THEODVLF Cap.I, 40

[D253] QUOD DIEBUS DOMINICIS. IN XL COMMUNICANDUM SIT.
Singulis diebus dominicis in XL preter hos qui excommunicati sunt. sacramenta corporis et sanguinis. christi. sumenda sunt. et in cena domini. et uigilia. pasce. et in die resurrectionis.

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44 ouis] corr. to oui ?
domini: penitus ab omnibus communicandum est. et ipsi dies pascalis ebdomade omnes equali religione: colendi sunt.


Source THEODVLF Cap.I, 41

[D254] QUOD NULLE LITES HOC TEMPORE. ESSE. DEBEANT.
In his ieiuniorum diebus nulle lites. nulle contenciones. esse. debent. neque debita repeti debent. sed in opere necessario persistendum. Arguit enim dominus. eos qui talia agent. per prophetam dicens. Ecce in diebus ieiunii uestri inueniuntur uoluntates uestre. et omnes debitores uestros. repetitis. et {sic} ad lites et contentiones ieiunatis et percutitis pugno impie. {Is 58:3–4}

(coll. [as ‘O,’] BROMMER, Capitula episcoporum I, 139; catalog. SAYER, ‘Transmission’, item 23[xxix])

cf. C302

Source Coll.Wig.C 302 — THEODVLF Cap.I, 42 | abbrev., adapted

[D255] QUOD HOC TEMPORE A CONIUGIBUS ABSTINENDUM SIT.
Abstinendum est enim in his sacratissimis diebus a coniugibus. et caste et pie uiuendum. ut sanctificato corde. et corpore. isti sancti dies transigantur. et sic perueniat ad sanctum diem pasce. quia pene nihil ualet ieiunium quod coniugali opere polluitur. et quod orationes uigilie et elemosine non commendant;

(coll. [as ‘O,’] BROMMER, Capitula episcoporum I, 139–40; catalog. SAYER, ‘Transmission’, item 23[xxx])

C303

Source THEODVLF Cap.I, 43

[D256] QUALITER POPULUS EUCHARISTIAM. ACCIPERE DEBEANT. {sic}
Ammonendus est populus. ut ad sacrosanctum sacramentum corporis et sanguinis domini. nequaquam indifferenter accedat. [f. 31r] nec ab hoc nimium abstineat. sed cum omni diligentia atque prudentia eligat tempus. quando aliquandiu ab opere coniugali abstineat. et uiiis se purget. uirtutibus exornet. elemosinis et orationibus insistat. et sic: ad tantum sacramentum accedat. Quia sicut periculosum est inpurum quemque ad tantum sacramentum accedere: ita etiam. periculosum est ab hoc prolixo tempore abstinere. Sola ratione. hii qui excommunicati sunt. non quando eis libet. set certis temporibus communicant. et religiosis quibusque {sic} sancte uiuentibus qui pene omni die id faciunt.

(coll. [as ‘O,’] BROMMER, Capitula episcoporum I, 140; catalog. SAYER, ‘Transmission’, item 23[xxxii])

C304

Source THEODVLF Cap.I, 44

[D257] QUALITER MISSE PECULIARES DICI DEBEANT. UEL CELEBRARI.
Vt misse que per dies dominicos peculiares a sacerdotibus fiunt. non ita in publico fiant: ut per eas populus a publicis missarum solempnibus. que hora IIIa canonice fiunt: abstrahatur. quia pessimus usus est apud quosdam. qui in diebus dominicis. siue in quibuslibet festivitatibus mox missam audiant. Etiam pro defunctis si audierit: accedat. et per totum diem. a primo mane ebrietati et commessationi potius deseruit quam deo. Admonendus est populus. ut ante publicum peractum offitium. ad cibum non accedat. et omnes ad publicam sanctam matrem ecclesiam missarum solemnpiita et predicationem audituri convenient. Et sacerdotes per oratoria. nequaquam missas. nisi tam caute ante secdam horam celebrent: ut populus a publicis non abstrahatur. sed siue sacerdotes qui in circuitu urbis. aut in eadem urbe sunt. siue populus ut prediximus. in unum ad publicam missarum celebrationem conveniant exceptis deo sacratis feminis quibus mos est ad publicum non egredi. sed claustris monasterii contineri.

(coll. [as ‘O,’] BROMMER, Capitula episcoporum I, 141–42; catalog. SAYER, ‘Transmission’, item 23[xxxiii])
There follows in Barlow 37, fols 31r–35v a series of texts on pastoral privilege and responsibility (‘Block 7’), of which the following text (D258) is the final part {Hand A stops at the bottom of fol. 34v; Hand D begins at the top of fol. 35r}

[f. 35r ...]

[D258] DE RAPINIS ECCLESIASTICARUM RERUM. [f. 35v]
(fol. 35r–v): De rapinis ecclesiasticarum rerum
C316 — cf. London, British Library, Cotton Vespasian A. xiv, fol. 173v, which adds two additional canons to the end of this text; O28, which greatly adapts this text

[D259] DE REGE.
(catalog. SAVER, ‘Transmission’, item 29c[i])
C307 first part — cf. Polity.II 23–4 (= Polity.I 16–17), which translates this text into Old English
Source (rex a regno ... regere debet) unidentified, but cf. SEDVL.SCOTT. De rector.christ. 2 (ed. Dyson, 56, line 27); ISIDORE, Etym. 9.3.4; ALCVIN Epistola 18 (ed. Dümmler, 51, line 31)
Source (octo columnne ... pauperem) SEDVL.SCOTT. De rector.christ. 10 (ed. Dyson, 108, lines 7–13), abbrev.

[D260] ITEM.
(catalog. SAVER, ‘Transmission’, item 29c[ii])
C307 second part — cf. Polity.II 25–30 (=Polity.I 18–23), which translates this text in Old English
Source Coll.Hib.B 27.22 (MS B6, fol. 45r, corrected by Wulfstan’s hand), all but last sentence, adapted slightly; cf. Coll.Hib.A 25.15.a, , which has ‘haereditatem’ for ‘ueritatem’

(catalog. SAVER, ‘Transmission’, item 29c[iii])
C308 Source unidentified

[D262] ITEM
IVSTICIA IUSTI REGIS. est: neminem iniuste iudicare. aduenis et pupillis et uiduis defensorem. esse. furta prohibere. adulteria punire. impudicos non nutrire. iniquos non exaltare. impios de terra
Appendix XI

perdere parricidas et perjurantes de terra expellere. ecclesias dei detendere. {defendere corr.} pauperes pascere. iustos super regni negocia constituer. senes et sapientes ac deum timentes consiliarios habere. Magorum. phitonissarum atque insipientium supersticionibus non intendere. patriam fortiter contra adversarios defendere. per omnia in deum confidere. fidel catholicam habere. filios suos impios {impie corr.} agere non sinere. certis horis orationi insistere. ante horas congruas cibum non sumere. sed tempore statuto. Omnia cum discretione agere. bonos adiuuare. malos damnare;


Source sed tempore statuto damnare unidentified

[D263] ITEM.

Iustitia regis pax populorum. est: tutamentum patriae. munimentum gentis. cura langorum. {sic} gaudium hominum. fecunditas terre. solatium pauperum. hereditas filiorum. segetum habundantia. arborum fecunditas. utile prosperitas. spes future beatitudinis;

Source iusticia ... cibum non sumere Coll.Hib.A 25.4.a/Coll.Hib.B 27.10 (MS B6, fols 42v–43r), second part. rearranged — cf. PS-CYPRIAN De duodecim abusivis 9 (ed. Hellmann, p. 51 line 9–p. 52 line 6) \ abbrev., adapted

Source (utile prosperitas) unidentified

[D264] ITEM.


Source (scriptum ... capud sequuntur) Coll.Hib.A 25.4.b–c/Coll.Hib.B 27.10 (MS B6, fol. 43r), adapted

[D265] ITEM

Iusticia boni regis patriam edificat. inuiucia iniiusti regis patriam destruit. Scriptum namque est. Omnia membra: capud sequuntur. {cf. Rm 12:5} Iniquitas enim regis iniqui: pacem populorum. rumpit. et non solum presentis imperii fatim {sic} sibi ipsi suffocat.\(^{45}\) sed etiam in filios et nepotes ne regni hereditatem obtineant obscurat.

Source (scriptum ... capud sequuntur) cf. DCAL.217.†85, c. 2, as in PS-ISIDORE, Decretales (ed. Hinschius, 136)


[D266] ITEM.

\(^{45}\) suffocat] read suffuscat
Propet piacula enim iniquorum regum: saul. ieroboam. achab. et ceterorum similium. semina eorum extinxit deus. ne regnarent in mundo.
(catalog. SÄVER, ‘Transmission’, item 29c[viii])
C313

[D267] ITEM.
Mvlto enim melius est pauci tempori regnum legi ttttum {sic} quam ttttanicum longi temporis. et melior est exiugia pars cum iusticia: quam multe possessiones cum iniquitate. Breuis. est. huius uite felicitas. caduca et fragilis temporalis potentia: quam multe possessiones cum iniquitate. Breuis. est. huius uitae felicitas. caduca et fragilis temporalis potentia: et in exitu hora nobis incerta. unde festinet unusquisque. ne in iniquitatibus suis rapiatur. simulque finiatur uita cum culpa;
(catalog. SÄVER, ‘Transmission’, item 29c[ix])
C314
Source (breuis est ... temporalis potentia) DEFENSOR, Lib.scintill. 80.11 (ed. Rochais, 229, lines 1–2), abbrev.; cf. SEDVL.SCOTT. Coll.in apost. excerpt. 63 (eds Frede–Stanjek, 802, lines 2–3) — cf. SENeca, Controv. 2.1.1 (ed. Winterbottom, I, 204, lines 12–13)
Source (et in exitu ... uita cum culpa) DEFENSOR, Lib.scintill. 80.20 (ed. Rochais, 230, lines 1–3) — ISIDORE, Sententiae 3.62.4 (ed. Cazier, 328, lines 15–18) | abbrev., adapted

* * *

There follow in Barlow 37, fols 36r–39r Wulfstan’s Sermo 8a, De chrismate (this text is incorporated into Sermo 8a in MS A1), and an epitome of Hrabanus Maurus’s De inst.cleric. 2.1–10 (see Jones, ‘Wulfstan’s liturgical interests’, 352 no. 8).

[f. 39r ...]

[D268] DE IEIUNIO IIIIvr TEMPORVM.
Qvatuur. esse. tempora tocius anni manum. est. fratres mei. uidelicit uer. estas. season. et hiemps. et in singulis temporibus: singule ebdomade constant. in quibus ieiunia catholica et uniuersalis custodit ecclesia. Que ieiunia in antiquis temporibus constituta sunt per moysen domino precipiente. In primo mense quando egressus. est. populus dei ex egypto. preceptum. est. illis VII dies azaima comedere. et lactucas agrestes. et carnes agni ad uesperam. In quarto vero mense preceptum. est. per moysen congregare filios israel in unum ad templum dei in ierusalem id est ad locum quem elegit dominus dicens. Cum ingressi fueritis terram quam datu

in tercia ebdomada. esse. fatiendum. \{sic\}

In decimo uero mense eadem ebdomada que imminet ante natale domini simili modo decretum est. In quibus sabbatis dum populus uniuerusus ad ecclesiam conuenit ordinationes clericorum oportet fieri. scilicet ut dum hec ordinatio coram populo agitur. sub omnium testificatione electorum ordinaturque opinio discuciatur. \{sic\}

In concilio neocesariense scriptum est: ut nullatenus presbiter ordinetur ante XXX\textsuperscript{mum} etatis annum. In concilio affricano ut uirgines non velentur. nec diaconi ordinentur ante XXV annos. nisi rationabili necessitate cogente. Episcoporum autem ordinationes fieri oportet dominicis diebus. non in agris uel in uillis: sed in urbibus precipuis. pro tanti nominis dignitate. Hec ergo ieiunia fratres mei. rogo. et admoineo. ut deuote et humiliter cum bona voluntate obseruetis. et ad ecclesiam conueniatis. quia non solum hec ieiunia obseruanda sunt. sed etiam omni tempore dum festiuitates preclare celebrantur: Et ideo hec que suggessimus caritati uestre. rogo ut deuotissimeimpleatis. quia serui dei et plebis dei uocati estis. redempti sanguine. christi. et uobis dominus per prophetam mandauit dicens. Seruite domino in timore. et apprehendite disciplinam ne pereatis de uia iusta. \{Ps 2:11–12\} Et dominus in euangelio ait. Si diligitis me: mandata mea seruate. \{Io 14:15\} et qui non diligit me: sermones meos non seruat. \{Io 14:24\} et alibi. dixit. Vos amici. mei estis si feceritis que ego precipio uobis. \{Io 14:16\} Certissime sciat caritas uestra. fratres mei. quia quaecumque uobis per sacerdotes mandata sunt: deuotissime implere debetis. quia angelus id est nuntius dei uocatus est sacerdos. et nobis qui nuntii dei sumus. quamuis indigni. dictum est a domino. Qui uos audit: me audit. et qui uos despicit: me despicit. \{Lc 10:16\} Et in propheta. Qui despicit sacerdotem: quasi interficiat uirum. et ne frangat animum uestrum si quod absit aliter agat sacerdos quam predicat. quia dominus in ea ebemolet uel omnia. quae accipieritis est sacerdos et nobis qui uobis sumus. quamuis digni. dictum est a domino. Qui uos audit: me audit. et qui uos despicit: me despicit. \{Mt 23:3\} Si ergo hec que diximus impleueritis fratres mei. certissimum est quia et indulgentiam [f. 40r] peccatorum. et sanitatem corporis impetrare poteritis. et dabit dominus uobis pluuiam temporibus suis. et terra proferet germen suum. \{Za 8:12\} et beatos uos dicit omnes gentes. 

{Mal 3:12}\ Et non erit in uobis fames aut gladius. aut pestilentia aut tempestas. \{tempestas corr.\} aut siccitas: sed eritis populus sanctus redempti a domino. deo uestro et antequam ieiunia. 

in canonibus scriptum est. Qui infregerit unum diem in XL: uel etiam quotcumque dies infregerit. tot. uel tantas alias quadragesimas ieiunet usque ad vespem. abstinendo ab ipsis cibis. quas ieiunia. 

Obedite ergo sacerdotibus uestriris. quia pro uobis ipsi rationem redditur ueste. Problema: Et si bene impleueritis precepta dei que ieiunia. cum iudex uiuorum et mortuorum uenerit reddere unicuique seicundum opera sua: \{cf. Mt 16:27\} tunc uos cum ipsis percipieretes deo et regnat deus per omnia secula seculorum amen.

{coll. [as 'Y'] Cross, 'Newly-identified', 73–6; catalog. Saver, 'Transmission', item 33}

Copenhagen, Kongelige Bibliotek, Gl. Kgl. Sam. 1595 (4°), fols 23v–25r (coll. [as 'C'] Cross, 'Newly-identified', 73–6); also found in Cambridge, St John’s College, MS B.20 (42), fol. 91r–v, Châlons-sur-Marne, Bibliothèque
municipale, MS 31 (33), fols 6v–8v, and London, British Library, Cotton Vespiasian D. ii, fols 19v–20v; ‘in concilio neocesariense ... etatis annum’: A14; ‘in concilio africano ... necessitate cogente’: A15; ‘episcoporum autem ordinaciones ... nominis dignitate’: A12 (C14, D12) — cf. A13 (C15, D13); 1184/O156, which adapts this text; O36 and B108 (I108, O —), which adapts part of this text: B105 (I105, O85)

Source (qvatuor esse ... modo decretum est) unidentified
Source (in quibus ... opinio discuciatur) Coll.Wig.A 13, adapted; cf. Coll.Wig.O 36; Coll.Wig.B 108 (I108, O —); Coll.Wig.I 184/O 156
Source (in concilio neocesariense ... etatis annum) Coll.Wig.A 14, first part; cf. Coll.Wig.B 105
Source (in concilio neocesariense ... etatis annum) Coll.Wig.A 14, adapted; cf. Coll.Wig.B 105
Source (episcoporum ... nominis dignitate) Coll.Wig.A 12
Source (hec ergo ... precipio uobis) unidentified
Source (certissime sciat ... et non faciunt) unidentified, but cf. WVLFSAN De ven.sacerd.
Source (si ergo hec ... dominus deus uester) unidentified
Source (nolite contempnere ... de hostibus suis) unidentified, but cf. 1 Sm 14
Source (ideo ammoneo ... canonibus scriptum est) unidentified
Source (qui infregerit ... abstinere debet) unidentified, but cf. PTHU.700.1, 11.4
Source (obedite ergo ... seculorum amen) unidentified

Source (qvatuor ... oportunum diximus) Regularis concordia Anglicae nationis 9 (61) (ed. Symons, 60), abbrev.
Source (ab antiquis ... incognita erat greca) AMALAR. Lib.officialis 2.1.1 (ed. Hanssens, 197, lines 2–5), abbrev., adapted
Source (at quia ... tempora suum ieiunium) AMALAR. Lib.officialis 2.2.6 (ed. Hanssens, 202, lines 24–6)
Source (in unoquoque ... ieiunio consecratur) AMALAR. Lib.officialis 2.2.6 (ed. Hanssens, 203, lines 29–31)
Source (III et VI ... de morte domini) AMALAR. Lib.officialis 2.2.12 (ed. Hanssens, 204, lines 28–31, adapted)
Source (per singulas ... quam fecit) AMALAR. Lib.officialis 2.3.12–13 (ed. Hanssens, 209, lines 10–15), abbrev., rearranged, adapted

[D269] ITEM DE IIII TEMPORIBVS.


Source (qvatuor ... oportunum diximus) Regularis concordia Anglicae nationis 9 (61) (ed. Symons, 60), abbrev.
Source (ab antiquis ... incognita erat greca) AMALAR. Lib.officialis 2.1.1 (ed. Hanssens, 197, lines 2–5), abbrev., adapted
Source (at quia ... tempora suum ieiunium) AMALAR. Lib.officialis 2.2.6 (ed. Hanssens, 202, lines 24–6)
Source (in unoquoque ... ieiunio consecratur) AMALAR. Lib.officialis 2.2.6 (ed. Hanssens, 203, lines 29–31)
Source (III et VI ... de morte domini) AMALAR. Lib.officialis 2.2.12 (ed. Hanssens, 204, lines 28–31, adapted)
Source (per singulas ... quam fecit) AMALAR. Lib.officialis 2.3.12–13 (ed. Hanssens, 209, lines 10–15), abbrev., rearranged, adapted

[D270] EXCOMMUNICATIO CONTRA CONTEMPTORES LEGIS DOMINI ET INIMICOS\[46\] SANCTE DEI ECCLESIE.

\[46\] inimicos] corr. from enimicos?
Aedite frater karissimi. quod nunc prouocati agimus. omnipotens dominus ad benedicendum nos constituit non ad maledicendum. sed quia non est societas christi cum belial: neque pars fideli 47 cum infidele: {cf. 2 Cor 6:15} maledicendo atque excommunicando inimicos legis christi ligamus. nisi ad satisfactionem uenerint. ne suis malis exemplis. non solum semetipso: sed et alios in perditionem {sic} pertrahant. Sunt itaque incessuosi perplurimi. parricide. homicide. rapaces. fures. sancte ecclesie uliolatores. seu ecclesiasticorum graduum contemptores. quo oportet secundum diversitatem pulparum argure. sed et alii ex illis magis uolunt perdurare in perpetras criminiibus quam sacerdotum amonitionibus obdire. et saluti anime curam gerere. et ex illorum consortio qui ita rebelles existunt. sunt et isti quorum nomina subsequeuntur. N. N. N. Hii uidelicet uenenato corde multum nocuerunt nos. 48 uel nostris conseruis. fratribus siue sororibus. seu huius sancte ecclesie seruulis: et necdum 49 cessabant a sua nequitia et malitia. Quapropter segregandi sunt mali a bonis. ut segregat pastor. oues ab hedis. {Mt 25:32} siue scabrosos a sanis. Nos autem segregando excommunicamus. et anathematizando ligagamus {sic} illos rebelles. N. a consortio christianorum omnium per omnipotenciam illius qui in euangelio locutus est dicens. quodcumque ligaueritis super terram erit ligatum et in celis. et reliqua. {Mt 16:19; 18:18} Dedim enim dominus apostolis et successoribus eorum id est episcopis. potestatem uidelicet ligandi atque soluendi. et precepit eis edificare et plantare bonos in domo domini. euellere et dissipare peccatores de domo dei 50 est de ecclesia christi. Sic enim dicit dominus per ieremiam prophetam ad unenumque episcopum. Ecce constituit te super gentes et regna ut euellas et dissipes et edifices et plantes [f. 41r] in domo domini. {Jer 1:10} Qa {Qua corr.} erditione edocti: ligamus et dissipamus inimicos sancte dei ecclesie de domo domini. N. et maledicimus eos per auctoritate apostolice sedis et per episcopale consilium. ut nullam christianorum societatem habeant. ecclesiam 52 dei non ingrediantur. neque missa eis ab aliquo celebretur. Maledicti sint a patre et filio et spiritu sancto. si non uenerint ad penitenciam et emendationem congruam. Excommunicati sint de sancta maria uirgine matre domini nostri. iesu christi. et de beato michaele. gabriele atque raphaele archangelis. Maledicant eos cherubin et seraphin. throni. dominaciones. principatus et potestates. {cf. Col 1:16} et omnes uirtutes celorum. Maledicant eos XXIII seniores qui ante thronum dei sedent die ac nocte. Maledicant eos XII apostoli. maledicant eos omnes martires. Maledicant eos omnes sancti confessores. et omnes sancte uirgines et uidue. Affligantur etiam dolore. gemitu. luctu. et tristicia: labore et miseria. adducetque super illos dominus famem et esuriem. et sicut dominus maledixit iudam quando magistrum negauit: et sicut maledixit dathan et abiron: ita sint et isti maledicti. Maledicti sint in

47 fideli  
48 nos  
49 necdum  
50 id est  
51 dominii  
52 ecclesiam  
53 innocentes

Source (avdite fratres ... satisfactionem uenerint) unidentified, but for ‘omnipotens dominus ... maledicendum’
Source (ne suis malis ... perditionem pertrahant) Coll.Wig.I 168/O 163, last sentence
Source (sunt itaque incestuosi ... paricide homicide) Coll.Wig.I 168/O 163, first sentence, adapted
Source (rapaces fures ... graduum contemptores) unidentified, but cf. Coll.Wig.B 76 (I76/O57)
Source (sed et ali ... anime curam gerere) cf. Coll.Wig.I 165 and Coll.Wig.I 66/O 161
Source (et ex illorum ... rebelles existunt) unidentified
Source (sunt et isti ... subsequuntur N. N. N.) unidentified
Source (quapropter segregandi ... scabrosos a sanis) unidentified
Source (nos autem... in celis et reliqua) unidentified, but for ‘a consortio christianorum omnium’ cf. R2L 417 (ed. Hartmann, 444 line 24)
Source (dedit enim ... plantes in domo domini) unidentified
Source (qua eruditione edocti ... ab aliquo celebretur) unidentified
Source (maledicti sint a patre ... iuesi christi) unidentified
Source (et de beato michaele ... uirtutes celorum) unidentified, but cf. Excommunicatio 6.1.2 (ed. Liebermann, Die Gesetze, I, 436)
Source (maledicant eos XXIII ... die ac nocte) cf. Excommunicatio 6.1.4–5 (ed. Liebermann, Die Gesetze, I, 436)
Source (affligantur etiam ... labore et miseria) unidentified
Source (adducetque super illos ... famem et esuriem) cf. Excommunicatio 6.13 (ed. Liebermann, Die Gesetze, I, 437)

Note: this text perhaps a later, unauthorized addition to the Wigorniensis cf. I168/O163; I171/O166; I174/O171. Note: the rubric for this text is also found in the table of contents for Coll.Wig.B in MS A1, p. vii
Source (unidentified, but for ‘omnipotens dominus ... maledicendum’)
Source (ne suis malis ... perditionem pertrahant) Coll.Wig.I 168/O 163, last sentence
Source (sunt itaque incestuosi ... paricide homicide) Coll.Wig.I 168/O 163, first sentence, adapted
Source (rapaces fures ... graduum contemptores) unidentified, but cf. Coll.Wig.B 76 (I76/O57)
Source (sed et ali ... anime curam gerere) cf. Coll.Wig.I 165 and Coll.Wig.I 66/O 161
Source (et ex illorum ... rebelles existunt) unidentified
Source (sunt et isti ... subsequuntur N. N. N.) unidentified
Source (quapropter segregandi ... scabrosos a sanis) unidentified
Source (nos autem... in celis et reliqua) unidentified, but for ‘a consortio christianorum omnium’ cf. R2L 417 (ed. Hartmann, 444 line 24)
Source (dedit enim ... plantes in domo domini) unidentified
Source (qua eruditione edocti ... ab aliquo celebretur) unidentified
Source (maledicti sint a patre ... iuesi christi) unidentified
Source (et de beato michaele ... uirtutes celorum) unidentified, but cf. Excommunicatio 6.1.2 (ed. Liebermann, Die Gesetze, I, 436)
Source (maledicant eos XXIII ... die ac nocte) cf. Excommunicatio 6.1.4–5 (ed. Liebermann, Die Gesetze, I, 436)
Source (affligantur etiam ... labore et miseria) unidentified
Source (adducetque super illos ... famem et esuriem) cf. Excommunicatio 6.13 (ed. Liebermann, Die Gesetze, I, 437)

54 id est] not uel as in Sauer
Appendix XI

Source (et sicut dominus maledixit ... isti maledicti)

Source (maledicti sint in uia ... egredientes)
Excommunicatio 4.7 (ed. Liebermann, Die Gesetze, I, 435); cf. Excommunicatio 6.10, 8.26, 10.6 and 11.7 (ed. Liebermann, Die Gesetze, I, 437, 440, 441)

Source (et sint corpora ... non uenerint)
Excommunicatio 5.5 (ed. Liebermann, Die Gesetze, I, 436), partial, adapted

Source (deleanturque nomina ... libro uientium)
Excommunicatio 5.5 (ed. Liebermann, Die Gesetze, I, 436), partial, adapted

Source (sintque amaranatha ... aduentu domini)
R2L 2.416 (ed. Hartmann, 444, lines 14–15). Note: from the way it interrupts the syntax of ‘extinguentur lucerne eorum ... per secula’, it would seem that the phrase ‘sintque amaranatha ... aduentu domini’ originated as a marginal or supralinear addition; in subsequent copying it was carelessly inserted into the text before (rather than after) ‘per secula’.

Source (per secula)
Excommunicatio 5.5 (ed. Liebermann, Die Gesetze, I, 436), partial, adapted

Source (et dicant omnes amen ... incipiat et cetera)
unidentified

[D271] DE HIS QUI POST EXCOMMUNICATIONEM CUM LUCTU PENITENCIE AD RECONCILIATIONEM UENIUNT. [f. 41v]


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55 Not in Jaffé—Löwenfeld. This decretal letter, better known as Excommunicatio leonis papae, was probably written by Pope Leo VII; see L.K. Little, ‘Formules monastiques de malédiction aux XIe et XIIe siècles’, Revue Mabilion 58 (1975), 377–99, at 383–84. It circulated widely in the Middle Ages as part of Pontificale Rom.-Germ.; see R.E. Reynolds, ‘Rites of separation and reconciliation in the early Middle Ages’, in Segni e riti nella chiesa altomedievale occidentale, 2 vols, Settimane di studio del centro Italiano di studio sull’alto medioevo 33 (Spoleto, 1987), I, 405–37, at 415.
DE III\textsuperscript{OR} PRINCIPALIBUS SINODIS.


donec perueniant omnes in uirum perfectum. Iste elegerunt que dominus uoluit. qui se totos in holocaustum offerunt deo. Nam holocausta sunt que super altare integra concrematur. Victime uero et hostie sunt. quaram pars offertur [f. 42v] altari. pars sacerdotibus traditur. Et uictimas offerunt: qui ad tempus uacant orationi. Eunuchi uero tenent fedus domini septemternum. ut non ad tempus uacent orationi. et iterum ad idipsum reuertantur. {cf. 1 Cor 7:5} sed uae sabbatum tenent id est otium ab omni seruili. quia qui facit peccatum: seruus est peccati; {cf. Io 8:34}

(catalog. Saver, 'Transmission', item 37)

Source (qvatuor esse ... IIII° euangelia) Coll.Hib.B, prologue following preface (MS B6, fol. 1r), first sentence — ISIDORE, Etym. 6.16.5 | partial

Source (prima in nicea ... ita statuta est) Coll.Hib.B, prologue following preface (MS B6, fol. 1r–v) — ISIDORE, Etym. 6.16.6–9 | partial, abbrev., adapted

Source (post multum ... seruus est peccati) ÆLFRIC Ep.2.65–78 (ed. Fehr, 41–4), abbrev. Note: a short passage regarding Arrius ('sed minorem dixit esse filium ideoque condempnauit eum anathemate prefata sinodus dicens filium coeternum et consubstantiam patri') is missing from this text, almost certainly due to homoioteleuton.

[D273] INTERROGATIO AUGUSTINI. RESPONSIO GREGORII

suggestione igitur peccati si mens est: in delectacione fit nutrimentum. In consensu: perfectio est. Et sepe contingit. ut hoc quod malignus spiritus seminat in cogitatione: caro in delectationem trahat. nec tamen anima eidem delectacioni assentiat. Et cum caro delectari sine animo nequeat: ipse tamen animus carnis ulolatipatus reluctant in delectatione carnali aliquo modo ligatur inuitus. ut ei ex ratione contradicat ne consentiat. et tamen delectatione ligatus sit. sed ligatum se uehementer ingemiscat. Vnde et ille celestis exercitus precipuus miles gemebat dicens: Video aliam legem in membris meis repugnantem legi mentis mee. et captivum me ducentem in lege peccati. que est in membris meis. \{Rm 7:23\} Si autem captivus erat: minime pugnabat. sed et pugnabat. Qua propter et captivus erat. et pugnabat. Igitur legi mentis cui lex que in membris est repugnabat. Si autem captivus erat: minime pugnabat. nec tamen anima eidem delecta cionas sentiat. Et cum caro delectari sine animo nequeat: ipse tamen animus carnis uoluptatibus reluctans in delectatione carnali aliquo modo ligatur inuitus. ut ei ex ratione contrarie ne consentiat. et tamen delectatione ligatus sit. sed ligatum se vehementer ingemiscat. Vnde et ille celestis exercitus precipuus miles gemebat dicens: Video aliam legem in membris meis repugnantem legi mentis mee. et captivum me ducentem in lege peccati. que est in membris meis. \{Rm 7:23\}

**Note:** if this canon is from BD 5.42–3 (cf. SAVER, ‘Transmission’, 353), then it is a later, unauthorized addition to the Wigorniensis

*Source*  
BD 5.42–3; cf. PHAL.800.5.17; BEDE HE 1.27 (ed. Plummer, 59–62) —  
DGRE.590.1843, c. 9. Note: two short passages (’infirmitate aliquando ex cogitatione contingit et quidem cum ex naturae superfluitate uel ‘ and ‘cum uero malignus spiritus peccatum suggerit in mente si nulla peccati delectatio sequatur peccatum omnimodo perpetratum non est’) are missing from this canon, in each case probably due to homoioteleuton.

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**[D274] QUOD DEBEAT DARI XMA ET DE PECORIBUS ET DE OMNIBUS TERRE FRUCTIBUS. EX CONCILIO MAGONTIENSI. CAPITULO XXXVIIIVO.**

Ammonemus atque precipimus: ut decimas omnino dare non negligatur: quas deus dare constituit. quia timendum est ut quisquis deodebitum suum abstrahit. ne forte deus per peccatum suum auferat ei necessaria sua.

*Note:* this canon a later, unauthorized addition to the Wigorniensis

*Source*  
BD 3.131 — CMNZ.813.38

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**[D275] EX CONCILIO ROTOMAGENSI. CAPITULO III9.**


*Note:* this canon a later, unauthorized addition to the Wigorniensis

*Source*  
BD 3.130 — CMNZ.852.3, partial (ed. Hartmann, 242, lines 10–18)

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**[D276] QUOD AUCTORITATE UETERIS LEGIS DANDA SIT XMA. EX CONCILIO MAGUNCIENSI. CAPITULO V.**

Decimas\[^{56}\] deo et sacerdotibus dei dandas abraham factis iacob promissis insinuat. Deinde lex statuit et omnes doctores sancti commemorant. et profecto dignum erat ut israelite decimas

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\[^{56}\] decimas: a red line drawn through this word
pecorum et frugum et omnium primitiarum domino darent: qui eos liberauerat a decem plagis quibus egypios percussit. et in nouissima plaga primogenita cunctorum disperdidit. gratiamque suis prestitit. ut impetra etiam decem plagis quibus egypios percussit. et in nouissima plaga primogenita cunctorum disperdidit. gratiamque suis prestitit. ut impetrassent pecuniis {sic} spoliarent egypsum. 

D e quibus decimis auctius doctor uenerabilis dicit. Decime ex debito requiruntur. Quod si diceret certe meus est {sic} homo. mea est terra quam colis. semina mea quam spargis. mea animalia que fatigas. meus est solis calor. et cum omnia mea sint: tu qui minus accommodas sola

m de decimis uix mereris. sed reseruo tibi nouem: da mihi decimam. Si non dederis mihi X nam: multiplicabo tibi IX.

Cum itaque iudaicus populus preceptum decimarum tanta diligencia obseruare voluit: ut de quibusque rebus minimis ruta uidelicet et menta et cumino ut ipse dominus testaretur {testatur corr.} decimam daret. cur non maiori studio plebs euangelica eandem impleat iussionem. et cui maior numerus est sacerdotum. et sincerior cultus sacramentorum? Ideoque ergo dande sunt: ut hac deuocione deus placatus. largius prestet que

necessaria sunt que {que expunct.} sicut superius ostendimus. et ut sacerdos ac magister ecclesie cura ac sollicitudine necessitatum corporalium. sine quibus hec uita transigi non potest. et ut sacerdos ac magister ecclesie cura ac sollicitudine necessitatum corporalium. sine quibus hec uita transigi non potest. et ut sacerdos ac magister ecclesie cura ac sollicitudine necessitatum corporalium. sine quibus hec uita transigi non potest.

[Note: this canon a later, unauthorized addition to the Wigorniensis]

Source

BD 3.133 — WALAHFRID STRABO Libellus de exordiis 28 (in Capitularia regum Francorum, ed Boretius–Kraus, II, 474–516, at 512–13); ‘decime ex debito...

The following two canons have been added in the margin of Barlow 37, fol. 43v by Hand A. If meant as glosses on the text, there is no indication on the page of to which canons they pertain; nevertheless, the subject matter (the rewards of tithing, injunctions to tithe, quoting pseudo-Augustine [really Caesarius’s Sermo 33]) indicates that the glossator was prompted by D276 (on the purpose and scriptural origin of the tithe, quoting pseudo-Augustine [really Caesarius’s Sermo 33]). The glossator appears to have recognized that D276b draws on the same pseudo-Augustinian source material as D276.

[D276a] Ieronimus.

hortor uos fideles atque commoveo. ut inferatis decimas in horrea. hoc est in tesauros {thesauros corr.} templi. ut habeant sacerdotes atque leuite qui deo ministrant cibos. et probate deum si non tantas pluuias effuderit: ut catharacte {chatharacte corr.} celi aperte esse credantur. et effundam uobis benedictionem: usque ad habundantiam. {Mal 3:10} Verbum effusionis nomen largitatis ostendit.

Source

GRATIAN, C. 16 q. 1 c. 65, partial — JEROME, Comm.in Malachiam, vers. 3:8–12 (ed. Adriaen, CCSL 76A, 935, lines 303–09)

[D276b] Avgustinus.

Si dederis decimam. non solum habundantiam fructuum recipies: sed etiam salutem corporis et anime consequeris. Non igitur dominus deus premium postulat {set add. sup. lin.} honorem. deus enim noster qui dignatus est totum dare: X nam a nobis dignatus est accipere. non sibi sed nobis sine dubio profuturam. Sed si tardius dare. peccatum est. quanto magis peius peccatum est non dedisse? De militia. de negotio. de artificio: redde decimas. Cum enim décimas dando. et
terrena et celestia possis premia promereri quare pro auaricia duplicem benedictionem fraudas?
Hec est enim dei iustissima consuetudo. ut si tu illi decimam non dereris: tu ad X\textsuperscript{am} reuoceris.

Source

\textit{Gratian, C. 16 q. 1 c. 66, partial — Caesarius Sermo 33.1–3 (ed. Morin, p. 143 line 4–p. 146 line 8), partial}

[D277] \textbf{DE OFFITIO MISSE. DE CANONIBUS EXERPTA.}

\textit{Officium} \textsuperscript{57} quidem missae magna ex parte ad sumum pertinet sacerdotem. cui sacrificandi data est licentia. et ueneranda mysteria consecrare. Et ideo sacerdotes procurent magnopere. ut sint pr\textsuperscript{ius} innocentes, mansueti. sobrii. et humiles. Deinde cum casto corpore et mundo corde accedant ad benedicendum dei sacrificium. conseruantes semper mundiciam cordis et corporis. ne huius unquam unctionis dignitatem degerent. Nam et oblationes quas in sacrificio deo offerant. aut a semetipsis aut a discipulis ab eis bene eruditis nitide ac studiose preparentur. et diligenter obseruerunt. ut panis et uinum. et aqua. sine quibus nequaquam misse celebrantur. pura et mundu flant. quia si aliter agatur: non solum ab altare domini. et a conuiuo sanctorum separabuntur: sed etiam cum his qui acetum cum felle mixtum obtulerunt domino in passione crucis. nisi cito de his uera penitentia negligentiis ante exitum uite subuenerit punientur.


\textit{(catalog. Saver, ‘Transmission’, item 40)}

\textit{C319; MS A1, pp. 163–64 (titled ‘De officio et mysterio missae’); Copenhagen, Kongelige Bibliotek, Gl. Kgl. Sam. 1595 (4”), fols 79v–80r (where the title ‘De officio missae’ is added in Wulfstan’s hand); officium quidem ... \textit{subuenerit puintautur”}: also in Cambridge, Pembroke College, MS 25, fol. 159r–v, where it is titled ‘De officio missae [sic] et mysterio atque orationibus canonicoorum horarum: Sermo Rabani Mauri’ (cf. CROSS, Carolingian sermonary, 41; CROSS-TVNBEG, Copenhagen Wulfstan collection, 23) — cf. B109 (I109, O–), which adapts part of this text}

Source (officium quidem ... misterea consecrare)

Cambridge, Pembroke College, MS 25, fol. 159r — HRAB.MAVRVS De inst.cleric. 2.1 (ed. Zimpel, 344, lines 3–5), abbrev., adapted. Note: this passage not found in the selection of material from HRAB.MAVRVS De inst.cleric. 2.1–10 on fols 37v–39r.

\textsuperscript{57} officium] a red line drawn through this word
The following canon has been added in the margin of Barlow 37, fol. 44r by Hand A. If meant as glosses on the text, there is no indication on the page of to which text it pertains; nevertheless, the subject matter (that priests shall have assistants at mass) suggests that the glossator was prompted by D277 (on the purity of priests who give mass; exposition of the sacrament of mass).

[D277a] Toletanum concilivm. Illud diuini oraculi momentis singulis precauentes quo scribitur. Ve soli. quia si ceciderit: non habet subleuantem. {Ecl 4:10} Summopere nobis cauendum est et uerendum. ut horis illis atque temporibus quibus Domino spallitur {sic} uel sacrificatur unicuique diuinis sigulariter {sic} officiis insistenti. pernitiosa passio. uel corporis ualitudo occurrat que aut corpus subito obrui faciat. aut mentem alienatione uel. terrore confundat: huiusmodi ergo casibus praecauentes. necessarium duximus instituere. ut ubi temporis uel loci. siue clerici copia suffragatur: habeat quisque illic sacrificans. post se. uicini solaminis adiutorem. Vt si aliquo casu ille qui offitia inpleturus accedit. turbatus fuerit: uel ad terram elisus: a tergo semper habeat qui eius uicem exequatur intrepidus. Source GRATIAN, C. 7 q. 1 c. 15 — CTOL.675.14

Appendix XI

eos unguere. et infirmus debet accipere communionem: quando eam deglutire. potest. Nec licet mittere communionem in os seminecis: quando eam glutire non potest. quia debet manducare eam sicut scriptum est. Qui manducat meam carnem et bibit sanguinem meum: in me manet et ego in eo. {Io 6:56} Quidam uero infirmi sunt tam hebetes. ut estiment se ideo mori si communionem accipiant. et parentes eorum pro ipsis offerant. debetis modo habere tria uascula munda et consignata ad tam sancta dona tenenda. Hoc est ampullam ad oleum sanctum. ampullam ad oleum crismatis. ampullam ad oleum infirmmorum. quia non audemus hec tria crismata simul miscere in uno uase. quoniam singillatim sanctificata sunt ad singula mysteria. et uos debetis singillatim. scitote etiam quod non licet habere conuium in ecclesia dei. nec secularia colloquia nisi orationes sanctas. et qui in ecclesia uigilant non manducent in ea nec bibant. quod si faciant deum irritant. Et scitote quia calices debent omni ebdomada lauari. et ipsa aqua lauationis fundi circa altare. Et sanctificat salem et aquam omni dominica die ante missam. et spargite per ecclesiis et super populum aedem ad altare. et tenete ipsam aquam usque ad alteram dominicam. Et scitote quia non licet celebrare missam cum solo uino nec cum sola aqua. sed debet miscere simul uinum et aqua. quia uinum significat nostram redemptionem per sanguinem christi. et aqua significat populum dei pro quo ipse passus est. Debet namque sacerdos dei sollicite curare. ut oblatio eius munda sit et non uetusta. et mixtura quam in calice miscet liquida sit et pura. quia dicit propheta. Maledictus qui facit opus dei negligenter. {Ier 48:10} Ideoque non debet quislibet cecus celebrare missam. quia non potest uidere si mundum est quod offert. Magnam itaque gloriem et magnum mercedem adquirit sibi sacerdos apud deum: qui bene et caste ei ministrat. et satis sancta est icta sacerdotum et ministrorum dei in clero: si ordines suos in ministrando sollicite et caste et honeste custodiant. Vos decet. esse. magistros. et docere discipulos. non carnales filios: sed spiritales. quia maximum lucrum inde potestis adquirere. sicut dicit daniel propheta. Qui autem docti fuerint. fulgebunt quasi splendor firmamenti. et qui ad iusticiam erudiant multos: quasi stelle in perpetuas eternitates. {Dn 12:3} Quidam uero presbiteri implant alabastrum suum de sacrificio quod in pascha domini sanctificant. et consequunt per totum annum ad infirmos. quasi sanctior sit ceteris sacrificiis. sed nimum insipiente agunt. quia nigrescit et putrescit tamdiu conseruatum. et liber penitencialis pro tali negligencia docet magnam. aut si a muribus comestum sit. aut ubi seipsum condempnat. Qui bis unum sacrificium consecrat: similis est illi qui unum infantem bis baptizat. et uterque anathema est. Et qui aliquid gustauerit aut edendo aut bibendo non presumat legere nec epistolam nec euangelium. quia si facit: deum inhonorat. et seipsum condempnat. Qui bis unum sacrificium consecrat: similis est illi qui unum infantem bis baptizat. et uterque anathema est. Et non licet aliquid ponere in ecclesia dei. nec uasa. nec utensilia. nec granum. nec aliquid nisi que ad ministeria ecclesiastica pertinent. Sufficient sacerdotoi {sacerdotoi corr.} unam missam in una die celebrare. quia christus semel passus est. et totum mundum redemit. Non modica res est missam facere. et tualde felix est. qui unam celebrare digne poterit.

The following two texts have been added in the margins of Barlow 37, fols 44v and 45r by Hand A. If meant as glosses on the text, there is no indication on the page of to which text sections they pertain; nevertheless, the subject matter of D278a (the medical and spiritual value of consecrated ointment, i.e the oil for healing the sick and the oil of catechumens) and of D278b (why balsam is added to [consecrated] oil [the chrism?]) point to D278’s ‘damus uobis sanctificatum ... uos debetis singillatim’ (Fehr, cc. 4–22: on the uses of the three oils: ‘holy’ oil, the chrism, and oil for the sick).


Source (spiritus timoris ad uitam) unidentified

[D279] ORDO AD REUOCANDOS PENITENTES EX PENITENTIALI ROMANO. DE CONFESSIONE ET PENITENCIA ET RECONCILIATIONE. ET EORUM INTERROGATIONE QUI PECCATA SUA CONFITERI DESID[ER]ANT.

(fols 45v–59r): an augmented version of PPGR.800. Several ordines confessionis precede the penitential on fols 45v–47r (‘Credis in deum patrem omnipotentem et filium et spiritum sanctum? ... Si nosmetipsos iudicaremur, non utique iudicaremur’; ‘Nunc tibi utita principalia sunt explicata ... affectus presentis seculi, horror et desperatio futuri’; ‘Ergo si superbus fuisti usque modo, humilia teipsum in conspectu dei ... de his et de omnibus sceleribus meis uenia et indulgentiam consequi merear’; ‘Scito, O homo, nullum tibi aduersari potuisse nisi deus potestatem dedisset ... In ipsa est tibi censura supplicii que fuit causa peccati’; ‘Vt bene uiuerem ultero promisi, quod pollicitus sum numquam seruaui ... per me multorum propositum maculatum est; per me nomen sanctitatis laceratum est’; ‘Affeccionum insuper qualitates IIII habere debemus ... dei gratia in corde nostro presentem esse sciamus’). The rubric ‘LIBER PENITENTIALIS INCIPIT DE GRAUISSIMO HOMICIDIO. EPISCOPORUM. DOMINORUM. SACERDOTUM. PARENTUM. HEC EST CONSTITUCIO DE HOMICIDIO’ on fol. 47r marks the beginning of a series of penitential chapters (‘Quicumque homicidii [sic] sponte patrati, VII annorum spacio penitentiam agit ...Quo expleto, dic ter “in manus tuas commendabo spiritum meum; redemisti me domine deus ueritatis”, conuentu idipsum ter respondente’), many of which are drawn from BD 19 (‘Corrector sive medicus’). The PPGR.800 proper begins on fol. 50v with the rubric ‘HIC INCIPIUNT IUDITIA PENITENCIIUM. ET QUE SIT UERA REMISSIO PECCATORUM’ and continues to fol. 54v. There follows a series of penitential chapters (‘Penitencia laicorum excerpta a domino fulberto carnootensium episcopo ... atque in quinta feria, que est dominica cena, ad metropolitana sedem iterum domno pontifici reconsignentur’) which ends on fol. 59r. A number of hand changes occur within this penitential, namely on fols 51v, 52r, 54v and 55v. Substantial marginalia have been added by Hand A on fols 46v, 47r, 50v, 51r, and 51v. While the additions before and after
the PPGR.800 cannot originally have formed a part of the Wigorniensis, it is possible that the PPGR.800 itself did.

{Hand A resumes}

There follows in Barlow 37, fols 59r–61v a series of texts on the sacrament of communion, drawing on such authorities as Augustine, Ambrose, Hrabanus Maurus, Gregory the Great, and Lanfranc; thus, a later, unauthorized addition to Coll.Wig. As I argue above, a new section of Barlow 37 appears to begin on fol. 62r.
Appendix XII: Transcription of the Cotton copy (A3) of the Collectio Wigorniensis (Coll.Wig.I)

For an explanation of editorial conventions, see above, pp. 556, 729 and 809.

* * * Collectio Wigorniensis I * * *

[f. 127r ...]

Cleros grece. sors latine; Inde dicuntur clerici: quia de sorti sunt domini; Quorum gradus et
presbyter. Episcopus; Archiepiscopus autem greco uocabulo: summus episcoporum latinę
interprecatur; {sic} Archon enim grece. princeps latine; Inde archiepiscopus princeps
episcoporum dicitur; Tenet enim uicem apostolicam: cuius etiam auctoritati ceteri episcopi
subieci esse debent; Et sicut presbiteri sub episcopis: ita et episcopi sub archiepiscopis.
sollicitudinem christianę religionis et eclesiasticae dignitatis obseruare debent. canoniceque
constitutionis regulam non neglegerit;
cf. O29, which combines this canon with material from Boniface, Epistola 78
Source (cleros ... subjecti esse debent) Isidore, Etym. 7.12.1–10, abbrev., adapted
Source (et sicut presbiteri ... non neglegerit) unidentified

[12] [f. 127v] INCIPIT DE CANONIBUS;
Canones dicimus regulas quas sancti patres constituerunt. in quibus
scriptum est quomodo
canonici. id sunt regulares clerici uiuere debent;
B pref. (O–) — cf. D225, which draws independently on the same source and combines it
with C258
Source ÆLFRIC Ep.2.84 (ed. Fehr, 45), slightly adapted

[13] AUGUSTINUS AURELIENSIS EPISCOPUS DICIT;
Vt nulli sacerdotum suos liceat canones ignorare: nec quicquam facere quod patrum possit
regulis obuari: et ne excusatio de ignoratione. nascatur. uel per obliuionem aliquid neglegetur:
frequenter in hoc libello quasi in speculo prospeciant. quod canonum est regulis definitum;
Uerumtamen non omnes clerici iudicia canonice constitutionis usurpare aut legere debent: sed
solummodo presbiteri; Sicut enim sacrificium offerre non debent nisi episcopi et presbiteri: sic
nec iudicia ista aliis usurpare debent;
B1 (O–); A1 (C3, D1, R1)
Source (vt nulli ... usurpare debent) Coll.Wig.A I — DCEL.422.371, first sentence (Constant, col. 1072) +
DLEO.440.402, c. 2 (ed. Wurm, 89, lines 22–3) + AVG. Praec. 8.2 (ed.
Verheijen, 437, lines 240–42), adapted + DLEO.440.402, c. 2 (ed.
Wurm, 89, line 24) + PHAL.800.6.pref., ‘Quotiescumque’ instruction
(ed. Schmitz, 471–72), adapted
[14] ITEM IUS SACERDOTALE; {INCIPIVNT EXCERPTIONES. DOMNI ECGBERHTI ARCHIEPISCOPI EBVRAE CIUITATIS DE SACERDOTALI IVRE; add. in mg. }¹
Ut unusquisque sacerdos ecclesiam suam cum omni diligentia edificet: et reliquas {reliquias corrig.} sanctorum cum summum studio uigilari noctis. et [f. 128r] diuinis officiis consuerit;

(coll. [as ‘Y’] ARONSTAM, Latin canonical tradition, 215; coll. [as ‘N’] SELBORNE, Ancient facts², 317)
B2 (O) — cf. C2/D169; MS A5, fols. 3r–5r; Paris, Bibliothèque nationale, Lat. 943, fols 149r–150v;
Pontificale.Lanalet. (ed. DOBLE, 127–28); Pontificale.Ecbgb. (ed. BANTING, 7–8), whose copy of GHAERBALD, Cap.I is a hybrid Continental-Insular version; Coll.Wig.R, whose copy of GHAERBALD, Cap.I is incomplete
Source GHAERBALD Cap.I, 1

[15] ITEM
Ut omnes sacerdotes horis compentibus {compentibus (sic) corrig.} diem et noctis. suarum sonent ecclesiarium signa: et sacra tunc deo celebrent officia et populos erudiant. quomodo aut quibus deus adoratus {adorandus corrig.} est horis;

(coll. [as ‘Y’] ARONSTAM, Latin canonical tradition, 216; coll. [as ‘N’] SELBORNE, Ancient facts², 318)
B3 (O) — cf. C2/D169; MS A5, fols. 3r–5r; Paris, Bibliothèque nationale, Lat. 943, fols 149r–150v;
Pontificale.Lanalet. (ed. DOBLE, 127–28); Pontificale.Ecbgb. (ed. BANTING, 7–8), whose copy of GHAERBALD, Cap.I is a hybrid Continental-Insular version; Coll.Wig.R, whose copy of GHAERBALD, Cap.I is incomplete
Source GHAERBALD Cap.I, 2

[16] ITEM.
Ut omnibus festis. et diebus dominicis: unusquisque sacerdos euangelium christi predicet populo;

(coll. [as ‘Y’] ARONSTAM, Latin canonical tradition, 216; coll. [as ‘N’] SELBORNE, Ancient facts², 318)
B4 (O) — cf. C2/D169; MS A5, fols. 3r–5r; Paris, Bibliothèque nationale, Lat. 943, fols 149r–150v;
Pontificale.Lanalet. (ed. DOBLE, 127–28); Pontificale.Ecbgb. (ed. BANTING, 7–8), whose copy of GHAERBALD, Cap.I is a hybrid Continental-Insular version; Coll.Wig.R, whose copy of GHAERBALD, Cap.I is incomplete
Source GHAERBALD Cap.I, 3

[17] Ut unusquisque sacerdos cunctos sibi pertinentes erudiat. ut sciant qualiter decimas totius facultatis: ecclesiis diuinis debite offerant;

(coll. [as ‘Y’] ARONSTAM, Latin canonical tradition, 216; coll. [as ‘N’] SELBORNE, Ancient facts², 318)
B5 (O) — cf. C2/D169; MS A5, fols. 3r–5r; Paris, Bibliothèque nationale, Lat. 943, fols 149r–150v;
Pontificale.Lanalet. (ed. DOBLE, 127–28); Pontificale.Ecbgb. (ed. BANTING, 7–8), whose copy of GHAERBALD, Cap.I is a hybrid Continental-Insular version; Coll.Wig.R, whose copy of GHAERBALD, Cap.I is incomplete
Source GHAERBALD Cap.I, 4

[18] ITEM.
Ut ipsi sacerdotes a populis suscipiant decimas. et nomina eorum quicumque dederint scripta habeant. et secundum autoritatem {auctoritatem corrig.} canonicae coram timentibus diuidant: et ad ornamentum ecclesiæ primam eligant partem: secundam autem ad usum pauperum atque peregrinorum per eorum manus misericorditer cum omni humilitate dispensent. tertiam uero sibimetipsis sacerdotes reseruent;

(coll. [as ‘Y’] ARONSTAM, Latin canonical tradition, 216; coll. [as ‘N’] SELBORNE, Ancient facts², 318)
B6 (O) — cf. C2/D169; MS A5, fols. 3r–5r; Paris, Bibliothèque nationale, Lat. 943, fols 149r–150v;
Pontificale.Lanalet. (ed. DOBLE, 127–28); Pontificale.Ecbgb. (ed. BANTING, 7–8), whose copy of GHAERBALD, Cap.I is a hybrid Continental-Insular version; Coll.Wig.R, whose copy of GHAERBALD, Cap.I is incomplete

¹ The marginal addition refers to 14–24 (= Ghaerbalde’s Cap.I), which the annotator recognized as having been excerpted from the preface to PECG.700; see above, Chapter 4 p. 153, and Appendix V, p. 472.
[19] **ITEM.**
Ut unusquisque sacerdos orationem dominicam et symbolum populo sibi commisso curiosi insineat: ac totius religionis studium et christianitatis [*]ult[**]orum {cultum: eorum corr.} mentibus ostendat;
(coll. [as ‘Y’] ARONSTAM, Latin canonical tradition, 217; coll. [as ‘N’] SELBORNE, Ancient facts², 318)
B7 (O–) — cf. C2/D169; MS A5, fols. 3r–5r; Paris, Bibliothèque nationale, Lat. 943, fols 149r–150v;
Pontifical.Lanalet. (ed. DOBLE, 127–28); Pontifical.Ecgb. (ed. BANTING, 7–8), whose copy of GHAERBALD, Cap.I is a hybrid Continental-Insular version; Coll.Wig.R, whose copy of GHAERBALD, Cap.I is incomplete
Source GHAERBALD Cap.I, 5

[110] **ITEM.**
Ut cuncti sacerdotes precibus assiduis pro uita et imperio domini imperatoris. et filiorum ac filiiorum salute orent;
(coll. [as ‘Y’] ARONSTAM, Latin canonical tradition, 217; coll. [as ‘N’] SELBORNE, Ancient facts², 319)
B8 (O–) — cf. C2/D169; MS A5, fols. 3r–5r; Paris, Bibliothèque nationale, Lat. 943, fols 149r–150v;
Pontifical.Lanalet. (ed. DOBLE, 127–28); Pontifical.Ecgb. (ed. BANTING, 7–8), whose copy of GHAERBALD, Cap.I is a hybrid Continental-Insular version; Coll.Wig.R, whose copy of GHAERBALD, Cap.I is incomplete
Source GHAERBALD Cap.I, 6

[111] **ITEM.**
Ut unusquisque sacerdos co[*]idianis {cotidianis corr.} assistat orationibus: pro pontifice cuius gubernatur regimine;
(coll. [as ‘Y’] ARONSTAM, Latin canonical tradition, 217; coll. [as ‘N’] SELBORNE, Ancient facts², 319)
B9 (O–) — cf. C2/D169; MS A5, fols. 3r–5r; Paris, Bibliothèque nationale, Lat. 943, fols 149r–150v;
Pontifical.Lanalet. (ed. DOBLE, 127–28); Pontifical.Ecgb. (ed. BANTING, 7–8), whose copy of GHAERBALD, Cap.I is a hybrid Continental-Insular version; Coll.Wig.R, whose copy of GHAERBALD, Cap.I is incomplete
Source GHAERBALD Cap.I, 7

[112] **ITEM.**
Ut nullus sacerdos in domibus uel aliis locis. nisi in ecclesiis dedicatis celebrare missas audeat;
(coll. [as ‘Y’] ARONSTAM, Latin canonical tradition, 217; coll. [as ‘N’] SELBORNE, Ancient facts², 319)
B10 (O–) — cf. C2/D169; MS A5, fols. 3r–5r; Paris, Bibliothèque nationale, Lat. 943, fols 149r–150v;
Pontifical.Lanalet. (ed. DOBLE, 127–28); Pontifical.Ecgb. (ed. BANTING, 7–8), whose copy of GHAERBALD, Cap.I is a hybrid Continental-Insular version; Coll.Wig.R, whose copy of GHAERBALD, Cap.I is incomplete
Source GHAERBALD Cap.I, 8

[113] **ITEM.**
Ut a cunctis sacerdotibus ius et tempus baptismatis temporibus congruis: secundum canonican iustitionem {sic} cautissime obsueretur;
(coll. [as ‘Y’] ARONSTAM, Latin canonical tradition, 218; coll. [as ‘N’] SELBORNE, Ancient facts², 319)
B11 (O–) — cf. C2/D169; MS A5, fols. 3r–5r; Paris, Bibliothèque nationale, Lat. 943, fols 149r–150v;
Pontifical.Lanalet. (ed. DOBLE, 127–28); Pontifical.Ecgb. (ed. BANTING, 7–8), whose copy of GHAERBALD, Cap.I is a hybrid Continental-Insular version; Coll.Wig.R, whose copy of GHAERBALD, Cap.I is incomplete
Source GHAERBALD Cap.I, 9

[134] **ITEM.**
Ut omnes sacerdotes quibuscumque horis omnibus indigentibus baptismum infirmitatis causa diligentissime tribuant;
(coll. [as ‘Y’] ARONSTAM, Latin canonical tradition, 218; coll. [as ‘N’] SELBORNE, Ancient facts², 319)
[115] ITEM.
Ut nullus presbiter sacrum officium siue baptismatis sacramentum. aut aliquid donorum spiritualium pro aliquo pretio [f. 129r] uendere presumat: ne uendentes et ementes in templo columbas imitentur et pro his que adepti sunt per gratiam diuinam: non pretia concupiscant terrena: sed solam regni celestis gloriam promereantur accipere;

Source GHAEBALD Cap.I, 11

[116] ITEM.
Ut nullus presbiter a sede sancte ecclesie sub cuius titulo ordinatus fuit ammonitionis causa ad alienam pergat ecclesiam: sed ibidem deuotos usque ad uite permaneat exitum;

Source GHAEBALD Cap.I, 12

[117] ITEM.
Ut nullo ex sacerdotum numero ebrietatis utium nutriet: nec alios cogat per suam iussionem inebriari;

Source GHAEBALD Cap.I, 13

[118] ITEM.
Ut nullus sacerdos extranearum mulierum habeat familiariatem: nec in sua domu in qua ipse habitat ullam mulierem unquam {unquam copp.} permittat habitare;

Source GHAEBALD Cap.I, 14

[119] item
Ut nulli sacerdotum liceat fideiusorem. esse: neque derelicta propra {propra copp.} lege: ad secularia iudicia accedere;

Source GHAEBALD Cap.I, 15

[120] ITEM.
Appendix XII

Ut nemo sacerdotum ex numero arma pugnantium umquam \{quam corr.\} po[**]et: \{portet corr.\} nec litem contra proximum ullam excitet;

\(\text{B18 (O--) cf. C2/D169; MS A5, fols. 3r–5r; Paris, Bibliothèque nationale, Lat. 943, fols 149r–150v;}
\)

Pontifical.Lanalet. (ed. DOBLE, 127–28); Pontifical.Ecgb. (ed. BANTING, 7–8), whose copy of GAEBALD, Cap.I is a hybrid Continental-Insular version; Coll.Wig.R, whose copy of GAEBALD, Cap.I is incomplete

Source: GAEBALD Cap.I, 17

[121] [f. 129v] Ut nullus presbiter edendi aut bibendi causa gradiat in tabernis; \{tabernas corr.\}

\(\text{B19 (O--) cf. C2/D169; MS A5, fols. 3r–5r; Paris, Bibliothèque nationale, Lat. 943, fols 149r–150v;}
\)

Pontifical.Lanalet. (ed. DOBLE, 127–28); Pontifical.Ecgb. (ed. BANTING, 7–8), whose copy of GAEBALD, Cap.I is a hybrid Continental-Insular version; Coll.Wig.R, whose copy of GAEBALD, Cap.I is incomplete

Source: GAEBALD Cap.I, 18

[122] ITEM

Ut nullus sacerdos quicquam cum iuramento iret; \{iure corr.\} sed simpliciter cum puritate et ueritate omnia dicat;

\(\text{B20 (O--) cf. C2/D169; MS A5, fols. 3r–5r; Paris, Bibliothèque nationale, Lat. 943, fols 149r–150v;}
\)

Pontifical.Lanalet. (ed. DOBLE, 127–28); Pontifical.Ecgb. (ed. BANTING, 7–8), whose copy of GAEBALD, Cap.I is a hybrid Continental-Insular version; Coll.Wig.R, whose copy of GAEBALD, Cap.I is incomplete

Source: GAEBALD Cap.I, 19

[123] ITEM.

Ut cuncti sacerdotes omnibus illis confitentibus eorum crimina: dignam penitentiam cum summa uigilantia ipsis iudicent: et omnibus infirmis ante ex[**]itum \{exitum corr.\} uitę uiatricum et communitionem corporis christi misericorditer tribuant;

\(\text{B21 (O--) cf. C2/D169; MS A5, fols. 3r–5r; Paris, Bibliothèque nationale, Lat. 943, fols 149r–150v;}
\)

Pontifical.Lanalet. (ed. DOBLE, 127–28); Pontifical.Ecgb. (ed. BANTING, 7–8), whose copy of GAEBALD, Cap.I is a hybrid Continental-Insular version; Coll.Wig.R, whose copy of GAEBALD, Cap.I is incomplete

Source: GAEBALD Cap.I, 20

[124] ITEM.

Ut secundum diffinitionem sanctorum patrum si quis infirmatur: a sacerdotibus oleo sanctificato cum orationibus diligenter ungatu[*]; \{ungatur corr.\}

\(\text{B22 (O--) cf. C2/D169; MS A5, fols. 3r–5r; Paris, Bibliothèque nationale, Lat. 943, fols 149r–150v;}
\)

Pontifical.Lanalet. (ed. DOBLE, 127–28); Pontifical.Ecgb. (ed. BANTING, 7–8), whose copy of GAEBALD, Cap.I is a hybrid Continental-Insular version; Coll.Wig.R, whose copy of GAEBALD, Cap.I is incomplete

Source: GAEBALD Cap.I, 21

[125] Ut presbiter eucharistiam habeat semper paratam ad infirmos: ne sine communione moriantur;

\(\text{B23 (O--)}\)

Source: ANSEGIS Coll.cap. 1.155; RADVL Cap. 6, first part (ed. Brommer, 238, lines 2–4); R2L 1.70 — Cap.eccl.(810–813) 16 (ed. Boreitius, 179) \ abbrev., adapted

[126] ITEM.

Ut sine auctoritate uel consensu episcoporum presbiteri in quibuslibet ecclesiis ne \{nec corr.\} constituantur. nec expellantur;
[127] **ITEM**
Ut ecclesia antiquitus\(^2\) constitute. nec decimis nec alia ulla possessione priuentur ita ut nouis oratoris tribuantur;

\[\text{B25 (O–)} \text{– cf. C169/D133}\]

**Source**

\[\text{MS B6, fol. 204v (ANSEGIS Coll.cap. 2.45 + the final five words of Coll.cap. 2.34); cf. Coll.Wig.C 166/D 133 \text{– CARL.813.20; cf. CMNZ.813.4)}\]

[128] Ut unicuique ecclesia uel una mansa inte[f. 130r]gra absque alio se[*]uitio \{ras.; scilicet seruitio gl. sup. lin. (modern hand)\} adtribuantur: et presbiteri in eis constituti, non de decimis neque de oblationibus fidelium: non de domibus neque de [*]triit[*] \{atriis \textit{corr.}\} uel orti[*] \{ortis \textit{corr.}\} iuxta ecclesiam positis: neque de prescripta mansa aliquod seruitium \{seruitium \textit{corr.}\} faciant preter ecclesiasticum: et si aliquod \{aliquid \textit{corr.}\} amplius habuerint: inde senioribus suis secundum patrie morem: debitum seruitium inpendant;

\[\text{B26 (O–)} \text{– cf. C166/D130}\]

**Source**

\[\text{Coll.Wig.C 166/D 130 \text{– Cap.eccles.(818/19) 10 \text{– adapted}}\]

[129] Ut episcopi et presbiteri. non longe ab ecclesia hospitiolum habeant;

\[\text{B27 (O–); C1 first sentence}\]

**Source**

\[\text{Coll.Wig.C 1; Coll.Hib.A 1.10a \text{– first sentence \text{– SEA 1 (= Carthage IV, 14) \text{– adapted}}}\]

[130] **ITEM**
Ut episcopus in ecclesia consessu presbiterorum sublimior sedeat: intra domum uero collegam se presbiterorum esse cognoscat;

\[\text{B28 (O–) \text{– cf. C1 third sentence}}\]

**Source**

\[\text{Coll.Wig.C 1; Coll.Hib.A 1.10a \text{– third sentence \text{– SEA 2 (= Carthage IV, 35)}\]

[131] Ut unusquisque episcopus in sua parrochia diligenter prouideat ut ecclesie dei bene constitute et restaurate et ornate fiat: tam in officio et luminaribus. quamque in reliqua restauratione: et seueri dei regulariter uiuant: unusquisque secundum sui ordinis gradum: maxime episcopus curam habeat. sed et canonicas horas ut tempore statuto simul celebrent. ipse precaueat; \{f. 130v\} Septem igitur sinaxes sancti patres canendas constituerunt. quas omnie die clerus singulis horis canere debet: quarum prima est nocturnalis sinaxis; \textit{Secunda: prima hora diei; Tertia ipsa hora est: quam tertiam uocamus; Quarta uero: sexta hora est; Quinta: nona hora est; \{Sexta autem sinaxis: uespera hora est; add. in mg.\}\} \text{3} Septimam namque sinaxim: completorium uocitamus; \textit{Has ergo septem sinaxes omni die debemus sollicite reddere deo pro nobis et pro omni populo christiano: sicut psalmista \{psalmista \textit{corr.}\} testatur dicens: Septies in die laudem dixi tibi: super iudicia iustitie tuæ; \{Ps 118:164\} \textit{Et insuper missas non omittere: sicut}\]

\[\text{antiquitus} \textit{corr. from antiq[***]is ?}\]

\[\text{Cross–Hamer, Canon law, 123, claim that this addition is ‘in a fourteenth-century hand’, and cite Loyn, } \textit{Wulfstan manuscript}, 35, as an authority. Loyn, however, does not refer to this marginal addition (but rather another made in the upper portion of the page). The addition is most certainly not fourteenth-century, and is in fact written by the hand of the main scribe (Loyn’s scribe S4).\]
feicerunt {feicerunt corr.} sancti patres quos confessores nuncupamus: id est episcopi et presbiteri. qui in castitate seruierunt deo;  
B29 (O–)  
Source (ut unusquisque ... reliqua restauracione) Cap.eccles.Salz data (803/4), pref., adapted  
Source (et ut serui dei ... ipse precaeaut) unidentified  
Source (septem igitur sinaxes ... seruierunt deo) ÆLFRIC Ep.2.62–6 (ed. Fehr, 43), abbrev., adapted

[132] DE EPISCOPIS. PAULUS DICIT:  
Oportet enim episcopum per omnia inreprehensilem {sic} esse: {1 Tim 3:2} sicut deum {dei corr.} dispensatorem {dispensatorem corr.}; Non superbum: non iracundum: non u[**]olentum: {uinolentum corr.} non percussorem: non turpis lucri {lucri corr.} cupidum: sed ospitalem: benignum: sobriu[m]: sanctum et cetera; {Tit 1:7–8}  
B30 (O–): A5 (C7, D5, R5)  
Source Coll.Wig.A 5 — cf. ANSEGIS Coll. cap. 2.36

[133] ITEM APOSTOLUS:  
[f. 131r] Oportet igitur episcopum testimonium habere bonum ab his qui foris sunt: {1 Tim 3:7} ut doctrinam dei nostri ornet in omnibus;  
B31 (O–)  
Source 1 Tim 3:7, adapted  
Source cf. Collectio Vaticana; Coll.Dion.-Hadr. 4 — CROM.826.1 (ed. Werminghoff, 567, line 1)

[134] DE MAGNA SINODO  
Interdicit per omnia magna sinodus: non episcopo. non presbitero non diacono: nec alicui omnino qui in clero est: licere subinintroductam mulierem habere;  
B32 (O–): A84 (C88, D93) — cf. O145, which draws on CNIC.325.3 more fully  
Source Coll.Wig.A 84 — CNIC.325.3 (Dion.II), first half

[135] ET ITEM.  
Canones quoque docent: u {ut corr.} si quis acceperit uiduam aut dimissam mulierem: aut qui bis duxerit uxorem: numquam fiat diaconus: numquam sacerdos;  
B33 (O–): A86 (C90, D95); O146  
Source Coll.Wig.A 86 — ÆLFRIC Ep.2.113 (ed. Fehr, 48), adapted

[136] ITEMQUE;  
Episcopus presbiter aut diaconus. qui in fornicatione. aut periurio. aut furtu. aut homicidio. captus est: deponatur;  
B34 (O–): O42; A83 (C87, D92)  
Source Coll.Wig.O 42; Coll.Wig.A 83, adapted — Can.apost.25, first half, adapted

[137] INSTITUTIO {INSTITUTIONES corr.} SANCTORUM PATRUM.  
Oberuandum itaque est episcopis ut in caritate radicati et fundati: {Eph 3:17} {ueram add. sup. lin.} pacem et concordiam integram inuicem habeant: ita ut sit in omnibus quasi cor unum et anima una: {Act 4:32} et in ore omnium. uere fidei integra doctrina;  
B35 (O–) — cf. A6 (C8, D6, R6)

4 According to Maassen, Geschichte, 308, versions of CROM.826 can be found in the Collectio Vaticana as well as several copies of Coll.Dion.-Hadr.
The following four canons (I38a–d) have been added in the outer margin of A3, fol. 131v, which has since been trimmed leaving lacunae in these marginal additions. The hand that makes these additions is of the early eleventh century and is the same that makes additions to A3, fols 98r, 133v, 141v, 144r, 152v and 166r. Loyn, Wulfstan manuscript, 30–1, seems to believe that this hand is Wulfstan’s; however, according to Ker, ‘Handwriting’, 322 n, 1, these corrections are not in the Wulfstan hand. Neither Loyn nor Cross–Hamer—in either Wulfstan’s canon law collection or ‘Source-identification’—mention the presence of the following four canons; Loyn, Wulfstan manuscript, 31, does not include them among his list of ‘The most important corrections and additions’ to this section of the manuscript. The signes de renvoi that would normally indicate exactly where the scribe wanted these four canons to be inserted into the text are no longer visible on fol. 133v (such signes were used for the additions on fols 133v, 141v, etc.). I insert them in their present place on purely arbitrary grounds.

[138a] CANON AFFRICANUS

Dissidentes episcopos [si] non timor die: {sic} sino[dis]i oncia; {sic}

Source: Coll.vet.Gall. 51.1 — SEA 47 (= Carthage IV, 25)

[138b] [I]TEM SINODUS;

Discordantes clericos. episcopos uel ratione ... potestate ad concordia {sic} traha... inobedientes sinodus p[er] audacia {sic} demente; {sic}

Source: Coll.vet.Gall. 51.2 — SEA 48 (= Carthage IV, 59)

[138c] CANON NICENUS

Ne in una ciuitate. [duo sint episcopi;

Source: Coll.vet.Gall. 7.1 — CNIC.325.10 (versio Rufini), also as EVSEB.–RYFINVS HE 10.6 (eds Mommsen–Schwartz, II, 967, line 17)

[138d] [I]TEM CANON

Episcopi sint semper sollic[i]ti ...[c]ura anima... ...onsulum suorum ...tia et ...rani uix...

Cf. 1177 first sentence

Source: unidentified, but cf. Coll.Wig.I 177

[139a] ... cum apostolis penuriam pacienter sustineat ...

Note: fols 131v–132r are largely illegible; I reproduce the text of CROSS–Hamer, ‘Source-identification’, who were able to read more of the damaged text.

B37a (O–) — cf. A17 (C19, D17)

Source: cf. Coll.Wig.A 17, last phrase — cf. Phil 4:12
Appendix XII

[I39b] [elictilem ac paup[++]...{pauper... corr.} ...ritat... [****]... {fide... corr.} ... Note: fols 131v−132r are largely illegible; I reproduce the text of CROSS−HAMER, 'Source-identification', who were able to read more of the damaged text.

B37b (O−) — cf. A17 (C19, D17); C1 fourth sentence
Source cf. Coll.Wig.A 17, third sentence; Coll.vet.Gall. 41.4 (and 32.6); Coll.Hib.A 1.10.d/ Coll.Hib.B 1.11 (MS B6, fol. 4r) — cf. SEA 4 (= Carthage IV, 15)

[I40] [Omnium negoti]arum ecclesiasticarum ... episcopi ... curam ... et ea ut uelud deo [con]tem[plante] dispensent nec eis [l[icea]]t [ex] his [ali]quid ommino continge[re aut pare]ntibus propriis que [dei sunt condonare:] Quod si pauperes sunt [f. 132r] tamquam pauperibus subministrent {sic} nec eorum occasione ecclesie [negotia] depred[entur];
Note: fols 131v−132r are largely illegible; I reproduce the text of CROSS−HAMER, 'Source-identification', who were able to read more of the damaged text.

B38 (O−) — cf. A27 (C29, A27), which draws on the same source and adapts it slightly
Source cf. Coll.Dion.-Hadr. (ed. Wendelstein, fol. 7r); Coll.vet.Gall. 32.1 — Can.apost.39 (Dion.II)

[I41] [CA]NON AURELIANENSIS;
Note: fols 131v−132r are largely illegible; I reproduce the text of CROSS−HAMER, 'Source-identification', who were able to read more of the damaged text.

B39 (O−) — cf. A28 (C30, A28)
Source Coll.Wig.A 28 — CORL.511.17

D[e oper]ibus ... ...ionem ecclesiariu siue in faciendo siue in redimendo: episcopalis p[to]iu]s sequ[u]t ur uo]luntas Nullatenus ... quin ... [**] {oc corr.} ... persolurator;
Note: fols 131v−132r are largely illegible; I reproduce the text of CROSS−HAMER, 'Source-identification', who were able to read more of the damaged text

B40 (O−). Note: the rubric for this canon is very similar to one found in the table of contents for Coll.Wig.B in MS A1, p. vii
Source ANSEGIS Coll.cap. 2.22.; R2L 1.38 — Admon.omn.reg.ord.(825) 24 | first part

[I43] [INSTITU]TIO PATRUM;
Non oport et aliq uid ponere in ecclesiae nisi que ad ministeria eclesiastica pertinent; In u[*]teronomio {In deuteronomio corr.} scriptum est; Non plantabis lucum nec statuam: iuxta sanctuarium domini; {Dt 16:21−2} 

B41 (O−) Note: the rubric for this canon is very similar to one found in the table of contents for Coll.Wig.B in MS A1, p. vii
Source (non oportet ... eclesiastica pertinent) ÆLFRIC Ep.3.72 (ed. Fehr, 65), abbrev., adapted
Source (non plantabis ... sanctuarium domini) Dt 16:21−2, abbrev., adapted

[I44] INCIPIT DE SABBATO.
D[eus] creator omnium creauit hominem in sexta feria: et in sabbato [f. 132v] requieuit ab operibus suis. et sanctificauit sabbatum propter futuram significationem passionis christi et quies in sepulchro; Non ideo requieuit quia lassus esset: qui omnia sine labore fecit: cuius omnipotentia non potest lassari: et sic requieuit ab operibus. suis ut non alias creaturas quam anteac fecerat postea fecisset; Non fecit alias creaturas postea: sed ipasis quas tunc fecit: omni anno usque in finem seculi facit; Homines creavt in animabus et corporibus et animalia et bestias sine animabus; Omnis anima hominis a deo datur: et ipse renouat creaturas suas sicut christus in euvangelio ait; Pater meus usque modo operatur: et ego operor; {Io 5:17} Christus pro nobis
passus est in sexta etatis mundi in sexta feria: et reformauit perditum hominem passione sua: et operatis miraculis sui. requievit in sepulchro per sabbatum et sanctificavit dominican diem resurrectione sua; Nam dominica dies prima dies seculi est: et dies resurrectionis Christi et dies pentecostem. et ideo sancta est. et nos ipsi debemus esse spiritualiter sabbatum: sabbatizantes. id est uacantes ab operibus servitutis. id est peccatis: quia qui facit peccatum. seruus est peccati; {Io 8:34} Sed quia non possimus esse sine peccatis: caueamus in quantum possumus. et emendemus quicquid peccauerimus; Demus bona exempla subditis nobis: et corriemus nosmetipsos et subditus: {subditos corr.} et exortemur ad meliora iugiter amen;

B42 (O-) Note: the rubric for this canon is very similar to one found in the table of contents for Coll.Wig.B in MS A1, p. vii

Source unidentified

[145] ITEM SANCTORUM PATRUM;
Pasca certis temporibus celebrare omnibus generaliter satagen{um corr.} est: id est post XIII lunam primi mensis;

B43 (O-): A8 (C10, D8)

Source Coll.Wig.A 8 — cf. CHER.672.1

[146] SINO[DUS] AGATENSIS;
Seculares qui inatale {sic} domini et pasca. et pentecosten. non communicauerint: catholici esse non credantur;

B44 (O-): A89 (C93, D98)

Source Coll.Wig.A 89 — CAGD.506.18, abbrev., adapted

[147] CANON AFFRICANENSIS;
Penitentes secundum canones tamen {tamen cancell.} non debent communicare. ante consummationem penitentiae: nos autem pro misericordia{(*) misericordia corr.} miserantis dei. post annum. uel duos. {uel corr.} tres. aliquibus licentiam damus;

B45 (O-): A95 (C99, D105)

Source Coll.Wig.A 95 — PTHU.700.1,12.4, adapted

[148] [f. 133v] ITEM SANCTORUM PATRUM;
Baptismatis sacramenta indiferenter presbiteri indigentibus tribuant. et penitentiam querentibus citissime succurrant: nullum exinde pretium requirant. nisi ipsi aut parentes eorum. seu elemosinarii. sponte aliquid dederint; Si quis uero his institutionibus contraire temtauert: au[*] {aut corr.} excommunicationis sentiet poenam: aut carceris erumpnam diu sustineat;

B46 (O-): A9 (C11, D9)

Source Coll.Wig.A 9

[149] CANON PATRUM;
Placuit de infantibus quoties non inueniuntur certissimi testes qui eos baptizatos esse testentur: neque ipsi sunt per etatem idonei de traditis sibi sacramentis respondere: abque {absque corr.} ullo scrupulo hos esse baptizandos: ne ista trepidatio eos faciat sacramentorum purgatione priuari;

B47 (O-)

Source cf. Coll.Dion.-Hadr. (ed. Wendelstein, fol. 75r); Coll.quad. 4.376; Coll.Dach. 2.105 — Brev.Hipp. 39 (also as Reg.eccl.Cart.exc. 72, and Carthage V 6) | partial, abbrev.

[150] ITEM.
Appendix XII

Sunt quidam qui miscunt unum {uinum corr.} cum aqua baptismatis: non recte; Et christus non iussit ba[********] {baptizari corr.} uino: sed aqua;

_B48 (O–)_

Source (sunt quidam ... non recte) _ÆLFRIC Ep.3.64; ÆLFRIC Ep.2a.10, partial | adapted_
Source (et christus ... sed aqua) _ÆLFRIC Ép.3.67; ÆLFRIC Ép.2a.10, last sentence_

The following canon has been added in the outer margin of _A3_, fol. 133v by the same hand that copied canons 138a–d, 118a, 145a and 159a (the signe de renvoi is here visible and indicates this canon is to be inserted in the present location). The edge of _A3_, fol. 133v has again been trimmed, which has obscured some letters.

_[I50a] [C]ANON CALCEDONENSIS_
Ut nullus presbiter sine crismate [pro]ficiscatur;
_B49 (O–)_

Source _cf. R2L 1.79; Coll.Dach. 3.90; Coll.Hisp. (conc.Orange title 2; eds Diez–Rodríguez, IV, 18, line 5) | rubric, adapted_

_[I51] CANON APOSTOLORUM._
[f. 134r] Si quis {quis corr.} episcopus. aut prebiter {presbiter corr.} aut diaconus per pecunias. hanc optinuerit dignitatem: deiciatur et ipse et ordinator eius et a communione modis omibus {sic} abscidatur: sicut simon magus a petro;
_B50 (O–); A10 (C12, D10) — cf. O39, which adds additional scriptural material to this canon_

Source _Coll.Wig.A 10 — Can.apost.30 (Dion.I/II)_

_[I52] CANON AFFRICANON;_
Episcopus absque consilio presbiterorum. clericos non ordinet;
_B51 (O–); A18 (C20, D18) — cf. C1 eleventh sentence_

Source _Coll.Wig.A 18 — SEA 10 (= Carthage IV, 22), partial, abbrev._

_[I53] CANON;_
Episcopus nullius causam audiat: absque presentia clericorum {sic} suorum {excepta causa confessionis add. sup. lin.}
_B52 (O–) — cf. A19 (C21, D19); C1 twelfth sentence_

Source (episcopus nullius ... suorum) _Coll.Wig.A 19 — SEA 14 (= Carthage IV, 23), first half_
Source (excepta causa confessionis) _unidentified_

_[I54] CANON CARTAGINENSIS;_
Nihil rector sine fratrum suorum consilio faciat; Sciptum {sic} est enim; Omnia fac cum consilio et post factum non pentebis; {penitebis corr.} {Sir 32:24}
_B53 (O–); A20 (C22, D20)_

Source _Coll.Wig.A 20 — Coll.quad. 4.261, rubric + first sentence_

_[I55] CAPRIANUS {CIPRIANUS corr.} EPISCOPUS DICIT;_
Firmum decretum esse non potest: quod non plurimorum uidebitur habuisse consensum;
_B54 (O–); A21 (C23, D21)_

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5 There is an insertion mark below -rc- but no corresponding i is now visible above the line. However, there does appear to be an erasure above the line where one would expect i to have been added.
[I56] CANON ROMANUS;
Si in qualibet prouincia orae fuerint questiones: ad maiurem {maiorem corr.} sedem. uel
sinodum: seu etiam ad apostolicam sedem rome referantur;
B55 (O–) — cf. A 2–3 (C4–5, D2–3)
Source Coll.Wig.A 2–3, abbrev. — Coll.Hib.B 23.5 (MS B6, fol. 32v)/Coll.Hib.A 20.5.a–b,
abbrev., adapted

[157] CANON EPISCOPORUM;
Non temere quemquam communione priuet episcopus {iusto iudicio add. sup. lin.}; et ne quem
alius episcopus ab ecclesia expulerit siue clericum. {siue laicum. add. in mg.} suscipiat alius; [f.
134v]
B56 (O–); A22 (C24, D22)
Source Coll.Wig.A 22 — Reg.eccl.Cart.exc. 133, rubric + CNIC.325.5 (versio Rufini), first
sentence

[158] CANON NICENUS;
Nemo eum qui ad alium pertinet subripiens. in sua eclesia ordinet. absque consensu illius ad
quam pertinet;
B57 (O–); A23 (C25, D23)
Source Coll.Wig.A 23 — CNIC.325.18 (versio Rufini)

[159] CANON CALCEDONENSIS;
Ut nullus absolute ordinetur: et sine pronuntiatione loci. ad quem ordinandus est;
B58 (O–)
Source ANSEGIS Coll.cap. 1.25 — Admon.gen.(789) 25; cf. CCHA.451.6 (Dion.I/II)

[I60] Altaria nisi lapidea: crismatis {crismatis corr.} unguine non consecrentur; 6
B59 (O–); A24 (C26, D24)
Source Coll.Wig.A 24 — CEPA.517.26

[I61] CANON EPAONENSIS; 7
Non oportet in domibus non dedicatis: oblationes celebrare. {celebrari corr.} ab episcopus.
{episcopis corr.} uel presbiteris;
B60 (O–); A25 (C27, D25)
Source Coll.Wig.A 25 — CLAO.300.58 (Dion.I/II), adapted

[I62] CANON SANCTORUM;
Nemo in precibus uel patrem pro filio: uel filium pro patre nominet: sed cum altari assistitur:
semper ad patrem dirigatur oratio;
B61 (O–)
Source cf. Coll.Herov. 20.6; Coll.Hisp. (as Carthage III 23a) — CCAR.397.21a

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6 The first r of consecrentur is an Insular, descending r, as if the scribe were writing Old English instead of Latin.
7 This rubric in fact belongs to the previous canon (I60); such is the place it holds in Coll.Wig.A 24
ITEM.
Et sufficit sacerdoti unam missam in una die celebrare: quia christus semel passus est et totum mundum redemit; in leuitico quoque scriptum {scriptum corr.} est; non debere aaron ingredi assidue: interius in sancta; {cf. Lv 16:2}

B62 (O–)
Source (et sufficit ... mundum redemit) ΔELFRIC Ep.3.73; ΔELFRIC Ep.2a.13, first sentence — unidentified, but cf. ICp 3.2.7 and ID 2.81
Source (non debere aaron ... in sancta) cf. Bibl.vulgata, Levitici capitulum XXVII (PL 28, col. 298)

CANON AURELIANENSIS;
Episcopus pauperibus et infirmis. qui debilitate {sic} faciente non possunt suis manibus laborare: uictum et uestimentum in quantum [f. 135r] possibilitas fuerit largiatur;

B63 (O–); A26 (C28, D26)
Source Coll.Wig.A 26 — CORL.511.16

TEODORUS DICIT;
Statutum est. ut sine auctoritate uel consensu episcoporum: presbiteri in quibuslibet ecclésiis non constituantur: nec inde expellentur: et si quis [***] {hoc corr.} facere temptauerit. si[*]odali {sinodali corr.} sententia feriatur;

B64 (O–); A29 (C31, D29) — cf. B24 (I26, O–)
Source Coll.Wig.A 29 — ANSEGIS Coll.cap. 1.84, first sentence + 1.83, last sentence, abbrev.

CANON EPISCOPORUM;
Episcopi nullatenus secularibus negotiis plus quam dei seruitis quod absit subditi existant: sed maxime curam animarum habeant. ut secundum apostolum populum dei suis exemplis bene corrigant: et sane quoque doctrine [***************] {sermonibus instruant; corr.}

B65 (O–); A30 (C32, D30) — cf. I177, which adapts 'episcopi nullatenus secularibus ... existant'
Source Coll.Wig.A 30 — CCLO.747.1, second half, adapted

[*****] {CANON; corr.}
Clerici omni subiectione episcopis subiecti: illis debitam prebeant obedientiam: et nullo iactantię suę studio semetipsos attollant

B66 (O–); A31 (C33, D31)
Source Coll.Wig.A 31 — cf. ISIDORE De eccl.offic. 2.2 (ed. Lawson, 54, lines 21–22)

CANON CALCEDONENSIS;
Si qui ergo clerici uel monachi reperti fuerint coniurantes. aut conspirantes. aut insidias ponentes episcopis: gradu proprio penitus abiciantur;

B67 (O48)
Source cf. Coll.Dion.-Hadr. (ed. Wendelstein, fol. 46v); Coll.quad. 4.370; Coll.Dach. 2.1 — CCHA.451.18 (Dion.II), second half

CANON NICENUS;
[f. 135v] Si quis alcuius episcopi clericum uel monachum susceperit absque consentu illius: sacrificus iudicetur: et a communie suspendetur: quoadusque clericum. uel monachum proprio episcope restituat: quo et si clercus. {clericus corr.} contumax redire noluerit: anathema sit;

8 A letter (probably d) was added to the end of quod above the line; the added letter was later erased.
[170] CANON HIBERNENSIS;
Qui leuauerit manum cum asta aut gladio ad percutiendum aliquem iuxta episcopum: redimat manum uel perdat: quod et si {si et corr.} uulnerauerit: tondet caput cum barba et deo seruiat.
    primo tamen episcopo sed et cui lesit satisfacit; {satisfaciat corr.} Si9 quis autem clericum uulnerauerit. uel alicui ex ecclesiastico ordine nocuerit: secundum ordinis quantitatem se septempliciter emendet: et secundum ordinis dignitatem peniteat: aut extorris propria patria exulet; Dominus enim per prophetam dicit; Nolite tangere christos meos. et reliqua; {1 Par 16:22}

[171] [f. 136r] CANON AURELIANENSIS;
Abbatis pro humilitatis religione in episcoporum potestate consistant: et si quid extra regulam fecerint. ab episcopis corrigitur; Qui semel in anno in loco ubi episcopus eligerit: accepta uocatione conueniant; Monachi autem abbatibus omni se obedienti deuotione subiciant; Quod si quis per contumaciam exstiterit inde utus: {indeuotus corr.} au {aut corr.} per loca aliqua euagari: aut peculiare aliquid habere presumserit: omnia que adquisierit ab abbatibus auferantur: secundum regulam monasterio profuturam; Ipsi autem qui fuerint peruagati. cum ausilio {sic} episcopi tamquam fugaces sub custodia reuocentur: et reuse {reum se corr.} ille abba futurum esse cognoscat: Qui huiusmodi personas non regulae aduersione distrinxerit: uel etiam qui monachum susceperit alienum;

[172] [f. 136v] CANON AURELIANENSIS;
Si quis autem abbas cautus in regimine: et humilis. castus. sobriusque misericors. et discretus non fuerit: ac diuina precepta uerbis et exemplis non ostenderit: ab episco in cuius consistit território. et a uicinis {uicinis corr.} abbatibus et ceteris deum timentibus. a suo arceatur honore: etiam si omnis congregatio uitiis suis consentiens. abbatem eum habere uoluit; {uoluerit corr.}

[173] CANON APOSTOLORUM;
Si extiterit abbas diuinis iussionibus preuaricator. regul[a]que {reguleque corr.} sancte contemtor: ab episcopo ciuitatis cum consenso abbatum aliorumque monachorum timentibus deum. honore abbatis p[*t]uetur; {prietetur corr.} Conuenit enim episcopum ciuitatis. ut sancta et

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9 A large K has been added in the margin, possibly indicating that this should be the start of a new chapter.
magna sinodus calcedonensis decreuit: conpetentem monasteriorum prouidentiam gerere;

Source  Coll.Wig.A 35 — ‘si extiterit ... abbatis priuetur’: cf. SMARAG. Exp.in reg.S.Ben. 64.4–6 (eds Spannagel–Engelbert, 313–14); ‘conuenit enim ... gerere’: CCHA.451.4, last sentence

[174] LEO PAPA DICIT;
Propositum monachi deseri non potest. aliquo pacto; Quod enim [f. 137r] quis uouit deo: redere {reddere corr.} debet; Psalmista namque dicit; Uouete et reddite {domino add. sup. lin.} deo uuestro; {Ps 75:12}
B74 (O55); A36 (C38, D36)
Source  Coll.Wig.A 36 — DLEO.440.544, c. 14, first sentence, abbrev. + Ps 75:12

[175] THEODORUS DICIT;
Monachi non migrant de loco ad locum: sed in ea permaneant obedientia. quam tempore sue conuersionis promiserunt;
B75 (O56); A37 (C39, D37)
Source  Coll.Wig.A 37 — CHER.673.4

[176] FRUCTUOUS DICIT;
Monachus sancte regule uiolator. siue contemtor: uel par[*]uolorum {paruolorum corr.} incestuose aut adolescentium {sic} cons[ae]ctator: {consectator corr.} publice uerberetur. coronam capitis quam gestat amittat decaluatusque turbiper obprobria patiatur. uel uinculis artatus ferrei: carcerali angustia maceretur;
B76 (O57); A38 (C40, D38)

[177] CANON AGATENSIS.
Si qus {quis corr.} monachus adulterium. aut furtum fecerit. quod potius sacrilegium dici potest: id censuimus ordinando. ut urgis cesus tanti criminis reus. nu[*]quam {nunquam corr.} officium clerici expiat: {excipiati corr.} si uero iam clericus in id faci[*]us {facinus corr.} fuerit deprehensus: [f. 137v] nominis ipsius dignitate priuetur;
B77 (O58); A39 (C41, D39)
Source  Coll.Wig.A 39 — Reg.patr.III, 13 (ed. de Vogüé, 540), partial, adapted

[178] AURELIUS EPISCOPUS DICIT;
Canes {carnes corr.} in cibo monachi numquam sumant: pulli uero uel altilia cuncta in congregatione non ministentur: {ministrentur corr.} infirmis tantum prouideantur. et accipere liceat;
B78 (O59); A40 (C42 first part, D40)
Source  Coll.Wig.A 40 — AVREL. Reg.ad monach. 51.1–2 (ed. Schmidt, 254)

[179] INSIDORUS {sic} EPISCOPUS DICIT;
Abbati uel monacho monasterii seruum: non licet facere liberum; Impium est ut qui res ecclesiæ non contulerit: damnum inferat;
B79 (O60); A41 (C42 second part, D41)
Source  Coll.Wig.A 41 — ISIDORE, Regula 20 (ed. Campos, 119, line 494) + CTOL.633.67, partial
[I80] CANON.
Si quis {quis corr.} episcoporum au {aut corr.} presbiterorum: uel ministrorum ex rebus ecclesiâ que in quibuscumque locis a fidelibus largiuntur aliquid aut[t] fert: {aufert corr.} et male rapta cum confusione restituet: et excommunicationis annue sententiam subbit;

\[B80 (O61); A42 (C43, D42)\]

Source \(\text{Coll.Wig.A 42} \rightarrow \text{CTOL.655.1, partial, abbrev.}\)

[181] CANON HIBERNENSIS.
Pecunia ecclesiastica furata siue rapta reddat quadruplum: popularia dupliciter;
\[B81 (O62); A43 (C44, D43)\]

Source \(\text{Coll.Wig.A 43} \rightarrow \text{PTHU.700.1,3.2}\)

[182] ITEM CANON HIBERNENSIS;
Si quis furatus fuerit pecuniam ab ecclesia: mittatur sorrs \{sic\} ut aut illius manus absicidatur: aut in carcerem mittatur diei ieiunans et gemens. et reddat integrum quod abstulit: aut peregrinus abiciatur. et restituat duplum: et si in patria. permanserit quadruplum restituat: et semper pernetaet; \{sic\}

\[B82 (O63) \rightarrow \text{cf. C204/D134}\]

Source (si quis ... restituat duplum) \(\text{Coll.Wig.C 204/D134 first part} \rightarrow \text{Coll.Hib.B 31.8 (MS B6, fol. 56r)}, \text{abbrev., adapted}\)

Source (et si in patria ... pernetaet) unidentified

[183] CANON TOLETANENSIS;
Si clericus \{clericus corr.\} in demoliendis sepulchris fuerit deprehensus: a clericatus ordine: pro sacrilegio submouetur; Si quis sepulchrum uiolauerit: VII annos peniteat: tres ex his in pane et aqua;

\[B83 (O64); A44 (C45, D44–5)\]

Source \(\text{Coll.Wig.A 44} \rightarrow \text{CTOL.633.46, first sentence, adapted} + \text{PPAS.700.9 or PSLE.700.14, adapted}\)

[184] CANON HEBRITANUS;
Eos qui ad ecclesiam confugerint. trahi \{non add. in mg.\} oportet: sed eos domini sui promissa intercessione. prosuadeant; Quod si ab ecclesia exuntibus \{exeuntibus corr.\} penale aliquid dominus intulerit: ut ecclesiâ inimicus habeatur excommunicatus;

\[B84 (O65); A45 (C46, D46)\]

Source \(\text{Coll.Wig.A 45} \rightarrow \text{Coll.Arel. 30}\)

[185] \{CANON HIBERNENSIS add. in mg.\}^{10}
Si quis alciui aliqua ratione nocuerit. sub confugio ecclesiastico: uel sub [f. 138v] aliquo sanctimonii signaculo: se Septempliciter emendat. reddat. et restituat: sed et VII annos in\[*\] {in dura corr.} penitentia permaneat; Sin aliter: excommunicatus \{excommunicandus corr.\} est. ab omni\[*\] \{omni corr.\} ecclesia catholica;

\[B85 (O66) \rightarrow \text{cf. C209–10/D139–40; B70 (I70 second part, O51)}\]

Source \(\text{Coll.Wig.C 209–10/D 139–40, abbrev., conflated, adapted}\)

[186] HIERONIMUS DICIT;

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^{10} This addition made by Wulfstan.
Aëclesia defendit {quos add. sup. lin.} in s[***] {sinu corr.} suo receptit. {recipit corr.} more galline: que pullos proprios et alienos nutrit. et defendit; Ita et cælesia cunctes {cunctos corr.} fugientes in se: defendere debet;

[B86 (O67); A46 (C47, D47)]


[187] CANON HIBERNENSIS;
Qui occiderit hominem inter sempta {septa corr.} monasterii. exul cum {**} ras. damnatione exeat. uel proiectis armis. raso capite et barba reliquit {cu*}eruit: {seruiat corr.} primo tamen cælesia; et parenti {parentibus corr.} satisfaciens;

[B87 (O68)] — cf. C206/D136

Source Coll.Wig.C206/D136, abbrev.

[188] HIERONIMUS [*] DICIT;
Qui peccant in loco sancto: in eodem quoque occidendi sunt; In loco castrorum finees interfecit uirum et meretricem: {cf. Nm 25:6–8} Mathathias indeum: {iudeum corr.} qui immolabat simulacro; {cf. 1 Mcc 2:15–24} Quicumque enim maculaverit sanctum: sancta non defendent eum; Christus male facientes in templo: flagris compescuit;

[B88 (O69 first part)] — cf. A50 (C34, D59)

Source Coll.Wig.A 50 — Coll.Hib.B 30.16 (MS B6, fol. 54v)

Source (mathathias ... simulacro) unidentified

[189] HIERONIMUS DICIT;
Qui percusserit malos eo quod mali sunt: minister domini est;

[B89 (O69 last sentence); A51 (C55, D60)]

Source Coll.Wig.A 51 — Coll.Tur. 99; Coll.Hib.A 27.8a; Coll.Hib.B 29.12 (MS B6, fol. 49r); ultimately from JEROME, Commentariorum in Hieremiam libri XIV, 3.9.1b (ed. F. Glorie, CCSL 75 [Turnhout, 1964], 103, lines 422–24), abbrev., adapted

[190] ITEM HIERU[NIMUS] [Hierunimus corr.] DICIT;
Homicidias et sacrilegos punire. non est effusio sanguinis: sed legum ministerium Nocet itaque bonis: qui parcet malis;

[B90 (O70 first part)] — cf. I170/O165, which incorporates this canon into a work titled ‘De improviso iudicio saecularium’


Source (nocet ... parcet malis) cf. Coll.Tur. 100, second part — cf. PS-SENECA De moribus 114

[191] CANON ARUSICONENSIS; [ANRUSICANENSIS corr.]
Amentibus quecumque pietatis sunt conferenda;

[B91 (O70 last sentence); A52 (C56, D61)]

Source Coll.Wig.A 52 — CORA.441.12

[192] CANON CARTAGINENSIS;
Omni [r]ije: {die corr.} exorcistë. {exorciste corr.} inerguminis. {ἐνεργ[...] gl. mg. (modern hand)} manus inponant;

[B92 (O71 first sentence); A53 (C57, D62)]

Source Coll.Wig.A 53 — SEA 62 (= Carthage IV, 90)

[193] CANON ARAUSICONENSIS;
Qui palam aliquando arrepti sunt. non solum non assumendi ad ulla ordinem clericatus: sed si iam aliqui ordinati sunt: ab inposito officio repellendi;

B93 (O71 second part); A54 (C58, D63)
Source Coll.Wig.A 54 — CORA.441.15

[194] CANON CARTAGINENSIS;
Sacerdote uerbum in ęclesia faciente. qui egressus de auditorio fueri[n]t: {fuerit corr.}
excommunicetur;
B94 (O74); A55 (C59, D64)
Source Coll.Wig.A 55 — SEA 31 (= Carthage IV, 24)

[195] CANON CARTAGINENSIS;
Laicus presentibus clericis. nisi ipsis prouocandis: docere non audeat;
B95 (O75); A56 (C60, D65)
Source Coll.Wig.A 56 — SEA 38 (= Carthage IV, 98)

[196] ISISDORUS {ISIDORUS corr.} DICIT;
Omnis mundialis sapiens: si sapiens sit. [f. 139v] non iudicet iudicia ęclesię;
B96 (O76); A57 (C61, D66)

[197] CANON CARTA[***]; {CARTAGINENSIS corr.}
Mulier quam {quamuis corr.} docta {et add. sup. lin.} sancta sit: uiros in conuentu docere non audeat;
B97 (O77); A58 (C62, D67)
Source Coll.Wig.A 58 — SEA 37 (= Carthage IV, 99)

[198] CANON CARTAGINENSIS.
Sponsus et spona {sponsa corr.} cum benedicendi sunt a sacerdote: a parentibus aut paranymphis offerantur: qui cum benedictionem acceperint: eadem nocte pro reueretia {reuerentia corr.}
ipsius benedictionis. in uirginitate permaneant;
B98 (O78); A59 (C63, D68)
Source Coll.Wig.A 59 — SEA 37 (= Carthage IV, 13)

[199] CANON DICIT;
Presbiterum conuiuo secundarum nuptiarum interesse non debere. maxime cum petatur secundis nuptiis penitentiam tribuere;
B99 (O79); A60 (C64, D69)
Source Coll.Wig.A 60 — CNEO.315.7 (Isidori), first sentence

[1100] GELASIUS PAPÆ.
Deuotis deo uirginibus {uel uiduis gl.} nisi aut mepi[*]phania: {in epiphania corr.} aut in albis pascalibus: aut mapostolorum {in apostolorum corr.} nataliciis: sacrum minime uelamen inponant: nisi forsitan sicut de baptismate dictum. graui lang[*]re {languore corr.} correptis: ne sine hoc munere de seculo transeant inplorantibus non negetur;
B100 (O80); A62 (C66, D71)
Source Coll.Wig.A 62 — DGEL.492.636, c. 12 (ed. Thiel, 369)

[1101] CANON CARTAGINENSIS;
Placuit ut ante XXV annos etatis. nec diaconus ordinetur: nec uirgines consecrentur. Nisi rationabili necessitate coente; {cogente corr.}

Source (placuit ut ... consecrentur) Coll.Wig.A 63 — CCAR.397.1b (= Carthage III, 4, partial; CCAR.419.16d)

Source ( nisi ... cogente) Coll.Wig.A 15 — ANSEGIS Coll.cap. 1.45 | final phrase

[I102] BASILII EPISCOPI; [f. 140r]
Oportet tamen infantes cum uoluntate et consensu parentum immo ab ipsis parentibus oblatos: su {sub corr.} testimonio plurimorum suscipi;

Source Coll.Wig.A 64 — BASIL–RYYFINVS, Regula 7.4 (ed. Zelzer, 39), first part

[I103] ISIDORUS;
Quicumque a parentibus propriis in monasterio fuerit deligatus: nouerit se ibi perpetuo mansurum; Nam anna samuel purum {puerum corr.} natum et ablactatum deo optulit: qui in ministerio templi permansit; {cf. 1 Rg 1:24–8}

Source Coll.Wig.A 65 — BEN.AN. Cod.reg. 4 (eds Holste–Brockie, 189, Isidore’s rule), partial, abbrev.

[I104] CANON ROMANUS. ET FRANCORUM.
Parculus usque annos XV pro licto; {delicto corr.} corporali disciplina castietur: {castigetur corr.} post hanc uero etatem. quicquid deliquerit. uel si furatur. retribuat: seu etiam secundum legem exoluat; {exsoluat corr.}

Source Coll.Wig.A 66 — ANSEGIS Coll.cap. 1.49 | final phrase

[I105] CANON NEOCESARIENSIS;
Ut nullatenu pres[*]biter {presbiter corr.} ordinetur ante tricesimum etatis annum: nisi rationabili necessitate cogente: quia dominus Iesus non predicauit ante XXX etatis annum;

Source Coll.Wig.A 14 — ANSEGIS Coll.cap. 1.49 | final phrase

[I106] CANON NICENUS;
Ut episcopus si fieri potest. a totius prouincie episcopis ordinetur: et si hoc difficile est: certe non minus a tribus; {[f. 140v]}

Source Coll.Wig.O 34 — CNIC.325.4 (versio Rufini), first sentence

[I107] Episcoporum autem ordinationes fieri oportet. dominicis diebus: non in agris. uel in uillulis: sed in ururbibus precipuis: pro tanti noms {nominis corr.} dignitate;

Source Coll.Wig.O 35; Coll.Wig.A 12

11 The relevant part of Isidore’s Regula is not printed by Campos, who believes it to be an interpolation based on CTOL.633.49; cf. Reglas monásticas, eds. Campos–Roca, 95 n. to line 89.
[1108] Presbiterorum uero et diaconorum in quattuor temporum sabbatis. scilicet ut dum hec ordinatio coram populo agitur. sub omnium testificatione: electorum ordinatorumque opinio discutiatur;
B108 (O–); O36 — cf. A13 (C15, D13); D268; I184/O156
Source Coll.Wig.O 36 — Coll.Wig.D 268, partial. adapted. Note: ‘populus uniuersus ad ecclesiam conuenit ordinationes clericorum fieri oportet, scilicet ut dum’ perhaps omitted in O36 and B108 through homoioteleuton

[1109] CANON SANCTORUM.
Sacerdotes dei diligenter semper procurent {procurent corr.} ut panis. et uinum. et aqua sine quibus nequaquam misse celebrantur. pura et munda fiant: quia si aliter agatur: cum his quae acetum cum stelle mixtum domine {domino corr.} optulerunt: nisi uera penitentia subuenerit puniuntur;
B109 (O–) — cf. C319/D277; MS A1, pp. 163–64; Copenhagen, Kongelige Bibliotek, Gl. Kgl. Sam. 1595 (4°), fols 79v–80r; Cambridge, Pembroke College, MS 25, fol. 159v
Source Coll.Wig.C 319/D 277; MS A1, pp. 163–64; Copenhagen, Kongelige Bibliotek, Gl. Kgl. Sam. 1595 (4°), fols 79v–80r; Cambridge, Pembroke College, MS 25, fol. 159v | partial, abbrev., adapted — cf. THEODVLF Cap.I, 5

[1110] DE DECIMIS
In lege domini scriptum est; De[d]imas {decimas corr.} et primitias non tardabis offerre; {Ex 22:29} Et in leuitico; Omnes decimę terrę suę {sių corr.} de frugibus siue de pomis arborum: domini sunt; {Lv 27:30} Boues et oues et capre {que corr.} sub pastores {pastoris corr.} urga transeunt: quicquid decimum uenerit. {f. 141v} sanctificabitur domino;
B110 (O92 first part) — cf. Copenhagen, Kongelige Bibliotek, Gl. Kgl. Sam. 1595 (4°), fol. 43r–v
Source (decimas ... commutabitur) PIRMIN Scarapsus 24 (ed. Hauswald, 98–9, lines 2–7); ‘decimas ... offerre’: also in Coll.Wig.A 68

[1111] {AGUSTINUS DICIT. add. mg.}
Decime igitur. tribute 12 sunt eşclesiarum; et egentium {animar[um] add. in mg. in litura} O homo inde dominus decimas expetit: unde uius; De militia. de negotio. de artificio: redde decimas;
Non enim eget dominus noster: non premia postulat: [*]ed {sed corr.} honorem;
B111 (O92 second part) — cf. Copenhagen, Kongelige Bibliotek, Gl. Kgl. Sam. 1595 (4°), fol. 43r–v
Source (decime igitur ... commutabitur) CAESARIUS, Sermo 33.1 (ed. Morin, 144, lines 30–6), abbrev., adapted: also in Copenhagen, Kongelige Bibliotek, Gl. Kgl. Sam. 1595 (4°), fol. 43r–v
Source (non enim eget ... sed honorem) CAESARIUS, Sermo 33.2 (ed. Morin, 144, lines 3–4), adapted; also in Copenhagen, Kongelige Bibliotek, Gl. Kgl. Sam. 1595 (4°), fol. 43v

[1112] ITEM IN LEGE;
Cum essueris {messueris corr.} segetem terre tue: non [*]debis {tongebis corr.} usque ad solum superficiem terre: nec remanentes spicas colliges: neque in uinea tua racemos et gran[o] {grana corr.} decidentia congregabis: sed pauperibus et peregrinis carpenda demittes; {dimittes corr.}
{Lv 19:9–10}

12 tribute] this word followed by a 2 as if tributetur
[I113] ET IN LEGE;
Si intraieris in segetem amici tui: frange spicas et manu contere: falce autem non metas; \{Dt 23:25\} Hoc et discipuli saluatoris \{saluatoris corr.\} fecent. \{fecerunt corr.\} spicas uidelicit manibus fricantes et manducantes sabbatis: \{Lc 6:1\} ut euangelium dicit;
Source \(\textit{Lv 19, 9–10}\)

[II14] ET IN LEGE;
Ingressus itaque uineam proximi tui. comedes uua\[*\] \{uuas corr.\} quantum tibi placuerit: foras autem ne feras tecum; \{Dt 23:24\}
Source \(\textit{Coll.Wig.A 69}\)

[II15] INSTITUTIO PATRUM.
Die dominico nihil aliud agendum est: nisi deo uacandum. in ymnis. \(^1\) æ \{æt corr.\} psalmis. \[f. 141v\] et canticis spiritualibus; Dies quoque pascalis ebdomade: omnes equali religione colendi sunt;
Source \(\textit{Coll.Wig.A 70 — Dt 23:24}\)

[II16] CANON AURELIANENSIS.
Id etiam miserationis intuitu equum duximus custodire. ut qui pro quibuscumq \{quibuscumque corr.\} culpis carceribus deputantur: ab arhidiacono \{sic\} seu a preposto \{preposito corr.\} ecclesiæ. singulis dominicis dièbus requirantur. ut necessitas uinctorum secundum preceptum diuinum misericorditer subleuetur: atque a pontifice competens uictus de domo ecclesiæ tribuatur;
Source \(\textit{Coll.Wig.A 67 — CORL.549.20}\)

[II17] \{ITEM add. in mg.\}
Qui dominica nocte nupserit. \{scilicet cum propria coniugio \textit{gl. sup. lin.}\} VII dies peniteat; Qui IIIIta uel VI feria: III dies peniteat; Qui in quadragesima ante pasca: I annum peniteat;
Source \(\textit{PPTH.800.11.6 — PECG.700.7.3; cf. PBED.700.3.37 | abbrev.}\)

[II18] ITEM;
Indicta ieiunia. nullus presumat infringere. uel uiolare: ne iram \[c]\h[*\] \{dei corr.\} incurrat;
Source \(\textit{unidentified, but cf. Coll.quad. 4.338, rubric}\)

\(^{13}\) \text{ymnis} corr. \text{from yennis} ?
The following canon has been added in the outer margin of A3, fol. 141v by the same hand that copied canons 138a–d, 50a, 145a and 159a (the signe de renvoi is here visible and indicates this canon is to be inserted in the present location). The edge has again been trimmed, which has obscured some letters.

[I118a] [ITEM ?] EX CONCILIO BRA[C]ARENSE.
B119 (O100)
Source cf. Coll.Dach. 3.72; Coll.Hisp. (Capitula Martini 65) — MARTIN Capitula 65 | first few words adapted

[I119] CANON SANCTORUM
Qui in matrimonio sunt: abstineant se III noctes ante {antequam corr.} communicent: et unam postquam communicauerint; Inde ait apostolus; Nolite fraudare inuicem. nisi ex consensu. ut uacetis orationi ad tempus; {1 Cor 7:5}
B120 (O101)
Source PPTH.800.11.1, abbrev. — cf. PTHU.700.2,12.1–2; PECG.700.7.3

[I120] GREGORIUS DICIT; [f. 142r]
Si ques {quis corr.} coniugem suam si fieri potest. non cupidine uoluntatis. sed solummodo creandorum libere {liberorum corr.} gratia utitur: iste profecto siue de ingressu ecclesie. seu de summendo dominici corporis sanguinisque mysterio. sui est reiendentus iudicio: quia {a add. sup. lin.} nobis prohiberi non debit. {debet corr.} cum ei iuxta prefinitam sententiam etiam ecclesiam licuerit intrare; Uerumtamen quia ipsa licita amixtio coniugis sine uoluntate carnis fieri non potest: ideo aliquando a sacri loci ingressu abstinentium est: quia uoluntas ipsa esse sine culpa nullatenus potest;
B121 (O102); A61 (C65, D70)
Source Coll.Wig.A 61 — DGRE.590.1843, c. 8

[I121] DE CONIUGIO: SCRIPTUM EST IN LEGE.
Si seduxerit ques {quis corr.} uirginem neceum desponsatam: domi erit que {dormieritque corr.} cum ea: dotabit eam et abebit eam uxorem {Ex 22:16}
B122 (O103); C134 — D112, which adapts this canon
Source Coll.Wig.C 134 — Ex 22:16

[I122] AGUSTINUS DICIT;
Qui uxorom optat accipere. sicut illam uirginem inuenire desiderat: ita et ipse usque ad nuptias uirgi{****}tem {uirginitatem corr.} custodiat; [f. 142v]
B123 (O104); C135
Source Coll.Wig.C 135 — CAESARIVS Sermo 43.5 (ed. Morin, 192, lines 17–19)

[I123] SINODUS ROMANA DICIT;
Appendix XII

Filii cum ad annos. pubertatis uenerint: coguntur {cogantur corr.} aut uxores ducere: aut continentiam profiteri: sic et filie [{copyright]} {eadem etate. debent eandem legem seruare; corr.}

[1124] PAULUS APOSTOLUS DICIT;
Propter fornicationem unusquisque suam propriam uxor habeat: et unaqueque uirum suum; {1 Cor 7:2} Legitimum quoque coniugium: nullus separare presumat; Quod ergo deus coniunxit: homo non separare; {separet corr.} {Mt 19:6}

[1125] PAULUS DICIT;
Mulier sui corporis potestatem non habet sed uir: similiter et uir sui corporis potestatem non habet. sed mulier; {1 Cor 7:4}

[1126] SYNODUS DICIT.
[Copyright] {Muliere mortua licet uiro post mensem corr.} accipere alteram: post annum uero licet mulieri accipere alterum uirum;

[1127] PAULUS APOSTOLUS DICIT;
Mulier alligata est legi quanto tempore uiuit uir eius: quo si dormerit {dormierit corr.} uiu eiuis. liberata {liberata corr.} est: cui uult nubat tantum in domino: [f.143r] Beator autem erit: si sic permanserit; {1 Cor 7:39–40}

[1128] ITEM CANON AFFRICANE NSIS;
Legitimum igitur coniu[*]ium {coniugium corr.} non licet separi {separari corr.} sine consensus amborum: poest {potest corr.} tamen alter alteri cum consilio episcopi licentiam dare ad seruitatem {seruivtem corr.} dei accedere; Quidam etiam dicit; Si uir siue mulier ex consensus regionem {religionem corr.} c[e]perit: {ceperit corr.} licet alterum accipere nouum conium {coniugium corr.} sed puellam uel puerum: si continens esse non poterit; {16 Quod non laudo; Sed

14 An entire line has been erased, and the correction has been added over the erasure.

15 One and one-half lines have been erased, and the correction has been added over the erasure.

16 poterit] corr. from peterit?
si quis uult coniugatus conuerti a[*] {ad corr.} monasterium: non est recipiendus: nisi prius a coniugi{e corr.} castimoni{am {corr.}} profitente fuerit absolutus; Nam si illo uiiuente per incontinentiam {incontinentiam corr.} alteri nupserit: procudubio adultera erit: et qui eam dimitit particeps erit pecci{ati illius;}

B129 (O110) — cf. A93 (C97, D103); C142/D118; C146/D206; C139/D116

Source (legitimum ... dei accedere) Coll.Wig.C 142/D 118 — PTHU.700.2.12.7–8, adapted
Source (si uir ... uel puerum) Coll.Wig.A 93 — Coll.Hib.A 46.5, adapted
Source (si continens esse non poterit) unidentified
Source (sed si quis ... adultera erit) unidentified
Source (et qui eam ... peccati illius) 'versio vulgata’ of HERMAS, Libell.sanct.past., mandatum 4.1 (ed. A. Hilgenfeld as ‘Hermae Pastor. Veterum Latinam interpretationem’ [Leipzig, 1873], p. 39, lines 13–17), adapted. Note: somewhat different wording can be found in the ‘versio Palatina’ of HERMAS, the relevant portion of which is quoted in Coll.Wig.C 139/D 116


Legitimum [c]nim {enim corr.} coniugium 18 nullus separare presumat. nisi ex amborum consensus. et propter amorem christi. qui ait: qui reliquerit uxorem et reliqua; Centuplum accipiet: et utiam eternum {sic} possidebit; {Mt 19:29} Et nemo aliter uxorem [f. 143v] dimittat. nisi propter fornicationem: quia [f]arisei {pharisei corr.} temptates {temptantes corr.} dominum nostrum iuesum chris{tum. interrogauerunt eum: si licet hominem dimittere uxor{em suam} pro qacumque {quacumque corr.} causa: respondit iesus{es} et ait eis; Non legis{tis quia qui fecit ab [u]ninitio {initio corr.} masculum et feminam fecit eos et dixit: Propter hoc reliqu{et homo patrem et matrem: et adherebit uxor su{e} et erunt duo in carne una; Itaque iam non s[**]**t {sunt corr.} duo: sed una 19 [ç]aro; [carro corr.} Quod ergo deus coniunx{it: homo non separet; Dicunt illi; Quid ergo? Moyses mandau{it dare leg{itum}m {corr.}} uxoribus uxorum: et iuxta matrem cordis uestri permissit uobis dimittere uxor{es uestrae: ab initio autem non fuit sic; Dico autem uobis: quia quicu{mque dimiserit uxor{em suam nisi ob causam fornicationis. et aliam duzerit: moechatur; [Mt 19:3–9] Unde et a{pl {apostolus corr.} dic{it; Precipio non ego sed dominus: uxor{em a uiro non disced{ere; Et eterum; {1 Cor 7:10} Aligatus es uxor: noli quere solut[*]*nem; {solutionem corr.} Solutus es ab uxor: ne quesieris uxor{em; {1 Cor 7:27} [f. 144r] Ali{bi namque de adu{lerio. uel fornicatione. scriptum est; Qui adulteram tenet. stultus et impius est; {Prv 18:22} {De filiis quoque adulterarum eiciendis cum mensibus suis. ez[e]chiel dicens. Ec{c}te matrem fornicar{iam. et filios fornic[a]t{ii}onis; et reliqua. (cf. Gn 21:10) add. in mg.} Et aug{ustinus dicit; Si mulier. fornicata fuerit relinqua{enda est: sed illa uiiuente altera non est ducenda; Ubicumque igitur est fornicatione et fornicationis uera suspicio: libere uxor dimittit{tur; alter ergo. etiam si sterilis est: si deformis: si fetida: si temulenta: si iracunda: si malis moribus: si luxuriosa: si fatua: si gulos{a. si uaga. si iugatrix. {sic} si maledica. tenenda erit. uelis nolis; Et qualiscumque accepta est. habenda erit; Apostolus enim dicit; Cum enim eras liber. sponte seruituti te subi{ecisti;}

17 si illo corr. from sullo ?
18 coniugium corr. from coniugio ?
19 una corr. from unam ?
Appendix XII

B130 (O111) — cf. B125 (I124, O106), which incorporates the first sentence of this canon; C156 first sentence/D120; C137/D114; B132 (I113, O–); C143/D203 and Copenhagen, Kongelige Bibliotek, Gl. Kgl. Sam. 1595 (4°), fols 47v–48r, which draw independently on Pirmin’s Scarapsus 16

Source (legitimum ... æternum possidebit) π IRMIN Scarapsus 16 (ed. Hauswald, 50–1, lines 5–8)

Source (et nemo alter uxorem dimittat nisi) unidentified

Source (propter fornicationem ... impius est) "et qui demissam duxerit moechatur" probably omitted in B130 through homoioteleuton.

Source (de filiis ... fornicationis et reliqua) Coll.Wig.C 156, rubric + first sentence (= Coll.Wig.D 120) — Coll.Wig.C 137/D 114 — Coll.Hib.A 46.2, second last sentence, adapted

Source (et au gustinus ... non est ducenda) "et a u gustinus ... non est ducenda" Coll.Wig.C 140–41 — Admon.gen.(789) 43 + Reg.eccl.Cart.exc. 102, first sentence conflated

Source (ubicumque igitur ... te subiecisti) π IRMIN Scarapsus 16 (ed. Hauswald, 53–4, lines 26–31) — JEROME, Comm. in Math.libri I V, 3, vers. 19:9 (CCSL 77, 167, lines 768–69, 784–87) | adapted

[1130] CANON AFFRICANENSIS;

Secundum euangelicam disciplinam nec uxor a uiro dimissa alium accipiat uirum uiuente uiro suo: nec uir aliam accipiat uxorem uiuente uxore priore: sed ita maneant: aut sibimet reconcilientur;

B131 (O112) — cf. A90 (C94, D99); C140/D117; C141

Source Coll.Wig.C 140–41 — Admon.gen.(789) 43 + Reg.eccl.Cart.exc. 102, first sentence conflated

[1131] AGUSTINUS DICIT;

Si mulier fornicata fuerit. relinquenda est: sed illa uiuente altera non est ducenda; [f. 144v]

B132 (O–); C137/D114 — cf. Coll.Wig.B 130 (I129, O111)

Source Coll.Wig.C 137/D 114 — Coll.Hib.A 46.2/Coll.Hib.B 48.2 (MS B6, fol. 101r), second last sentence; adapted

[1132] CANON DICIT;

Si mulier discerserit a uiro suo despiciens eum nolens reuertere et reconciliare uiro. post V uel VII annos cum consensu episcopi. ipse aliam accipiat uxorem si continens esse non poterit: et peniteat III annos. uel etiam quamdiu uixerit: quia iuxta sententiam domini mcchus comprobatur;

B133 (O113) — cf. C147 first part

Source Coll.Wig.C 147, first part — PPTH.800.13.24 | adapted

[1133] ITEM.

Si cuius uxor in captiutatem {captiuitatem corr.} ducta fuerit et eam redimi non poterit: post annos VII alteram accipiat: et si postea propria. id est prior mulier de captiuitate reuersa fuerit: accipiat eam: posterioræmque dimittat; Similiter autem et illa sicut superias {sic} diximus: si uiro talia contigerint faciat;

B134 (O114) — cf. C147 second part

Source Coll.Wig.C 147, second part — PPTH.800.13.25 | abbrev., adapted

[1134] DE MATRIMONIO SERUULORUM;

Si seruum et ancillam. dominus amborum in matrimonio coniunxerit: postea liberato seruo uel ancilla. si non potest redimi qui in servitio est: libero licet sicut quibusdam placet ingenuo coniun[e]re. {coniungere corr.} sed tamen iuxta sententiam domini mechus probatur; Qui uero taliter egerit. id est ut primam uxorem propter seruittium humanum [f. 145r] dimittat. et postea
liberam ducat uxorem: III annos peniteat: unum in pane et aqua. sed et quamdiu cumque uixerit semper aliquid peniteat; similiter quoque et mulier peniteat: si taliter fecerit; si quis liber ancillam. aut suam aut alterius in matrimonio acceperit. non habet licentiam dimittere eam: si ante cum consensu amborum coniuncti sunt; si uero dimiserit dimiserit_eam_ et aliam ducit uxorem. siue ancillam. siue liberam: ut suprascriptum est peniteat;

B135 (O115) — cf. C164/D129
Source Coll.Wig.C 164/D 129 — PPTH.800.10.34–5 | adapted

[1135] DE CONCUBINIS.

Agustinus dicit: Quale est quod multi uirorum ante nuptias concubinas sibi adhibe {adhibere corr.} non erubescunt. quas post annos dimittant: et sic postea legitim{e} {legitimas corr.} uxores accipiant; {accipivnt corr.} Unde coram domino. et coram angelis eius testor atque denuntio: deum ista coniugia semper prohibuisse. et numquam placuisse: et precipue temporibus christianis. concubinas haberę numquam licuit: numquam licet: numquam liebit; {licebit corr.}

B136 (O116); C136/D113

[1136] ITEM IN LEGE.

Nemo incestis coniunctionibus se inquinet: quia in leutico {leuitico corr.} scriptum est; Omnis homo ad proxim[u]m {proximam corr.} sanguinis sui non accedat: [f. 145v] ut reuelt turpidinem {sic} eius; {Lv 18:6} Et iterum; {A}nima que fecerit quippiam ex istis. peribit de medio populi sui; {Lv 18:29} Sane quibus coniunctio inlicita interdicitur. habebunt in eundem melioris coniugii libertatem;

B137 (O118) — cf. C148/D207
Note: the sources for the first and second parts overlap, in that they both quote Lv 18:6.
Source (nemo ... non accedat) Coll.Wig.C 148/D 207 — PIRMIN Scarapsus 16 (ed. Hauswald, 54, lines 1–4), abbrev., adapted
Source (scriptum est omnis ... populi sui) PPTH.800.14.24 (ed. van Rhijn, 34, lines 69–71)
Source (sane quibus ... libertatem) PPTH.800.14.25

[1137] SINODUS DICIT.

Quicumque inlicito matrimonio fuer[s] {fuerint corr.} commixti: post penitentiam non debent fieri in una domum: {domu corr.} ne se iniuicem causa amoris copulent;

B138 (O119); A85 (C89, D94)
Source Coll.Wig.A 85 — Coll.Hib.B 49.32 (MS B6, fol. 111v), adapted

[1138] ITEM SINODUS DE THORO FRATRIS DEFUNCTI.

Audi decreta sinodi; Superstes frater thorum defuncti fratris. non [est] [{est} ras.] ascen[*] {ascendat. corr.} domino dicente; Erunt duo: in carne una; {Mt 19:5} Ergo uxor fratris tui: soror tua est; {cf. Lv 18:16}

B139 (O120)
Source Coll.Hib.A 46.35.b; cf. Coll.Hib.B 48.29 (MS B6, fol. 105r), whose word order differs slightly — Synod.II Patric. 25; cf. CORL.511.18

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20 et} corr. from [**] ?
21 coniugii] corr. from coniugum ?
[I139] GREGORIUS DICIT.
Si quis monacham. uel commatrem spiritalem. uel fratris uxorem: uel neptam. uel nouercam uel consobrinam. uel de propria cognatione. uel quam cognatus habuit. duxerit uxorem: anathema sit;
B140 (O–); C155/D119
Source Coll.Wig.C 155/D 119 — BEN.LEV. Cap. 3.179 (ed. Schmitz, 36, lines 11–13), abbrev.; cf. CROM.721.3–9

[1140] ITEM DE CONSANGUINEIS GREGORIUS INTERROGATIONIBUS AGUSTINI TA {ITA corr.} RESPONDIT;
Quędam terrena lex in romana republica permittat. ut siue frater {et add. sup. lin.} soror. seu duorum fratrum germanorum uel duarum sororum. filius et filia misceantur. sed experi[f. 146r]mento didicimus ex tali coniugio: sobolem non posse succrescere; Et sacra lex mosaica prohibet. cognationis turpitudinem reuelare; Unde necesse est ut iam tertia uel quarta generatio fidelium licenter iungi debat; Nam secunda quam prediximus. a se omnimodo abstinere debet;
B141 (O130); C153/D213
Source Coll.Wig.C 153/D 213 — DGRE.590.1843, c.5 (eds Ewald–Hartmann, 335, lines 7–12)

[1141] ITEM DE RATIONABILI CAUSA;
Uere post multum temporis a felice mesanq sicilie presule requisitus gregorius. utrum agustino scripsisset: ut angelorum {anglorum corr.} qua[rta generatione contracta matrimonia mime {minime corr.} soluerentur. humillimus pater inter cetera talem reddidit rationem; Quod scipsi {sic} agustino anglorum gentis episcopo. nostro alumno uidelicet. de consanguinitatis coniunctione. ipsi et anglorum genti que nuper ad fidem uenerat. ne a bono quod ceperator metuendo austeriora recederet: specialiter et non generaliter certissime scripsisse cognascas; {sic} Unde et mihi omnis romana ciuitas testis existit: nec ea intentione hæc illis scriptis mandaui. ut postquam firma radice [f. 146v] in fide fuerint solidati. si infra propiam {sic} consanguinitatem inuerti fuerint non separtentur. aut infra affinitatis lineam. dest {id est corr.} usque ad septimam generationem coniungantur; Sed adhuc illos neophitas {sic} existentes: cepisse eos prius illicita docere. et uerbis ac exemplis instruere: et que post de talibus egerint. rationabiliter et fideliter excludere oportet; Nam iuxta apostolum qui ait. la {lac corr.} uobis potum dedi non escam; {1 Cor 3:2} Ista illis modo: non posteris. ut prefixum est temporibus tenenda indulsimus: ne bonum quod infirma adhuc radice plantatum erat exureretur: sed aliquantulum firmaretur et usque a {ad corr.} perfectionem custoreter; {custodiretur corr.}
B142 (O131) — cf. C154/D214
Source Coll.Wig.C 154/D 214, abbrev. — JOHN DIA. Vita Gregorii 2.38 (PL 75, cols 101C–102A)

[1142] CANON ROMANUS.
Laicus maculans se cum ancilla dei: uel cum spiritali commatre. uel cum propinquaque: aut forte cum illa quam antea cognatus habuit: primitus anathemazizetur.22 {sic} postea. VII annos. peniteat: III in pane et aqua; Similiter et illa. peniteat: Qua {Quia corr.} christiana religio. fornicationem mutroque {in utroque corr.} sexu: pari ratione condemat; {condemnat corr.}
B143 (O122) — cf. C199–201; C151/D210; C157–58/D122–23

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22 anathemazizetur] -zizetur in litura?

[I143] ITEM. [f. 147r]
Gregorius apostolicus papa ante corpus beatissime {beatissimi corr.} petri in sinodo residiens dixit; Si quis presbiteram duxerit in coniugium: anathema sit;
B144 (O123)
Source | CROM.721.pref. + 1, partial

[I144] ITEM;
Si quis monacham quam dei ancillam apellant. duxerit in coniugium: anathema sit;
B145 (O124)
Source | CROM.721.3, partial

[I145] ALIA
Si quis de propria cognatione. uel quam cognatus habuit. duxerit uxorem: anathema sit; A {Ad corr.} quod respondentes omnes dixerunt. amen;
B146 (O125) — cf. C316/D258, O28, WYLFSTAN, Sermo 10b, 10c, and Polity.I 114/II.219, all of which also contain the phrase ‘ad quod respondentes omnes dixerunt amen’
Source (si quis ... anathema sit) | unidentified, but cf. C316/D258, O28, WYLFSTAN, Sermo 10b (ed. Bethurum, 195, line 43), 10c (ed. Bethurum, 202, lines 50–1), and Polity.I 114/II.219
Source (ad quod ... amen) | CROM.721.9, partial

The following canon has been added in the outer margin of A3, fol. 147r by the same hand that copied canons I38a–d, 50a, 118a and 159a (the signe de renvoi is here visible and indicates this canon is to be inserted in the present location). The edge has again been trimmed, which has obscured some letters.

[I145a] ITEM
Si quis cum duabus cognatis fornicationem fecerit: primi[tes] anathematizetur deinde VII uel X annos. p[eniteat];
Note: the text printed by van Rhijn as part of PPTH.800.14.25 is an interpolation found only in MS A1, p. 37.
B147 (O126)
Source | PPTH.800.14.25 (in MS A1 only; ed. van Rhijn, 35, lines 94–5)

[I146] ITEM. GREGORIUS FELICI EPISCOPO;
Progeniem suam unumquemque usque ad septimam seruare decernimus generationem: et quamdiu se agnoscent affinitate propinquas. in coniugium ducere nulli profecto christianorum licet uel licebit: et nolumus nos in ac {sic} re a uobis siue ac ceteris fidelibus reprehendi: quia in his anglorum genti indulsimus: non formam dando sed considerationem: ne christianitatis bonum quod ceperant. inperfectum dmitterent {sic} egimus; [f. 147v]
B148 (O127) — cf. B149 (I147, O128), second part, which abbreviates the same source material differently

[I147] DE SCEMATIBUS;
Scemata dicuntur ramosculi in genere: cum gradus cognitionum partiantur; Uputa ille filius. ille pater ille auus. ille auus. ille agnatus: et ceteri quorum figure in subsequentibus apparent; Et hæc consanguinitas dumat se paulatim propaginum ordinibus dirimens usque ad ultimum gradum subtraxerit et propinquitas esse defierit: {sic} eam rursus lex matrimonii unculo {sic} repetit. et
quodammodo reuocat fiugientem; \(\text{sic}^\text{1\#} \) Ideo autem usque ad sextum generis gradum consanguinitas constituta est. ut sicut sex aetatis mundi: generatio et hominis status finitur: ita et propinquitas generis tot gradibus terminareetur; Inter hos itaque propinquitatis gradus ad coniugalem copulam accedere \(\text{corr.}\) conuenit: nec eam quam aliquis ex propria consanguinitate conuiem \(\text{sic}\) habuit: in coniugium ducere nulli profecto christianorum licet uel licebit: quia *incestuosus* \(\text{incestuosus}\) coitus abhominabilis est deo; Incestuosos vero nullo coniugis nomine: a sanctis patribus dudum statuum \(\text{statutum}\) esse legimus;

\[\text{B149 (O128) — second part: cf. B148 (I146, O125), which abbreviates the same source material differently; D211 ISIDORE, Etym. 9.6.28, abbrev., adapted ISIDORE, Etym. 9.6.29 unidentified cf. Ps.-ISIDORE, Decretales, decreta Gregorii (ed. Hinschius, 751) — DGR.E590.11334 (PL 77, col. 1326B); also in Paris, Bibliothèque nationale, Lat. 3182 (Collectio Fiscani), p. 341b} \]

The main scribe left space on the rest of A3, fol. 148r and fols. 148v–149r for an arbor consanguinitatis. A later hand (s. xi/xii) has added the following seven canons in that space.

\[\text{[I147a] VIRGILIUS PAPA} \]

Si motum fuerit altare denuo consecetur ecclesia. Si parietes tantum mutantur. et non altare. sane. \(\text{p. sale gl. in mg.}\) et aqua exorcizetur. Si homicidio. uel adulterio. fuerit uiola diligentissime expurgetur. et denuo consecetur.

\(\text{ed. THORPE, Ancient laws, no. 141}\)

\[\text{Source ID 3.13–14; IP 2.20–1; ICtp B3.11–12; BD 3.11–12; GRATIAN, D. 1 de cons. c. 19; ‘si motum fuerit altare ... aqua exorcizetur’: Epitome Hispana (as summarized in Munich, Bayerische Staatsbibliothek, Clm 6241; } \]

\[\text{‘si motum fuerit altare ... aqua exorcizetur’: DVIG.537.907, c. 4, paraphr.; ‘si homicidio ... et denuo consecetur’: unidentified} \]

\[\text{[I147b] EX CONCILIO CARTAGINENSI GREGORIO[S]} \]

Quis cum ad iudicium uenerit. si uolerit clericus et necesse fuerit. inducie ei petenti a patribus constitueretur absolue impedimento concedatur. et iudices se electi tribuatur. a patre. si ibi uim aliquam temerarie multitudinis metuerit. locum sibi congruum eligat. quo absque timore suos si necesse fuerit testes habere. et absolue impedimento suum canonice finire ualeat. quia multa pro surrepcione uenire solent. Sentenciam fratres. quæ misericordiam uetat non solum tenere sed etiam audire refugite. quia pocior est omnibus holocaustis misericordia. \(\text{[cf. Mc 12:33]} \) Non ita agendum est in ecclesiasticis negociis sicut in securibus \[f. 148v\] Nam in securibus postquam qui legibus est coactus uenerit. et decertauerit. et responsum dederit: ante peractam causam. non potest recedere. In ecclesiasticis uero dixit causa. licet recedere. si necesse fuerit aut si se pregrauare uiderit.

\(\text{ed. THORPE, Ancient laws, no. 142}\)

\[\text{23 On this version of the Epitome Hispana as a source for Burchard’s Decretum, see H. Hoffmann and R. Pokorny, Das Dekret des Bischofs Burchard von Worms. Textstufen—Frühe Verbreitung—Vorlagen, MGH Hilfsmittel 12 (Munich, 1991), 76–81, with discussion of the present canon at p. 80 n. 45, and p. 190.} \]
[I147c] IN NICEANA SINODO.
Statutum est quod iudices alii non deberent esse nisi quos ipse qui impetitur elegerit. aut quos consensu suo eius primates auctoritate huius sacrę sedis constituerunt. Quia indignum est ut externis iudicetur qui provincialis et a se electos. debet habere iudices.
(Source: ed. Thorpe, Ancient laws, no. 143)

[I147d] Irrita erit donacio. episcopi. uel uendicio. uel commutacio rei ecclesiastice. absque collaudacione et subscrpcione {sic} clericorum.

Note: this canon is written as if a continuation of the previous one, but a line has been drawn dividing the two
(Source: ed. Thorpe, Ancient laws, no. 143)

[I147e] ROMANVM CONCILIVM
Tempore constantini augusti congregaut. {sic} siluester papa sinodum. romę cum LXXIII episcopis. quorum. consensu. et superscripzione. {sic} constitutum est ut nullus laicus. clerico crimen audiat in ferre. Testimonium ergo laici aduersus clericum. non recipiat. Acusatores consanguinei nec familiares. nec domo prode sunt. testes. recipiantur. quia propinquitats. {sic} ac dominacionis. ac familiaritatis. {sic} affectio.24 plerumque ueritatem. impedire solet. sed si uoluerint. et inuicem. consenserint. inter se parentes. testificentur. non in aliis. amor enim. carnalis atque timor. et amaritudo. plerumque sensus. hebetant. humanos. et peruerunt opiniones.
(Source: ed. Thorpe, Ancient laws, no. 144)

[I147f] Nullus monacorum presumat. iudicare. nec accusacionem secularem. in clericum. audeat accipere. Quod si quis probatur admittere uelud exaeutor furoris. aut usurarum possessor secundum statua {sic} patrum. se senciat degradandum.

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24 affectio] corr. from affectus?
Appendix XII

(\textit{ed. THORPE, Ancient laws, no. 145})

\textbf{Source (nullus ... accipere)}
unidentified

\textbf{Source (quod si ... degradandum)}
ICTp A2.31.7 — CTAR.516.10 | last sentence

[1147g] In grauibus peccatis. quis positus. dum sus \{suis \textit{corr.}\} premitur. aliena non diluit.
(\textit{ed. THORPE, Ancient laws, no. 145})
Source
ICTp A1.55.41 — GREG.MAG. Moral.in Iob, pref.
3 (8) (\textit{ed. Adriaen, 14, line 51–3})

\begin{center}
\textit{A memorandum concerning transactions in pigs and wool has been added to the bottom margin of A3, fol. 149r by a hand of s. xiii/xiv (see Ker, Catalogue, 214).}
\end{center}

[1148] [f. 149v] \textbf{DE CONIUGIO ANTIQUO}

\textbf{Satis igitur manifestum est non posse filios adam in primordio seculi uxoros acceperisse nisi proprias sorores: aut propinquas consanguineas. sed semper eat \{erat \textit{corr.}\} illicitum ab initio: uxorem aut concubinam patris uiolare; Unde iacob patriarcha dixit filio suo ruben; Eeffusus es sicut aqua non crescanas: quia ascendisti cubile patris tui: et maculasti stratum eius; \{Gn 49:4\} Unde \{et \textit{add. sup. lin.}\} paulus apostolus doctor gentium de tali sacrilego scripsit dicens; Auditur inter uos fornicatio: et talis fornicatio qualis nec inter gente\{s\} id est inter paganos tal\{e\} scelus fieri: \{cf. 1 Cor 5:1\} Ecce apostolus iudicauit de medio christianorum auferri: qui nouercam uiolare presumpsit dicen: \{dicens \textit{corr.}\} nec inter gente\{s\} id est inter paganos tal\{e\} scelus fieri; \{cf. Dt 25:5\} Uerum itaque est et satis late patet deum omnipotentem in lege moysi prohibuisse uxorum patris et fratri et proximi accipere. aut cum ea concubere: \{cf. Lv 18:8; 18:16; 18:20\} sed et hoc quod \{f. 150r\} inde utero \{i\}n omn\{a\} \{in deuteronomio \textit{corr.}\} scriptum est ut frater scilicet accipiat uxorem defunta \{defuncti \textit{corr.}\} fratri. et suscitabit semen fratris suo. \{cf. Dt 25:5\} non carnaliter intellectum est: sed spiritualiter tenendum; Et ualde cecus doctor est qui nescit discretionem inter uetus testamentum et nouum: sed a[\*]uc \{adhuc \textit{corr.}\} errat cecatus umbra antique caliginis nesciens ueritatem grati\{e\} christi. \{et \textit{add. sup. lin.}\} nescit legem et prophetas usque ad iohannem baptistam prophetasse; Nam ipse dominus\textsuperscript{25} ait; \textit{Lex} et prophete usque ad iohannem; \{Mt 11:13\} A diebus autem iohannis baptiste. uque \{usque \textit{corr.}\} nunc regnum celorum uim patitur: et uiolenti rapiunt illud; \{Mt 11:12\} Et quicumque cecus doctor est qui post tot annos et post tot tractores \{tractatores \textit{corr.}\} qui libros de lege moysi tractauerunt a deo inspirati: adhuc iudaizare \{f. 150v\} uult. contempnendo christum et omnes sanctos doctores; \textit{Inde} utero \{****\} \{In deuteronomio \textit{corr.}\} enim legimus: ut quando habitatuerint frates simul. et unus ex eis absque liberis mortuus fuerit: uxor defuncti non nubet alteri. sed accipiet eam frater eius. et suscitabit semen fratris sui: et primogenitum ex ea filium. nomine eius apellabit ut non deleatur nomen eius ex israel; \textit{Sin} autem noluerit accipere uxorem fratris sui: que ei lege debetur: perget multier ad portam ciuitatis. et interpellabit maiores natu. et

\textsuperscript{25} dominus \textit{corr. to dicens}?
Appendix XII

dicit; \textit{No} \textsuperscript{26} \{sic\} uult frater uiri mei: suscitare nomen fratri sui in israel. nec me in coniugium sumere; \textit{Et statim arcessiri} \textsuperscript{27} eum facient: et interrogabunt eum; \textit{Si responderit. nolo eam uxorem accipere: accedet mulier ad eum. coram semoribus: \{sic\} et tollet calciamentum de pede eius: spu[**]que \{spuetque \textit{corr.}\} in faciem eius et dicet; \textit{Sic fiet homini qui non edificat domum fratri sui: et uocabitur nomen eius in israel. domus d[**]calciati; \{decalciati \textit{corr.}\} \{Dt 25:5–10\} \textit{De hoc enim quod in} \textsuperscript{28} \{deuteronomio\} scriptum est et in euuangelio: quod frater acceperit uxorem defuncti fratris sui ut suscitaret semen fratri suo: non est christianis tenendum \textit{corr.} carnaliter. 

\textit{B150 (O121)}

Source unidentified

\[I149\] \textbf{CANON LAUDOCENENSIS;}

\textit{Ut nullus christianus iudaizare presumat; sed nec conuiuiis \{conuiuiis \textit{corr.}\} eorum participare;}

\textit{B151 (O132)}

Source unidentified, but cf. CLAO.300.29

\[I150\] \textbf{ITEM.}

\textit{Ut nullus christianorum paganas superstitiones intendat: sed gentilium inquinamenta omnia omnimodo conmemat;}

\textit{B152 (O133); also in York, Minster Library, MS Add. 1, fol. 159r (preceding Wulfstan’s Sermo 60, ed. A.S. \textsc{NAPIER}, Wulfstan: Sammlung der ihm zugeschriebenen Homilien nebst Untersuchungen über ihre Echttheit. Vol. I: Text und Varianten, Sammlung englischer Denkmäler in kritischen Ausgaben 4 [Berlin, 1883; repr. with supplement by K. Ostheerin, Berlin, 1967]), where ‘nemo christianorum’ has been glossed ‘uel nullus christianus’ by Wulfstan’s hand}

Source unidentified, but cf. \textsc{WVLFSTAN}, Sermo 60 (ed. \textsc{NAPIER}, 309, lines 11–12)

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\textsuperscript{26} no uult \textit{corr.} from nouum?

\textsuperscript{27} arcessiri \textit{corr.} from arcessiri?

\textsuperscript{28} in deuteronomio \{inde utero \[*\]omio?

\textsuperscript{29} tum \textit{corr.} with macron over u; note that Coll.Wig.O 121 reads tunc
[I151] **CANON. BRACARENSIS.**
Si quis paganorum consuetudinem sequens diuinum et sortilegos in domum suam introduxerit quasi ut malum foras mittant, aut malificia {maleficia corr.} inueniant uel lustrationibus paganorum serviant. V annos peniteant;

*B153 (O134); A71 (C75, D80)*

*Source*  
Coll.Wig.A 71 — CBRA.561.71

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[1152] **CANON SANCTORUM;**
Si quis christianus, christianum hominem in manum iudeorum uel gentilium uendiderit: anathema sit; *In* deuteronomino enim scriptum {scriptum corr.} est. Si deprehensus fuerit homo sollicitans aliquem de genere israhel: et uendito eo accipiet pretium inteficietur; {Dt 24:7}

*B154 (O135 first part) — cf. C198*

*Source (si quis ... anathema sit)*  
Coll.Wig.C 198, partial — PPTH.800.36.3, abbrev. | adapted

*Source (si deprehensus ... interficietur)*  
Dt 24, 7, adapted

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[1153] **ITEM CANON SANCTORUM;**
Nefas igitur est. ut quos christus sanguinis sui effusione redemit: iudeorum uel gentilium uinculis sint inretiti;

*B155 (O135 second part); also as LawVIatr 9*

*Source*  
Coll.vet.Gall. 55.5 — CMAC.581.16 | partial, adapted

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[1154] **DE TONSURA;**
Exordium tonsure a nazareis incepit. qui crine seruato post uite magne continentiam caput radebant: ut deuotionem domino consecrarent; *In* canonibus quoque sanctorum patrum: scriptum {scriptum corr.} inuenimus; Si quis catholicus capillos totonderit more barbarorum: ab ecclesia dei alienus habeatur. et ab omni christianorum mensa: don ęc delictum emendet;

*B156 (O136); first sentence: C218 first sentence; last sentence: C217/D146 last sentence — last sentence: cf. A73 (C77, D82), which adapts the same source material*

*Source (exordium ... consecrarent)*  

*Source (in canonibus ... inuenimus)*  
unidentified

*Source (si quis catholicus ... emendet)*  
ELRF 61 (= Coll.Wig.C 217/D 146 last sentence); cf. Coll.Wig.A 73

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[1155] **DE TONSURA PTRI; {sic}**
Petrus itaque apostolus clericali tonsura primo usus est: gestans in capite imaginem corone spine christi; Unde canon afric anus precipit: ut clericus nec comam nutriat: nec barbam;

*B157 (O137); first sentence: C218 second sentence; last sentence: A74 (C78, D83)*

*Source (petrus ... spine christi)*  
Coll.Wig.C 218, second sentence — Coll.Hib.A 52.2/Coll.Hib.B 52.2 (MS B6, fol. 114r-v), adapted

*Source (clericus ... barbam)*  
Coll.Wig.A 74 — SEA 25 (= Carthage IV, 44)

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[1156] **E CANONE ROMANO DICIT;**
Quicunque clerico usius fuerit in eclesia sine colobio uel cappa; {et add. sup. lin.} si non more romanae {romano corr.} capillos et barbam totonderit: excommunicetur; Non debet etiam clericus indui se monachico habitu. nec laicorum testibus {sic} uti. et uir se {si corr.} utetur ueste muliebri. excommunicetur: aut mulier si uirili utetur indumentum;

*B158 (O138) — first part: cf. C219; second part: A76 (C80, D85)*

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30 *dicit vel forsas dictum ?*
[1157] **ITEM.**

Clericus quoque non debet armis uti. nec [f. 152v] ad bellum procedere: quia canones docent ut quicumque clericus in bello aut in rixa mortuus fuerit: neque oblatione neque oratione postiletur {postilet corr.}; pro eo: sepultura tamen non priuetur; Apostolus quoque dicit; Nemo militans {sic} deo. implicet se negotius {sic} secularibus; {2 Tim 2:4} Unde non est liber a laqueis diaboli: qui se militie mundane uoluerit implicare; Et ideo omnimodis dicendum. est. prebiteris {presbiteris corr.} et diaconibus: ut arma non porten[*] {porten corr.} sed magis confidant in defensione dei: quam in armis;

B159 (O139); last sentence: C182 last sentence — cf. C194/D202; A75 (C79, D84); O147; C317; B165 (I162, O–);

Source (clericus quoque ... uoluerit implicare) Coll.Wig.C 194/D 202, partial, rearranged, adapted — cf. ÆFRIC Ep.2.178 + DLEO.440.544, c. 12

[1158] **ITEM.**

Cauendum quoque est clericis. ut non sunt iudices in condemnationem homines; {hominis corr.} B160 (O140)

Source ÆFRIC Ep.3.80 (ed. Fehr, 66), adapted

[1159] **ITEM;**

Canonum autoritas prohibet ne quis episcopus aut clericus asse[n]sum prebea in morte cuiuslibet hominis. {sic} siue latronis. siue rapt[o]ris. seu homicide;

B161 (O141) — cf. A79 (C83, D88)

Source Coll.Wig.A 79 — ÆFRIC Ep.2.191 (ed. Fehr, 56), adapted | abbrev.

The following canon has been added in the outer margin of A3, fol. 152v by the same hand that copied canons 138a–d, 50a, 118a and 145a (the signe de renvoi is here visible and indicates this canon is to be inserted in the present location). The edge has again been trimmed, which has obscured some letters.


B162 (O142)

Source Reg.a duct.Chrod. 74, abbrev. — CPAR.829.3,4 (ed. Werminghoff, 672)

Source (fiunt maxime ... baptizmate) unidentified, but cf. DGRE.590.1101 (ed. Norberg, 39, lines 7–9): ‘Et fit ut ecclesia sine rectore et populus quasi sine pastore grex defluat, et ibidem infantes pro peccatis absque baptizmate moriantur.’

[1160] **CANON AFFRICANUS;**

31 hominis] corr. from homines?
Omnès clericì qui ad operandum sunt ualidi: \{sic\} et artificiola. et litteras dicant; \{discant \textcorr{corr.}\}

\[\text{Source}\]
Coll.vet.Gall. 41.10, reading \textquoteleft validi\textquotefrancy{"}{\textquoteleft}SEA 45 (= Carthage IV, 53), reading \textquoteleft invalidi\textquotefrancy{"}{\textquoteleft}

\[\text{[I161]}\text{CANON CESARIENSIS.}\]
\textit{Duo igitur sunt genera clericorum; Unum ecclesiasticorum. sub opiscopali \{sic\} regimine: alter acephalorum: id est sine capite; De quibus Gregorius dicit; si qui cleri uulgares sunt. extra sacros ordines constituti: id est nec [f. 153r] presbiteri nec diaconi qui se continere non possunt: sortiri uxores debent et stipendia sua exterius accipere; Sacerdotes autem nequaquam uxores ducant. sed ecclesiam diligant. nec utantur bellicis armis sed spiritalem \{militiam \textcorr{corr.}\} ex\[*\]eant; \{exerceant \textcorr{corr.}\}\]

\[\text{Source (duo igitur ... sine capite)}\]
Reg.aucta.Chrod. 63; CAAC.816.101 — ISIDORE, De eccl.off. 2.3 (ed. Lawson, 54, line 2–4) \| first sentence, adapted

\[\text{Source (si qui cleri ... exterius accipere)}\]
DGRE.590.1843, 1 (eds Ewald–Hartmann, II, 333, lines 16–17), adapted

\[\text{Source (id est nec presbiteri nec diaconi)}\]
unidentified

\[\text{Source (sacerdotes ... exerceant)}\]
unidentified, but cf. Coll.Wig.O 30: \textquoteleft spiritualibus conuenit ut spiritalem militiam contra diabolum exerceant\textquotefrancy{"}{\textquoteleft}

\[\text{[I162]}\text{ITEM DE MILITIA.}\]
\textit{FRATRES.} Scitote quia diuisa est potesta \{potestas \textcorr{corr.}\} secularis: et potestas spiritualis; Bonis enim secularibus decet. ut sin\[*\] \{sint \textcorr{corr.}\} defensores eclesiæ \{et add. sup. lin.\}

\[\text{propungnatoris \{propungnatores (sic) \textcorr{corr.}\} gregis christi: spiritualibus autem conuenit. ut sint intercessores pro omni populo dei; Miles quidem christi. armis humanis uti non debet: ut testimonia multa declarant; Incipiamus testimoniun a deo et domino nostro iehu christo: qui dum pro humano genere crucis uellet subire tormentum. et a militibus esset tentus: petro prohibuit ne gladio pugnaret; \{cf. Io 18:10–12\} Quod si ille non abuit \{sic\} licentiam pugnandi. pro inuria domini sui inlata: quid rectius nobis est quam ut eius inmittemur exempla? Intelligit \textquoteleft ergo qui \{quia \textcorr{corr.}\} non mas\[*\] \{in asta \textcorr{corr.}\} et gladio saluat deus: sed potius in assidus \{assiduis \textcorr{corr.}\} orationibus. et ceteris diuinis \{seruitiis \textcorr{corr.}\}; \textquoteleft his et aliis multis declaratur exemplis: episcopum. presbiterum. diaconum. uel monachum. nulla portare arma in prelio: nisi tantum ea de quibus legitur; In omnibus sumentes scutum fidei: in quo possitis omnia tela nequissimi ignea extinguere. et galeam salutis assumite et gladium spiritus. quod est verbum \{Eph 6:16–17\} Contrarium itaque omnino est ecclesiasticis regulis: post ordinationem. redire ad militiam secularem;\]

\[\text{Source (FRATRES scitote ... uerbum dei)}\]
Coll.Wig.C 317, rearranged, adapted, with Eph 6:16 inserted before Eph 6:17 (as per Coll.Wig.O 147); cf. Coll.Wig.O 30 — (see sources for Coll.Wig.C 317). Note: \textquoteleft petrus euaginato gladio abscidit auriculam
Appendix XII

malchi quam dominus sanitati restituit et' probably omitted in C317 and B165 through homoioteleuton.32

Source (contrarium itaque ... secularem)

Coll.Wig.O 30; cf. Coll.Wig.C 194/D 202 — DLEO.440.544, c. 12 (PL 54, cols 1206C–1207A) | partial, adapted

[I163] DE HOMICIDIO INSTITUTIO SANCTORUM

Si presbiter. uel diaconus homicidium fecerit: degradetur. et usque ad exitum uite peniteat; B166 (O–)

Source 

PPTH.800.15.16, first half, abbrev., adapted

[I164] ITEM

Si quis clericus homicidium fecerit. X annos exul peniteat: III ex his in pane et aqua. post hec recipiatur in patria: Si bene egerit penitentiam. testimonio comprobatus [f. 154v] episcopus. uel sacerdotis. uel cui commissus fuerit. quod bene penituit: Et satisfaciat parentibus eius quem occidit; Si autem non satisfecerit parentibus illius: nunquam recipiatur in patria: sed more caein uagus et profugus sit super terram; {Gn 4:12} Si uero homicidium casu fecerit. id est non uolens: V annos {uel V carinas. uel plus. minusue. gl. sup. lin.} peniteat: III ex his in pane et aqua; Si ad homicidium consenserit et factum fuerit: VII annos {uel VII carinas. gl. sup. lin.} peniteat: III ex his. in pane et aqua; Si iudicaverit et non perfecerit: I annum peniteat; Si presbiter anno unum

Source (si quis ... si presbiter anno unum) Coll.Wig.A 102, first part — PREM.700.8.1–6, abbrev.

Source (si laicus ... iudicaverit peniteat) unidentified, but cf. PECU.700.6.6

*** Cross–Hamer’s ‘B’ redaction ends here ***

[I165] DE TEMPERANTIA PENITENTIVM;

Pro capitalibus criminibus id est sacrilegiis. homicidiis. adulteriis. et his similibus: sancti patris {patres corr.} constituerunt spatium penitentie: secundum mensuram et secundum ordinem cuiusque; Non enim omnibus in una libra [f. 154v] pensandum est: licet in uno contringantur {sic} uitto: sed sit temperata discreetio {sic} inter fortem uidelicet atque infirrum inter iuuenem et senem. inter liberum et seruum: inter pauperem et potentem. uiter {sic} clericum quoque et laicum; Uulgo enim dictum; Quanto ascenscus altior: tanto casus grauior; Quanto autem quisque altioris ordinis fuerit: tanto debet maioris esse continent; Quapropter quia multa paucis uerbis explicare non possumus saltim pronuntiamus. [*]a {quia corr.} pro prescritis {prescriptis corr.} criminibus et eis similibus. quidam constituerunt: laico penitentiam III anorum: {sic} et si seruus est duorum annorum add. sup. lin.} Canonico. V: Subdiaconus. VI: Diacono. Septem: praesbitero. X anorum; episcopo autem XII anorum; pro peccatis itaque leuioribus:

32 Note, however, that the uncorrupted (and slightly adapted) form in Coll.Wig.O 30 is marred by anacoluthon: Nam dominus noster iesus christus cum pro humano genere crucis vellet subire tormentum, et a militibus esset tentus, petrus euaginato gladio abscedit curulum malchi, quam dominus sanitati restituit, et petro prohibuit ne postea unquam gladio pugnaret. The syntax should be emended to read Nam cum dominus noster iesus christus pro humano genere...
leuigandum iudicabant modum penitentie [**] {Quia corrup.} {parrocidis 33 uero et alii nefandis crimini m omnimo arctam (sic) constituerunt penitentie mensuram add. in mg.} Quia ut ciprianus dicit: qui peccantem uerbis adulantibus palpat: peccanti {peccandi corr.} fomitem subministrat: nec premit delicta illius sed [*]ouet; {ouet corr.} Omis das {Ormisdas corr.} papa dicit; Quo est ista ini mica benignitas. palpare [f. 155r] crimiosos. {criminosos corr.} et uulnera eorum usque ad diem iudicii incurata seruare? Alibi quoque sciptum {sic} est; Facientes et consentientes: eque penia puniuntur; Ideoque non segnir animarum salus perscrutanda est. sed instanter secundum diuersitatem culparum. uulnera animarum medicamento uere penitenti curanda sunt; {Medicus enim d[ebet] sanare egrotu[m ...] austeritatem a[rtis ...] et
am sicut corporum medici diuersa

cercation uranium generibus animarum uulnera sanare debent; Uetus namque prouerbium est; Contraria: contrariis sanantur; Qui enim inlicita commisit: a licitis coercere se debet; Et qui per corpus peccat: per corpus et peniteat; Sed et hoc in omni penitentia solleter est intuendum: Quanto quis tempore in delictis maneat: qua eruditione sit inbutus: quali inpugnatur passione: Quaeramus illam quae perniciosius dantur. {sic} et sanum. hebetem
inen et dextrae ita oportet suscipi: {penitentia corr.} et sanum. hebetem
et gnarum: in gradu uel sine: in conuiigio. uel sine: uoluntate uel necessitate. uel casu: in publico uel in abscendito; Loca etiam et tempora discernantur; Et quanto quis tempore moratur in peccatis: tanta ei augendar est pena; {penitentia corr.} Uerum tamen superexaltet misericordiam {sic} iudicio; {Iac 2:13} Ut basilius episcopus dicit; penitement ex cordae ita oportet suscipi: sicut dominus ostendit cum dicit: Quia conuocat amicos et uicinos dicens; Congratulamimi {sic} mihi quia inueni ouem. et reliqua; {Lc 15:6} Et item; Basilius dicit: Erga eum qui pro peccato non penitent tales. esse. dibemus: {sic} sicut dominus precepti dicens; Sit tibi sicut gentibus {sic} et publicanus; {Mt 18:17} Et sicut apostolus ducuit dicens; Subtrahite uos ab omni fratre ambulante inordinata: {sic} et non secundum traditionem quam tradidimus uobis; {2 Th 3:6}

33 parrocidis] corr. to parricidis?
34 This addition made by Wulfstan.
Appendix XII

(partial coll. [as ‘G’] FEHR, Hirtenbriefe, Anh. 3. 34 [and catalog. Anh. 4. 165])
O161; ‘dieritas culparum ... lacrimabilitate’ + ‘penitentem ex corde ... tradidimus uobis’: D171–72 — cf. Cambridge, Corpus Christi College, MS 201, p. 125; A96–7 (C100–01, D106–07), which draw on the same sources though less fully; Wulfstan’s Admon.sp.doctr., which incorporates ‘erga eum ... et publicanus’; C109/D168; C195; I165; O160; ‘qui per corpus peccat per corpus et peniteat’: also in C111, C195, D171, O19, O160

Source (dieritas culparum ... sanare debet) PECU.700. pref. (ed. Schmitz, 599, lines 1–6); PREM.700. pref. (ed. Asbach, 7, lines 2–8); cf. PECG.700. pref. — PCOB.600. pref. (ed. Bieler, 98, lines 14–19) | abbrev.

Source (uetus namque ... coercere se debet) Cambridge, Corpus Christi College, MS 201, p. 125; ‘uetus ... sanantur’ also in Coll.Wig.C 195 and Coll.Wig.O 160 — PECU.700. pref. (ed. Schmitz, 672, line 11); PREM.700. pref. (ed. Asbach, 9, lines 6–8); PCUM.600. pref. (ed. Bieler, 110, lines 19–21)

Source (et qui per corpus per corpus et peniteat) Cambridge, Corpus Christi College, MS 201, p. 125; also in Coll.Wig.C 195 and Coll.Wig.O 160 — cf. PECG.700.13.11 (ed. Schmitz, 672, line 11); PECU.700. Redemptionstexte (ed. Schmitz, 604, line 7); PREM.700. Redemptionstexte (ed. Asbach, 13, lines 15–16)

Source (sed et hoc ... lacrimabilitate) PECU.700. pref. (ed. Schmitz, 600, lines 17–20); PREM.700. pref. (ed. Asbach, 9, lines 10–13) — PCUM.600. epil. (ed. Bieler, 132, lines 22–4)

Source (et non omnibus ... discernantur) PECG.700. pref. (‘English version’), as in Coll.Wig.C 109/D 168, Pontifical.Lanale. (ed. Doble, 126–27), and MS A5, fol. 2v (ed. in CED, III, 417 n. 34) | abbrev., rearranged

Source (et quanto ... augenda est penitentia) PECU.700. Redemptionstexte (ed. Schmitz, 602, lines 2–3); PREM.700. Redemptionstexte (ed. Asbach, 10, lines 9–10); PCUM.600.9.4 — PGIL.600.14

Source (uerumtamen ... misericordiam iudicio) unidentified

Source (ut basilius ... ouem et reliqua) Coll.quad. 4. 24; also in Coll.Wig.A 96 — BASIL–RVFINVS Regula, 27 (ed. Zelzer, 75)

Source (et item basilius ... tradidimus uobis) Coll.quad. 4. 26; ‘erga eum ... et publicanus’: also in Coll.Wig.A 97 — BASIL–RVFINVS Regula, 28 (ed. Zelzer, 75)

[I167] ITEM DE REMEDIIS PECCRATORUM

Inter peccatum et crimen: distantia est; Non enim omne peccatum crimen est: sed omne crimen peccatum est; In actione autem penitentiae ubi tale crimen commissum est. [f. 156r] ut is qui n actione autem penitentiae uerumtamen et qui per corpus peccavit et penitentiam posset conferre cum publice et peniteat; Sed et qui publice peccavit cum publice et peniteat;
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O162 — cf. O160; I172/O167, which adapts part of this text; O25, which (though perhaps directly dependent upon Cambridge, Corpus Christi College, MS 201, pp. 125–26) appears to adapt this passage.

Source (inter ... crimen peccatum est) PHAL.800.pref. (PL 105, col. 654C); Coll.Dach. pref. (ed. d’Achery, 510, lines 8–9) — AVG. Enchir. 17 (64) (ed. Evans, 84, lines 20–21), adapted; GREG.MAG. Moral.in Iob 21.12 (19) (ed. Adriaen, 1079, lines 9–10)


Source (et nos quemquam ... conuictum) PHAL.800.pref. (PL 105, col. 655B); Coll.Dach. pref. (ed. d’Achery, 511, lines 6–8) — AVG. Sermo 351, c. 4 (PL 39, col. 1546)

Source (oportet igitur ... spiritu peniteat) PHAL.800.pref. (PL 105, col. 655C); Coll.Dach. pref. (ed. d’Achery, 511, lines 33–4) — PS.-ALCVIN De divin. officiiis 13 (PL 101, col. 1198D); ‘credere indubitanter ... peniteat’: GENNADIUS Lib.eccl.dogm. 46, first sentence

Source (extant ... canonum estimare) PHAL.800.pref. (PL 105, col. 657B); Coll.Dach. pref. (ed. d’Achery, 512, lines 44–6)

Source (et qui per blanda ... arguatur) CAAC.816.36 (ed. Werminghoff, 358, lines 14–15) — ISIDORE, Sententiae 3.46.11, first sentence

Source (sed et qui ... peniteat) PREM.700.4.50; cf. CREM.813.31; CMNZ.847.31; R2L 1.296; Coll.Wig.O 160: ‘qui publice peccauerit publice arguatur et publica penitentia purgabitur’

Istis itaque temporibus incestuosi parricide. homicide; multi aput [f. 156v] nos su pe dolorre periuere; {dolor reperiuntur corr.} sed et alii ex illis sacerdotum nolunt admonitionibus a[rem] corrirem {aurem corr.} acommodare: volentes in pristinis perdurare criminibus: quos oportet per salutifera disciplinam. a tam praua consuetudine coercere: qui per salutifera sacerdotum monita noluerint reuocari: quorum aliquos iam excommunicauimus: sed illi hoc peniteat.

Source (istis itaque ... agendum sit) ANSEGIS, Coll.cap. 2.41 — CTUR.813.41 | last sentence adapted

Source (ne suis ... petraant) [coll. as Hirtenbriefe, Anh. 3.35 (and catalog. Anh. 4.167)]

[1169] DE EXCOMMUNICATIS. QUI UITI[A] {QUI INUITI corr.} AD PENTENTIAM {sic} PROUOCAN[TUR]; Excommunicati s[u]perdurant {si perdurant corr.} in pristinis crimibus {sic} penitenti; canonicam excommutationem: {sic} necesse est ut inuiti penes {penas corr.} penitenti; exoluant: {exsoluant corr.} ne anime pro quibus dominus passus est: in eterna peena dispereant; Castigandi sunt enim alii carceribus: alii uinculis uel flagris: sed et alii diuersis modis: [f. 157r] et alii pecuniam. uel possesione. seu patriam ammittant: et alii quasi sempiterno seruitio. uel

Note that the PL edition reads somewhat differently: ‘ut is a Christi corpore, qui commisit, separetur’
diuino uel humano succumbant; Melius est enim cuique ut coactus ad regnum: quam sponte ad supplici[t]um {supplicium corr.} perueniat semipernum; Et melius est ut quisque paruo tempore donec uiuit plangat et peniteat: et pro peccatis ad tempus uerecundiam uel confusionum {sic} sustineat: quam ut postea a {sic} poenam perpetuam perueniat;

(coll. [as ‘G’] FEHR, Hirtenbriefe, Anh. 3.37 [and catalog. Anh. 4.168])

O164; this canon copied out in Corpus 190, p. 360 (originally blank) by hand of s. xe — cf. I168/O163; 170/O165 which adapts this canon and combines it with B90 and C230/D157; C230/D157

Source (excommunicati ... semipernum, excepting ne anime pro ... penae dispereant)

[1170] DE INPROUISIO {sic} IUDICIO SECULARIUM [*]; {[*] ras.}

Sunt namque his temporibus iudices seculares qui pro modico commisso[s] {commissio corr.} homines statim morti adiudicant: parupendentes monita apostoli dicentis: castigate: et non mortificate; {2 Cor 6:9} Castigandi sunt enim rei: diuersisque modi arguendi: et non statim necandi sed per penas seduandis: {saluandis} ex coll. [as G] ne anime pro quibus ipse dominus pasus {sic} est: in eterna pena dispereant: Alii uinulcis et flagris: alii autem fame. uel frigore constringendi {sic} sunt: [f. 157v] alii quoque pellem. capillos. et barbam. simul perdentes turpiter obprobria sustineant: alii ahuc {sic} aceris constringantur: {constringantur corr.} id est membrum perdant. oculum uidelicet uel nasum: manum. uel pedem: seu aliud {aliud corr.} membum; Hieronimus dicit; Homicidas et sacrilegos punire: non est effusio sanguinis. sed leg[em] lege {legum corr.} ministerium; Nocet itaque bonis: qui parcet malis; Unusquisque igitur prout gessit penas ex[ul]uat: {exsoluat corr.} ne in eternas incidat penas; Melius est enim ad uiam ingredi reliqua; {cf. Mt 18:8} Et melius est ut quisque paruo tempore donec uiuit. plagat {plangat corr.} et peniteat: et pro peccatis {peccatis corr.} ad tempus uerecundiam. uel confusionem sustineat: quam ut postea ad supplicia eterna perueniat[at]


O165 — cf. I116–69/O163–64; B90 (I90, O70 first part); C230/D157; LawVIatr(Lat) 10.1

Source (sunt namque ... aliquid membrum)

Source (hieronimus ... parct malis)

Source (unusquisque ... penas exsoluat)

Source (ne in eternas incidat penas)

Source (melius est enim ... et reliqua)

Source (et melius est ... eterna perueniat)

[1171] INCIPIT EXEMPLUM DE EXCOMMUNICATIO {sic} PRO CAPIT[A]LI CRIMINE;

37 ingredi] ingredi with macron above n
Penitenti qui pulice \{sic\} peccavit. quamdi[\*] \{quamdi cor\.*\} ut excommunicatus penituerit: cibus non detur in manus. sed in terra preponatur illi: Et quod non ducant[\*] \{ducanti cor\.*\} superfuerit. non recipiat ab i liquo: \{sic\} sed neque pauperibus detur; porcis itaque proiciatur: uel etiam ca[\*]nes \{canes cor\.*\} comedant; Qui etiam penitens balneo non lauet se: neque tond[\*]et: \{tond\.*\} nec ungues incidat: nec instrumentis dor[\*]iat: \{dormiat cor\.*\} sed in paeimento nudo; Cilicio quoque indutus: inermis et nudipes incedat. die noctuque peccata [f. 158r] plangat. et lacrimabili prece a domino ueniam petat; Eclesiam non intret. pacis osculum non accipiat: a carne et uino et uxoris carnali copulatione abstineat: non communicet quamdiu penituerit: nisi morte preoccupatus fuerit: \{Sap 4:7\} Quod si aliter agit: canonum cantrouersio \{sic\} est; \{et maior excommunicationis damnati (sic) est: et eam diutius sustinet\} add. sup. lin.\} Similiter et qui excommunicato comm unicat: \{nisi add. sup. lin\.*\} ignarus rei sit: excommunicetur et ipse; Segregandi sunt enim mali a bonis ne pereant iusti pro inistis; \{iniustis cor\.*\} Nec mirum si inter homines hec ratio custoditur: cum inter iumenta hec fieri sepe cognouimus. ut ea que scabiem aut impetiginem \{corr. impetigenem\} habere uidentur. separentur a sanis. ne illorum morbo cetera pereant; Basilius episcopus dicit; Cum excommunicato. neque orare: neque loqui. neque uesci: cuique licebit; (coll. \[as ‘G’\] FEHR, Hirtenbriefe, Anh. 3.39 \{and catalog. Anh. 4.170\})

O166; last sentence: A77 (C81, D86) — 'segregandi sunt ... cetera pereant': cf. D270, which adapts this passage

**Source** (penitenti ... paeimento nudo)

unidentified

**Source** (cilicio ... nudipes incedat)

unidentified. but cf. the phrase 'laneo utaratum vestimento ... et nudis pedibus/nudipes incedat' used thrice by Pope John XVIII in Wulfstan's collection of penitential letters (C235/D162, C237 and C238/D164); cf. also C220/D147: 'ueniat cilicio indulis nudis apparens pedibus'

**Source** (die noctuque ... excommunicetur et ipse)

unidentified. Note: Wulfstan's supralineal addition ('et maior excommunicationis damnati ... diutius sustinet') corresponds to slightly different phrasing in Coll.Wig.O 166 ('similiter et qui excommunicato damnatio est et eam diutius sustinet').

**Source** (segregandi sunt ... pro inistis)

HINCMAR De divor. Lothar.regis et Theutberg.reginae, resp. 5 (ed. Böhringer, 140, line 19); Paris, Bibliothèque nationale, Lat. 3182 (Collectio Fiscani), p. 342a; Ps.-ISIDORE, Decretales, decretum Gregorii (ed. Hinschius, 752) — DGRE.590.†1334 (PL 77, col. 1326D)

**Source** (nec mirum si inter ... cetera pereant)

HINCMAR De divor. Lothar.regis et Theutberg.reginae, resp. 5 (ed. Böhringer, 140, lines 25–7); Paris, Bibliothèque nationale, Lat. 3182 (Collectio Fiscani), p. 342a; Ps.-ISIDORE, Decretales, decretum Gregorii (ed. Hinschius, 752) — DGRE.590.†1334 (PL 77, col. 1327B–A)

**Source** (basilius ... cuique licebit)

Coll.Wig.A 77 — BEN.AN. Cod.reg. 17 (eds Holst–Brockie, 196), partial, abbrev. adapted

[1172] **DE CONFESSIONE ET QUADRAGESIMALI OBSERUATIONE**;
Ebdomada proxima ante initium quadragesimae confessiones sacerdotibus danse sunt. de omnibus peccatis que siue in opere. siue in \{sic\} cogitatione. siue in locutione perpetrantur. et secundum culpe qualitatem penitentia accipienda; publica quoque crimina. pulica \{sic\} lamentatione plangenda [f. 158v] sunt. occulta autem peccata secreta satisfactione per uite

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38 This addition made by Wulfstan.

39 impetignem] corr. from impetigenem ?
correctionem et iugem luctum solui possunt; Et in actione penitentiæ ubi tale commissum est crimen. ut his {sic} qui commisit. ab ecclesiæ ingressu. et participatione {participatione corr.} domini separetur: non tam consideranda est mensura temporis quam doloris; Cor autem contritum et humiliatum. deus non spernit; {Ps 50:19} Quapropter unusquisque si uult saluus esse: uriliter {uiriliter corr.} confessionem peccatorum suorum agat. et non erubescat confIteri scelera et facinora se accusando: quia inde uenit indulgentia; Confessio enim sanat. confessio iustificat. confessio ueniam peccatibus donat; In primis igitur prosternat se humiliter in conspectu dei super terram ad orationem: et lacrimas fundens. roget beatam mariam cum sanctis angelis. et sanctis apostolis. et martyribus et omnibus electis dei: ut ipsi intercedant pro se ad dominum. ut deus omnipotens dignetur ei dare sapientiam perfectam et ueram intellegendiam: ad confitendum peccata sua. christe audi nos. Sancta maria. Omnes sancti orate. et [reliquia] [f. 159r] Post hæc autem cum fiducia surgens confiteatur penitens credulitatem suam dicens: Credeo in unum deum. et reliqua; Et post hæc incipiat confessionem cum timore domini et cum magna compungtione {sic} cordis. et penitentiam suscipiat secundum sacerdotale iudicium;

[1173] SECUNTUR PSALMI. POST CONFESSIONEM;

[1174] SERMO DE RECONCILIATONE {sic} POST PENITENTIAM;
Vere frater carissimi: hoc debitis {debetis corr.} scire unde fuit inceptum hoc exemplum: ut episcopi peccatores homines eicent de ecclesie {ecclesia corr.} in capite ieiunii: et iterum post completum {completam corr.} dignam penitentiam: in cena domini recipierent ipsos peccatores

40 quesimus] qs with macron above
41 dominum] d with cross through ascender
42 quesimus] qs with macron above
in ñeclesia; Nam quando noster dominus. qui est deus omnipotens fecit primum hominem\textsuperscript{43} adam: totum illum fecit sanctum et iustum. et inmortale; Sanctitas autem et \textit{[********]}. \textit{[justitia corr.]} et inmortalitas. fecerunt adam hebere \textit{[habere corr.]} imaginem et similitudinem dei; Et propterea dixit deus antequam crearet adam; Faciamus hominem ad similitudinem nostram. \{Gn 1:26\} hoc est faciamus hominem sanctum. et iustum. et inmortal; Et istam suam imaginem nos commendant dominus habere: quando dicit in euangelio; Estote sancti. quia et ego sanctus sum; \{Lv 11:44; 19:2\}; cf. 1 Pt 1:16} \{f. 160v\} Ergo quia deus tam bonum et tam sanctum fecit adam: propterea legimus quia misit eum in paradisum. ut operaretur et custodiret illum; In ipsa autem paradosyo dedit ei dominus omnem gloriam; Ibi uidebet \textit{[uidebat corr.]} angelos. et loquebatur cum illis: et numquam moreretur si non peccasset; Ibi audiebat dominum secum loquentem. et talem obedientiam sibi commendantem: ut numquam comederet de ligno scientiae boni et mali; In ipsa uero hora qua peccavit adam: eiecit eum dominus qui est episcopus episcoporum. foras de paradoyo. et dixit illi; In sudore uultus tu \textit{[sic]} uesecris pane tuo; \{Gn 3:19\} Et postquam fuit adam eiacet de paradoyo: quid fecit? certe longam penitiam \textit{[penitentiam corr.]} fecit. per sex centos annos. et eo amplius; Ad ultimum uero post suam mortem missus est in carcerem infernalem: ubi longo tempore planctit et doluit: quia propter suum peccatum perdiderat paedidum; \{paradosym corr.\} Et tamdui fuit ibi dolens. et penitens: donec dominus noster iesus christus. qui est pontifex pontificum adsoluit \{absolut corr.\} eum \{per suam passionem: et liberavit eu[m] add. sup. lin.\} \textit{[43]} de penis tenebrarum. et reddidit ei paradisum; \textit{[igitur fraterns nos episcopi sumus uicarii domini nostri iesus christi in hoc f. 160v]} mundo: et sumus missi et ordinati\{un\} \{ordinati in corr.\} loco eius; Et propterea post apostolos dedit nobis dominus poestatem ligandi animas atque soluendi: Et per铈pt nobis edificare et plantare bonos homines in domo domini: et euellere. hoc est dissipare peccatores de domo domini. hoc. \textit{[44]} est. de eclesia; Si \{Sic corr.\} enim dicit dominus per ieremia prophetam. ad unumqueque episcopum; Ecce constitui te super gentes. et super regna: ut euellere. et dissipere. et edificare et plantare homines in domo domini; \{1er 1:10\} Adtendite fraterns de bono animo hoc quod nos uobis uolumus dicere; Propterea misit dominus adam in paradisum: ut in ipso paradosyo nasceretur omnes electi: et operaretur voluuntatem dei usque ad plenam senectutem: et de illo transirent ad celestem patriam; Et certe sic facerent si adam non peccasset; Fraterns ipsum exemplum domini nostri iesus christi tenemus nos episcopi in eclesia; Peccatores uero tenent exemplum adam; Ubri gratia; Sicut filius dei misit adam. sanctum. et iustum. in paradysum: similiter nos et omnes sacerdotes mittimus in eccliasim homines \{f. 161r\} sanctificatos. et iustificatos in baptismo; Cur mittimus eos homines in eccliasim quia \{sic\} facti sunt sancti per baptism\{m\}? \{baptismum corr.\} propter ipsam causam pro q\{***\} \{qua corr.\} dominus misit adam in padysum \{sic\} hoc est ut operaretur et custodiret illum paradysum; Similiter et nos sacerdotes. propterea mittimus homines baptizatos in eccliasiam. ut omni tempore operentur in ea uoluntatem dei. et custodian illum eccliasiam hoc est christianitatem; Deus omnipotens donavit adam legem quam debut \{debut corr.\} obseruarare \{sic\} per obedientiam; Qualem legem? Ut non manducaret de arbore\textit{[45]} scientie boni et mali; Similiter et deus per nos donat uobis legem quam debetis seruare in eccliasiam; Id est non occides. non mechaberis. non adulterabis. non unfurtum

\textit{[43]} This addition made by Wulfstan.

\textit{[44]} hoc est] h.e., \textit{with hook on limb of h, as if autem est}

\textit{[45]} The first \textit{r} of \textit{arbore} is an Insular, descending \textit{r}, as if the scribe were writing Old English instead of Latin.
facis. {facies corr.} non falsum. testimonium {sic} dices. non periu-rabias; Diliges dominum
dem tuum ex toto corde tuo: et diliges proximum tuum sicut teipsum; {cf. Ex 20:13; Rm 13:9}
Frateres ista omnia precepta uobis donat dominus per nos: ut custodiatis illa et operetis
{operemini (sic) corr.} illa per obedientiam; Sed quid fecit dominus de adam pro eo quod non
custodiuit obedientiam? Certe eicit eum foras de paradyso plorantem. et lugentem. et nimis
constritatem; {constristantem (sic corr.)} Similiter et nos episcopi propterea quia uos non
custodi[***]is {cudistios corr.} {f. 161v} obedientia {sic} preceptorum dei: propterea eicimus
{sic} uos foras de ecclesia et cantamus post uos hoc quod dominus cantaut post adam quando
expulit eum de paradyso In sudore uultui {sic} uesceris pane tuo et reliqua; {Gn 3:19} Sed quid
fecit adam postquam fuit ejectus de paradyso? [*]erte {Certe corr.} multam et dignam
penitentiam fecit adam ut digus {sic} esset quo deus recuperet eum in paradyso; Et uos
similiter fecistis dignam penitentiam in ista quadragesima: quo uos sitis digni intrare in
ecclesiam. et communicare corpori et saguni {saguini (sic corr.)} domini: et propterea {sic} uos
gaudenter recipit sancta mater ecclesia inter suos filios. qui sunt filii dei adoptiui. hoc est electi;
Hoc tamen debetis scire, quia sicut beatus ambrosius dixit; Nullus episcopus potest absoluerre
penitentes nisi ipsa penitentia eorum fuerit digna de absolutione; Et propterea uobis dicimus hoc:
ut si non habeatis adhuc illam penitentiam [****] {ras.} factam quia {sic} deo placeat: ex uestra
uoluntate perficite illam; Et si non potestis ieiunare. uel eelmosas potestis {f. 162r} facere. que
liberent uestras animas de inferno; {et add. in mg.} Non debetis hoc adtendere. ut uos
[...numquam {umquam corr.} non faciatis plus de penitentia nisi quantum uobis fuerit
commendatum; Sed de uestra uoluntate debetis plus facere. sicut faciebant sancti. qui portabant
cib[**]ie {cilicia corr.} et abstinebant [*] {a corr.} carne et a uino. et ieunabant usque ad
ueperam {sic} propter desiderium laboriosam {laboriosum cancell.} uite eternæ; Frateres iam
modo est adam [...] in celesti para[dyno] propter multum la[...][46] add. in mg.} {penitentium
penitentiam corr.} quam fecit; Et propter ipsam penitentiam meruit accipere societatem cum
dei fidelibus redemptis de sanguine christi; Et uos deo gratias. hodie propter penitentiam estis
recepti in ecclesiam: quasi in paradyso; Et quia uos conuenistis in ista die ad recipiendam
societatem sancte ecclesiæ et ad absolutionem {sic} de uestris peccatis. et ideo uenistis [***]
{cum corr.} toto desiderio, quo uos possitis recipere tam magnum gaudium de paschali
solumnitiate: et quo possitis communicare de corpore et sangune {sic} deum: {domini corr.}
proptereta non debet remanere in uobis uillam criminale uittium. sed humili[e] {humili corr.} {prece
debetis deum deprecari: ut donet uos facere talem penitentiam. et talem emendationem: que deo
placet {placeat corr.} et uobis proficiat ad uitam eternam: Ipso {f. 162v} adiuuante qui uituit et
regnat in secula seculorum; AMEE; {sic}
{catalog. FEHR, Hirtenbriefe, Anh. 4.172)
source differently; Copenhagen, Kongelige Bibliotek, Gl. Kgl. Sam. 1595 (4°), fols 26r–30r; 1181, which
references this sermon; ’et propterea post apostolos ... plantes in domo domini’: D270, which adapts this
passage; cf. the Old English translation in Corpus 190, pp. 353–359 (ed. BETHURUM, Homilies, Appendix I) and
Wulfstan’s Sermo 15
Source Coll.Wig.C 306, abbrev., adapted; cf. Coll.Wig.O 171 second part — ABBO SANGERM.
Sermo 13 (as in Copenhagen, Kongelige Bibliotek, Gl. Kgl. Sam. 1595 (4°), fols 26r–
30r), partial, abbrev., adapted

46 laborem et coniecit Ker, ‘Handwriting’, 324.
47 This addition made by Wulfstan.
[I175] QUOD NULLI SIT ULTIMA PENITENTIA DENEGANDA

Uera ergo ad deum conversio in ultimis positorum mente potius est estimanda quam tempore: prohete {sic} hoc taliter asserente; In quacumque die peccator conuersus fuerit; {cf. Ez 33:11} Et euuangelicum {sic} sermo dicit; Gaudium est angelis dei super uno peccatore penitentiam agente. quam super nonaginta nouem iustos: qui non indigent penitentiam; {Lc 15:7; 15:10} Cum ergo dominus sit cordis inspector {cf. Prv 24:12} quouis tempore non est deneganda penitentia postulanti. cum illi se obliget iudici cui occulta omnia nouerit reuella[ri]; {reuella corr.} Dominus enim per ezechiel prophetam cum iureiurando promisit dicens; Uiuo ego. nolo mortem peccatoris. sed magis ut conuertatur et uiuat; {cf. Ez 33:11} Item dicit; Si impius egerit penitentiam ab omnibus peccatis suis. et fecerit iudicium et iustitiam: uiua uiuet et non morietur; {Ez 18:21} Heu quam terribiliter iterum dicit; Si auertet cor [f. 163v] siustus {se iustus corr.} et {sic} iustitia sua et fecerit iniquitatem: omnes iustitię eius quas fecerat non recordabuntur; {Ez 18:24} Unumquemque enim deus de suo fine; Non enim inchoantibus premium promissit; sed perseverantibus datur; Nunc igitur simus melioris consilii nobismetipsis adtendentes illud propheticum isaię; Lauamini mundi estote auerte malitiam de cordibus uestrī; {Qviescite agere peruerse: discite benefacere;} Et si fuerint peccata uestra ut coccinum: quasi nix dealbabuntur; {Is 1:16–18} Ambulemus igitur nosmetipsos et indulgentię sperem habeamus; Nulla itaque securitas. nos a penitentię intentione suspendat; Multi enim se credebant longe tempore uiuere. et ita illos mors repentina substraxit; {subtraxit corr.} ut nec ad momentaneam poissent {potuissent corr.} penitentiam agere; {agere cancell.} peruenire. Erubescimus modo paruo tempore penitentiam agere. add. sup. lin. et non timemus sine ullo termino eterna suplicia sustinere; Qui enim pro peccatis sibi ipsi non parcit: deus cito illi indulgentiam tribuit: cui honor et gloria in secula seculorum; AMEN;

(catalog. FEHR, Hirtenbriefe, Anh. 4.173)
C133/D201; O16 — cf. O149, which combines ‘ambulemus igitur ... spatiu habemus’ with additional material
Source Coll.Wig.C 133/D201 — (see the sources for Coll.Wig.C 133/D201)

[1176] DE HIS QUI MORIENTIBUS PENITENTIAM DENEGANT;
Si quis presbiter penitentiam morientibus abnegauerit; reus erit animarum: quia omnibus morientibus secundum autonomatem niceni conceili. {concilii corr.} sine cunctatione communio

48 est] a later addition ?
49 This correction made by Wulfstan.
50 This addition made by Wulfstan.
[f. 164r] post confessionem et reconciliatio prebeatur; Delique {sic} latro in cruce positus propter confessionem unius moment[e] {momenti: corr.} hora ultima meruit esse in paradiso;

(catalog. F EHR, Hirtenbriefe, Anh. 4.174)

Note: the rubric for this canon is also found in the table of contents for Coll.Wig.B in MS A1, p. vii

Source (si quis ... animarum)  
PPTH.800.37.1 (ed. van Rhijn, 98, lines 3–4); PTHG.700.37, first sentence; PECU.700.14.2, first sentence — cf. PTHU.700.1, 8.5, first sentence; cf. PCEL.422.369, c. 3 (ed. Coustant, col. 1067C–1068B)

Source (quia omnibus ... prebeatur)  
PPTH.800.35.4 (ed. van Rhijn, 96, lines 28–30); also in O26

Source (delique ... paradiso)  
PPTH.800.37.1 (ed. van Rhijn, 99, lines 10–11); cf. PTHG.700.37, last sentence; cf. PECU.700.14.2, last sentence — PTHU.700.1, 8.5, last sentence; cf. PCEL.422.369, c. 3 (ed. Coustant, col. 1068B)

[1177] DE MEDICAMENTO ANIMARUM;

Episcopi igitur et presbiteri pre omnibus sint semper solliciti {de cura ecclesiarii. et add. sup. lin.} de medicamento animarum. non solum suarum: uerum etiam et omnium; Confitentibus quoque ac peniten {penitentibus corr.} omnimodo succurrunt: et indifferenter penitentiq legis {leges corr.} potenti bus {sic} in iungunt: diuinis eos instruentes dogmatibus et consolatorii uerbus ortantes. {sic} ut in uigiliis. et ieiuniis. et fletibus et diuersis corporum castigationibus: sed et orationibus assiduis: et elemosinis multis uiriliter peniteant; Episcoporum enim est omnia iudicia ecclesiastica rite disp onere: et ut non solum uerbis sed etiam exemplis omnes homines instuant: {instruant corr.} quia status christiani religionis et ecclesiastic dignitatis ad eorum curam maxime pertinet; Laicorum autem non est sed sacerdotum dei: de ecclesiasticis {sic} disputare iudiciis; Isidorus enim dicit; Omnis mundialis sapiens: si sapien {sapiens corr.} sit: non iudicet iudicia clesie; Quondam igitur fuit uir quidam oza nomine. qui extedebat {extendebat corr.} manum [f. 164v] ad arcam domini quam calcit rabant boues: et pro illa temeritate percussit eum dominus et mortuus {est}; Saul quoque quia sacedotis {sic} usurpare ausus est ministerium: merito a propheta audiit; Nequaquam regnum tuum ultra consurget; Ozias etiam rex cum feliciter regnasset in populo: nefanda tandem presumtione sacerdotium contra ius arripuit: pro qua temeritate lepra percussus: regnum {regnum corr.} simul et salutem ammisit; {sic} His exemplis declaratur. ulde perniciosum esse regni uel principis: uel alicui ex laico ordine disputare aut tractare de ecclesiasticis iudiciis: siue canonici causis; Paulus enim apostolus dicit; Diuitibus huius seculi: precipe non sublme {sic} sapere; {1 Tim 6:17} Alexander quoque ad demetrium regem ait; Numquam auditum uel ab aliquo factum sit: ut presentibus episopis laici disputent de canonici aelis ecclesiasticis causis: {causis corr.} sed omnium ecclesiasticarum rerum. episopii curam habeant. et ea uelut deo contemplante dispesent; {dispensent corr.} Episcopi quoque nullatenus secularibus iudiciis. aut negotiis: curis. uel causis. se {inportune add. sup. lin.}  
ocuptent sed ecclesiasticis; Lecctioni itaque et orationi et urbi dei, predicatio[ni] [f. 165r] instanter uacent; Apostolus enim dicit; Nemo militans deo: implicit se negotiis secularibus; {2 Tim 2:4} Sicut enim distantia est ordinum: sic et distantia esse debet

51 This addition made by Wulfstan.
52 This correction made by Wulfstan.
53 quam] qm, with macron above, as if quoniam
54 This addition made by Wulfstan.
inter sacerdotale et seculare iudicium: et nullus sibi usurpare presumat: quod suo ordini non conuenit; Bonus enim pastor super gregem christi semper sollicitus esse debet; Quapropter episcopi curam animarum indesinenter habeant: et nequaquam seculares curas assumant: sed habeant {habeant corr.} sub se aduocatos. et prepositos: qui populares casas {causas corr.} exerceant et sint semper parati ad resistendam {sic} rebellium pertinaciem; E {Et corr.} quoniam sunt nonnulli qui paruipendunt diuinam doctrinam: a tam praua consuetudine. cohercere et corrigere; quoniam sunt nonnulli qui paruipendunt diuinam doctrinam: ideo oportet eos per seculares exerceant et sint semper parati ad resistendam {habean {habeant} episcoporum curam animarum indesinenter habeant: et nequaquam seculares curas assumant: sed omnes instruant: A7 (C9, D7) and O31; ‘omnis mundialis ... iudicia’; A57 de canonicis ... causis ... dispensent unidentifed, but cf. Coll.Wig.I 38d Source (confitenitus ... disponere) unidentifed Source (et ut non ... instruant) cf. WVLFSTAN De past.et praedic. (ed. Elliot, 45, lines 27–8) — Coll.Wig.O 31; Coll.Wig.A 7 Source (paulus enim ... sapere) I Tim 6:17; also in WVLFSTAN De ven.sacerd. Source (alexander ... disputent) Coll.Hib.A 21.28, second part; also in WVLFSTAN De ven.sacerd. — EYSEB.— RVFINVS HE 6.19.17 (eds Mommsen–Schwartz, II, 565, lines 11–12) Source (de canonicis ... causis) unidentifed; also in WVLFSTAN De ven.sacerd. Source (sed omnium ... dispensor) Can.apost. 39, first sentence Source (episcopi ... eclesiasticis) Coll.Wig.A 30; Coll.Wig.B 65 | first sentence, adapted Source (lectioni ... sed superb) unidentifed Source (dominus ... spernit) Lc 10:16, Mt 16:19, Ps 108:18; cf. Nm 24:9; this whole series also in Polity.I 54–6/Polity.II 714; Lc 10:16 also in Coll.Wig.I 180, and WVLFSTAN’S De ven.sacerd. and De past.et praedic. 

Source (et item ... salute omnium) unidentifed

[1178] ITEM DE COTIDIANIS OPERIBUS EPISCOP[ORUM]

55 precantes] read predicantes

56 Note that in Oxford, Bodleian Library, Junius 121 (5232), between this and the next section of Polity.II (for which Coll.Wig.I 178 is a source), is found the tract printed under the title Episcopus (ed. Liebermann, Die Gesetze, I, 477–79), which, contrary to the sentiment expressed in Coll.Wig.I 177, explains how the bishop is to be intimately involved in helping to dispense secular justice.
Episcoporum cotidianum opus esse debet sicut diximus: ut in lege domini sint meditantes die et nocte: et ut ecclesiasticas laudes domino reddant: et missarum sollemnia tempore statuto; populo autem instanter predicent et eternæ uite iam de[mo]nstrent [*] ([*] ras.) et bona exempla omnibus prebe[an]t; In patientia. in misericordia: In humilitate. in castitate. et in caritate: non ficta; Eiuniis quoque et orationibus atque uigilis incumbant: {curam uiduarum et orphanorum ha[beant] hospites colliga[nt] pedes pauperum [...][57 add. in mg.] elemosinamque largiter tribuat. {tribuant corr.} et regularis uitam de[mo]nstrant {[ras.]} et bona exempla omnibus prebe[an]t;
In patientia. in misericordia: In humilitate. in castitate. et in caritate: non ficta; Eiuniis quoque et orationibus atque uigilis incumbant: {curam uiduarum et orphanorum ha[beant] hospites colliga[nt] pedes pauperum [...][57 add. in mg.] elemosinamque largiter tribuat. {tribuant corr.} et regularis uitam de[mo]nstrant {[ras.]} et bona exempla omnibus prebe[an]t;
In patientia. in misericordia: In humilitate. et in castitate: non ficta; Eiuniis quoque et orationibus atque uigilis incumbant: {curam uiduarum et orphanorum ha[beant] hospites colliga[nt] pedes pauperum [...][57 add. in mg.] elemosinamque largiter tribuat. {tribuant corr.} et regularis uitam de[mo]nstrant {[ras.]} et bona exempla omnibus prebe[an]t;
In patientia. in misericordia: In humilitate. et in castitate: non ficta; Eiuniis quoque et orationibus atque uigilis incumbant: {curam uiduarum et orphanorum ha[beant] hospites colliga[nt] pedes pauperum [...][57 add. in mg.] elemosinamque largiter tribuat. {tribuant corr.} et regularis uitam de[mo]nstrant {[ras.]} et bona exempla omnibus prebe[an]t;
In patientia. in misericordia: In humilitate. et in castitate: non ficta; Eiuniis quoque et orationibus atque uigilis incumbant: {curam uiduarum et orphanorum ha[beant] hospites colliga[nt] pedes pauperum [...][57 add. in mg.] elemosinamque largiter tribuat. {tribuant corr.} et regularis uitam de[mo]nstrant {[ras.]} et bona exempla omnibus prebe[an]t;
In patientia. in misericordia: In humilitate. et in castitate: non ficta; Eiuniis quoque et orationibus atque uigilis incumbant: {curam uiduarum et orphanorum ha[beant] hospites colliga[nt] pedes pauperum [...][57 add. in mg.] elemosinamque largiter tribuat. {tribuant corr.} et regularis uitam de[mo]nstrant {[ras.]} et bona exempla omnibus prebe[an]t;
suo; Hoc est in docendo populum sibi commissum: in baptizando {infantes: in monendo add. sup. lin.} neglegentes. in dando penitentiam peccantibus: in uisando infirmos. et communicando. et uenguando. si hoc desiderant et confessionem faciant: et in se peccantibus indulgeant; Et non solum pro eis: uerum etiam et pro omnibus christianiuis uiiuis et defunctis: christi sacerdotes assidue intercedere debent; [f. 167v] Hec enim sunt instrumenta sacerdotalis seruitii: quibus cultum christianum religionis exercere studeant: quo mereantur in fine audire ab eodem iusco corr.] iudice omnium; Unite benedicti patris mei. percipite regnum: quod uobis preparatum est ab origine mundi; {Mt 25:34}

(ed. FEHR, Hirtenbriefe, Anh. 4.176)

cf. the table of contents in MS A1, p. vi: ‘LXIII. De cotidianis operibus episcoporum’; Polity.II 77–84

Source (qui litteras nescivnt artificiola discant) cf. Coll.Wig.B 163
Source (et ut episcopi sic ... et orando pro eis) ÆLFRIC, Ep.2.161–68

The rest of A3, fol. 167v has been left blank. A prayer for seed (‘Omnipotens sempiterne deus creator generis humani ... ut per uniuersum orbem terrarum collaudetur dextera tua. per’) has been added by a hand of s. xii, the same that makes additions to A3, fols 174v–175r. Below this prayer, the same hand has added ‘Amram pater moyse. de ioe filia leui. mater eius.’

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At this point there begins a new quire (A3, fols 168r–177v, the final quire in the codex), one that originally probably did not follow the previous four (A3, fols 122r–167v). There are now 26 lines per page, whereas the previous four quires have 24. The new scribe writes a slightly neater script and makes far fewer errors. Ker did not notice any additions by Wulfstan in this final quire.

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64 This addition made by Wulfstan.
65 mereantus] read mereantur
66 Note that, in Oxford, Bodleian Library, Junius 121 (5232), between this and the previous section of Polity.II (for which Coll.Wig.I 176 is a source) is found the tract printed under the title Episcopus (ed. Liebermann, Die Gesetze, I, 477–79).
67 Wormald, MEL, 199.
68 That the scribe of this quire differs from that who copied the previous four quires was suggested by Loyn, Wulfstan manuscript, 26, and (apparently) by Ker, Catalogue, and can now be confirmed (note that Wormald, MEL, 201, gave ‘??S4’ as the scribe of the previous four quires, and ‘??S4’ as that of the final quire). Letter forms in this final quire are generally more controlled than in the previous four. The graph ‘a’ is always single-compartment, usually with a rounded top, while ‘a’ in the previous four quires is often 1.5-compartment, with a pointed top. Ascenders now end with a sharp leftward-to-downward pointing tip, whereas they once were spatulate (note, however, that the scribe of the final quire begins to write very steeply-pointed spatulas on his ascenders on fol. 172—does this indicate a new hand?). Descenders on ‘p’ and ‘q’ are now longer and slightly pointier. ‘E’ caudata is now less pointed, and ‘x’ rarely descends (as it once did) below the line. Majuscule ‘E’ is now uncial, where it was once rustic. Rubrics now give ‘V’ instead of ‘U’. The ‘&’ is drastically different, being more upright in this final quire, where it was previously slanted rightward.
[I179] [f. 168r] QUALITER QUARTA FERIA IN CAPITE IEIUNII. CIRCA PENITENTES AGATVR;
Quibus pro diuersis criminibus penitentia est subeunda. die prefata id. est. quarta feria. in capite ieiunii ad sedem episcopalem discalciati. laneisque induti conueniant: et domno pontifici causam actus sui prodant: ac sic sibi subueniri per penitentìë satisfactionem petant; Pontifex autem secundum statuta canonum prout sibi uisum 69 fuerit pro qualitate delictorum penitentìë eis constituat modum: atque iuxta morem ipsius diei proprio manibus cineres inponat capitibus eorum; Quibus peractis se epiiscopus cum ipsis penitentibus. cine enante et ipsius. post finem antiphonam. dicit diaconus extra ecclesiam. sequentes cunctos in auctoritate dei omnipotentis. ut confessionem peccatorum et ueram penitentiam agatis. et ut hoc quadragessimae tempus inuiolabiliter obseruetis. sacerdotibusque et predicatoribus salutis uestrae. ut humiliter obtemperetis. quia angelus id est nuntius dei uocatus est sacerdos; Et nobis qui nuntii sumus dei quamuis indigni: dictum est a domino; Qui uos spernit. me spernit. et reliqua; {Lc 10:16} Igitur fratres quiescite agere peruerse: discite bene facere; {Is 1:16–17} Declinate a malo: et facite bonum. {Ps 36:27} Sobrii estote et uigilate: quia aduersarius uester diabolus tamquam leo rugiens circuit querens quem {quem corr.} deuoret. cui resistite fortes in fide. et reliqua; {1 Pt 5:8–9} Adprehendite igitur loricam iustitiæ. et galeam salutis. et gladium spiritus: quod est uerbum dei; Conuertimini ergo fratres karissimi ad dominum deum. in toto corde uestro: {cf. Ioel 2:12} et de dei misericordia numquam [f. 169v] desperate; Ipse enim dicit; Nolo mortem peccatoris. sed ut conuertatur et

69 uisum] corr. from unum ?

Sed hoc debetis obseruare in uestram 70 penitentiam ut illud faciatis ieiuam quod deo sit placabile; Ebrietatem autem semper cauete. quia ebrietates nullum uitium excusat. sed omnia peccata generat. et est magnum et criminale peccatum; [f. 170r] Uos inquam fratres non obseruatis recte [i]eiunium per quo debetis uincere diabolum: sed sepe infringitis. et non cogitatis quod sancti canoness precipiunt. ut qui infringeit unum die in XL obseruatis recte [i]eiunium per quo peccata generat. et est magnum et criminale peccatum; [f. 170r] placabile;

Speccatum. quia ille homo qui ieiunat et peccat: similis est diabolo semperi ieiunanti et peccanti; humilitatem; penitemini. et deprecarnet pium deum ut respiciat uos. atque dignanter recipiat uos inquam...
[1181] **QUALETER PENITENTES IN CENA DOMINI IN ECCLESIAM INTRODVCTVR**


(coll. [as ‘G’] FEHR, Hirtenbriefe, Anh. 3.45–6 [and catalog. Anh. 4.178])
cf. O171, which adds ‘multi enim ... atque soluendi’ to the end of this text, and includes the entire (abbreviated) Abbonian sermon (as 1174). Note: the rubric for this text is similar to one found in the table of contents for Coll.Wig.B in MS A1. p. vii

Source (secundum ... lectionem hanc) cf. Pontifical.Rom.-Germ., ordo 99.222–51
Source (uere fratres ... et reliqua) i.e. ABBRO SANGERM. Sermo 13, probably as abbrev. in Coll.Wig.I 174 and Coll.Wig.O 171; cf. Coll.Wig.C 306

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72 This addition made on the line by another hand.
The following chapter is written in smaller script, most likely in order to accommodate neumes.

[1182] **UERSVS IN CENA DOMINI QVANDO CRISMA DE SECRETARIO PORTATVR:**

O redeemtor Summe carmen temet concinentium. Audi iudex mortuorum una spes mortalium audi uoces proferentum {sic} donum {pacis add. in mg.} preuium. O redeemtor

Arbor foeta alma luce hoc sacrandum protulit fert hoc prona presens turba salvatoris seculi. O redeemtor

Stans ad aram immo supplex infalitus pontifex debitum persoluit omne consecrato crismate. O redeemtor

Consecrare tu dignare rex per hennis {sic} [f. 172v] patrie hoc oliuum signum uiuum iura contra demonum. O redeemtor summe carmen temet concinentium. Tibi laus per saecula amen

Note: neumes have been added to this text

(cf. FEHR, Hirtenbriefe, Anh. 4.178; WALPOLE, Early Latin hymns, 342–43)

cf. O172 first part

Source (O redeemtor ... consecrato crismate) Hymn 106 (ed. Walpole, Early Latin hymns, 342–43, lines 1–10)

Source (O redeemtor ... saecula amen) unidentified

[1183] **QVALITER APVD ORIENTALES PROVINCIES GERMANIE ATQUE SAXONIE PRO DIVERSIS CRIMINIBUS PENITENTIE. OBSERVATVR MODVS;**

Si quis pro qualcumque criminali peccato diutina penitentia fuerit puniendus: placuit quibusdam ut tamdiu ab ingressu aecclesiae amoueatur. quamdiu penitentiae ipsius mensura extenditur; Nonnullis etiam in locis ita obseruat. ut si quis septem annorum. uel VIIem carinarum penitentia fuerit damnatus. primo anno. uel prima carina se ab introitu aecclesiæ abstineat: deinde semper tres quadragessimas. per sex sequentes annos custodiat; In orientalibus uero id est germaniæ. saxonicæ partibus sicut experimento didicimus capitalium criminum reus. uerbi gratia si parricide extiterit: septem annis ab ingressu domus dei alienatur: atque peregrinationem suscipiens. nudipes laneisque indutus perambulet pane et aqua [atque] oleribus contentus: nisi tantum domicis et aliaecajis festiuitatis; (catalog. FEHR, Hirtenbriefe, Anh. 4.179)

O8 — 'commorandi uno loco ... infirmitatis causa': cf. C236/D163

Source unidentified

[1184] **DE IEIVNIO QVATTVOR TEMPORVM.**

Quattuor esse temporis anni manifestum est. fratres mei: uidelicet. uauer. estas. autumnus. et hiemis: et in singulis temporibus singulœ ædomadæ constant: in quibus ieiunia: catholica et uniuersalis custodit ecclesia; Quae ieiunia. in antiquis temporibus constituta sunt per moysen: deo precipi; [I]n primo mense quanda {sic} egressus. est. populus dei ex egipto: preceptum est illis septem dies azima comedere. et lactucas agrestes. et carnes agni ad uesperam; In quarto uero mense preceptum. est. per moysen congregare filios israel in unum ad templum dei in ierusalem: id. est. ad locum quem elegit dominus dicens; Cum ingressi fueritis terram quam [f. 173v] daturus est uobis dominus deus uester: et messueritis segetem terre: feretis manipulos spicarum primitias uaestre {sic} {Lv 23:10} coram domino deo uestro: et adorato domino: reuertatur unusquisque in domum suam; Septimi uero mensis tempore. manere in tabernaculis
preceptum est filis {sic} israhel septem diebus: adfligetis inquit animas uestra[s] {Lv 16:29} septem diebus: et comedetis azima; {Lv 23:6} Ieiunium uero decimi mensis constitutum est a filiis israel post regressum filiorum israel de captituate babiloniorum; et restaurationem templi; Quæ tempora ieiuniorum ita precepit romana auctoritas obseruare: ut in primo mense quem martium uocant: quasi a f. 174r sed sanctus gregorius hec ieiunia genti anglorum sic predicare precepit; Ieiunium primum: in prima ebdomada quadragesimam; Ieiunium secundum: in ebdomada pentecosten; Ieiunium tertium: in plena ebdomada ante autumnale equinoctium; Ieiunium quartum: in integra ebdomada ante natale domini: simili modo decretum est; Sed sanctus gregorius hec ieiunia genti anglorum sic predicare precepit; Sanctus agustinus contra parmenianum donatistam. quod in libro sapiencie legitur. spiritus sanctus disciplinem effugiet fictum. et auferet se a cogitationibus que sunt sine intellectu. {Sap 58:6–9} Quia misericor {sic} sum: {Ex 22:27} dominus deus tuus; (partial coll. [as ‘G’] FEHR, Hirtenbriefe, Anh. 3.14 [and catalog. Anh. 4.180]; partial coll. [as ‘N’] CROSS, ‘Newly-identified’, 73–6; ‘quæ tempora ieiuniorum ... uel scandala concitare’: trans. JOHNSON, Collection, ed. Baron, 179–80) O156 — cf. D268; A13 (C15, D13); O36; B108 (I108, O–) Source (quattuor esse ... modo decretum est) Coll.Wig.D 268, partial Source (sed sanctus ... natale domini) cf. ECGBERHT, Dialogus 16 (citing repeatedly Gregory I’s ‘antiphonario et missali libro’) Source (in quibus ... opinio discutiatur) Coll.Wig.D 268, partial, adapted; cf. Coll.Wig.O 36; Coll.Wig.B 108 (I108, O–) — in quibus etiam sabbatis ... populo agitur’: Coll.Wig.A 13, adapted Source (haec quoque ... colendi sunt) Coll.Wig.D 268, partial, adapted Source (in diebus quoque ... concitare) CAESARIVS, Sermo 13.3 (ed. Morin, 66, lines 9–10), adapted Source (nonne hoc ... ecce adsum) Is 58:6–9 Source (quia misericor ... deus tuus) cf. Ex 22:27

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The remaining folios of A3’s final quire have been left blank. Various prayers, catechetical and juridical texts have been added by hands of s. xi/xii and xiiii. On fol. 177r–v the following four canons have been added by a hand of s. xiiii.

[I184a] ... f. 177r] DE ORDINACIONE AB HERETICO FACTA. Sanctus agustinus contra parmenianum donatistam. quod in libro sapiencie legitur. spiritus sanctus disciplinem effugiet fictum. et auferet se a cogitationibus que sunt sine intellectu. {Sap
1:5} ita ut intelligendus est ut desit saluti eius. ministerium eius. tamen non deserat. quia per eum salutem operatur aliorum. Vnde ait apostolus. Si enim uolens haec facio: mercedem accipio. si autem inuitus: dispensacio mihi credita est. {1 Cor 9:17} Ac si dicant. illis proderit quibus haec dispeso. non. mihi. qui factus sum dispensator. Vnde legitur. liberius apostola {sic} effectus uixit annos VI ordinationes tamen quas fecit. in sua stabilitate manserunt. Nec mirum. Reuera enim iudas quamuis esset fur. et [f. 177v] sagrilegus. {sic} quę salubriter inter apostolos gessit. nemo redarguere ausus fuit.

Note: this canon is c. 9 in the canonical collection in Paris, Bibliothèque nationale, Lat 13368 (ed. FOWLER-MAGERL, Clavis canonum, 'TC')

Source (spiritus sanctus ... dispensator) AVXILIUS FRANCVS, De ordinat.a formos pap. fact. 21 (PL 129, col. 1067C–1067D) — AVG. Contra epist.Parmen. 2.11.24 (ed. Petschenig, 74, lines 13–20)

Source (unde legitur ... ausus fuit) AVXILIUS FRANCVS, De ordinat.a formos pap. fact. 25 second part (PL 129, cols 1068D–1069A)

[I184b] EX DECRETO FLAUIANI PAPAE
Si quis XXX annos. etatis {etati corr.} sue non impleuit. nullo modo. presbiter. ordinetur etiam si ualde dignus sit. quia ipse dominus tricesimo etatis sue anno. baptizatus est. et sic cepit docere. oportet ergo eum qui ordinandus est usque ad hanc legitimam etatem non consecrari.

Source ID 6.30; IP 3.29; BD 2.10 — MARTIN, Capitula 20

[I184c] EX DECRETO APOSTOLORUM.
Si quis post batismum. secundis nupciis fuerit copulatus. aut concubinam habuerit non potest. esse. presbiter. aut diaconus. aut ex numero eorum qui sacro misterio deseruiunt

Source Can.apost. 17

[I184d] EX CONCILIO apud tiburcium.
Virgines sacre si pro lucro anime sue. et districtiori uita ad aliud monasterium pergere disposuerint ibidemque manere decreuerint sinodus concedit. si uero fuga disciplinę alium locum quesierint redire cogantur.

Source ID 7.42; ICtp 3.12.3; BD 8.22 — CTRI.895.26a, adapted
Appendix XIII: Transcription of the Corpus 190 copy (A1) of the Collectio Wigorniensis (Coll.Wig.O)

For an explanation of editorial conventions, see above, pp. 556, 729 and 809.

**Collectio Wigorniensis O**

Preceding in A1, p. xii is a long series of excerpts from DGRE.590.1731, added by a hand of s. xi/xii

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INCIPIT DE INITIO CREATURE
IN PRINCIPIO FECIT DEUS CAELUM ET TERRAM. {Gn 1:1} formuitque hominem de limo terræ, et inspiravit in faciem eius spiraculum vitæ. {Gn 2:7} ad imaginem et similitudinem suam: {cf. Gn 1:26} Plantauerat quoque dominus deus paradysi a principio, in quo posuit hominem quem formauerat. {Gn 2:8} preceptitque et dominus dicens: Ex omni ligno paradysi comedite. de ligno autem scientiae boni et mali ne comedastis: {Gn 2:16–17} In quacumque die comederis ex eo. morte morieris: {Gn 2:17} Ex quo ligno contra legem. et contra preceptum domini tuitu hom. et de fructu illius suadente adversario comedisset: {cf. Gn 3:6} Et pro hac transgressione legis. eiecit quod praecipitavit eum. et debellavit ilium a principio. in quo posuit hominem quem formatus est. et quæ: Ex istis duobus omnibus genetum hominum propagatum. est. Qui ad ultimum oblitus creatoris sui. multa scelerata facientes irritauerunt deum et procurauerunt {proucoauertunt corr.} ad iracundiam. pro qua remisit deus diluuium. et perdedit omnes excepto uno iusto noë nomine. cum suis tribus filiis et uxoribus eorum quos pro reparatione humani generis reseruauit: Et cum cepisset multitudo succ[2]crescens mundum implere. oblitæque iterum homines creatorum mundi deum creuerunt colere creaturas. et multa alia mala opera facere. que dinumerare longum. est. Cum autem uidisset dominus tantam malitiam et duritiam hominum. constituit legem in duabus tabulis lapideis scriptam. {cf. Ex 31:18} Mandata quoque legalia moysi et israhelitico populo de monte sinay ostendit ita dicens: Ego sum dominus deus tuus. qui eduxi te de terra ægypti: {Ex 20:2} ITEM Non habebis deos alienos coram me: {Ex 20:3} ITEM Non adsumes nomen domini dei tui in uanum. nec enim habebit insontem dominus eum. qui adsumpserit nomen domini dei sui frustra: {Ex 20:7} ITEM Memento ut diem sabbati sanctifices: {Ex 20:8} Honora patrem tuum et matrem tuam: {Ex 20:12} ITEM Non occides: {Ex 20:15} ITEM Non domum. non agrum. non seruum. non ancillam. non bouem. et uniuersa quæ illius sunt. {Dt 5:21; cf. Ex 20:17} ITEM Non concupisces uxorem proximi tui: {Dt 5:21; cf. Ex 20:17} ITEM Non domum. non agrum. non seruum. non ancillam. non bouem. non asinam. et uniuersa quæ illius sunt. {Dt 5:21; cf. Ex 20:17} Hæc namque decem precepta scripsit dominus digito suo in duabus lapideis tabulis. et preceptit moysi ut doceret ea filios israel:

cf. Wulfstan’s Sermo 10b, which combines the second half of this text with additional material, including material from O28; Wulfstan’s Sermo 10c, which translates the second half of this text into Old English. Note that the second half of this text is related to several Ælfrician works, especially Ælfric’s Decalogus Moysi (Boulognesur-Mer, Bibliothèque Municipale, MS 63 [70], fols 31r–32r) and its translation into Old English in Ælfric’s Ep.III.120–45 (see discussion in P. CLEMOES, ‘Old English Benedictine office’, 277–81).

Source (in principio ... morte morieris) unidentied
Source (ex quo ligno ... generis reseruauit) PIRMIN Scarapops 3–4 (ed. Hauswald, p. 8 line 10–p. 10 line 7) — ’pro hac transgressione ... generis reseruauit’: MARTIN De corr.rustic. (ed. Barlow, p. 185 line 7–p. 186 line 5) \ adapted
ITEM PRECEPTA LEGALIA

bos et asinus tuus. et ut refrigatur {id est concoletur gl. sup. lin.} filius ancillæ tuæ et aduena: {Ex 23:12} Omnis homo ad proximam sanguinis sui non accedet: {Lv 18:6} Cum uxore quoque proximi tui non coibis. nec seminis commixtione maculaberes: {Lv 18:20} Cum masculo non commisceberis coitu fœmineo. quia abhominatio. est. et cum omni pecore non coibis. nec maculaberes cum eo: {Lv 18:22–3} Mulier non succumbet iumento. nec miscibetur ei. quia scelus est: {Lv 18:23} Adulteri. pariter moriantur: {cf. Lv 20:10; Dt 22:22} Iumenta tua non sinas coire diuero generi: {Lv 19:19} Uestemque ex discoloribus. est. non {id est noli gl. sup. lin.} induere: {cf. Ez 16:10} Cum messueris segetes terræ tuæ. non tondebis usque ad solum superfîtiem {sic} terræ. {id est ad terram gl. sup. lin.} nec remanentes spicas colliges. neque in uinea tua racemos et grana decidentia congregabis. sed pauperibus et peregrinis carpenda {i.e. assignanda} in circiter usque ad termino suorum. quoniam despexerunt me. et precepta mea spreuerunt.

[O4] INCIPIUNT DOGMATA EUANGELICA SECUNDUM MATHEUM;
In illo tempore: Cepit iesus predicare et dicere: Penitentiam agite, appropinquabit enim regnum ce[lorum. et reliqua. {Mt 4:17} 
ITEM: Dominius in euangelio dicit: Beati pauperes spiritu. quoniam ipsorum. est. regnum ce[lorum. {Mt 5:3} 
ITEM: Beati qui persecutionem patiuntur propter iustitiam. quoniam ipsorum. est. regnum ce[lorum. {Mt 5:10} 
ITEM. Beati estis cum maledixerint uobis homines et persecuti uos fuerint. et dixerint omne malum aduersum uos. mentientes propter me: {Mt 5:11} 
Gaudete et exultate, quoniam merces uestra. multa. est. in ce[lo: {Mt 5:12} 
ITEM: Esto consensus aduer[p. 8]sario tuo. dum es cum eo in uia. ne forte tradat te aduersarius iudici. et iudex tradat te ministro. et in carcerem mittaris: {Mt 5:25} 
ITEM. Quicunque enim dimiserit uxor tuam suam excepta fornicationis causa. facit eam me[chari: {Mt 5:32} 
Et qui dimissam duxerit: {id est in uxor um accipit gl. sup. lin.} adulterat: {Mt 5:32} 
ITEM. Adtendite ne iustitiam uestram faciat coram hominibus {Mt 6:1} 
ITEM. Cum ergo facis elemosynam. noli tua canere ante te: {Mt 6:2} 
ITEM: Cum enim oraueritis. nolite multum loqui. sed intrare in cubiculum. et clauso hostio orate patrem uestrum qui in ce[lo est: {cf. Mt 6:5–9} 
ITEM: Cum uieunatis. nolite fere sicut hypocrite tristes: {Mt 6:16} 
ITEM: Thesaurizate uobis thesauros in ce[lo. ubi neque erugo. neque tinea demolitur. et ubi fures non effodiunt nec furantur: {Mt 6:20} 
ITEM. Nolite sollicitae. {sic} esse. dicentes. quid manducabimus aut quid bibemus. aut quo operi[m. 
ITEM: Si peccauerit in te frater tuus. uade et corripe eum inter te et ipsum solum. Si autem te non 
audierit. adhibe tecum unum uel duos: {Mt 18:15–16} 
Quod si non audierit eos. dicit eclesia[: {Mt 18:17} 
Si autem ecclesiam non audierit. sit tibi ethnicus et publicanus. {Mt 18:17} 
ITEM. Amen dico uobis qu[emque alligaueritis super terram erunt ligata in ce[lo. et qu[emque solaueritis super terram erunt soluta et in ce[lo: {Mt 18:18} 
ITEM: Qui maior. est. uestrum erit minister uester. quia omnis qui se exaltat humiliabitur. et qui se humiliat exaltabitur. {Mt 23:11–12} 
ITEM. Cum ergo ui[diteris abhimationem desolationis stantem in loco sancto. {Mt 24:15} 
uu pregnantibus et nutrientibus in illis diebus {Mt 24:19} 
Erit enim tunc tribulatio tam magna. qualis non fuit ab initio mundi. neque fiet: {Mt 24:21} 
Et post tribulationem dierum illorum. sol obscurabitur. et luna non hab(it lumen suum. et stell[e cadent de ce[lo. et uirtutes ce[lorum 
commouebuntur. {Mt 24:29} 
Uigilate itaquequia nescitis diem. neque horam. {Mt 25:13}

Source unidentified; perhaps drawn directly from Scripture
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dilexi uos: {Io 15:12} Maiorem hac dilectionem nemo habet. ut animam suam quis ponat pro amicis suis: {Io 15:13} Uos amici mei estis. si feceritis quæ ego precipio uobis. {Io 15:14} et reliqua.
Source unidentified; perhaps drawn directly from Scripture

[O8] QUALITER APUD ORIENTALES PROUINTIAS GERMANIÆ ATQUE SAXONIÆ PRO DUERSIS CRIMINIBUS PENITENTIÆ OBSERVATUR MODUS
SI QUIS PRO QUALICUMQUE CRIMINALI PECCATO DIVITINA {prolixæ gl. sup. lin.} penitentia fuerit puniendus. placuit quibusdam ut tamdiu ab ingressu ecclesiæ amoueat. quamdiu penitentiae ipsius mensura extenditur. Nonnullis etiam in locis ita observatur. ut si quis VII annorum. uel VII carinarum {Vna carina est spatium trium quadragesimarum gl. in mg.} penitentia fuerit dampnatus. primo anno. uel prima carina se ab introitu ecclesiæ abstineat. deinde semper tres quadragesimas. per sex sequentes annos custodiat: In orientalibus uero id est germaniæ saxoniæque partibus sicut experimento didicimus capitalium criminum reus. uerbi gratia si parricida extiterit. VII annis ab ingressu domus dei alienatur. atque peregrinationem suscipiens. nudipes: {id est nudis pedibus gl. sup. lin.} laneisque indutus perambulet. pane et aqua atque holeras contentus. nisi tantum dominicis. ceterisque precipuis festiuis diebus et hoc secundum mensuram sibi constitutam. Quosdam etiam uidimus quibus per omnes VII annos commorandi uno loco nisi unius diei et noctis interdicta: {id est prohibita gl. sup. lin.} erat licentia. excepta [p. 13] infirmatis causa. uel causa precipue festiuitatis.
Source Coll.Wig.I 1183

[O9] DE TEMPERANTIA PENITENTIÆ
Source Coll.Wig.I 165, abbrev. — (see the sources for Coll.Wig.I 165)

[O10] DE DUERSIS HOMICIDIIS.

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**Appendix XIII**

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[1] propinquum] non propinquum coniecit Wasserschleben
certando pro iustitia perpetrauerit homicidium. non illum grauari oportet tamdui anuali ieiunio. 
neque XL sed triduana uel biduana. seu ferialia {id est IIII et VI feriis gl. sup. lin.} ieiunia. et per 
elemosinas expietur ab sanguinis effusione ut episcopus iudicauerit: Simili modo pene {id est 
prope gl. sup. lin.} agatur. et de eo qui resistendo insurgentem prostrauerit: {id est 
contrasurgentem occiderit gl. sup. lin.} Si autem rex infra regnum exercitum duxerit aduersus 
insurgentes seu rebelles et permutus {id est iratus gl. sup. lin.} bellum egerit pro regno. uel 
eclesiastica iustitia decertando. quicumque illi ope ferendo homicidium incurrerat. absque 
graui culpa erit. tantummodo peregrina ieiunia pro suaemilitatis causa ab episcope suscipiat. et post 
XL dies reconciliatus communionem habeat; Quod si incursio paganorum terram occupauerit. aecclesias 
deuastauerit. terram depopulauerit. et populum christianum ad bellum concitauerit. quisquis 
aliquam deiecerit absque graui culpa erit. sed tantum per VII uel XIIIIII uel XL dies ab ecclesiis 
ingressu se abstineat. et sic purificatus ecclesiam petat:

Source

[012] ITEM DE PÆNITIA. {sic}

Qvi enim multa mala fecit in homicidio. in [p. 17] sacrilegio. in parricidio. {se he bi ho his faeder 
slaga. in mg.} in furtu. in rapina. in fornicatione. in adulterio. in mendatio et periurio. et postea 
conuersus pãnitetere cupit. relinquit quaer terrena intrans in monasterii seruitium et pãniteat. que 
gessit quamdui uixerit. ut sacerdos iudicauerit: Si autem in monasterii seruitium intrare noluerit. 
duriter in laico habitu exul usque ad exitum utile pũniteat:

Source

[013] DE PÆNITENTIBUS UT A PRESBITERIS NON RECONCILIENTUR. NISI 
PRECIPIENTE ÆPISCOPO EX CONCILIO AFRICANO.

Ut pœnitentibus secundum differentiam peccatorum episcopi arbitrio {id est iudicio gl. sup. lin.} 
pœnitentie temporae decernantur; {id est iudicentur gl. sup. lin.} Et ut presbyter inconsulto {id est 
asbque consilio uel interrogato gl. sup. lin.} episcope non reconciliat pœnitenstem. nisi absenUt 
episcope necessitate cogente: Cuiuscumque autem pœnitentis publicum {apertum gl. sup. lin.} et 
uligtatissimum {notissimum gl. sup. lin.} est crime quod uniuersam ecclesiam commouerit {id est 
nouerit gl. sup. lin.} ante absidam manus ei iponatur:

Source

Source (DE ... EPISCOPO) Coll.Dach. 1.19, rubric; PHAL.800.3.11, rubric
Source (EX ... AFFRICANO) cf. Coll.quad. 4.18, which ascribes the first sentence of this canon to ‘EX 
CONCILIO AFRICANO’
Source Coll.Dach. 1.19; PHAL.800.3.11; ‘ut pœnitentibus ... decernantur’: also in 
PHAL.800.3.1 and Coll.quad. 4.18; ‘et ut presbyter ... cogente’: also in 
Coll.quad. 4.9; ‘et ut presbiter ... iponatur’: also in Coll.quad. 4.14; cf.
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Coll. vet. Gall. 64.6, which has a different rubric and inscription — CCAR.397.30 (= Reg. eccl. Cart. exc. 43; Carthage III, 31–2)

[O14] ITEM EX CONCILIO CARTAGINENSE. DE EADEM RE.

Aurelius episcopus dixit. Si quisquam in periculo fuerit constitutos. et se reconciliari diuinis altaribus petierit. si episcopus absens fuerit. debet utique presbiter consulere {id est interroga gl. sup. lin.} episcopum. et sic periclitantem eius precepto reconciliare: Quam rem debemus. salubri consilio roborare: Ab uniuersis episcopis dictum est: placet quod sanctitas uestra necessaria nos instruere dignata est:

(ed. VAN RHijn, Paenitentiale pseudo-Theodori, 147; ed. WASSERSCHLEBEN, Die Bussordnungen, 571 [reprinting KVNSTMANN]; ed. F. KVNSTMANN, Lateinische Poenitentialbuecher, 49 [reprinting THORPE]; ed. THORPE, Ancient laws, 279)
C360
Source Coll.Dach. 1.20; ‘aurelius episcopus ... roborare’: PHAL.800.3.12 — CCAR.419.7

[O15] ITEM DE CAPITALIBUS CRIMINIBUS.

(AI, pp. 17–89): PPTH.800

(col. [as ‘C’] VAN RHijn, Paenitentiale pseudo-Theodori; ed. WASSERSCHLEBEN, Die Bussordnungen, 571–620 [reprinting KVNSTMANN]; ed. F. KVNSTMANN, Lateinische Poenitentialbuecher, 49–102 [reprinting THORPE]; ed. THORPE, Ancient laws, 279–305)
Note: this version of PPTH.800 contains several passages not found in other other versions, as well as several passages that are displaced to the end of the penitential (see, e.g., van Rhijn, ed., Paenitentiale pseudo-Theodori, 34–5, 63–4, and see below, n. 2)

[O16] QUOD NULLI SIT ULTIMA PENITENTIA DENEGANDA.

Vera ergo ad deum conversio in ultimis positorum. mente potius est estimanda quam tempore. prophete hoc taliter asserente; In quacumque die peccator convuersus fuerit. ingemueritque salus erit; {cf Ez 33:12} Et euangelicus sermo dicit; Gaudium est angelis dei super uno peccatore. et reliqua; {Lc 15:7; 15:10} Cum ergo dominus sit cōrdis inspecto {cf. Prv 24:12} quouis tempore non est deneganda penitentia postulant. cum illi se obliget iudici cui occupa omnia nouerit reuelari; Dominus enim per ezechiel prophetam cum iureiurando promisit dicens; Uivauo ego. nolo nescimus si uel unius diei spatium habemus; Qui sequitur me inquid spem habeamus; Nulla tam gravis est

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Note: this version of PPTH.800 contains several passages not found in other Versions, as well as several passages that are displaced to the end of the penitential (see, e.g., van Rhijn, ed., Paenitentiale pseudo-Theodori, 34–5, 63–4, and see below, n. 2)
potuissent peńitentiam peruenire; Erubescimus modo paruo tempore peńitentiam agere. et non
timemus sine ullo termino aeterna supplicia sustinere; Qui enim pro peccatis sibiipsi non parcit.
deus cito illi indulgentiam tribuit. cui honor et gloria in secula seculorum amen;
(ed. V\_AN R\_HIJN, Paenitentiale pseudo-Theodori, 148–49; ed. W\_ASSERSCHLEB\_EN, Die Bussordnungen, 620–21
   [reprinting KV\_NSTMANN]; ed. F. KV\_NSTMANN, Lateinische Poenitentialbücher, 102–03 [reprinting THORPE]; ed. THORPE, Ancient laws, 305)
I175; C133/D201 — cf. O149, which combines 'ambulemus igitur ... spatium habemus' with additional material
Source Coll.Wig.I 175; Coll.Wig.C 133/D 201 — (see the sources for Coll.Wig.C 133/D201)

Si quis presbiter pe\_n\_i\_t\_i\_t\_i\_a\_m morientibus abnegauerit; reus erit animarum. quia omnibus
morientibus secundum auctoritatem niceni concilii. sine cunctatione communio post
confessionem. et reconciliatio {reconciliatio corr.} prebeatur; Denique latro in cruce positus.
propter confessionem unius momenti. hora ultima meruit. esse. in paradyso;
(ed. V\_AN R\_HIJN, Paenitentiale pseudo-Theodori, 149; ed. W\_ASSERSCHLEB\_EN, Die Bussordnungen, 621 [reprinting
   KV\_NSTMANN]; ed. F. KV\_NSTMANN, Lateinische Poenitentialbücher, 103 [reprinting THORPE]; ed. THORPE, Ancient
laws, 305)
Note: the rubric for this canon is also found in the table of contents for Coll.Wig.B in MS A1, p. vii
I176 — cf. O26, which combines the second part of this canon with material from Coll.quad. 4.5
Source Coll.Wig.I 176 — (see the sources for Coll.Wig.I 176)

Legimus in pe\_n\_i\_t\_i\_t\_i\_a\_m agere in pane et aqua; Uel pro aliis minutis culpis. diem I. aut II. ebdomadam.
uel mensem I. siue diem dominicum. Sed hec causa et ardua et difficilis. est. et istis iam
temporibus id suadere pe\_n\_i\_t\_i\_t\_i\_a\_m non possimus. Et ideo qui ita non potest. consilium damus.
propter confessionem unius momenti. hora ultima meruit. esse. in paradyso;
(ed. V\_AN R\_HIJN, Paenitentiale pseudo-Theodori, 149–50, and coll. [as 'C'] V\_AN R\_HIJN, Paenitentiale pseudo-
   Theodori, 44–5 [see below, n. 2]; ed. W\_ASSERSCHLEB\_EN, Die Bussordnungen, 621–22 [reprinting KV\_NSTMANN];
ed. F. KV\_NSTMANN, Lateinische Poenitentialbücher, 103–04 [reprinting THORPE]; ed. THORPE, Ancient
laws, 306)
cf. C115/D178, which abbreviates this canon and replaces O18's 'uiuat' with 'et ieiunet III dies ad nonam et III ad
uesperam' (from PPTH.800); Old English Introduction, S33.01–03 (ed. Frantzen, www.anglo-
saxon.net/penance/CORP190_369.html), which translates into Old English similar material drawn from
PREM.700
Source PPTH.800.15.42–3 (ed. van Rhijn, 44–5, lines 133–60). 2 Note: O18 substitutes 'uiuat' for PPTH.800.15.43's 'et ieiunet III dies ad nonam et III dies ad

2 These chapters from PPTHU.800 are not found in the version of this penitential located earlier in A1 (= Coll.Wig.O 15). Van Rhijn's edition is very misleading here, since, for PPTH.800.15.42–3, she prints variants from the present canon (O18) as if these chapters were in A1's copy of PPTHU.800. In fact, PPTHU.800.15 concludes in
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uesperam’ — ‘legimus ... consilium damus’: PBED.700.11, first three sentences, adapted; PREM.700.Redemptionstexte (ed. Asbach, 11, lines 5–9), adapted; ‘ita
enim dicit ... impletur’: PECG.700.4.15–17, abbrev., adapted. Cf. also
PECU.700.Redemptionstexte (ed. Schmitz, p. 601 line 9–p. 602 line 1, p. 602
lines 3–4, and p. 602 line 15–p. 603 line 3)

Source (festiuitatibus precipuis) PPTH.800.15.43 (ed. van Rhijn, 44–5, lines 148–56), condensed

[O19] DE PÉNITENTIARUM DIUERSITATE
Theodorus. de egris qui ieiunare non possunt; Precium uiri. uel ancillae. pro mense. uel pro anno;
Pro mense dicit uel anno. quia potentes plus dare possunt pro mense. quam pauperiores pro anno;
Et qui potest implere quod in pénitentiali scriptum est. ualde bonum est; Quia qui per corpus
peccat. per corpus et péniteat; Qui autem ieiunare pro infirmitate non potest. secundum posses
pauperibus elemosinam tribuat. id est pro unaquaque die. denarium. uel II. uel III et dimittat
debitaetibus et in se peccantibus convaletaque peccatores ab errore;
(ed. VAN RHijn, Paenitentiale pseudo-Theodori, 150; ed. WASSERSCHLEBEN, Die Bussordnungen, 622, lines 3–12
[reprinting KVNTSMANN]; ed. F. KVNTSMANN, Lateinische Poenitentialbücher, 104 [reprinting THORPE]; ed.
THORPE, Ancient laws, 306, lines 18–25)
cf. C111, which abbreviates this canon, and D174, which abbreviates C111: Cambridge, Corpus Christi College,
MS 201, p. 125; ‘qui per corpus peccat per corpus et péniteat’: also in C111, C195, D171, I166/O161, O160
Source Cambridge, Corpus Christi College, MS 201, p. 125, abbrev. —
PREM.700.Redemptionstexte (ed. Asbach, p. 11, line 1–p. 12, line 6, and p. 13 lines 15–
16), abbrev., adapted; cf. PECG.700.13.11 (ed. Schmitz, 671–72);
omitted in O19 through homoioateleuton

Pro anno donet in elemosinam solidos XXXth; Secundo anno. XX; Tertio anno. XV;
(ed. VAN RHijn, Paenitentiale pseudo-Theodori, 150; ed. WASSERSCHLEBEN, Die Bussordnungen, 622, lines 12–14
[reprinting KVNTSMANN]; ed. F. KVNTSMANN, Lateinische Poenitentialbücher, 104 [reprinting THORPE]; ed.
THORPE, Ancient laws, 306, lines 25–6)
cf. C112 first part, and D175 first part; Cambridge, Corpus Christi College, MS 201, p. 125
Source Cambridge, Corpus Christi College, MS 201, p. 125 — PECG.700.13.11 (ed. Schmitz,
672, line 6 n. 2; and cf. p. 671 lines 21–3), adapted; cf. PPTH.800.49.12;
PECU.700.Redemptionstexte (ed. Schmitz, p. 603 line 35–p. 604, line 5);
PREM.700.Redemptionstexte (ed. Asbach, 12, lines 8–16)

[O21] ITEM
Potentes potenter péniteant. uel penitentiam potenter redimant. id est ut zacheus dicit; Domine
dimidium bonorum meorum. et reliqua; {Lc 19:8} Et qui potest de terra aliquid ecclesiis dei
offerre in elemosinam. et de mancipiis dimittat liberos. ac captiuis redimat. et quod iniuste egit.
ab illo die non repetat;

A1, p. 43, with ‘Qui hominem casu occiderit ... postea supra scriptum pénitentiam agat’ (the first sentence of
PPTH.800.15.42), omitting entirely the rest of the material that in other versions of the penitential make up
PPTH.800.15.42–3. It therefore seems that the compiler of A1 (or rather A1’s exemplar) removed the majority
of the concluding two chapters of PPTHU.800.15 and added them to the end of the penitential proper, where they (as
Coll.Wig.O 18) received further editorial attention, including minor changes to wording and the compression to
‘festiuitatibus precipuis’ of the lengthy section on feast days.
Cantatio unius missæ. pro tribus diebus tres misse. pro eodem die; Duodecim missæ. pro mense;
Duodecies. XII missæ. pro anno;
Quidam dicunt quod non liceat missam cantare pro illo. qui publice penitentiam agit. nisi prius lauerit peccata sua cum lacrimis. Et iohannes apostolus dicit: Est peccatum usque ad mortem. pro illo dico ut quis non roget. {1 Io 5:16} id est qui in huius uite cursu penitentiam non agit. pro illo orationem fundere non licet. quanto magis nec sacrificium mediatoris offerre; Qui autem uel in ultimo uite spiritu fiducialiter penituerit. confessando peccata. pro illo oportet orare illumque reconciliari. quia in actione penitentie. non tam consideranda est mensura temporis. quam doloris; [p. 94] Dominus namque per prophetam attestatus est dicens: In quacumque die peccator conuersus fuerit. et ingemuerit. saluus erit; Et psalmista dicit: Cor contritum et humiliatum deus non spernit; {Ps 50:19} Cui deo honor et gloria in secula seculorum amen;
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(ed. VAN RHIJN, Paenitentiale pseudo-Theodori, 151; ed. WASSERSCHLEBEN, Die Bussordnungen, 622, lines 27–40 [reprinting KYNSTMANN]; ed. F. KYNSTMANN, Lateinische Poenitentialbücher, 104–05 [reprinting THORPE]; ed. THORPE, Ancient laws, 306, lines 36–45)
cf. 1167/O162; Cambridge, Corpus Christi College, MS 201, pp. 125–26
Source Cambridge, Corpus Christi College, MS 201, pp. 125–26 — cf. 1167/O162
Source (illumque reconciliari) unidentified

[O26] ITEM DE RECONCILIATIONE.
Omnibus itaque morientibus secundum auctoritatem niceni concilii sine cunctatione. communio post confessionem et reconciliationis absolutio prebeatur; Multum enim utile ac necessarium est ut peccatorum reatus a piscopali supplicatione et absolutione soluatur;
(ed. VAN RHIJN, Paenitentiale pseudo-Theodori, 151)
cf. O17/I176
Source (omnibus itaque ... absolutio prebeatur) PPTH.800.35.4 (ed. van Rhijn, 96, lines 28–30)
Source (multum enim utlie ... soluatur) Coll.quad. 4.5, partial, adapted; also in Coll.Wig.O 171, and in WULFSTAN, Sermo 10b (ed. Bethurum, 197, lines 86–90) and Sermo 10c (in MSS A3 and Cambridge, Corpus Christi College, MS 201 only [in MS A3 as part of marginal addition by Wulfstan]; ed. Bethurum, 206 n. to line 115)

[O27] IN NOMINE DOMINI.
(A1, pp. 94–6): In nomine domini


[O29] DE CLERICIS SIUE ECCLESIASTICIS ORDINIBUS.
Cleros grece. sors latine; Inde dicuntur clerici: [p. 98] quia de sorte sunt domini; Quorum etiam gradus. et nomina sunt hec; hostiarius. psalmista. lector. exorcista. acolitus. subdiaconus. diaconus. presbiter. uel episcopus; Archiepiscopus autem greco uocabulo. summus episcoporum. latinè interpretatur; Archon enim grece. princeps latine; Inde archiepiscopus: princeps episcoporum dicitur; Tenet enim uicem apostolicam. cuius etiam subiecti esse debent; Et sicut presbiteri sub episcopis. ita et episcopi sub archiepiscopis. sollicitudinem christianæ religionis et ecclesiastice dignitatis obseruare debent; Maior quoque archiepiscopis sollicitudo eclesiasticarum. et cura populi poporum propter pallia credita et accepta. quam ceteris episcopis qui proprias tantum procurant parrochias incumbit. quia canones antiqui precipiunt. ut omnes sciant metropolitanam. sollicitudinem totius prouintiæ gerere; Unusquisque etiam episcopus si quid in sua diocesi corrigere uel emendare nequitierit. archiepiscopo ad corrigendum indicet; Et si quod absit ipse emendare non potuerit. in sinodo coram omnibus palam facient; Et si per sinodum non emendabitur. christiano imperatori. uel romano pontifici. et uicario sancti petri ad emendandum indicent. si tam ingens causa fuerit; Sicque alieni fiant a sanguine animarum perditarum. quæ canonicam auctoritatem. uel excommunicationem pro nihilo ducunt. paruipendentes sanctorum sinodalía decreta. et antiquorum patrum canonica statuta;

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3 tam ingens causa] cf. O10: tam ingens labor
The syntax should be emended to read

Nam cum dominus noster iesus christus pro humano genere...
DE ELECTIONE SACERDOTALIS ORDINUM.

Scriptum est in lege domini; Eligatur sacerdos sine macula; Non gibbus [gl. id est curuus.] non lippus; [gl. clausis oculis] Non albuginem habens in oculo; Non iugem scabiem; non inpetiginem; non grandi. aut paruo. aut torto naso; non fracta manu. uel pede; non ponderosus; {cf. Lv 21:17–20} Quę omnia uitia corporum. interiores languores designant animarum; Gibbus enim est. quem auaritia deprimit; Lippus. qui ab intuitu ueri luminis. mentis oculo caligat; Albuginem habet in oculo. qui rectam intentionem boni operis. peruersitate maculat simulationis; Iugem habet scabiem. uel inpetiginem. qui zelotipus. iracundus. inuidus. interiorum amaratudinum prurigines. ad subditorum euaporat lesiones; Grandi. uel paruo. aut torto naso est qui uim discretionis penitus ignorans. nunc nimi asper. nunc nimi remissus; Ubi misericors esse debuerat. crudelis est; Ubi seuerus. ibi laborat uideri pius; Fracta manu uel pede est qui bono opere torpens parationem habet. manum ad munus recipiendum. quam ad elemosinam largiendam; Ponderosus uero est qui carnalibus desideriis pressus. munditiam corporis quam subditis predicare debuerat. ipse non seruat.

ITEM DE ELECTIONE. GREGORIUS DICIT.

Sicut qui inuitatus renuit. quesitus refugit. sacris est altaribus promouendus. sic qui ultimo ambit. uel inportunus se inerit. est procudelius repellendus; Nam qui nitiitur ad altiora conscendere. quid agit. nisi ut crescendo decrescat? cur non perpendat {perpendit corr.}. quia benedictio illi in maledictum conversatur. quia ad hoc ut fiat hereticus promouetur; Paulus apostolus praecepit timotheo; Manus cito nemini imposueris. neque communicaeis peccatis alienis; {1 Tim 5:22} Quid est cito nemini imposueris manus. nisi ante etatem matut[p. 102]ritatis. ante tempus examinis. ante meritum laboris. ante experientiam discipline; Sicut enim boni operis comportat fructus. qui rectum scrutatur in eligendo sacerdotis iudicium. ita graue sibimet ipsi efficit damnum. qui in suę dignitatis collegium sublimat indignum;

Source (his exemplariis ... amen) unidentified

Source (scriptum est ... ipse non seruat) cf. GREG.MAG. Reg.past. Book 11 (SC 381–82) also in WVFSTAN De ven.sacerd. (MSS A2 and Barlow 37 only) and WVFSTAN De past.et praedic. — Admon.gen.(789), pref. (ed. Boretius, 53, line 3), adapted
Source (populum domini perducere ... pascua uitę) also in WVFSTAN De past.et praedic. (ed. Elliot, 45, lines 26–8); cf. Coll.Wig.I 177 — Coll.Wig.A 7, adapted

Source (ideoque instanter ... omnimodo instruat) cf. Greg.Mag. Reg.past. Book 11 (SC 381–82) also in WVFSTAN De ven.sacerd. (MSS A2 and Barlow 37 only) and WVFSTAN De past.et praedic. — Admon.gen.(789), pref. (ed. Boretius, 53, line 3), adapted
[031] also in WVFSTAN De past.et praedic. — Admon.gen.(789), pref. (ed. Boretius, 53, line 3), adapted
[032] also in WVFSTAN De past.et praedic. — Admon.gen.(789), pref. (ed. Boretius, 53, line 3), adapted

[O33] **ITEM CANON SANCTORUM DE ELECTIONE EPISCOPORUM.**

In electione igitur pontificum sanctorum in omnibus canonum ordo sic obseruandus est: ut clerus et populus concordet; Electus quoque tam a metropolitano quam et conprovincialibus episcopis. diligentissime examinandus erit: quod si quis contra eum iuste aliqua poterit obicere. licentiam habeat in omnibus tunc uentilare, quem sicut uincere poterit de culpa. a benedictionis remoueatur gratia; Agustinus dicit; Non enim debet ordinari, qui legitimately adsuus erit. tum cum consensu regis vel principis ad cuius dictione eadem parochia pertinere uidetur, sollemniter ac devotissime conseruet;


**Source**

\textit{ATTO VERCE. De press.eccl. 2 (ed. Bauer, p. 133 line 21–p. 135, line 6), adapted}

**Source (agustinus dicit ... accusari)**


[O34] **ITEM CANON SANCTORUM**

Vt episcopus si fieri potest. a totius prouintiæ episcopis ordinetur. et si hoc difficile est. certe non minus quam a tribus;

\textit{B106 (I106, O–) — cf. A11 (C13, D11), which adapts the same source}

**Source**

\textit{Coll.vet.Gall. 5.1 — CNIC.325.4 (versio Rufini), first sentence, also as EVSEB.–RVFINVS HE 10.6 (eds Mommsen–Schwartz, II, 966, lines 13–14)}

[O35] **ITEM**

\ إقاصورorum autem ordinationes fieri oportet dominicis diebus non in agris. uel in uillulis. sed ururibus [in uribus corr.] precipuis. pro tanti nominis dignitate;

\textit{A12 (C14, D12); B107 (I107, O–) — cf. D268}

**Source**

\textit{Coll.Wig.A 12}

[O36] **ALIA**

Presbiterorum uero et diaconorum in IIIor temporum sabbatis. scilicet ut dum hæc ordinatio coram populo agitur. sub omnium testificatione. electorum ordinatorumque opinion discutiatur;

\textit{B108 (I108; O–) — cf. A13 (C15, D13); D268; I184/O156}

**Source**

\textit{Coll.Wig.D 268, partial, adapted; cf. I184/O156 — ‘presbiterorum ... populo agituri’; A13 (C15, D13), adapted. Note: ‘populius universus ad ecclesiæ convenient ordinaciones clericorum fieri oportet, scilicet ut dum’ perhaps omitted in O36 and B108 through homoioteleuton.}

[O37] **SI EPISCOPUS A METROPOLITANO ADMONITUS PRO SINODO UEL ORDINATIONE [p. 103] EPISCOPALI UENIRE DISTULERIT EX CONCILIO AGATENSI.**

Si metropolitanus episcopus ad conprovincialibus episcopos epistulas direxerit. in quibus eos aut ad ordinationem summi pontificis aut ad sinodum inuitet. postpositis omnibus excepta graui infirmitate corporis. aut preceptione regia. ad constitutam diem adesse non differat; Qui si
defuerint. sicut prisca canonum precipit auctoritas. usque ad proximam sinodum caritate fratrum.
et ecclésiae communione priuientur;

Source cf. Coll.Dach. 2.62; Coll.Hisp. — CAGT.506.35

[O38] DE ORDINATIONE ARCHIÆPISCOPI.

Legimus in istoriis anglorum scribente beda historiographo et laudabili doctore quod non tam^5^ ingens labor incumbebat anterioribus diebus scilicet pallii gratia romam usque fatigari.

quemadmodum postea mos inoleuit; Scripsit namque ipse prefatus doctor. quod beatus papa gregorius augustinum predicatorem genti anglorum direxerit non episcopum ordinatum. sed monachum. cum aliis eiusdem religionis cooperatoribus Ipse namque augustinus post

conuersionem predicte dantis. {gentis cor.} ab ãtherio arelatensi archiæepiscopo archiæepiscopus

ordinatus est: iuxta quod iussa sancti patris gregorii acceperat; Postea uero augustinus successorem sibi laurentium adhuc uiuens ordinauit. exemplum sequens beati petri principis apostolorum. qui clementem adiutorem et successorem sibi consecrassit perhibetur; Post

laurentium mellitus sedem dorouernensis ecclesiae suscepit. et post mellitum iustus. qui ambo susceperunt scripta exortatoria a pontifice romanæ et apostolice sedis bonefacio. data sibi ordinandi episcopos auctoritate. cuius auctoritatis ista est forma; Dilectissimo fratri iusto.
bonefacius; Pallium per latorem psentium {sic} fraternitati tuæ benignitatis studiis inuicti

direximus. concedentes etiam tibi ordinationes æpiscoporum. exigente oportunitate. domini preueniente misericordia cælebrare. ita ut christi euangelium plurimorum adnuntiatione in omnibus gentibus quæ neodium conuersæ sunt dilatetur. et cetera. Nam iste iustus anteab augustino episcopus ordinatus est: sicut et mellitus; Iste quoque iustus ordinatus est pallium æpiscopum. et honorius papa misit pallium ipsi paulino. ubi gentem nordanhymbrorum cum suo rege ad fidem christi conuersam esse didicit; Qui paulinum {sic} post obitum predicti iusti.
honororum dorouernensis ecclesiae archiæepiscopum ordinavit. cui etiam prefatus papa honorius

misit pallium et litteras. in quibus continentur {sic}; Dilectissimo fratri honorio. honorius salutem; Iuxtam {sic} uestram petitionem et filiorum nostrorum regum. uobis per presentem nostram preceptionem uicerat. ut quando unum ex uobis diuina ad se iussert gratia euocari. his {sic} qui superstes fuerit. alterum in loco defuncti debeat archiæepiscopum ordinare; Pro qua etiam re singula uesteræ dilectioni pallia. pro eadem ordinatione celebranda direximus. ut per nostræ preceptionis auctoritatem possitis deo placitam ordinationem efficiere. quia ut hæc uobis concederemus. longa terrarum marisque interualla. quæ inter nos ac uos obsistunt. ad hæc nos conscendere coegerunt. ut nulla possit ecclesiarem uestrarum iactura [p. 105] per cuiuslibet occasiosis obtentum quoquomodo prouenire. sed potius commissi uobis populi deuotionem plenius propagare; Deus te incolumen custodiat. dilectissime frater;

Item alquinus maximus librarius scripsit ad offan regem anglorum dicens. quod

archiæepiscopus ab archiæepiscopo debeat ordinari. et pallium ei debet mitti a domino apostolico. sed regum dissensiones hanc turbauerunt ordinationem. ita ut non potuit fieri quod fieri quamuis sancti canones firmissime decreuissent. numquam ob regum dissensiones. ecclesiastica statuta uiolari debuisse;

(this text edited by WHITEMOCK, C&S, I.i, 445–47, from a slightly fuller version in London, British Library, Cotton Vespasian A. xiv [Whitelock did not collate MS A1])

Source cf. Bede, HE 1.23–2.17 (ed. Plummer, 42–120)

Source (scripsit namque ipse ... custodiat dilectissime frater) unidentified

5 tam ingens labor] cf. Coll.Wig.O 1: tam ingens causa
Appendix XIII

Source (item alquinus ... uiolari debuisse) cf. ALCVIN Epistola ad Offanum (ed. Lehmann) 6

[O39] DE ELECTIONE INDIGNORUM CANON SANCTORUM.
Si quis episcopus, aut presbiter, aut diaconus, per pecunias hanc optimurit dignitatem. deiciatur et ipse et ordinarius eius. et a communitione modis omnibus abscondatur. sicut symon magus a petro; Dominus quoque in euangelio dicit; Qui non intrat per hostium in ouile. sed aliunde ascendit. ille fur est et latro; {Io 10:1} Et item alibi dicit; Omnis plantatio quam non plantauit pater meus celestis eradicabitur; {Mt 15:13}
Source (si quis ... magus a petro) Coll.Wig.A 10; Coll.Wig.B 50 — Can.aepost.30 (Dion.I/II)
Source ( QUI non intrat ... et latro) Io 10:1
Source (omnis plantatio ... eradicabitur) Mt 15:13

[O40] ITEM DE EADEM RE
Gregorius dicit; Itaque in episcopis ordinandis sinceritas semper uigeat. sit simplex sine uenalitate consensus. pura preferatur electio. ut ad summam sacerdotii non suffragio uenditorum proiectus. sed dei creadur esse iudicio; Nam quia graue omnino sit facinus. dei donum uel precio comparare. uel uendere. euangelica est testis auctoritas; Templum domini et redemptor nostri ingressus. cathedras uendentium columbas euertit; {cf. Mt 21:12} Quid aliud est columbas uendere. nisi precium [p. 106] de manus inpositione percipere. et sanctum spiritum quem omnipotens deus hominibus tribui misericorditer uenundare? et cum liqueat hanc heresim ante omnes radice pestifera surrexisse atque in ipsa sua origine apostolica esse detestatione dampnatam. cur non cauetur. cur non perpenditur. quia benedictio illi in maledictionem conuertitur? 
Source (itaque ... maledictionem conviuitur) JOHN DIAC. Vita Gregorii 3.2 (PL 75, col. 129A–C); cf. ATTO VERC. De press.eccl. 2 (ed. Bauer, p. 75 line 21–p. 77 line 17), abbrev. — DGRE.590.1747 (ed. Norberg, 784–85, lines 40–49, 55–59)
Source (nempe ... pernicie eorum) PS.-AMBROSE, Lib.de dign.sacerd. 5 (PL 17, cols 576B–77B, abbrev.

[O41] EX CONCILIO CALCIDONENSE TITULO SECUNDO QUOD NON DEBEANT OFFICIA ECCRLEIASTICA PER PEÇUNIAS ORDINARI.
Si quis episcopus per pecuniam fecerit ordinationem. et sub precio redigerit gratiam. quæ non potest uenundari. ordinaueritque per pecuniam episcopum. aut presbyterum. aut diaconum. uel quemlibet ex his qui connumerantur in clero. aut promouerit per pecunias. dispensatorem. aut defensorem. uel quemquam qui subjectus est regulæ pro suo turpissimo luceri commodo. is cui hoc ad temptandi probatum fuerit. proprii gradus periculo subiacebit. et qui ordinatus est nihil ex hac ordinatione. uel promotione. quæ est per negotiationem facta proficiat. sed sit alienus ea dignitate. uel sollicitudine quam per pecunias adquisiuit. Si quis uero mediator tam [p. 107]

6 I have relied upon the reprinted text in Levison, England and the Continent, 245–46.
turpibus et nefandis datis. uel acceptis extiterit. si quidem clerics fuerit. proprio gradu decidat. si uero laicus. aut monachus. anathematizetur;


[O42] ITEM CANON

Episcopus. presbiter. aut diaconus. qui in fornicatione. aut perjurio. aut furtu. aut homicidio captus est deponatur;

Note: Coll.Wig.C/D/I/R do not have 'episcopus'

A83 (C87, D92); B34 (I36, O–)

Source Coll.Wig.A 83, adapted — Can.a apost.25, first half; adapted

[O43] DE LAPSIDIS GRADUUM.

Quicumque dignitatem gradus non custodiuit. contentus sit animam salvare propriae. reuerti aniam in eundem gradum nescio an non. deus scit; Romani dicunt; Qui cum gradu cecidit. sine gradu consurgat. contempts {sic} nomine tantum; Verumtamen econtra in apocalypsi scribatur; Memento unde cecideras. et age pennisentiam. et opera tua priora fac; Memento dicit unde cecideras. et age pennisentiam. et prioria opera fac. alioquin ueriam {ueniam corr.;} et mouebo candelabrum tuum. de loco eius; {Apc 2:5} Non dixit pro eo quod cecedisti commouebo candelabrum. sed nisi pennisentia geris. mouebo candelabrum tuum; Ergo prepositum peccantem in lapsu corporali. si preuenerit pennisentia. delicti. utique sequitur et reparatio meriti; Nam et ipsum quod canonum censura. post VII annos remeare aliquando pennisentem in statum pristinum permisit. non hoc ex electione proprii arbitrii patres. sed potius ex sententia ex {auctore} de loco eius; {cf. Nm 12} Maria ergo soror aaron caro intelligitur sacerdotis. quæ dum superbia debita sordidissimis corruptionum contagiis maculatur. extra castra VII diebus id est extra collegium sancte ecclesiæ VII annis proicietur; Quibus peractis. post emundationem vitiorum loci ut vitro pristinæ dignitatis recipiet meritum; Ecce his exemplis ostenditur. eum posse restaurari aliquando proprio honore. et ad pristinos officii gradus redire. qui per dignam peccatorum confessionem et per pennisentia satisfactionem. nouit propria delicta deflere; Eum uero non posse restaurari. qui nec luget quæ gessit. et lugenda sine ullo pudore religionis. uel timore iudicis duiini committit; Ezechiel quoque prophetæ sub typo preuaricatricis hierusalem ostendit post pennisentieti satisfactionem. posse ad pristinum redire honore; Confundere inuid. et porta ignominiam tuam; {Apc 16:52} et post paulum. et tu iniqu et fili tuæ reuertimini ad antiquitatem uestram. et reliqua; {Apc 16:55}

cf. A101 (C105, D111). Note that MS D4 (though it cannot here be the source) also mixes canons from Coll.Hib. with ISIDORE, Ep.ad Masson.

Source (quicumque ... deos scit)

Source (romani dicit ... tua priora fac)

Source (memento dicit ... de loco eius)

Source (non dixit pro... reparatio meriti)

Source (nam et ipsum ... recipiet meritum)
[O44] DE ACCUSATIONIBUS ET AECUSATIONIBUS. {EXCUSATIONIBUS corr.}
Sanctus martyr alexander. ac romanus papa. ait; Si quis erga episcopum. uel auctores ecclesiæ quamlibet querelam iustum crediderit. non prius primates aut alios adeat iudices. quam ipsos a quibus se lesum estimat. conueniat familiariter. {familiariter corr.} et non tantum semel sed sepissime. ut ab eis aut suam iustitiam. aut iustum accipiat excusationem; Item felix; Ut nemo episcopum penes seculares arbitros ac[p. 109]cuset. sed apud summos primates; Rursum zephirinus; Patriarche uero uel primates accusatum discutientes episcopum non ante sententiam proferant fìnitimam. {sic} quam apostolica fulsi auctoritate. aut reum seipse confiteatur. aut per innocentes et regulariter examinatos conuincatur testes; Dampnari autem summum sacerdotem absque sanctæ sancti romanæ sedis auctoritate ommino interdixerunt sancti patres. quamuis audire. uel absque sanctis auctores ecclesiæ qui satisfactionem summi sacerdotis sub iureiurando non ante sententiam repellatur. et cetero {ceteri} canones in ecclesia eiusmodi ordinari presumpsit. sacerdotio priuatus ab omnino eclesiastico ministerio, et depositione digna estimatione probata s

[O45] GREGORIUS IOHANNI DEFENSORI. QUALITER DE EPISCOPO IANUARIO OBSEUANDUM SIT. SIUE DE ALIIS EPISCOPIS INIUSTE CONDEMPNATIS.
De sancti episcopi persona hoc statuendum est ut si nulla contra eum criminalis causa quæ exilio uel depositione digna estimatione probata sit is qui eo uiuente superstitem peruersæ ac contra canones in ecclesia eius ordinarìi presumpsit. sacerdotio priuatus ab omnino eclesiastico ministerio repellatur. et cetero {ceteri corr.} episcopi qui eum ordinaerunt. uel ordinacione eius consentientes interfuerunt. in sex mensibus dominici corporis et sanguinis communione priuati. penitentiam agere in monasterio decernantur. et sanctus ianuarius loco et ordine suo modis omnibus reformetur; Si uero de communione priuati mortis contigerit imminere periculum. benefictio eis uiuti non negetur; Si igitur episcopi in preedium condemnationis. uel depositionis memorati episcopi se metu iudicis consensisse ac talia fecisse non sua sponte confessi fuerint. tempus eis adhæriandum est et modus penitentìi temperandus; Si uero ille [p. 110] qui locum eius inuasit de hac fortasse luce migrauerit. et alter est ordinatus. quia leuior culpa uidetur. non quasi ipsi superstiti sed successisse defuncto. épiscopatus illi officium ab eadem tantum ecclesia interdicatur. ut in alia ecclesia quæ a sacerdote uacauerit si electus fuerit possit esse episcopus. ad inlicitam tamen eclesiæ. nunquam aliquo modo reuersurus;
quod sancto concilio, uel cuius catholici et apostolici uiri decreto hoc sancitum {sancitum corr.} sit; Uerumptamen si pro allicuius iusti innocentia alicii placent sacramentum prebere caritatis causa. ut eum uel sic a persequerentibus liberet. omnimodis placet; Igitur si sacerdotalis status iuxta prauorum exequeretur voluntatem aut uix aut nullus inueniret sacerdos; Sed ut ad incepta redeamus. nullum sanctorum patrum pro se ad sacramenta alios protraxisse uel inuitasse aliquando legimus; Nam domnus papa pelagius quamuis non solum inuide. uerum et suspitiose quibusdam eminentibus causis in morte predecessoris sui se inmiscuisse accusaretur. propria aliquando lege{...} redemus. nullum sanctorum patrum pro se ad sacramenta alios protraxisse uel inuitasse iuxta prauorum exequeretur uoluntatem aut uix aut nullus inueniretur sacerdos; Sed ut ad incepta{...} satisfactionem ... compellat iurare quidam ... inimici qui ... sint; Scimus itaque quia uita presulum null...
Appendix XIII

‘[XVIII. D]e humilitate et dignitate pastorum’; ‘[XVIII]. De timore humano’; ‘XX. De institutione patrum. [K]arolus de restauracione ecclesiarsum’; ‘XXI. De sabbato; ‘[XXII]. De his qui morientibus pęnitentiam denegant’; ‘[XXIII. D]e căna domini’; ‘[XXIV. D]e consecratione crismatis’; ‘[XXV]. Vt ab alteriusę pęnis crisma accipiat’; the next entry in the table of contents, ‘[XXVI. D]e coniugio’, corresponds to O103; thereafter the entries coincide with descriptive titles from the following series of canons

[O48] [p. 111] coniurantes. aut conspirantes. aut insidias ponentes episcopis gradu proprio pęnitus abicien tur;
B67 (I68)
Source cf. Coll.Dion.-Hadr. (ed. Wendelstein, fol. 46v); Coll.quad. 4.370; Coll.Dach. 2.1 — CCHA.451.18 (Dion.II), second half

[O49] ITEM
Si quis alicuius episcopi clericum. uel monachum susceperit absque consensu illius. sacrilegus iudicetur. et a communione priuetur. quoadusque clericum uel monachum proprioę pęnis restituat. quod et si clerics contumax redire noluerit: anathema sit;
B68 (I69); A32 (C34, A32)
Source Coll.Wig.A 32

[O50] CANON HIBERNENSI.
Qui leuauerit manum cum asta aut gladio ad percutiendum aliquem iuxta episcopum. redimat manum uel perdat. quod et si uulnerauerit. uel tondet caput cum barba et deo seruiat. primo tamen episcopo. sed et cui lesit satisfaciat;
B69 (I70 first part) — cf. C208/D138; LawIcn 3–3.2; LawGriđ 13–13.1
Source (qui leuauerit ... et deo seruiat) Coll.Wig.C 208/D 138, abbrev. adapted
Source (primo tamen episcopo ... lesit satisfaciat) unidentified

[O51] ALIA
Si quis autem clericum uulnerauerit. uel alicui ex ecclesiastico ordine nocuerit. secundum ordinis quantitatem se textiplicer emendet. et secundum ordinis dignitatem pęniteat. aut extorris proprio patria exulet. Dominus enim per prophetam dicit; Nolite tangere christos. et reliqua; {1 Par 16:22; Ps 104:15}
B70 (I70 second part) — cf. B85 (I85, O66); C207/D137
Source (si quis autem ... dignitatem peniteat) unidentified, but cf. Coll.Wig.B 85 (I85, O66)
Source (aut extorris ... christos et reliqua) Coll.Wig.C 207/D 137

[O52] CANON AURELIANENSI.
Abbes pro humilitatis religione in episcoporum potestate consistant. et si quid extra regulam fecerint ab episcopis corrigantur; Qui semel in anno in loco ubi episcopus elegerit. accepta uocatione conueniant; Monachi autem abbatibus omni se obeđientię deuotione subiciat; Quod si quis per contumacia extiterit indeuotus. aut per loca aliqua euagari. aut peculiare aliquid habere presupserit. omnia quę adquiserit ab abbatibus auferantur. secundum [p. 112] regulam monasterio profuturam; Ipse autem qui fuerint peruaogati. cum auxilio episcopi tamquam fugaces sub custodia reuocentur. et reum se ille abba futurum esse cognoscat. qui in huiusmodi personas non regulari aduersione distrinxerit. uel etiam qui monachum susceperit alienum;
B71 (I71); A33 (C35, D33)
Source Coll.Wig.A 33 — CORL.511.19 | omitting ‘ubi inuenti fuerint’

[O53] CANON AURELIANENSIS.
Appendix XIII

Si quis autem abbas cautus in regimine. et humilis. et castus. sobriusque misericors. et discretus non fuerit. ac diuina precepta uerbis et exemplis non ostenderit. ab épiscopo in cuius consistit territorio et a uicinis abbatibus et ceteris deum timentibus a suo arceatur honore. etiam si omnis congregatio utiuis suis consentiens. abbatem eum habere uoluerit;

$B72 \ (l72); \ A34 \ (C36, \ D34)$

Source Coll.Wig.A 34 — Coll.quad. 4.207

[O54] CANON APOSTOLORUM

Si extit erit abbas diuinis iussionibus preuaricator regulęque sanctę contemptor. ab épiscopo ciuitatis cum consensu abbatum aliorumque monachorum timentium deum honore abbatis priuetur;

$B73 \ (l73); \ A35 \ (C37, \ D35)$

Source Coll.Wig.A 35 — Coll.quad. 4.208

[O55] LEO PAPA DICIT.

Propositum monachi deseri non potest. aliquo pacto; Quod enim quis uouit deo. reddere debet; Psalmista namque dicit; Uouete et reddite domino deo uestro; {Ps 75:12}

$B74 \ (l74); \ A36 \ (C38, \ D36)$

Source Coll.Wig.A 36 — DLEO.440.544, c. 14, first sentence, abbrev. + Ps 75:12

[O56] THEODORUS DICIT.

Monachi non migrent de loco ad locum. sed in ea permaneant obđentia. quam tempore suę conversionis promiserunt;

$B75 \ (l75); \ A37 \ (C39, \ D37)$

Source Coll.Wig.A 37 — CHER.673.4

[O57] FRUCTUOSUS DICIT

Monachus sanctę regulę uiolator [p. 113] siue contemptor. uel paruulorum incestuose aut adolescentium consectator. publice uerberetur. coronam capitis quam gestat amittat. decalatusque turpiter opbrobia paciatur. uel uinculis artatus ferreis. carcerali angustia maceretur;

$B76 \ (l76); \ A38 \ (C40, \ D38)$


[O58] CANON AGATENSI.

Si quis monachus adulterium. aut furtum fecerit. quod potius sacrilegium dici potest. id censuimus ordinando. ut uirgis cesu tanti criminis reus. numquam officium clericatus exципiat. si uero iam clerics in id facinus fuerit deprehensus. nominis ipsius dignitate priuetur;

$B77 \ (l77); \ A39 \ (C41, \ D39)$

Source Coll.Wig.A 39 — Reg.patr.III, 13 (ed. de Vogüé, 540), partial, adapted

[O59] AURELIUS EPISCOPUS DICIT.

Carnes in cybo manachi {monachi corr.} numquam sumant. pulli uero uel altilia cuncta in congregatione non ministrentur. infirmis tantum prouideantur. et accipere liceat;

$B78 \ (l78); \ A40 \ (C42 first part, \ D40)$

Source Coll.Wig.A 40 — AVREL. Reg.ad monach. 51.1–2 (ed. Schmidt, 254)
[O60] **YSIDORUS ᾑPISCOPUS DICIT.**

*Abbati. uel monacho monasterii serum. non licet facere liberum; Impium est ut qui res ecclesiæ non contulerit. dampnum infer[i]; {inferi corr.}*

*Source* Coll.Wig.A 41 — *ISIDORE, Regula 20* (ed. Campos, 119, line 494) + CTOL.633.67, partial

[O61] **CANON.**

*S* i quis episcoporum. aut presbiterorum. uel ministrorum ex rebus ecclesiæ quæ in quibuscumque locis a fidelibus largiuntur aliquid auffert. et male raptæ cum confusione restiuet; et excommunicationis annue sententiam subbit;

*B80* (I80); *A42* (C43, D42)

*Source* Coll.Wig.A 42 — CTOL.655.1, partial, abbrev.

[O62] **CANON HIBERNENSIS.**

*Peçunia ecclesiastica furata siue raptæ reddatur quadruplum. popularia duppliciter;*

*B81* (I81); *A43* (C44, D43)

*Source* Coll.Wig.A 43 — PTHU.700.1,3.2

[O63] **ITEM CANON HIBERNENSIS.**

*S* i quis furatus fuerit peçuniam ab ecclesia mittatur sors ut aut illius manus abscidatur. aut in carcerem mittatur. diu ie iunans et gemens. et reddat integrum quod abs[p. 114]ultit. aut peregrinus abiciatur. et restituat duplum. et si in patria permanserit quadruplum restituat. et semper peñiteat;

*B82* (I82) — cf. C204/D134

*Source* (si quis ... restituat duplum) Coll.Wig.C 204/D134, first part — Coll.Hib.B 31.8 (MS B6, fol. 56r), abbrev., adapted

*Source* (et si in patria ... peñiteat) unidentified

[O64] **CANON TOLETANUS.**

*S* i clerici in demoliendis sep[ulchros] fuerit deprehensus. a clericatus ordine. pro sacrilegio submouetur; Si quis sepulcrum uiolauerit VII annos peñiteat. III ex his in pane et aqua;

*B83* (I83); *A44* (C45, D44–5)

*Source* Coll.Wig.A 44 — CTOL.633.46, first sentence, adapted + PPAS.700.9 or PSLE.700.14, adapted

[O65] **CANON HYBERITANUS.**

*Eos qui ad ecclesiam confugerint trahi non oportet. [s****s] {[s****s] ras.} domini sui promissa intercessione persuadeant; Quod si ab ecclesia exuentibus penale alicuj dominus intulerit. ut ecclesiæ inimicus habeatur excommunicatus;

*B84* (I84); *A45* (C46, D46)

*Source* Coll.Wig.A 45 — Coll.Arel. 30

[O66] **CANON HIBERNENSIS.**

*S* i quis alicui aliqua ratione nocuerit sub confugio ecclesiastico. uel sub alicuj sanctimonii signaculo. septempliciter emendat. reddat. et restituat. sed et VII annos in dura peñitentia permaneat; Sin aliter. excommunicandus est ab omni ecclesia catholica;

*B85* (I85) — cf. C209–10/D139–40; B70 (I70 second part, O51)

*Source* Coll.Wig.C 209–10/D 139–40, abbrev., conflated, adapted

[O67] **HIERONIMUS DICIT.**
Appendix XIII

Ecclésia defendit quos in sinu suo recipit more galliné. quæ pullos proprios et alienos nutrit et defendit; Ita et ecclésia cunctos fugientes in se. defendere debet;


[O68] CANON HYBERNENSE.
Qui occiderit hominem inter septa monasterii exul cum damnatione exeat. uel proiectis armis. raso capite et barba reliquum uité suæ tempus deo seruiat. primo tamen ecclésie et parentibus satisfaciens;

B87 (I87) — cf. C206/D136
Source  Coll.Wig.C 206/D 136, abbrev.

[O69] GREGORIUS DICIT
Qui peccant in loco sancto. in eodem quoque occidendis sunt; In loco castrorum finees interfecit uirum et meretricem. [cf. Nm 25:6–8] [p. 115] mathathias in templo iudæum. qui immolabat simulacro; [cf. 1 Mcc 2:15–24] Quicumque enim maculauerit sanctum. sancta non defendent eum; Christus male facientes in templo. flagis {flagris corr.} compescuit; Qui percuisserit malos eo quod mali sunt. minister domini est;

B88–9 (I88–9) — cf. A50–1 (C54–5, D59–60)
Source  Coll.Wig.A 50 —  Coll.Hib.B 30.16 (MS B6, fol. 54v)
Source (mathathias ... simulacro)  unidentified
Source (qui percuisserit ... domini est)  Coll.Wig.A 51 —  Coll.Tur. 99; Coll.Hib.A 27.8a; Coll.Hib.B 29.12 (MS B6, fol. 49r); ultimately from JEROME, Commentariorum in Hierechielem libri XIV, 3.9.1b (ed. F. Glorie, CCSL 75 [Turnhout, 1964], 103, lines 422–24), abbrev., adapted.

[O70] Homicidas et sacrilegos punire non est effusio sanguinis. sed legum ministerium; Nocet itaque bonis. qui parcet malis; Gentibus quæcumque pietatis sunt conferenda;

B90–1 (I90–1) — all but last sentence: cf. I170/O165, which incorporates this canon into a work titled ‘De improviso iudicio saecularium’; last sentence: A52 (C56, D61)
Note: O70–93 leave space for rubrics, but they are not filled in
Source (nocet ... parcet malis)  cf. Coll.Tur. 100, second part — cf. Ps.-SENECA De moribus 114
Source (gentibus ... conferenda)  Coll.Wig.A 52 —  CORA.441.12 | adapted

[O71] Omni die exorcistae. iner guminis manus inponant; Qui palam aliquando arrepti sunt. non solum non assumendi ad ullam ordinem clericatus sed si iam aliqni ordinati sunt. ab inposito officio repellendi;

B92–3 (I92–3); A53–4 (C57–8, D62–3)
Source (omni die ... inponant)  Coll.Wig.A 53 —  SEA 62 (= Carthage IV, 90)
Source (qui palam ... repellendi)  Coll.Wig.A 54 —  CORA.441.15

[O72] Si homo uexatus a diabolo semetisum quacumque causa occiderit. oretur tamen pro eo. si ante religiousus fuit; Qui autem aliter semetisum occiderit. missas pro eo facere non licet;

cf. A105 (C165, D–)
Source  Coll.Wig.A 105, partial, abbrev. — PTHU.700.2,10.1–3

[O73] Placuit de his qui sibi quacumque neglegentia mortem inferunt. ut eorum commemoratio in oblatione non fiat;

cf. A104 first sentence (C108)
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Source  
Coll.Wig.A 104, first sentence, adapted — Coll.quad. 4.97, rubric; Coll.Dach. 1.105, rubric

[O74] Sacerdote uerbum in ecclesia faciente. qui egressus de auditorio fuerit. excommunicetur;  
B94 (I94); A55 (C59, D64)  
Source  
Coll.Wig.A 55 — SEA 31 (= Carthage IV, 24)

[O75] Laicus presentibus clericis. nisi ipsis prouocandis. docere non audeat;  
B95 (I95); A56 (C60, D65)  
Source  
Coll.Wig.A 56 — SEA 38 (= Carthage IV, 98)

[O76] Omnis mundialis sapiens. si sapiens sit. non iudicia ecclesiæ;  
B96 (I96); A57 (C61, D66)  
Source  

[O77] [p. 116] Mulier quamuis docta et sancta sit. uiros in conuentu docere non audeat;  
B97 (I97); A58 (C62, D67)  
Source  
Coll.Wig.A 58 — SEA 37 (= Carthage IV, 99)

[O78] Sponsus et sponsa cum benedicendi sunt a sacerdote. a parentibus aut paranymphis offerantur. qui cum benedictionem acceperint. eadem nocte pro reuerentia ipsius benedictionis. in uirginitate permaneant;  
B98 (I98); A59 (C63, D68)  
Source  
Coll.Wig.A 59 — SEA 101 (= Carthage IV, 13)

[O79] Presbiterum conuiuio sæcularum nuptiarum interesse non debere. maxime competatur secundis nuptiis penitentiam tribuere  
B99 (I99); A60 (C64, D69)  
Source  
Coll.Wig.A 60 — CNEO.315.7 (Isidori), first sentence

[O80] Deuotis deo virginibus nisi aut in pyphania. {sic} aut in albis paschalibus aut in apostolorum natalitiis. sacrum minime uelamen inponant. nisi forsitan sicut de baptismate dictum. graui languore correptis. ne sine hoc munere de sæculo transeant. inplorantibus non negetur;  
B100 (I100); A62 (C66, D71)  
Source  
Coll.Wig.A 62 — DGEL.492.636, c. 12 (ed. Thiel, 369)

[O81] Placuit ut ante XXV annos ètatis nec diaconus ordinetur. nec uirgines consecruntur. nisi rationabili necessitate cogente;  
B101 (I101) — cf. A63 (C67, D72); A15 (C17, D15)  
Source  
Coll.Wig.A 63 — CCAR.397.1b (= Carthage III, 4, partial; CCAR.419.16d)

Source (nisi ... cogente)  
Coll.Wig.A 15 — ANSEGIS Coll.cap. 1.45 | final phrase

[O82] Oportet tamen infantes cum uoluntate et consensu parentum. immo ab ipsis parentibus oblatos. sub testimonio plurimorum suscipi;  
B102 (I102); A64 (C68, D73)  
Source  
Coll.Wig.A 64 — BASIL–RUFFINVS, Regula 7.4 (ed. Zelzer, 39), first part
Quicumque a parentibus propriis in monasterio fuerit delegatus, nouerit se ibi perpetuo mansurum; Nam anna samuhel puerum natum et ablactatum deo optulit. qui in ministerio templi permansit; {cf. 1 Rg 1:24–8}

B103 (1103); A65 (C69, D74)


Paruulus usque annos XV pro delicto corporali disciplina castigetur. post hanc uero étatem quicquid deliquerit. {p. 117} uel si furatur retribuat. seu etiam secundum legem exsoluat;

B104 (1104) — cf. C217/D146

Source (paruulus ... furatur retribuat) ELRF 26, adapted

Source (seu etiam ... legem exsoluat) unidentified

Vt nullatenus presbiter ordinetur ante XXX étatis annum. nisi rationabili necessitate cogente. quia dominus iesus non predicauit ante XXX étatis annum;

B105 (1105) — cf. A14 (C16, D14); A15 (C17, D15); D268

Source Coll.Wig.A 14 — ANSEGIS Coll.cap. 1.49

Source (nisi ... cogente) Coll.Wig.A 15 — ANSEGIS Coll.cap. 1.45 | final phrase

Primitię omnis populi israhel erunt sacerdotum et decime. et plura de primogenitis; {cf. Nm 5:9–10; 18:17–19} Uictima pro peccato et delicto [con]omedant {comedant corr.} ipsi. et omne uotum in israhel et omnia libamenta ex omnibus què offeruntur. sacerdotum erunt et primitiuæ cyborum;

A49 first and second parts (C50 first two parts, D51–2)

Source Coll.Wig.A 49, first and second parts — Coll.Hib.B 2.13 (MS B6, fol. 7v)

Iecur {sic} et armum dextrum tuli a filiis israhel iure perpetuo. {Lv 7:34} et sacerdotum erunt;

A49 third part (C50 third part, D53)

Source Coll.Wig.A 49, third part — Coll.Hib.B 2.13 (MS B6, fol. 7v)

Notandum quod aaron non fecit sibi uestimenta sed moyses. quod significat omnia necessaria sacerdotis a principe fieri;

A49 fourth part (C–, D54)


Notandum quod non aaron ipse fecit tabernaculum sed populus. et artifices consilio moysi. quod significat sacerdotum non esse construere ecleciam;

A49 fifth part (C51, D55)


Aaron non cedebat hostias nisi paucas. sed populus. manum tamen ponebat sacerdos super caput hostiæ. quod significat sacerdotum non esse post uictum laborare;

A49 sixth part (C52, D56)

Source Coll.Wig.A 49, sixth part — Coll.Hib.B 2.13 (MS B6, fol. 7v)

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8 The relevant part of Isidore’s Regula is not printed by Campos, who believes it to be an interpolation based on CTOL.633.49; cf. Reglas monásticas, eds. Campos–Roca, 95 n. to line 89.
Appendix XIII

[O91] Non aaron nec filii eius portabant tabernaculum et utensilia eius. sed tantum immolabant. quod significat ministros debere fieri cum sacerdotibus

_A49_ seventh part (C53 first part, D57)

_Source_ Coll.Wig.A 49, seventh part — _Coll.Hib.B_ 2.13 (MS _B6_, fol. 7v), adapted

[O92] In lege quoque domini scriptum est; [p. 118] Qui altari seruuint. de altare participantur; {1 Cor 9:13} In lege domini scriptum est: Decimas et primitias non tardabis offerre; {Ex 22:29} Et in leuitico; Omnes decimae terrae sume de frugibus siue de pomis arborum. domini sunt; {Lv 27:30} Boues. et oues. et caprea. que sub pastoris urga transeunt. quicquid decimum uenerit. sanctificabitur domino; Non eligitur nec bonum. nec malum. nec alterum commutabitur; {Lv 27:32–3} Agustinus dicit; Decimæ igitur. tributæ sunt ecclesiarum. et egoentium animarum; O homo inde dominus decimas expetit. unde uius; De militia. de negotio. de artificio. redde decimas; Non enim eget dominus noster. non premia postulat. sed honorem;

_B110–11_ (I110–11); 'qui altari ... participantur': _A49_ eighth part (C53 last sentence, D58); 'decimas ... offerre': _A68_ (C72, D77) — 'agustinus dicit ... sed honorem': _Coll. Copenhagen, Kongelige Bibliotek, Gl. Kgl. Sam. 1595 (4°), fol. 43r–v. Note: _O92_ contains a sentence ('in lege ... participantur') that is missing from _I110_, perhaps due to homoiooteleuton.

_Source_ (qui altari ... participantur) Coll.Wig.A 49 eighth part — _Coll.Hib.B_ 2.13 (MS _B6_, fol. 7v), adapted
_Source_ (decimas ... commutabitur) _PIRMIN_ Scarapsus 24 (ed. Hauswald, 98–9, lines 2–7); 'decimas ... offerre': also in _Coll.Wig.A_ 68

_Source_ (decimæ igitur ... redde decimas) _CAESARIWS_, Sermo 33.1 (ed. Morin, 144, lines 30–6), abbrev., adapted; also in _Copenhagen, Kongelige Bibliotek, Gl. Kgl. Sam. 1595 (4°), fol. 43r–v

_Source_ (non enim eget ... sed honorem) _CAESARIWS_, Sermo 33.2 (ed. Morin, 144, lines 3–4), adapted; also in _Copenhagen, Kongelige Bibliotek, Gl. Kgl. Sam. 1595 (4°), fol. 43v

[O93] Cum messueris segetem terræ tuæ non tondebis usque ad solum superficiem terræ nec remanentes spicas colliges. neque in uinea tua racemos et grana decidentia congregabis. sed pauperibus et peregrinis carpenda dimittes; {Lv 19:9–10}

_B112_ (I112)

_Source_ _Lv 19_, 9–10

[O94] _ITEM ET IN LEGE_.

_Si introieris in segetem amici tui. spicas frange. et manu contere. falce autem non metas; {Dt 23:25} hoc et discipuli salvatoris fecerunt. spicas uidelicet manibus fricantes. et manducantes sabbatis. {Lc 6:1} ut euangelium dicit;

_B113_ (I113); _A69_ (C73, D78)

_Source_ Coll.Wig.A 69

[O95] _ALIA_.

_Ingressus itaque uineam proximi tui. comedes uas quantum tibi placuerit. foras autem ne feras tecum; {Dt 23:24} _B114_ (I114); _A70_ (C74, D79)

_Source_ Coll.Wig.A 70 — _Dt 23:24_

[O96] _INSTITUTIO PATRUM_.

_[p. 119]_ Die domino nihil aliud agendum est nisi deo uacandum in ynnis. et psalmis. et canticiis spiritali bus Dies quoque phachalis {paschalis _corr._} ebdomadè. omnes æquali religione colendi sunt;

_B115_ (I115) — _first sentence: cf. A66_ (C70, D75)

_Source_ (die dominico ... canticiis spiritali bus) Coll.Wig.A 66 — _Reg.IV_ patr. 3.6–7 (ed. de Vogüé, 194), partial, abbrev., adapted
[097] **CANON AURELIANENSIS.**
Id etiam misionaris intuitione duximus duximus custodire. ut qui pro quibuscumque culpis
carceribus deputantur. ab archidacono seu a preposito ecclesiæ. singulis dominicis diebus
requirantur. ut necessitas unctorum secundum preceptum divinum misericorditer subleuetur.
atque a pontifice competens uictus de domo ecclesie tribuatur;
*B116 (II16); A67 (C71, D76)*
Source Coll.Wig.A 67 — CORL.549.20

[098] **ITEM**
Qui dominica nocte nupserit VII dies peniteat; Qui IIIa uel VI feria. III dies peniteat; Qui in
quadragesima antea pascha. I annum peniteat;
*B117 (II17)*
Source (qui dominica ...) III dies peniteat) PPTH.800.11.6—7 — PECG.700.7.3; cf. PBED.700.3.37 | abbrev.
Source (qui in ... annum peniteat) PPTH.800.11.3 — PECG.700.7.4; cf. PBED.700.3.37 | first part, abbrev.

[099] **ALIA**
Indicta ieiunia ullus {sic} presumat infringere. uel uiolare. ne iram dei incurrat;
*B118 (II18)*
Source unidentified, but cf. Coll.quad. 4.338, rubric

[100] **ITEM EX CONCILIO BRACARENSIS.**
Non oportet homines religiosos ante sacram horam diei terciam cybum sumere. nec conuiuia
inire. neque clericos aliquando nisi ymno dicto edere panem. et post cibos gratias auctori deo
referre;
*B119 (II18a)*
Source cf. Coll.Dach. 3.72; Coll.Hisp. (Capitula Martini 65) — MARTIN Capitula 65 | first few
words adapted

[101] **CANON SANCTORUM.**
Qui in matrimonio sunt. abstineant se III noctes. antequam communicent. et unam postquam
communicauerint; Iude {Inde corr.} ait apostolus; Nolite fraudare inuicem. nisi ex consensu. ut
uacetis orationi ad tempus; {1 Cor 7:5}
*B120 (II19)*
Source PPTH.800.11.1, abbrev. — cf. PTHU.700.2,12.1—2; PECG.700.7.3

[102] **GREGORIUS DICIT.**
Si quis coniugem suam si fieri potest. non cupidine uoluntatis. sed solummodo creandorum [p.
120] liberorum gratia utitur. iste profecto siue de ingressu ecclesiæ. seu de sumendo dominici
corporis sanguinisque misterio. su {sic} est relinquens iudicio. quia a nobis prohiberi non debet
cum ei iuxta prefinita sententia etiam ecclesiæm licuerit intrare; Uerumtamen quia ipsa licita
amixtio coniugis sine uoluntate carnis fieri non potest. ideo aliqauando sacri loci ingressu
abstinendum est quiu voluntas ipsa semper esse sine culpa nullatenus potest;
*B121 (II20); A61 (C65, D70)*
Source Coll.Wig.A 61 — cf. DGRE.590.1843, c. 8

[103] **DE CONIUGIO SCRIPTUM EST IN LEGE.**
Appendix XIII

Si seduxerit quis uirginem needum desponsatam. dormierit cum ea. dotabit eam et habebit eam uxorem. {Ex 22:16}

Source Coll.Wig.C 134 — Ex 22:16

[O104] AUGUSTINUS DICIT.
Qui uxor opat accipere. sicut illam uirginem inuenire desiderat. ita et ipse usque ad nuptias uirginitatem custodiat;

Source Coll.Wig.C 135 — CAESARIVS Sermo 43.5 (ed. Morin, 192, lines 17–19)

[O105] SINODUS ROMANA DICIT.
Filii cum ad nos {sic} pubertatis uenerint. cogantur aut uxoribus ducere. aut continentiam profiteri. sic et filii uxoribus etate. debent eadem legem seruare;

Source Coll.Wig.A 99 — Coll.Hib.B 56.6 (MS B6, fol. 119v), adapted

[O106] PAULUS APOSTOLUS DICIT.
Propter fornicationem unusquisque suam propriam uxor et unaqueque virum suum; {1 Cor 7:2} Legitimum quoque coniugium. nullus separare presumat; Quod ergo deus coniunxit. homo non separat; {Mt 19:6}

Source Coll.Wig.B 130, first sentence — PIRMIN Scarapsus 16 (ed. Hauswald, 50–1, lines 5–6)

[O107] PAULUS DICIT.
Mulier sui corporis potestatem non habet sed uir. similiter et uir sui corporis potestatem non habet sed mulier; {1 Cor 7:4}

Source Coll.Wig.C 144/D 204, partial; Coll.Hib.B 48.23 (MS B6, fol. 104v–103r); cf. Coll.Hib.A 46.23, which differs slightly in wording — 1 Cor 7:4

[O108] SYNODUS DICIT.
Muliere mortua licet uiro post mensem accipere alteram. post annum uero licet mulieri accipere alterum uirum;

Source Coll.Wig.C 144/D 204, partial; Coll.Hib.B 48.23 (MS B6, fol. 104v–103r); cf. Coll.Hib.A 46.23, which differs slightly in wording — 1 Cor 7:4

[O109] [p. 121] PAULUS APOSTOLUS DICIT.
Mulier alligata est legi quanto tempore uiuit uir eius. liberata est cui vult nubat tantum in domino: Beatior autem erit. si sic permanserit; {1 Cor 7:39–40}

Source Coll.Wig.C 144/D 204, partial — 1 Cor 7:39–40

[O110] ITEM CANON AFFRICANENSIS.
Legitimum igitur coniugium non licet separare sine consensu amborum. potest tamen alter alteri cum consilio episcopi licentiam dare ad seruitutem dei accedere. Quidam etiam dicit; Siue uir siue mulier. ex consensu religionem ceperit. licet alterum accipere nonuam coniugium sed puellam. uel uerum si continens. esse non potentem; Quod non laudat. Sed si quis uult coniugatus
procul procul profitebatur non nisi incontinentiam alteri nupserit.  

[0111] De Legitimo Coniugio

Legitimum enim coniugium nullus separare presumat. nisi ex amborum consenso. et propter amorem christi qui ait. qui reliquerit uxorem. et reliqua; Centumplum accipiet et uitam. et reliqua; {Mt 19:29} Et nemo alter uxorem dimittât. nisi propter fornicationem. quia pharisæi temptantes dominum. interrogauerunt si licet hominem dimittere uxorem suam pro quâcumque causa. respondit eis iesus; Non legistis quia qui fecit ab initio masculum et fæminam. fecit eos et dixit; Propter hoc relinquet homo patrem et matrem. et adherebit uxori suæ. et erunt duo in carne una; Itaque iam non sunt duo. sed una caro; {p. 122} Quod ergo deus coniunxit. homo non separat; Dicit illi; Quid ergo? moyses mandauit dare uxorem unam. et reliqua; {cf. A93 (C9, B125 (I124), which incorportates the first sentence of this canon;[Leipzig, 1873], p. 39, lines 13–17}, adapted. Note: somewhat different wording can be found in the ‘versio Palatina’ of HERMAS, the relevant portion of which is quoted in Coll.Wig.C 139/D 116

B130 (I128) — cf. A93 (C97, D103); C142/D118; C146/D206; C139/D116
Source (legitimum ... dei accedere) Coll.Wig.C 142/D 118 — PTHU. 700.2, 12.7–8, adapted
Source (siue uir ... euiuerum) Coll.Wig.A 93 — Coll.Hib.A 46.5, adapted
Source (si continens esse non poterit) unidentified
Source (quod non laudo) unidentified
Source (sed si quis ... adultera erit) Coll.Wig.C 146/D 206 — Coll.quad. 4.78 (ultimately Isidore’s Rule) | first part
Source (et qui eam ... peccati illius) ‘versio vulgata’ of HERMAS, Libell.sanct.past., mandatum 4.1 (ed. A. Hilgenfeld as ‘Hermae Pastor. Veterum Latinam interpretationem’)

Appendix XIII

Conuerti ad monasterium. non est recipiendus nisi prius a coniuge castionam prefite
ten {profitebatur cor.} fuerit absolutus; Nam si illo uiuente per incontinentiam alteri nupserit.
proculubio adultera erit. et qui eam dimisit particeps erit peccati illius;
B129 (I129) — cf. A93 (C97, D103); C142/D118; C146/D206; C139/D116
Source (legitimum ... dei accedere) Coll.Wig.C 142/D 118 — PTHU. 700.2, 12.7–8, adapted
Source (siue uir ... euiuerum) Coll.Wig.A 93 — Coll.Hib.A 46.5, adapted
Source (si continens esse non poterit) unidentified
Source (quod non laudo) unidentified
Source (sed si quis ... adultera erit) Coll.Wig.C 146/D 206 — Coll.quad. 4.78 (ultimately Isidore’s Rule) | first part
Source (et qui eam ... peccati illius) ‘versio vulgata’ of HERMAS, Libell.sanct.past., mandatum 4.1 (ed. A. Hilgenfeld as ‘Hermae Pastor. Veterum Latinam interpretationem’)

Note: somewhat different wording can be found in the ‘versio Palatina’ of HERMAS, the relevant portion of which is quoted in Coll.Wig.C 139/D 116

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B1130 (I129) — cf. B125 (I124, O106), which incorporates the first sentence of this canon; C156 first sentence/D120; C137/D114; B132 (I131, O–); C143/D203 and Copenhagen, Kongelige Bibliotek, Gl. Kgl. Sam. 1595 (4°), fols 47v–48r, which draw independently on PIRMIN’s Scarapaps 16
Source (legitimum ... uitam et reliqua) PIRMIN Scarapaps 16 (ed. Hauswald, 50–1, lines 5–8)
Source (et nemo alter uxorem dimittât nisi) unidentified
Source (propter ... insipiens est) unidentified
Source (de filiis ... fornicationis et reliqua) PIRMIN Scarapaps 16 (ed. Hauswald, 51–3, lines 8–26), adapted. Note: ‘et qui demissam duxerit moechatur’ probably omitted in B130 through homoioyteletouon.
Source (et agustinus ... non est ducenda) Coll.Wig.C 156, rubric + first sentence (= Coll.Wig.D 120) — Coll.Hib.B 48.38 (MS B6, fol. 105v), partial, adapted
Source (et agustinus ... non est ducenda) Coll.Wig.C 137/D 114 — Coll.Hib.A 46.2, second last sentence, adapted
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Source (ubicumque igitur ... te subieci...)
PIRMIN SCARAPPSUS 16 (ed. Hauswald, 53–4, lines 26–31) — JEROME, Comm. in Math. libri IV, 3, vers. 19:9 (CCSL 77, 167, lines 768–69, 784–87) | adapted

[O112] CANON AFFRICANENSIS
Secundum euangelicam disciplinam. nec uxur a uiro dimissa [p. 123] alium accipiat uirum uiuente uiro suo. nec uir aliam accipiat uxorem. uiuente uxor priore. sed ita maneant. aut sibimet reconcilientur;
B131 (I130) — cf. A90 (C94, D99); C140/D117; C141
Source Coll.Wig.C 140–41 — Admon. gen. (789) 43 + Reg.eccl.Cart.exc. 102, first sentence | conflated

[O113] CANON DICIT.
Si mulier discesserit a uiro suo despietis eum nolens reuertere et reconciliari uiro. post V uel VII annos cum consensu eum reddat. et uiuente uiro suo.
Source Coll.Wig.C 147, first part — PPTH.800.13.24 | adapted

[O114] ITEM.
Si cuius uxor in captiuitatem ducta fuerit et eam redimi non poterit. post annos VII alteram accipiat. et si postea propria. id est prior mulier de captiuitate reuersa fuerit. accipiat eam posterioremque dimittat; Similiter autem et illa sicut superius diximus si uiro talia contigerint faciat;
Source Coll.Wig.C 147, second part — PPTH.800.13.25 | abbrev., adapted

[O115] DE MATRIMONIO SERUULORUM.
Si seruum et ancillam. dominus amborum in matrimonio coniunxerit. postea liberato seruo. uel ancilla. si non potent redimi qui in seruitio est libero. licet sicut quibusdam placet ingenuo coniungere. sed tamen iuxta sententiam domini mechus comprobatur; Unde etiam quamdiu uixerit. qua iuxta sententiam domini mechus comprobatur;
Source Coll.Wig.C 164/D 129 — PPTH.800.10.34–5 | adapted

[O116] DE CONCUBINIS.
Agustinus dicit; Quale est quod multi uirorum ante nuptias concubinas sibi adhibere non erubescunt. quas post annos dimittant. et sic postea legitimas uxores accipiant; Unde coram domino. et coram angelis testor atque denuntio. deum ista coniugia semper prohibuisses. et numquam placuisse. et precipue temporibus christianis concubinas habere numquam licuit. numquam licet. numquam licebit;
[O117] LEONIS PAPAE AD RUSTICUM NARBONSEM EPISCOPUM. QUOD ALIUD SIT UXOR ALIUD CONCUBINA. NEC ERRET QUISQUE SI FILIAM SUAM IN MATRIMONIUM CONCUBINAM HABENTI TRADIDERIT.

Non omnis mulier uirum iuncta. uxor est uiri. quia nec omnis filius. heres est patris; Nuptiarum autem fēdera inter ingenuos sunt legitimam. et inter équales. et multo prius hoc ipsum dominō constituit. quam initium romani iuris existeret; Itaque aliud est uxor. aliud concubina. sicut aliud ancilla. aliud libera; Propter quod etiam apostolus ad manifestandam harum personarum discretionem testimonium ponit ex genesi ubi dicitur abrahe. eice ancillam et filium eius; Non enim heres erit filius ancillæ. cum filio meo isaac; {Gn 21:10} Unde cum societas nuptiarum ita ab initio constituta sit. ut praeter sexuum coniunctionem quisque haberet in se christi et ecclesiæ sacramentum. dubium non est eam mulierem non pertinere [p. 125] ad matrimonium. in qua docetur nuptiale non fuisse ministerium; Igitur pater⁹ si filiam suam uirum habenti concubinam in matrimonium dederit. non ita accipienda est quasi coniugato eam dederit. nisi forte illa mulier dotata legitime. et publicis nuptiis honestata uideatur; Paterno arbitrio uiris iunctæ carent culpa. si mulieres quæ a uiris habebantur in matrimonio non fuerunt. quia aliud est nupta. aliud concubina;


[O118] DE INCESTIS CONIUNCTIONIS.

Nemo incestis coniunctionibus se inquinet. quia in leuitico scriptum est; Omnis homo ad proximam sanguinis sui non accedat. ut reuelet turpitudinem eius; {Lv 18:6} Et iterum; Anima quæ fecerit quippiam ex istis. peribit de medio populi sui; {Lv 18:29} Sane quibus coniunction inlicita interdicitur. habebunt in eundem melioris coniugii libertatem;

B137 (I136) — cf. C148/D207

Note: the sources for the first and second parts overlap, in that they both quote Lv 18:6.

Source (nemo ... non accedat) Coll.Wig.C 148/D 207 — PIRMIN Scarapsus 16 (ed. Hauswald, 54, lines 31–4), abbrev., adapted

Source (scriptum est omnis ... populi sui) PPTH.800.14.24 (ed. van Rhijn, 34, lines 69–71)

Source (sane quibus ... libertatem) PPTH.800.14.25

[O119] SINODUS DICIT.

Quicunque inlicito matrimonio fuerint commixti. post pnenitentiam non debent fieri in una domo. ne se inuicem causa amoris copulent;

B138 (I137); A85 (C89, D94)

Source Coll.Wig.A 85 — Coll.Hib.B 49.32 (Ms B6, fol. 111v), adapted

[O120] ITEM DE THORO FRATRIS DEFUNCTI. {sic}

Audi decreta sinodi; Superstes frater thorum defuncti fratri non ascendat. domino dicente; Erunt duo. in carne una; {Mt 19:5} Ergo uxor fratri tui. soror tua est; {cf. Lv 18:16}

B139 (I138)

Source Coll.Hib.A 46.35.b; cf. Coll.Hib.B 48.29 (Ms B6, fol. 105r), whose word order differs slightly — Synod.II Patric. 25; cf. CORL.511.18

[O121] DE CONIUGIO ANTIQUO.


⁹ Other versions of this canon have ciuislibet loci clericus/laicus.
Satis igitur manifestatum est non posse filios adnam in primordio seculi uxores accepiisse. nisi proprias sorores. aut propinquas consanguineas. sed semper erat inlicitum ab initio. uxorem aut concubinan patris uiolare; Unde iacob patriarcha dixit filio suo ruben; Effusus es [p. 126] sicut aqua. non crescas. quia ascendi cubile patris tui. et maculasti stratum eius; {Gn 49:4} Unde et paulus apostolus doctor gentium de tali sacrilegio {sic} scripsit dicens; Auditur inter uos fornicatio et talis fornicatio quals nec inter gentes ita ut uxorem patris aliiquis habeat. et uos inflati estis. et non magis lucutum habuistis. ut tolleretur de medio uestrum qui hoc opus fecit; {1 Cor 5:1} Ecce apostolus iudicauit de medio christianorum auferri. qui nouercam uiolare presupts dicens. nec inter gentes. id est inter paganos tale scelus fieri; {cf. 1 Cor 5:1–5}

Uerum itaque est et satis late patet deum omnipotentem in lege moysi prohibuissu uxorem patris et fratri et proximi accipere. aut cum ea concubere. {cf. Lv 18:8; 18:16; 18:20} sed et hoc quod in deuteronomio scriptum est ut frater scilicet accipiat uxor et defunti {sic} fratri. et suscitet semen fratri suo. {cf. Dt 25:5} non carnaliter intelligendum est. sed spiritaliter tenendum; Et ualde cecus doctor est qui nescit discretionem inter uetus semen fratri suo. {cf. Dt 25:5} non crescas. sed accipiat eam frater eius et suscitabit semen fratris sui. et uno ex eis absque liberis mortuus fuerit. et unus ait: {Mt 11:3} A diebus autem iohannis baptistæ usque nunc patitur. et violenti rapiunt illud; {Mt 11:12} Et quicumque caecus corde adhuc solam litteram sequitur cum iudicet. sine spiritu uiuificant. et gratia christi perdurat. manducans crustas panis. et non micas internas; Magna distanza est inter litteram [p. 127] occidentem. et spiritum uiuificantem. et ualde cognovit et ignavus et insipiens doctor est qui post tot annos

contemnendo christum et omnes sanctos doctores tractato uiuscuiusque manducans crustas panis. non crescas. sed accipiat eam frater eius et suscitabit semen fratris sui. et primogenitum ex ea filium nomine eius appellabit. ut non deleatur nomen eius ex israhel; Sin autem noluerit accipere uxor et fratri suo. quæ ei lege debetur. perget mulier ad portam ciuitatis et interpellat maiores natu et dicet; {Mt 25:5–10} De hoc enim quod in deuteronomio scriptum est et in euangelio. quod frater acceptum uxor et defuncti fratri ut suscitaret semen fratri suo. non est christianus. sed spiritaliter. Christus ait in euangelio; Omnès autem uos fratres estis. et unus es pater uester qui in cœlis est; {Mt 23:8–9} Et cum habitauerint fratri spiritaliter simil. et ille frater qui preest ecclesiæ dei transerit {sic} de sæculo ad christum. accipiat tunc frater eius ecclesiæ dei regendam. et suscitet [p. 128] spiritales filios deo. ne deficiente uno doctore mortali conditione. sterilis fiat sponsa christi. quæ est mater omnium nostrum; Et si quipsim doctor non uult regere ecclesiæ post obitum alterius doctoris. non curans de salute aliorum. sed de sua propria. erit tunc discaleciatus contra hoc quod paulus dixit. et calciati pedes in preparatione euangelii pacis; {Eph 6:15} Et iterum; Quam speciosi pedes euangelizantium pacem euangelizantium bona; {Rm 10:15} Si non uult urbum dei seminare si potest. sed talentum christi in sudario. hoc est torpore ignauique suæ abscondere. erit consputus ab ecclesiæ in facie. confusione dignus. proiectus in tenebras exteriores. ibi erit fletus et stridor dentium; {Mt 25:30} Sed accipiat semper doctor post doctorem ecclesiæ dei regendam usque in finem sæculi. ut suscitentur spiritales filii christi de sponsa sua uirgine. sicut ipse instituit. quia qui non uult laborare pro deo. non est dignus mercede;
[O122] CANON BOMANUS. \{sic\}
Laicus maculans se cum ancilla dei. cum spirituali commatre. uel cum propinqua. aut forte cum illa quam antea cognatus habuit. primitus anathematizetur. postea VII annos peniteat. III in pane et aqua; Similiter et illa peniteat. quia christiana religio fornicationem in utroque sexu. pari ratione condemnat;

\[ \text{Source} \quad \text{unidentified} \]

\[ \text{B143 (I142) — cf. C199–201; C151/D210; C157–58/D122–23} \]
\[ \text{Source} \quad \text{Coll.Wig.C 199–201, conflated; cf. Coll.Wig.C 151/D 210 and Coll.Wig.C 157–58/D 122–23 — cf. PPTH.800.12.7, 10, 21 + PPTH.800.14.22} \]

[O123] ALIA.
Gregorius papa apostolicus. ante corpus beatissimi petri in synodo residens dixit; Si quis presbiteram duxerit in coniugium anathema sit;

\[ \text{Source} \quad \text{B144 (I143)} \]
\[ \text{Source} \quad \text{CROM.721.pref. + 1, partial} \]

[O124] ITEM
Si quis monacham [p. 129] quam dei ancillam appellant duxerit. anathema sit;

\[ \text{B145 (I144)} \]

[O125] ALIA
Si quis de propria cognatione. uel quam habuit cognatus duxerit uxorem anathema sit; Ad quod respondentes omnes dixerunt amen;

\[ \text{B146 (I145) — cf. C316/D258, O28, WVLFSAN, Sermo 10b, 10c, and Polity.I 114/II.219, all of which also contain the phrase ‘ad quod respondentes omnes dixerunt amen’} \]
\[ \text{Source (si quis ... anathema sit)} \quad \text{CROM.721.9, partial} \]
\[ \text{Source (ad quod ... amen)} \quad \text{unidentified, but cf. C316/D258, O28, WVLFSAN, Sermo 10b (ed. Bethurum, 195, line 43), 10c (ed. Bethurum, 202, lines 50–1), and Polity.I 114/II.219} \]

[O126] ITEM
Si quis cum duabus cognatis fornicationem fecerit. primatus anathematizetur. deinde VII uel X annos peniteat;
\[ \text{Note: the text printed by van Rhijn as part of PPTH.800.14.25 is an interpolation found only in MS AI, p. 37.} \]
\[ \text{B147 (I145a)} \]
\[ \text{Source} \quad \text{PPTH.800.14.25 (in MS AI only; ed. van Rhijn, 35, lines 94–5)} \]

[O127] GREGORIUS DICIT.
Progeniem suam unumquemque usque ad VIIiam seruare decernimus generationem. et quamdiu se agnoscent affinitate propinquas coniugium ducere nulli profecto christianorum licet. uel licebit. et nolumus nos in hac re a uobis siue a ceteris fidelibus reprehendi. quia in his anglorum genti indulsimus. non formam dando sed considerationem. ne christianitatis bonum quod ceperant. imperfectum dimitterent egimus;

\[ \text{B148 (I146) — cf. B149 (I147, O128), second part, which abbreviates the same source material differently} \]
\[ \text{Source (cf. Ps.-ISIDORE, Decretales, decreta Gregorii (ed. Hinschius, 751) — DGRE.590.†1334 (PL 77, col. 1326A–B); also in Paris, Bibliothèque nationale, Lat. 3182 (Collectio Fiscani), p. 341b | abbrev.} \]

[O128] DE SCMATIBUS.
Scemata dicuntur ramusculi ex genere. cum gradus cognationum partiantur; Uputa ille filius. ille pater. ille aaus. ille aaus. alle \{ille corr.;\} agnatus. et ceteri quorum figurę in subsequentibus
apparent; Et hæc consanguinitas dum se paulatim propaginum ordinibus dirimens usque ad ultimum gradum subtraxerit et propinquitas. esse desierit. eam rursus lex matrimonii uniclo repetit. et quodammodo reuocat fugientem; Ideo autem usque ad sexum {sic} generis gradum consanguinitas constituta est ut sicut sex etatibus mundi. generatio et hominis status finitur. ita et propinquitas generis gradum constuita est ut sicut sex etatibus mundi. generatio et hominis status finitur. ita et propinquitas generis gradum constuita est ut sicut sex etatibus mundi. generatio et hominis status finitur. ita et propinquitas generis gradum constuita est ut sicut sex etatibus mundi. generatio et hominis status finitur. ita et propinquitas generis gradum constuita est ut sicut sex etatibus mundi. generatio et hominis status finitur. ita et propinquitas generis gradum constuita est ut sicut sex etatibus mundi. generatio et hominis status finitur. ita et propinquitas generis gradum constuita est ut sicut sex 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generatio et hominis status finitur. ita et propinquitas generis gradum constult
Ut nullus episcopus seruorum alterius ad officium clericatus promoueat. Ut si quis sacerdotum contra interdicta fecerit. a suo submoueat officio. Quod in die epiphaniorum prohibeatur baptismum celebrari. {id est ut fons baptismatis secundum malam consuetudinem non consecretur. gl. sup. lin.} Quod aliud sit uxor aliud concubina. nec erret quisquis filiam suam tradiderit ei qui habuit concubinam. Quod non sit coniugii duplicatio. quando ancilla reiecta uxor assumitur.

Source: DLEO.440.402 titt. 1, 5 (PL 54, col. 610A–B) + DLEO.440.414, tit. 1 (PL 54, col. 695B) + DLEO.440.544 titt. 4, 5 (PL 54, cols 1198–1199A)

[O128d] {Hand B stops; Hand D begins} THEODORUS DICIT.

Si quis in seculari habitu uota uoverit sine consensu episcopi. ipse habet potestatem soluendi si uoluerit. Qui ordinati sunt a scottorum. aut a brittonum {brittonum corr.} episcopis. qui in pascha et in tonsura adunati ecclesie catholicæ non sunt. Iterum ab episcope catholico manus impositione confirmentur et aliqua collectione similiter et ecclesie quae ab ipsis episcopis supradictis consecruntur aqua exorciza aspergentur. et aliqua collectione confirmetur.

Source: PTHD.700.115–17 (ed. Finsterwalder, 248)

[O128e] XXVIII. DE EO QUOD NON IUDICANDI SUNT CLERICI A LAICIS SED LAICI A CLERICIS IUDICANDI SUNT. IN ISTORIA ECCLESIASTICA.

Constantinus rex ait ad episcopus ad se congregatos CCCXVIII deus uos constituit sacerdotes et potestatem uobis dedit de nobis quoque iudicandi. et ideo nos a uobis recte iudicamur. uos autem non potestis ab hominibus iudicari propter quod dei solius inter uos expectate iudicium. et uestra iudicia quecumque sint ad illud examen seruentur. Uos etenim nobis dati estis dii. et non est conueniens ut homo iudicet deos sed ille solus de quo scriptum est. Deus stetit in sinagoga deorum. et reliqua. {Ps (G) 81:1}


[O128f] Non oportet iudices ecclesie habere timorem hominum sed timorem dei. quia timor dei principium sapientiæ est. non oportet iudices ecclesie dei habere sapientiam mundi. quia sapientia mundi stultitia est apud deum. sed sapientiam habere dei.


[O128g] UT NULLUS ACCUSATI SEDEM USURPET EPISCOPI.

Gaudentius episcopus dixit. addendum si placet huic sententiæ: quam plenam sanctitatem protulistes. ut cum aliquis episcopus depositus fuerit eorum episcoporum iudicio qui in uicinis locis commorantur. et quod clamauerit agendum sibi negotium in urbe romana alter episcopus in eius cathedra post appellacionem eius qui uidetur esse depositus omnino non ordinetur. Nisi causa fuerit in iudicio episcoporum romani determinata.

Source: cf. Coll.Dach. 2.32; CRECONIVS, Conc.can. 150 — CSAR.347.3

{Hand D stops; Hand A resumes}

10 sed] written s., as if scilicet

11 This and the following quia written q with a horizontal stroke through the descender, as if qui
[O129] (A1. pp. 132–33): arbor consanguinitatis (‘auctor mei generis mihi pater est ... propinquitatis esse desinit’)
cf. D211, which (in the company of an arbor consanguinitatis) inserts this text into ISIDORE, Etym. 9.6.28–9
Source (diagram) cf. ISIDORE, Etym. 9.6.28 stemma 2
Source cf. ISIDORE, Etym. 9.6.23

[O130] [p. 134] ITEM DE CONSANGUINEIS GREGORIUS INTERROGATIONIBUS AUGUSTINI ITA RESPONDIT.
QUEDAM terrena lex in romana republica permittat. ut siue frater et soror. seu duorum fratrum. uel duarum sororum filius et filia misceantur. sed experimento didicimus ex tali coniugio. sobolem non posse succrescere; E et sacra lex mosaica prohibet cognationis turpitudinem reuelare; Unde necesse est ut iam tercia uel quarta generatio fidelium licenter iungi debeat; Nam IIa quam prediximus. a se omnimodo abstineri debet;
B141 (I140); C153/D213
Source Coll.Wig.C 153/D 213 — DGRE.590.1843, c.5 (eds Ewald–Hartmann, 335, lines 7–12)

[O131] ITEM GREGORIUS FELICI EPISCOPO
Uere post multum temporis a felice mesan sicilie presule requisitus Gregorius. utrum agustino scripsisset. ut anglorum quarta generatione contracta matrimonia minime soluerentur. humillimus pater inter cetera talem reddidit rationem; Quod scripsi agustino anglorum gentis episcopo. nostro alumnpo uidelicet de consanguinitatis coniunctione. ipsis et anglorum gentique {sic} nuper ad fidem uenerat. ne a bono quod ceparet metuendo austeriora recederet. specialiter et generaliter certissime scripisses cognoscas; Unde et mihi omnis romana ciuitas testis existit. nec ea intentione hæc illis scriptis mandaui. ut postquam firma radice in fide fuerint solidati. si infra propriam consanguinitatem inuenti fuerint non separentur. aut infra affinitatis lineam. id est usque ad septimam generationem coniungantur; Sed adhuc illos neophitos existentes. cæpisse eos prius illicita docere. et uerbis ac exemplis instruere. et que post de talibus egerint. rationabiliter et fideliter excludere oportet; Nam iuxta apostolum qui ait. lac uobis potum dedit non. ne bonum quod infirma adhuc radice plantatum erat exureretur. sed aliquantulum firmaretur. et usque ad perfectionem custodiretur;
B142 (I141) — cf. C154/D214
Source Coll.Wig.C 154/D 214, abbrev. — JOHN DIAC. Vita Gregorii 2.38 (PL 75, cols 101C–102A)

[O132] CANON LAUDOCENENSIS.
Vt nullus christianus iudaizare presumat. sed nec conuiuiis eorum participare;
B151 (I149)
Source unidentified, but cf. CLAO.300.29

[O133] ITEM.
Ut nullus christianorum paganas superstitiones intendent. sed gentilium inquinamenta omnia. modo contemnat;
B152 (I150) — also in York, Minster Library, MS Add. 1, fol. 159r (preceeding Wulfsan’s Sermo 60, ed. NAPIER), where ‘nemo christianorum’ has been glossed ‘uel nullus christianus’ by Wulfsan’s hand
Source unidentified, but cf. WVLFSAN, Sermo 60 (ed. NAPIER, 309, lines 11–12)

[O134] CANON BRACARENENSIS.
Appendix XIII

Si quis paganorum consuetudinem sequens diuinos et sortilegos in domum suam introduxerit quasi ut malum foras mittant. aut maleficia inueniant. uel lustrationibus paganorum seruant V annos peniteant;
B153 (I151); A71 (C75, D80)
Source Coll.Wig.A 71 — CBRA.561.71

[0135] CANON SANCTORUM.
Si quis christianus christianum hominem in manu iudœorum uel gentilium uendiderit. anathema sit; In deuteronomio enim scriptum est; Si deprehensus fuerit homo sollicitans alium de genere israhel. et eun[p. 136]dito eo acceperit precium. interficietur; {Dt 24:7} Nefas igitur est ut quos christus sanguinis sui effusione redemit
B154–55 (I152–53); final part: also as LawVIAt 9 — cf. C198
Source (si quis ... anathema sit) Coll.Wig.C 198, partial — PPTH.800.36.3, abbrev. | adapted
Source (si deprehensus ... interficietur) Dt 24, 7, adapted
Source (nefas igitur ... inretiti) Coll.vet.Gall. 55.5 — CMAC.581.16 | partial, adapted

[0136] DE TONSURA.
Exordium tonsuræ a nazareis inceptit. qui crine seruato post uitæ magnæ continentiam caput radebant. ut deuotionem domino consecrarent; In canonibus quoque sanctorum patrum scriptum inuenimus; Si quis catholicus capillos totonducerit {sic} more barbarorum. ab ecclesia dei alienus habeatur. et ab omni christianorum mensa. donec delictum emendet;
B156 (I154); first sentence: C218 first sentence; last sentence: C217/D146 last sentence — last sentence: cf. A73 (C77, D82), which adapts the same source material
Source (exordium ... consecrarent) Coll.Wig.C 218 — Coll.Hib.A 52.1/Coll.Hib.B 52.1 (MS B6, fol. 114r), abbrev. | first sentence
Source (in canonibus ... inuenimus) unidentified
Source (si quis catholicus ... emendet) ELRF 61 (= Coll.Wig.C 217/D 146 last sentence); cf. Coll.Wig.A 73

[0137] DE TONSURA PETRI.
Petrus itaque apostolus clericali tonsura primo usus est gestans in capite imaginem coronæ spineæ christi; Unde canon africanus precipit. ut clericus nec comam nutriat. nec barbam;
B157 (I155); first sentence: C218 second sentence; last sentence: A74 (C78, D83)
Source (petrus ... spine christi) Coll.Wig.C 218, second sentence — Coll.Hib.A 52.2/Coll.Hib.B 52.2 (MS B6, fol. 114r–v), adapted
Source (clericus ... barbam) Coll.Wig.A 74 — SEA 25 (= Carthage IV, 44)

[0138] CANON ROMANÆ DICIT.
Quicumque clericus uisus fuerit in ecclesia sine colobio uel cappa. et si non more romano capillos et barbam totonderet. excommunicetur; Non debet etiam clericus indiui se monachico habitu. nec laicorum testibus {sic} uti. et uir si utetur ueste muliebri excommunicetur. aut mulier si uirili utetur indumento;
B158 (I156) — first part: cf. C219; second part: A76 (C80, D85)
Source (quicumque ... totonderet excommunicetur) Coll.Wig.C 219 — Coll.Hib.B 52.5 (MS B6, fol. 114v) | adapted
Source (non debet ... indumento) Coll.Wig.A 76 — ÆLFRIC, Ep.2.193 (ed. Fehr, 56) | adapted

[0139] ITEM
Clericus quoque non debet armis uti. nec ad bellum procedere. quia canones docent. ut quicumque clericus in bello. aut in rixa mortuus fuerit neque oblatione. neque oratione postuletur pro eo. sepultura tamen priuetur; Apostolus quoque dicit; Nemo militans deo implicit se negotii
sécularibus; {2 Tim 2:4} [p. 137] Unde non est liber a laqueis diaboli. qui se militië mundane uoluerit implicare; Et ideo omnimodis dicendum est presbyteris et diaconibus ut arma non portent. sed magis confidant in defensione dei quam in armis; B159 (I157); last sentence: C182 last sentence — cf. C194/D202; A75 (C79, D84); O147; C317; B165 (I162, O—); O30
Source (clericus quoque ... uoluerit implicare) Coll.Wig.C 194/D 202, partial, rearranged, adapted — cf. ÆLFRIC Ep.2.178 + DLEO.440.544, c. 12
Source (et ideo omnimodis ... quam in armis) Coll.Wig.C 182 — Admon.gen.(789) 70 | last sentence

[O140] ALIA
Cauendum quoque est clericis. ut non sint iudices. in condempanem hominis;
B160 (I158)
Source ÆLFRIC Ep.3.80 (ed. Fehr, 66), adapted

[O141] ITEM.
Canonum auctoritas prohibet ne quis episcopus. aut clericus assensum prebeat in morte cuiuslibet hominis. siue latronis. siue raptoris. siue homicid; B161 (I159) — cf. A79 (C83, D88)
Source Coll.Wig.A 79 — ÆLFRIC Ep.2.191 (ed. Fehr, 56), adapted | abbrev.

[O142] ALIA
Statutum est ut presbiteri indiscrete per diuersa. non mittantur loca. nec ab episcopis. nec ab aliis prelatis. nec etiam a laicis. ne forte propter eorum absentiam et animarum pericula fiant. maxime quidem infantum absque baptismate. et ecclesiariun in quibus constituti sunt neglegantur officia; B162 (I159a)
Source Reg.adauct.Chrod. 74, abbrev. — CPAR.829.3.4 (ed. Werminghoff, 672)
Source (fiant maxime ... baptizmate) unidentified, but cf. DGRE.590.1101 (ed. Norberg, 39, lines 7–9): ‘Et fit ut ecclesia sine rectore et populus quasi sine pastore grex defluat, et ibidem infantes pro peccatis absque baptizmate moriantur.’

[O143] CANON AFFRICANUS.
Omnes clerici qui ad operandum sunt ualidi. {sic} et artificiola. et litteras discant;
B163 (I160)
Source Coll.vet.Gall. 41.10, reading ‘validi’ — SEA 45 (= Carthage IV, 53), reading ‘invalidi’

[O144] CANON ČESARIENSIS.
Duo igitur sunt genera clericorum; Unum ecclesiasticorum sub episcopali regimine alter acephalorum. id est sine capite; De quibus gregorius dicit; Si qui clerici uulgeares sunt et extra sacros ordines constituti. id est nec presbiteri. nec diaconi. qui se continere non possunt. sortiri uxores debent. et stipendia sua exterius accipere; Sacerdotes autem nequaquam uxores ducant. sed ecclesiam diligent. nec untur bellicos armis. sed spi[p. 138]ritalem militiam exerceant; B164 (I161) — last clause: cf. O30
Source (duo igitur ... sine capite) Reg.adauct.Chrod. 63; CAAC.816.101 — ISIDORE, De eccl.off. 2.3 (ed. Lawson, 54, line 2–4) | first sentence, adapted
Source (si qui clerici ... exterius accipere) DGRE.590.1843, c. 1 (eds Ewald–Hartmann, II, 333, lines 16–17), adapted
Source (id est nec presbiteri nec diaconi) unidentified
Source (sacerdotes ... exerceant) unidentified, but cf. Coll.Wig.O 30: ‘spiritibus conuenit ut spiritalem militiam contra diabolum exerceant’

[O145] DE MAGNA SYNODO.
Interdicit per omnia magna sinodus. non épiscopo. non diacono. nec alicui omnino qui in clero est licere subintroductam mulierem habere. nisi forte matrem. aut sororem. aut amittam. uel eas tantum personas que suspitiones effugiant;

\[A84\text{(C88, D93)}; B32 \text{(I34, O–)}

Source \[\text{cf. Coll.Dion.-Hadr. (ed. Wendelstein, fol. 11r); Coll.Dach. 1.49 — CNIC.325.3 (Dion.II). Note: 'non presbitero' probably omitted in O145 through homoioiteleuton.}\]

\[O146\] ITEM

Canones quoque docent ut si quis acceperit uiduam aut dimissam mulierem. aut qui bis duxor\{sic\} uxorem. numquam fiat diaconus. numquam sacerdos;

\[B33 \text{(I35); A86 \text{(C90, D95)}}

Source \[\text{Coll.Wig.A 86; Coll.Wig.B 33 — ÆLFRIC Ep.2.113 (ed. Fehr, 48), adapted}\]

\[O147\] ALIA.

Multis autem declaratur exemplis. épiscopum. presbiterum. diaconum. uel monachum. arma bellica portare non licere. nisi tantum ea de quibus legistit; In omnibus sumentes scutum fidei. in quo possitis omnia tela nequissimi ignea extinguer; Et galeam salutis assumite. et gladium spiritus quod est uerbum dei;

\[\text{cf. O30; B165 \text{(I162, O–); C317}}

Source \[\text{Coll.Wig.O 30, partial + Eph 6:17 — Coll.Wig.C 317, adapted; cf. Coll.Wig.B 165}\]

\[O148\] DE MILITIA ET UICTORIA CHRISTIANORUM.

Boni igitur sículares et ueri christiani. uiriliter resistere debent inimici sancté dei ecclesie. et in preterito corde pro patria pugnare. quoniam ut iudas machabeus ait. melius est mori in bello. quam uidere mala gentis et sanctorum. et reliqua; \{1 Mcc 3:59\} Quicumque igitur zelantes zelum domini in bello ceciderint. sancti martyres existunt; Scriptum est quia inter omnes gladios non potest homo occidi. ante terminum a deo prescitum; Statimque deo auxiliante fugiet princeps paganorum diabolum. cum audierit tam terribilem uocem christianorum. senseritque fidei constantiam illorum. et deinde fugient ipsi pagani post suum principem diabulum. christianique habentes deum iudicem et defensorem. uictorem existunt. per eum qui uiiuit et regnat per omnia sæcula sæculorum amen;

\[\text{(ed. CROSS–BROWN, 'Literary impetus', 273)}

Source \[\text{unidentified}\]

\[O149\] DE EXORTATIO. {sic}

Ambulemus igitur fratres dum lucem habemus. ne nos tenebris comprehendant. \{cf. Io 12:35\} nec differamus de die in diem. \{cf. Sir 5:8\} quia nescimus si uel unius diei spatum habemus uitam corrigendi. animaque saluandi; Cotidie enim uidemus quomodo in perditionem uadit mundus. et omnis uidemus quomodo in perditionem uadit mundus. et omnis uidemus quomodo in perditionem uadit mundus. et omnis uidemus quomodo in perditionem uadit mundus.

\[\text{cf. C133/D201/I175/O16, which also has 'ambulemus igitur ... spatum habemus'}\]

Source \[\text{unidentified}\]
Appendix XIII

Source (ambulemus igitur ... comprehendant)  
Source (nec differamus ... spatium habemus)

[O150] DE CAPTIUITATE IUDÆORUM.

Vere postquam pagani deuastauerunt totum regnum iudæorum domino permittente pro peccatis populi. ad ultimum uenerunt in hierusalem ubi erat rex sedechias et omnes principes eius et capta ciuitate occiderunt duos filios sedechias regis. et omnes principes regni occiderunt gladio coram rege. et ipsum regem exeçauerunt. et secum duxerunt captium in babylonium; {cf. 4 Rg 25:1–7} Et quotiescumque iudēi deum irritabant toties semper ueniebant super illos alienēgē. et occidebant et capitabant eos. et quando se. recognoscebant et penitentiam egerunt. confestim uictoriam et pace {sic} et abundantiam bonorum domino 

[O151] DE INTERITU BRITTONUM.

Legitur in libro gildę brittonum sapientissimi. quod idem ipsi brittones propter rapinas et auaritiam principium. propter iniquitatem et iniustitiam iudicium. propter desidiam. et neglegentiam predicationis episcoporum. propter luxuriam et pessimos mores populi. non solum patriam perdiderunt. sed ipsi miserrimē perierunt;

[O152] DE ANGLIS.

Gens quoque anglorum14 simillimis. uel moribus contaminata piaculis. in metu iam ualidissimo titubat. quia talis eam nunc consecuta est uindicta qualis non est preteritis audit temporibus;

[O153] DE PREDATIONE NORDANBRORUM.

Alcuinus ad regem merciorum misit dicens; Ecce XXX6. et quinquaginta ferme anni. quod nos nostrique patres. huius pulcherrimē patriē incolē fugimus. et numquam talis terror prior apparuit in britannia ueluti modo ad {a corr.} pagana gente perpessi sumus. nec eiusmodi naviāgium fieri posse putabatur; Ecce ecclesia sancti cuthberti sacerdotum dei sanguine aspersum omnibus spoliato ornamentis locus cunctis in britannia uenerabilior paganis gentibus datur ad depredandum. et ubi primum post discessum sancti paulini ab euboraca christiania religio in nostra gente sumpsit initium. ibi miseriē et calamitatis cepit exordium; Quis hoc non timet? quis hoc quasi [p. 141] captam patriam non plangit? uineam electam uulpes depredarunt. hereditas domini data est populo non suo. et ubi laus domini. ibi ludus gentium; Festiuitas sancta uersa est

13 deum] not iesus as Cross–Brown
14 anglorum] not angelorum as Cross–Brown
in luctum; Considerate igitur nunc habitudin tonsuram. et mores principum et populos luxuriosos; Ecce tonsura quam in barbis et in capillis paganis adsimilari uoluistis. nonne illorum terror imminet quorum tonsuram habere vultis? quid quoque inmoderatus uestimentorum usus. ultra humanę necessitatem naturę. ultra antecessorum nostrorum consuetudinem? hec superfluitas principum paupertas populi est; Tales consuetudines olim populo dei nocuerunt et eum paganis gentibus dederunt in obprobrium. dicente propheta; Ue uobis qui uendidistis pauperem pro calciamentis pedum. {cf. Am 2:6} id est animas hominum pro ornamentis uanitatum; Paulus quoque apostolus ait; Nolite fieri inanis glorię. {Gal 5:26} Et isaias propheta dicit; Pro eo quod eleuata sunt filié syon et ambulauerunt extento collo decaluabit dominus uerticem filiarum syon. et dominus crinem illorum iudicabit; In die illa auferet dominus ornamentum. lunulas. et coronulas. et torques. monilia. et armillas. et cetera his similia; {Is 3:16–19} Superuacua igitur et deo odobilis {odibilis corr.} indumenti et ornamenti superstitio signum est arrogantię. et superbia. et luxuria; De quibus sapientia dicit; Arrogantiam. et superbiam. et uiam prauam. et os bilinguę detestor; {Prv 8:13} Uarus enim modis humani generis adversarius indesinenter circuit quęrens quos capiat {cf. 1 Pt 5:8} uitiorum laqueis. id est uana gloria. superbia. auaritia. gula et luxuria; Hęc enim et alia multa. retia sunt diaboli. quibus infelicium animas decipit. et ad interitum pertrahit. nisi uera uenitentia subuenerit;

Source (ecce XXX° ... in luctum) ALCVIN Epistola 16 (ed. Dümmler, p. 42, line 34–p. 43 line 5)
Source (considerate ... uanitament) ALCVIN Epistola 16 (ed. Dümmler, 43, lines 22–9)
Source (paulus quoque ... pénitentia subuenerit) unidentified

[O154] DE TRIBULATIONIBUS.
Heu. heu. quam nimis amara. quoniam quia {sic} mala tempora nostris diebus pro peccatis euenerint. {euenerant corr.} quoniam {sic} non solum prescriptis peruersitatibus sed alis diuersis criminiibus penę omnis ordo gentis anglorum maculatus. christum diu ad iracundiam prouocans. iam quod meruit sustinet; Et quia legem et precepta domini omni modo neglexerat. et monita doctorum contempserat. ideo omnibus nationibus terrarum. magis cladibus et depredationibus innumeris. et inimicorum obdictionibus angustatur; Neque uero post primum aduentum anglorum patria eorum tot et tam inaudita pericula experta. est. quot nunc gemens sustinet; Sed et tam infinitam pečuniam populus sepe pro libertate regni dederat. ut uix aut nullomodo patria ad pristinam opulentiam perueniet; Quid plura? quantis malis quantisque perturbationibus gens illa obpressa sit. bello uidelicet. fame. igni. cędibusque quanta populum milia absque numero trucidiati sint. quanti captiui absque discretione per diuersas regiones dispersi. non est lingua que modum. uel numerum edicere possit; Quapropter ortamur et obscuramus eos qui residui sunt ut conuertantur toto corde ad dominum deum omnipotentem; Benignus enim est [p. 145] et multum misericors. et non uult mortem. sed pénitentiam desiderat peccatorum. ut per prophetam attestatus est dicens; In quacumque die peccator convuersus fuerit.

et ingemuerit. saluus erit; {cf. Ez 33:12}
Source unidentified
[O155]\(^{15}\) Multis enim indiciis luce clarius apparat. quia victoria non in multitudine militum. sed in magnitudine meritorum consistit; Amasias enim rex temporibus antiquis mercede conduxit de israhel robustorum centum milia ducentis talentis argenti; Uenit autem homo dei ad illum. et ait;

\[\text{Uenit autem homo dei ad illum. et ait; O rex non egrediatur tecum exercitus israhel non est enim dominus cum israhel et cunctis filiis ephraim; } \{2 \text{Par 25:6–7}\}\]

Et ait homo dei iterum; Quod si putas in robore exercitus bella consistere superari te faciet do minus ab hostibus tuis; Dei est quippe et adiuuare. et in fugam uertere; \{2 \text{Par 25:8}\}

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\(^{15}\) Space for a rubric has been provided, but not used.

\(^{16}\) III] \textit{corr. from UI} ?
ieiunia genti anglorum sic predicare precepit. Ieiunium primum in prima ebdomada quadragesimæ; Ieiunium secundum {in ebdomada pentecostes. Ieiunium tertium add. sup. lin.} in ebdomada ante autunnale equinoctium; Ieiunium quartum in integra ebdomada ante natale domini; In quibus etiam sabbatis dum populus uniuersus ad ecclesiam conuenit. ordinationes clericorum fieri oportet. scilicet ut dum hæc ordinatio coram populo agitur sub omnium testificatione eorum opinio discutiatur; Hæc quoque ieiunia fratres mei rogo ut deuote obseruetis. et scitote quia non solum hæc ieiunia obseruanda sunt. sed etiam omni tempore dum festiuitates preclare celebrentur. dies ante uigilias {p. 227} ieiunio celendi {colendi corr.} sunt; In diebus quoque ieiuniorum uestrorum karissimi nolite lites et contentiones uel scandala concitare. sed ut dominus per prophetam dicit; Nonne hoc est magis ieiunium quod elegi? dissolue colligationes impietatis. solue fasciculos deprimentes; Dimitte eos qui confracti sunt liberos. et omne honus disrumpe; Frange surienti {surient corr.} panem tuum. et egenos uagosque induc in domum tuam; Cum uideris nudum eum operi. et carnem tuam ne despexeris; Tunc erumpet quas i mane lumen tuum. et sanitas tua citius orietur; Et anteibit faciem tuam iustitia tua. et gloria domini colliget te; Tunc inuocabis et dominus exaudiet. clamabis et dicet ecce adsum; {Is 58:6–9} Quia misericors sum. {Ex 22:27} dominus deus tuus;

[O157] DE PÆNITENTIA COMMUNI PRO QUACUMQUE TRIBULATIONE;

Volumus uos scire fratres quod in multis prouintiis in quibus religiositas et christianitas uigent. sapientes adtentunt diligenter et doctores quid necesse sit populo dei in aduersis casibus a deo precibus exorare. siue si ultra modum pluit. aut si siccitas nocet. et tempestas ingruerit. seu mortalitas in hominibus aut in iumentis. seu incursiones hostium si terram occupauerint. et ecclesiam perturbauerint; Statim itaque predicant euang {sic} omni populo. processionemque agere tantum spatium ad uicina monasteria. quantum illis uidetur opportunum posse fieri; Pergunt tunc omnes uiri et feminae discalciatis pedibus et si iubentur a doctoibus diversis induti. orantes et psallentes. sonora uoce omnis populus simul. kyrieleison. christeleison; uolentes sic amore {amouere corr.} a se iram dei imminentem. et placare sibi benemiriam iudicem christum; Ieiuni ambulant usque ad locum destinatum. et post missas caritatem aliquando inuicem faciunt. sumentes unusquisque III offulas de pane manducando. et singulos calices in bibendo. et sic ad prouinciam remaneant. Sic itaque faciunt IIIbus diebus dantes honorem deo et semetipsum humiliantes. elemosinamque pro nomine domini largientes. ut flagella eius ab eis amoueat. intelligentes quod etiam hoc ipsum animabus illorum proficit ad salutem; Nos quoque habemus in nostris libris missas et officia ad omnia ista constituta. sed si aliqaud taliter egerimus in ista patria. statim deridemur. blasphemamur. uituperamur; Et quia doctorum contemnisitis. et salutem animæ neglegitis. ideo regnum uestrum propris exigentibus culpibus alienigenis datur ad depredandum; Conuertimini ergo conuertimini ad dominum. et pænitemini. ut deleantur uestra peccata; {Act 3:19} Scriptum est enim; In quacumque die peccator conversus fuerit et ingemuerit. salus erit; {cf. Ez 33:11–12}

(catalog. FEHR, Hirtenbriefe, Anh. 3.15)
cf. O159; O154; LawVIIAt
Source unidentified

[O158] DE EXCOMMUNICATIONE UEL RECONCILIATIONE PÆNITENTIUM.
EXcommunicatio peńitentium non mortalis sed medicinalis est. et primum medicamentum eorum. qui latenter in criminali peccato lapsi sunt; Qui enim eam humiliter sustinent. et cum flebili conjunctione cordis plangunt. et [p. 229] publice peńitent. hi nimium celerius indulgentiam consecuntur a domino; Ut psalmista dicit; Cor contritum et humiliatum deus non spernit; {Ps 50:19} Introitus hę ecclesie post peńitentialem excommunicationem peńitentibus concessit. peracta peńitentia constituta primo omnium uidelicet cum spirituali exortatione de exemplis et documentis catholicorum patrum assumpta. ac deinde cum firma promissione conversionis propriæ. atque remissione in se peccantium. et ad ultimum cum episcopali absolutione secundum quod continet libris ecclesiasticæ constitutionis; Et his ita rite peractis. sic per reconciliationem perueniendum est ad participationem corporis domini nostri;

Source (excommunicatio ... medicinalis est) AVG. Sermo 351.4 (PL 39, col. 1546), adapted; also in HINCMAR De divort. Lothar.regis et Theutberg.reginae, resp. 10 (ed. Böhringer, 168, lines 18–19), adapted

Source (et primum ... lapsi sunt) PPTH.800.35.1 (ed. van Rhijn, 95, lines 7–8), adapted

Source (qui enim eam ... consecuntur a domino) unidentified, but cf. PHAL.800.6.pref., ‘Quotienscumque’ instruction (ed. Schmitz, 474, lines 12–18)

Source (cor contritus ... non spernit) Ps 50:19

Source (Introitus hę ... corporis domini nostri) unidentified

* * *

There follows in AI, pp. 229–37 Institutio beati Amalarii de ecclesiasticis officiis (ed. Jones, ‘Two composite texts’, 265–71), and Qualiter quattuor tepora agantur (ed. Cross, ‘Newly-identified, 77–8). The final line of AI, p. 237 has been left blank, as if to receive a rubric for the text that begins on p. 238. However, the text at the top of p. 238 appears to begin imperfectly, and it has been suggested (Jones, ‘Two composite texts’, 236–37 with n. 18; Cross, ‘Newly-identified’, 67) that a folio (or more) was missing at this point in AI’s exemplar.

[O159] [p. 238] [I]n multis igitur prouintiis in quibus religiositas et christianitas uigent sapientes diligenter adtendunt. si quid in aduersis casibus pro peccatis contigerit. quomodo possint placare mitissimum iudicem christum; Statimque {Statim corr.} itaque predicant ieiunium. cum fructu elemosinarum. processionemque agunt triduo discalciatis pedibus cilitis quoque vel saccis induti. orantes et deprecantes dominum. ut flagella eius ab eis amoure. intelligentes etiam quod hoc ipsum animabus illorum proficit ad salutem;

cf. O157

Source unidentified

[O160] DE PÆNITENTIARUM DIUERSITATE.

Qui publice peccauerit. publice arguatur. et publice peńitentia purgabitur. Et si hoc occulte fecerit. et occulte ad confessionem uenerit. occulte ei peńitentia imponatur; Similis etiam forma et de his qui in sacris ordinibus constituti sunt sueranda est. ita uidelicet ut si se lacrimitis et orationibus deuotissime cotidie lauerint. et elemosinarum exhibitione peccata sua extingueri curauerint. occulta commissa possunt occulte in suo permanentes gradu digne peńitentia purgare; Ueruntamen qui per corpus peccat. per corpus et pëniteat; hoc est in uigiliiis. in ieiuniis. in
fletibus\(^{17}\) in orationibus assiduis. et elemosinis multis; Uetus namque proverbiun est; Contraria. contrariis sanantur;

(\textit{ed. FEHR, Hirtenbriefe, Anh. 3.33})

\`{q}ui per corpus peccat. per corpus et p\`{e}nit{e}at\textquotesingle: also in C111, C195, D171, I166/O161, O19; \`{h}oc est in uigiliis ...

elemosinis multis\textquotesingle: also in O170

Source (qui publice ... p\`{e}nitentia purgabitur) PREM.700.4.50–1, adapted; cf. Coll.Wig.I 167/O 162; \`{q}ui publice peccat publice et p\`{e}nitet\textquotesingle

Source (et si hoc ... p\`{e}nitentia purgare) unidentified

Source (ueruntamen qui ... sanantur) Cambridge, Corpus Christi College, MS 201, p. 125; also in Coll.Wig.C 195 — \`{q}ui per corpus ... elemosinis multis\textquotesingle:

PECU.700.13.11 (\textit{ed. Schmitz}, 672, lines 11–12), adapted; cf. PECU.700.Redemptionstexte (\textit{ed. Asbach}, 13, lines 15–17); \`{u}etus namque ... sanantur\textquotesingle: PCUM.600. pref. 15, partial; also in Coll.Wig.I 166/O 161

\[O161\] \textbf{DE DIUERSITATE CULPARUM ET P\`{E}N\'\textsc{I}\textsc{N}TENTIARUM.}

\textsc{Diuersitas culparum.} [p. 239] diuersitatem facit p\`{e}n\'\textsc{I}\textsc{N}tentiarum; Nam sicut corporum medici diuersa medicamenta diuersis generibus morborum componunt. ita etiam et spiritales medici diuersis curationum generibus animarum uulnera sanare debent; Uetus namque proverbiun est; Contraria contrariis sanantur; Qui enim inilicita commisit a licitis cohercere se debet; Et qui per corpus peccat. per corpus et p\`{e}nit{e}at; Sed et hoc in omni p\`{e}n\'\textsc{I}\textsc{N}tentia sollerter est intuendum quanto quis tempore in delictis maneat. qua eruditione sit imbutus. quali inpugnatur passione. quali existat fortitudine quali uideatur aflig\'i lacrimabili\'e; Et non omnibus in una eademque libra pensandum est licet uno constringantur uitio. sed discretio sit inter diuitem et pauperem. liberum et seru\'em. iuuenem et senem. infirmum et sanum. hebetem et gnarum. in gladu \{
\textit{sic}\}\ sine in coniugio. uel sine uoluntate uel necessitate. uel casu in publico. uel in abscondito; Loca etiam et tempora discernantur; Et quanto quis tempore moratur in peccatis tanta ei augenda est p\`{e}nitentia; Uerumtamen superexaltet misericordia iudicio; {Iac 2:13} Ut basilius episcopus dicit;

\textsc{P\`{e}n\'\textsc{I}\textsc{N}tentem ex corde ita oportet suscipi. sicut dominus ostendit cum dicit;} Quia conuocat amicos et uicinos dicens; {Lc 15:6} Et item basilius dicit; Erga eum qui pro peccato non p\`{e}n\'\textsc{I}\textsc{N}tet tales. esse. debemus. sicut dominus pr\`{e}cepit dicens;

\textsc{Sit tibi sicut ... et publicanus;} {Mt 18:17} Et sicut apostolus docuit dicens;

\textsc{Subtrahite uos ab omni fratre ambulante inordinate. et non secundum traditionem quam tradidimus uobis;} {2 Th 3:6}

\textit{partial \textit{ed. FEHR, Hirtenbriefe, Anh. 3.34}}

\textit{I166; \textquotesingle diuersitas culparum ... lacrimabilitate\textquotesingle + \textquotesingle penitentem ex corde ... tradidimus uobis\textquotesingle: D171–72 — cf.}

Cambridge, Corpus Christi College, MS 201, p. 125; A96–7 (C100–01, D106–07), which draw on the same sources though less fully; Wulfstan\'s \textit{Admon.sp.doctr.}, which incorporates \textquotesingle erga eum ... et publicanus\textquotesingle;

C111/D168; C195; I166; O160; \`{q}ui per corpus peccat per corpus et p\`{e}nitet\textquotesingle: also in C111, C195, D171, O19, O160

Source (diuersitas culparum ... sanare debent)

PECU.700.pref. (\textit{ed. Schmitz}, 599, lines 1–6); PREM.700.pref. (\textit{ed. Asbach}, 7, lines 2–8); cf. PECU.700.pref. —


Source (uetus namque ... cohercere se debet)

Cambridge, Corpus Christi College, MS 201, p. 125; \`{u}etus ... sanantur\textquotesingle also in Coll.Wig.C 195 and Coll.Wig.O 160 —

PECU.700.pref. (\textit{ed. Schmitz}, 600, lines 15–17);

\(^{17}\) fletibus \textit{not} flectibus as Fehr
Source (et qui per corpus per corpus et pëniteat)
Cambridge, Corpus Christi College, MS 201, p. 125; also in
Coll.Wig.C 195 and Coll.Wig.O 160 — cf. PECG.700.13.11
(ed. Schmitz, 672, line 11); PECU.700.Redemptionstexte (ed.
Schmitz, 604, line 7); PREM.700.Redemptionstexte (ed.
Asbach, 13, lines 15–16)

Source (sed et hoc ... lacrimabilitate)
PECU.700.pref. (ed. Schmitz, 600, lines 17–20);
PREM.700.pref. (ed. Asbach, 9, lines 10–13) —
PCUM.600.epil. (ed. Bieler, 132, lines 22–4)

Source (et non omnibus ... discernantur)
PECU.700.pref., as in Coll.Wig.C 109/D 168;
Pontifical.Lanalet. (ed. Doble, 126–27); MS
A5, fol. 2v (ed. in
CED
III, 341 n. 34) | abbrev., rearranged

Source (et quanto ... augenda est pëniten
tia)
PECU.700.Redemptionstexte (ed. Schmitz, 602,
lines 2–3);
PREM.700.Redemptionstexte (ed. Asbach, 10, lines 9–10);
PCUM.600.9.4 — PGIL.600.14

Source (uernumtamen ... misericordia iudicio)
unidentified

Source (at basilius ... ouem et reliqua)
Coll.quad. 4.24; also in Coll.Wig.A 96 — BASIL–RVFINVS
Regula, 27 (ed. Zelzer, 75)

Source (et item basilius ... tradidimus uobis)
Coll.quad. 4.26; 'erga eum ... et publicanus'
also in
Coll.Wig.A 97 — BASIL–RVFINVS Regula, 28 (ed. Zelzer, 75)

[O162] ITEM.

Inter peccatum et crimen distantia est: Non enim omne peccatum crimen est. sed omne crimen peccatum est; In actione autem pëniten
tia ubi tale crimen commissum est. ut his qui commisit a
christi corpore separetur. non desideranda est mensura temporis
quam doloris; Cor enim
contritum et humiliatum. deus non spernit; {Ps 50:
19} Et nos quemquam a communione
prohibere non possumus. quamuis hęc prohibitio nondum sit mortalis sed medicinalis. nisi aut
sponte confessum. aut in aliquo siue sęculari siue ecclesiastico iudicio acusatum atque
conuictum; Oportet igitur ad pę
nitentiam accedere cum omni fiducia. et ex fide credere
indubitant
er pęnitentiam abolere posse peccata. etiam si in ultimo uitę spiritu pę
niteat; Extant
quoque pro quibusdam culpis modi pę
nitenti
iuxta quos cę
ter perpendę {sic} sunt culpę. cum sit facile per eosdem modos. uindictam et censuram canonum uestimare; Et
qui per blanda uerba doctrinę castigatus non corrigitur. acrius necesse est ut arguatur; Sed et qui
publice peccat. publice et pę
niteat; [p. 241]
(5) ed. FEHR, Hirtenbriefe, Anh. 3.35
1167 — cf. O160; 1172/O167, which adapts part of this text; O25, which (though perhaps directly dependent upon
Cambridge, Corpus Christi College, MS 201, pp. 125–26) appears to adapt this passage.
Source (inter ... crimen peccatum est)
PHAL.800.pref. (PL 105, col. 654C); Coll.Dach. pref. (ed. d’Achery,
510, lines 8–9) — AVG. Enchir. 17 (64) (ed. Evans, 84, lines 20–21),
adapted; cf. GREG.MAG. Moral.in Iob 21.12 (19) (ed. Adriaen, 1079,
lines 9–10)

Source (in actione ... non spernit)
PHAL.800.pref. (PL 105, col. 654C–D); 19 Coll.Dach. pref. (ed.
d’Achery, 510, lines 13–15) — AVG. Enchir. 17 (65) (ed. Evans, 84,
lines 29–31)

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18 Another English witness to PECG.700.pref., Paris, Bibliothèque nationale, Lat. 10575, does not share these
distinctive readings. On the possible significance of this, see above, p. 155.

19 Note that the PL edition reads somewhat differently: ‘ut is a Christi corpore, qui commisit, separatur’
[O163] DE INCESTUOSIS ET {pro add.; postea ras.} HOMICIDIS.

Istis itaque temporibus incestuosi. parricid. homicid. multi apud nos heu pro dolor repperiuntur. sed et qui ex illis sacerdotum nolunt admonitoribus aurem acommodare. volentes in pristinis perdurare criminales quos oportet per secularis potenti disciplinam a tam praua consuetudine cohercere. qui per salutifera sacerdotum monita noluerint reuocare quorum aliquos iam ex quo communicauimus sed illi hoc paruo tempore donec uiuit plangat et pantea ad regnum. quam sponte castigante...
saluandi. ne animę pro quibus ipse dominus passus est. in ęterna pęna dispereant; Alii uinculus et flagris. alii autem fame uel frigore constringendi sunt. alii quoque pellem. capillos. et barbam simul perdentes. turpiter obprobria sustineant. Alii uinculis et flagris. alii autem fame uel frigore constringendi sunt. alii quoque pellem. capillos. et barbam simul perdentes. turpiter obprobria sustineant. Alii adhuc acrius constringantur. id est membrum perdant. oculum uidelicet. uel nasum. manum. uel pedem. seu aliud aliquod membrum; Hieronimus dicit; Homicidas et sacrilegos punire non est effusio sanguinis. sed legum ministerium; Nocet itaque bonis. qui parcet malis; Unusquisque igitur prout gessit pęnas exsoluat. ne in ęternas incidat pęnas; Melius est enim ad vitam ingredi. et reliqua; cf. Mt 18:8

Et melius est ut quisque paruo tempore donec uiuit plangat et pęniteat. et pro peccatis ad tempus uerecundiam uel confusionem sustineat. quam ut postea ad supplicia ěterna perueniat; [p. 243]

[O166] INCIPIT EXEMPLUM DE EXCOMMUNICATO PRO CAPITALI CRIMINE. Penitenti qui publice peccauit. quamdui ut excommunicatus penituerit. cybus non detur in manus. sed in terra preponatur illi. et quod manducanti superfuerit. non recipiatur abi aliquo. sed neque pauperibus detur; Porcis itaque proiciatur uel etiam canes comedant; Qui etiam penitens balneo non lauet se. neque tondet. nec ungues incidat. nec instramentis dormiat. sed in pauimento nudo; Cilitio quoque indutus. inermis et nudipes incedat. die noctuque peccata plangat. et lacrimabili prece a domino ueniam petat; Ecclesiam non intret. pacis osculum non accipiat. a carne et uino et uxoris carnali copulatione abstineat. non communicet quamdiu pęnituerit. nisi morte preoccupatus fuerit: Sap 4:7 Quod si aliter agat. {agit corr.} canonum controvcrsio est; Similiter et qui excommunicato dampnatio est. et eam diutius sustinet; Similiter et qui excommunicato communicat. nisi ignarus rei sit excommunicetur et ipse; Segregandi sunt enim. mali 20 a bonis. ne pereant iusti pro injustis; Nec mirum si inter homines hęc ratio custoditur. cum inter iumenta haec fieri sępe cognouimus. ut ea quę scabiem. aut inpetiginem habere uidentur. separatur a[s]i[n]. {a sanis corr.} ne illorum morbo cętera pereant; Basilius episcopus dicit; Cum excommunicato. neque orare: neque loqui. neque uesci: cuique licebit; (ed FEHR, Hirtenbriefe, Anh. 3.39)

1171; last sentence: A77 (C81, D86) — ‘segregandi sunt ... cetera pereant’: cf. D270, which adapts this passage unidentified

unidentified, but cf. the phrase ‘laneo utatur vestimento ... et nudis pedibus/nudipes incedat’ used thrice by Pope John XVIII in Wulfstan’s collection of penitential letters (C235/D162, C237 and C238/D164); cf. also C220/D147: ‘ueniat cilicio indutus nudis apparentis pedibus’

20 mali a] corr. from in alia ?
Appendix XIII

Source (die noctuque ... excommunicetur et ipse) unidentified. Note: in Coll.Wig.I 171, ‘similiter et qui excommunicato damnatio est et eam diutius sustinet’ is omitted; Wulfstan later added ‘et maior excommunicationis damnati [sic] est et eam diutius sustinet’ above the line.

Source (segregandi sunt ... pro iniustis)

HINCMAR De divor.Lothar.regis et Theutberg.reginae, resp. 5 (ed. Böhringer, 140, line 19); Paris, Bibliothèque nationale, Lat. 3182 (Collectio Fiscani), p. 342a; Ps.-ISIDORE, Decretales, decretum Gregorii (ed. Hinschius, 752) — DGRE.590.†1334 (PL 77, col. 1326D)

Source (basilius ... cuique licebit)

Coll.Wig.A 77 — BEN.AN. Cod.reg. 17 (eds Holste–Brockie, 196), partial, abbrev. adapted

[O167] DE CONFESSIONE ET PÆNITENTIARUM ACTIONE.

Ebdomada proxima ante initium quadragesimæ con[p. 244]fessiones sacerdotibus dandæ sunt de omnibus peccatis quæ siue in opere. siue in cogitatione. siue in cœtigatione. siue in locutione perpetrantur. et secundum culpæ qualitatem pænitentia accipienda; Publica quoque crimina. publica lamentatione plangenda sunt. occulta autem peccata secreta satisfactione per uitæ correctionem. et iugem luctum solu sunt; Et in actione pænitentiæ ubi tale commissum est crimen. ut his {sic} qui commisit ab eœclesiæ ingressu et participatione corporis domini separetur. non tam consideranda est mensura temporis. quam doloris; Cor enim contritum et humiliatum. deus non spernit; {Ps 50:19} Quapropter unusquisque si vult saluus esse uiriliter confessionem peccatorum suorum agat. et non erubescat confiteri scelera et facinora se accusando. quia inde uenit indulgentia; Confessio enim sanat. confessio iustificat. confessio peccatis ueniam donat; In primis igitur prosternat se humiliter in conspectu dei super terram ad orationem. et lacrimas fundens. roget beatam mariam cum sanctis apostolis. et martiribus et confessoribus et virgínibus et omnibus electis dei. ut ipsi intercedant pro se ad dominum. ut deus omnipotens dignetur ei dare sapientiam perfectam. et ueram intellegentiam ad confitendum peccata sua; Christe audi nos; Sancta maria ora. Omnes sancti orate. et reliqua; Post hæc hæc {sic} cum fiducia surgens conﬁteatur pænitenþ credulitatem suam dicens; Credo in unum deum. et reliqua; Et post hæc incipiat confessionem cum timore domini. [p. 245] et cum magna conpunctione cordis. et pænitentiam suscipiat. secundum sacerdotale iudicium;

(catalog. FEHR, Hirtenbriefe, Anh. 3.40)

1172 — cf. 1167/O162

Source unidentified

Source (et in actione ... non spernit) Coll.Wig.I 167/O 162, adapted

Source unidentified

[O168] SECUNTUR PSALMI POST CONFESSIONEM.

Miserere mei deus; De profundis; Domine exaudi. kyrieleison; Pater noster; Peccauimus domine. Domine non secundum; Adiuua nos; Domine exaudi.

OREMUS. Præqueñiat hunc famulum tuum quizsimus 21 domine misericordiam {misericordia corr.} tua. ut omnes iniquitates eiu̇s c̄eleri indulgentiam {indulgentia corr.} deleantur; per.

21 quizsimus] qs with macron above
ALIA. Clamantes ad te deus dignanter exaudi. ut nos de profundo iniquitatis eripias. et ad gaudia sempiterna perducas; per.

ALIA Exaudi quœsimus {‘qs’ with macron above} domine supplicum preces et confitentium;

His peractis. statim sacerdos det ei monita salutis. et diuinis eum instruat dogmatibus unde incédat uiam ueritatis. et cautus exsistat. ne ad pristinum redeat uomitus et simul amittat remissionem presentis uitæ et futuræ sed oret assidue et elemosinam det in quantum uaelet. ieiunium amet. uigiliis cum sanctis orationibus insistat. castitatem tam corporis quam animæ teneat. et super omnia caritatem habeat;

(catalog. FEHR, Hirtenbriefe, Anh. 3.40)
I173
Source unidentified

[O169] QUALITER QUARTA FERIA. IN CAPITE IEIUNII CIRCA PEÑITENTES.
Quibus pro diuersis criminibus peñitentia est subeunda die præfata. id est quarta feria in capite ieiunii ad sedem episcopalem discalciati. laneisque induti conueniant. et domno pontifici causam pro cæteris peñitentibus eorum; Quibus peñeras. propter se episcopus cum ipsis peñitentibus coram altari in pauimento ecclesiæ circumstanti clero simul cum eo UU peñitentiales psalmos. uel minusue decantando. atque post finem psalmorum erigens se dicat preces et orationes que in sacramentorum libro continentur; Tunc fiat sermo ad peñitentes ex euangelio. duo homines ascenderunt. deinde pontifex incipiat. Antiphonam. In sudore uultus tui uesceris pane tuo plagens peccata tua cum pacientia magna; {on swate andwlitan ðines beheofygende} Psalmus Beati quorum; Et sic uniuersis psallentibus procedat cum eisdem peñitentibus usque ad hostium ecclesiæ. dataque manu educat eos extra limen domus dei; Uel sicut quibusdam placet. cum peruenerint ad chori ianuam post finem antifonæ dicat diaconus cum peñitentibus Flectamus genua; Et diaconus cum episco po positus. Leuate. et episcopus; Exaudi nos christe. Tunc dexter chorus; kyrrieleison; Sinisterque chorus; Christe eleison. Tunc omnes simul. kyrrieleison; Itemque episcopus. Antiphonam. In sudore; Et cum peruenerint ad hostium intra ecclesiæ post finem. antiphone dicat diaconus: Flectamus genua. et reliqua. ut supra; Itemque episcopus. Antiphonam. In sudore. dataque manu trahit {sic} peñitentes extra limen domus dei. et finita. Antiphona. dicit diaconus extra ecclesiæ cum peñitentibus constitutus. Flectamus. et reliqua. hisque peractis. et orationes sicut in sacramentario contineantur; Hic legatur lectio. Tunc semo ad populum;

Audite fratres karissimi. Omnes uos in commune admonemus ex auctoritate dei patris. ut confessionem peccatorum et ueram peñitentiam agatis. et ut hoc quadragesimale tempus inuiolabiliter obserueatis. sacerdotibusque et peccatoribus salutis uestre ut humiliter obtemperetis. quia angelus id est nuñtius de uocatus est sacerdos; Et nobis qui nuñtii sumus deu quamuis indigni. dictum est a domino; Qui uos audit. me audit. et qui uos spernit. me spernit; et

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22 beheofygende] not behreowsygende as in Fehr
23 geðýlde mycclon] these two words between quotation marks (‘...’
Sermo in Quadragesima.

rēliqua; {Lc 10:16} Igitur fratres. quiescite agere peruersę. discite bene facere; {Is 1:16–17} Declinate a malo. et facite bonum; {Ps 36:27} Sobrii estote et uigilate. quia aduersarius uester diabolus tamquam leo rugiens. circuit quęren quem deuoret; Cui resistite fortes in fide. et reliqua; {1 Pt 5:8–9} Apprehendite loricam igitur iustitię. et galeam salutis. et gladium spiritus. quod est uerum deu; {Eph 6:14–17} Conuertimini igitur fratres karissimi. ad dominum deu in toto corde uestro. {cf. Ioel 2:12} et de dei misericordia numquam despetare; Ipse [p. 248] enim dicit; Nolo mortem peccatoris. sed ut magis conuertatur et uiuat; {Ez 33:11} Et in quacumque hora peccator conuersus fuerit et ingemuerit. saluus erit; {cf. Ez 33:12} Hinc etiam et in euangelio ait; Gaudium erit in cęlo super uno peccatore peñitentiam agente; et reliqua; {cf. Lc 15:7; 15:10} Scito etiam fratres quod nihil adiuuat peñitere. si post peñitentiam reuertitur homo ad pristinum uomitum; Ergo cum humilitate et puritate cordis peñitemini. et deprecamini pium deum ut respiciat uos atque dignaner recipiat uestręm humilitatem; Prouidete etiam ut peñitendo atque ieuinando. non cadatis in aliquid criminaele peccatuum. quia ille homo qui ieunat et peccat similis est diaboło semper ieuinnanti et peccanti; Sed et hoc debetis obseruare in uestra peñitentia. ut illud faciatis ieuinium quod deo sit placabile; Ebrietaetem autem semper cauete. quia ebrīetās nullum uitium excusat. sed omnia peccata generat. et est magnum et criminaele peccatuum; Uos inquam fratres. non obseruatis aliquando recte ieuinium. per quod debetis uincere diabolum. sed sepe infringitis. et non cogitatis quod sancti canones precipiunt. ut qui infringit unum diem. in quadragesimo. XL dies pro uno die soluat auctori deo; Dies enim iste. decims sunt anni dierum; pe infringitis. et non cogitatis quod sancti canones precipiunt. ut qui infringit unum diem. in quadragesimo. XL dies pro uno die soluat auctori deo; Dies enim iste. decims sunt anni dierum; Gulaµm itaque semper contemptite; Propter ingluuiem enim et gulositatem fuit eiecutus adam de paradiso; Et nos si volumus nostram recipere hereditatem. id est paradisum. necesse est [p. 249] ut per aliam uiam. hoc est per ieuinium et abstinentiæ reuertamur ad eum; Adam enim legem domini sui peuexarat usis comendex in ligno prohibito. et propteræa eiecut eum dominus de paradiso in exilio huius uitę. ubi multex labores sustinuit. et post uitę huius labores gehennaliter est dominus deu erat. et de dei misericordia numquam despetare; Ipse [p. 248] enim dicit; Nolo mortem peccatoris. sed ut magis conuertatur et uiuat; {Ez 33:11} Et in quacumque hora peccator conuersus fuerit et ingemuerit. saluus erit; {cf. Ez 33:12} Hinc etiam et in euangelio ait; Gaudium erit in cęlo super uno peccatore peñitentiam agente; et reliqua; {cf. Lc 15:7; 15:10} Scito etiam fratres quod nihil adiuuat peñitere. si post peñitentiam reuertitur homo ad pristinum uomitum; Ergo cum humilitate et puritate cordis peñitemini. et deprecamini pium deum ut respiciat uos atque dignaner recipiat uestręm humilitatem; Prouidete etiam ut peñitendo atque ieuinando. non cadatis in aliquid criminaele peccatuum. quia ille homo qui ieunat et peccat similis est diaboło semper ieuinnanti et peccanti; Sed et hoc debetis obseruare in uestra peñitentia. ut illud faciatis ieuinium quod deo sit placabile; Ebrietaetem autem semper cauete. quia ebrīetās nullum uitium excusat. sed omnia peccata generat. et est magnum et criminaele peccatuum; Uos inquam fratres. non obseruatis aliquando recte ieuinium. per quod debetis uincere diabolum. sed sepe infringitis. et non cogitatis quod sancti canones precipiunt. ut qui infringit unum diem. in quadragesimo. XL dies pro uno die soluat auctori deo; Dies enim iste. decims sunt anni dierum; Gulaµm itaque semper contemptite; Propter ingluuiem enim et gulositatem fuit eiecutus adam de paradiso; Et nos si volumus nostram recipere hereditatem. id est paradisum. necesse est [p. 249] ut per aliam uiam. hoc est per ieuinium et abstinentiæ reuertamur ad eum; Adam enim legem domini sui peuexarat usis comendex in ligno prohibito. et propteræa eiecut eum dominus de paradiso in exilio huius uitę. ubi multex labores sustinuit. et post uitę huius labores gehennaliter luit. donec christus qui mundum redemit eum inde liberauit. et ad paradisi gaudia reduxit. Quo exemplo edoceti. nos expellimus peuexarat cres. et criminali culpa culpables. extra limen domus domini. ecclesiasticusque introitus eis prohibetur. quoadusque publica peñitentia peracta. pontificile concessionis in sinum matris ecclesiæ. iterum recipiantur. sicut adam post diutanam peñitentiam. et longi temporis luctum. receptus est in paradisum ad consortium sanctorum; Ad quorum etiam consortio nos christus perducat. qui cum ęterno patre et spiritu sancto uiuit et regnat; Hoc sermone completo. accipiens pontifex per manus singulos peñitentes. propriis sacerdotibus consignet. quod si sacerdos defuerit. archidiacono seu decano qui iniunctam sibi peñitentiam solleti curam {sic} prouideant. atque in U feria quę est dominica cena ad metropolitanam sedem iterum domno pontifici reconcognit

Source (quibus pro ... in sacramentario continentur) unidentified
Source (tunc fiat sermo ... homines ascenderunt) unidentified
Source (uel cantores ... sancta maria ora) unidentified. Note: this passage probably omitted from 1179 due to homoioteleuton.
Source (audite fratres ... pontifici reconcognit) unidentified

[O170] SERMO IN QUADRAGESIMA.
De humilitate et de obedientia oportet uos fratres commoneri. ut istas bonitates ambas simul teneatis. et habeatis in corde et ore et in opere; Nam humilitas sine obedientia non est humilitas. sed magna superbia; Nos uero si ueram humilitatem uolumus habere. estiamare nos debemus esse [p. 250] terram et cinerem. sicut faciebat ille qui dicebat; Loquar ad dominum meum. cum sim puluis et cinis; {Gn 18:27} Et quia primus homo per superbiam ejectus est de paradiso. dominus noster per suam humilitatem homines collocavit in ceelo; Igitur omnes inuicem humilitatem insinuante. quia deus superbis resistit. et humilibus donat gratiam suam; {1 Pt 5:5} Ergo unusquisque homo qui uult habere humilitatem. necesse est ut simul habeat obedientiam preceptionis dei; Hoc autem exemplum legimus in domino nostro iesu christo fuisse. dum scriptura de ipso domino dicit; Humiliauit semetipsum et reliqua; {Phil 2:8} Quare dixit usque ad mortem? quia nihil uale homini incipere bonum opus. nisi perseuerauerit in bonitate usque ad mortem suam; Non promittit deus hominibus bona opera incipientibus uitam eternam. sed perseverantis illam; Sunt certe multi homines qui dicunt se habere humilitatem apud deum. sed despiciunt obedientiam mandatorum dei. et propterea mentiuntur. quia non sunt humiles sed superbi; Deus enim omnipotens ieiunauit pro nobis XL diebus et noctibus et permisit diabolo ut temptaret eum. et uos non dignamini ieiunare tempore statuto propter salutem animae; si [si corr.] dominus superavit et uict; Numquam certe diabolum neque consuetudinem peccandi superabitis. nisi per ieiunium [p. 251] et per orationes. teste domino ac dicente in euangelio; Hoc genus non eicitur. nisi in oratione et ieiunio; {Mt 17:20} Adtendite fratres et memorate hoc quod ipse dominus noster terribiliter clamat dicens; Qui non baiulauerit crucem suam cotidie post me. non est me dignus; {Lc 14:27} Id est ille homo qui aliquam afflictionem carnis suae obiecit. qua non sustinuerit propter me. non est dignus uita eternam; Nam christus sicut ipse dicit. ego sum ueritas et uita. ipsa est uita eternam; Quomodo igitur non affligis tu corpus tuum maxime in tempore ieiunii cum alios fideles uides ieiunare. et ecclesias circuire per orationes. et tu curris mane ad tabernas? certe et multi sunt in hoc seculo. qui numquam recte unam quadragesimam ieiuauerunt; Sed quid erit de illis talibus? si uolunt. esse. salui. faciant quod sancti canones commendant; Qui infregerit unum diem in quadragesima. et quot dies infregerit. tantas alias quadragesimas ieiunet usque ad uesperam. ab ipsis cybis abstante quas in XL abstinere debet; Nos fratres qui sumus episcopi. et uestri sacerdotes et presbiteri. nos tenemus locum christi. et sanctam uicarii eius; Ac propterea dixit dominus; Qui uos audit. me audit; Et qui uos spernit. me spernit; {Lc 10:16} Ergo scito ueracer. quia numquam erit fides humanis. si nostras admonitiones despexeritis; Sed obsecramus uos ut sacerdotibus dei et predicatoribus salutis animae uestrae humilitatem obedientiam {p. 252} quia ipsi pro uobis rationem reddirentur sunt deo. cum iudex uiuorum et mortuorum uenerit iudicare seculum per ignem; Portate igitur crucem post iesum. id est afflictionem corporis sustinet. iurante domino nostrum; Illi enim crucem portant post iesum. qui tribulationem sustinient in diuino servitio pro amore domini. id est in uigiliis. in ieiunibus. in frigoriis in fletibus et compunctionibus atque in orationibus assiduis. corpus castigantes. et domino seruientes. sicut quidam boni clerici uel monachi. faciunt. qui cum signum sonat medie noctis. statim suauem lectos et dulces somnos dimittunt. et ad ecclesias festinant. nocturnas horas celebraturi. uigilantque in orationibus usque seriem. et ieiunant alii usque ad meridiem. et sepe ad nomam. excepta quadragesima. quando ieiunant usque ad uesperam. affligentes corpus proprium. pro eterna requie; horum igitur sequamini exemplum. quo mereamini consortis eorum perfuiri. in iocunditate perpetua. eo prestante qui uiiuit et regnat per omnia secula seculorum amen;

(catalog. FEHR, Hirtenbriefe, Anh. 3.44)
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cf. Copenhagen, Kongelige Bibliotek, Gl. Kgl. Sam. 1595 (4°), fols 39r–40v (coll. 'C') ÖNNERFORS, Abbo von Saint-Germain-des-Prés, Sermo 12, pp. 118–22), sharing a number of peculiar readings found also in this text; O160

Source (de humilitate ... admonitiones despeheritis) Abbo Sangerm. Sermo 12 (ed. Önnérfors, p. 118 line 1–p. 120 line 13), as in Copenhagen, Kongelige Bibliotek, Gl. Kgl. Sam. 1595 (4°), fols 39r–40v. Note, in Önnérfors’s text, the significantly different readings ‘quomodo affligis tu ... et tu curris mane te ipsum inebriare ad tabernas?’ and ‘nos fratres qui sumus clerici, episcopi et sacerdotes, nos tenemus ...’

Source (sed obsecramus ... seculum per ignem) unidentified; cf. Coll.Wig.I 180/O 169 second part: ‘sacerdotibusque et predicactoribus salutis uestr ut humiliter obtemperetis’

Source (portate igitur ... imitando dominum nostrum) Abbo Sangerm. Sermo 12 (ed. Önnérfors, p. 120 line 1–p. 121 line 1), adapted

Source (illí enim crucem ... amore domini) Abbo Sangerm. Sermo 12 (ed. Önnérfors, 121, lines 4–6), adapted

Source (id est in uigiliis ... domino seruientes) unidentified; cf. Coll.Wig.C 195 and Coll.Wig.O 160: ‘hoc est in uigiliis in ieiunis in fletibus in orationibus assiduis et elemosinis multis’

Source (sicut quidam boni ... pro eterna requi) unidentified; cf. ABBO SANGERM. Sermo 12 (ed. Önnerfors, 121, lines 2–13): ‘qui uiuit et regnet [sic] per omnia secula seculorum. amen’

Source (horum igitur sequamini ... seculorum amen) unidentified; cf. ABBBO SANGERM. Sermo 12 (ed. Önnerfors, 121, lines 2–13): ‘qui uiuit et regnet [sic] per omnia secula seculorum. amen’

[O171] QVALITER PÉNITENTES IN CÆNA DOMINI IN ÉCCLESIAÍM INTRODUCUNTUR. {sic}

Secundum morem orientalium ëcclesiarum conueniunt omnes qui pro diuersis criminibus pënitentia sunt damnpati. et ab ingessu æcclesie priuati. ad metropolitanam sedem. et hora diei [p. 253] IIIa collecti omnes ante ianuam basilicæ. discalciati laneisque induti expectent; Tunc episcopus cum çeteris ordinibus indutus egreditur. et duo diaconi similiter induti. unus cum pënitentibus alter cum eçepisco positus. et dicat diaconus cum eçepisco positus; Dicite quare uenistis. Et diaconus cum pënitentibus Indulgentiæ causa; Et sedens circumstantibus clericis incipit ipse domnus pontifex sonora uoce initium sequentis antiphonæ; Uenite. et dicit diaconus cum pënitentibus positus. Flectamus genua; Et diaconus cum pënitentibus dicit. Leuate; Et eçepicus. Exaudi nos christe. Tunc dexter chorus. kyrieleison. Sinisterque chorus; Christe eleison; Tunc omnes simul. kyrieleison. Pater noster. Preces pro peccatis; Iterum autem éçepicus residens. repetat bis canendo; Uenite. uenite; Et item diaconus cum pënitentibus Flectamus genua; Et alius diaconus cum eçepisco positus. Leuate; Et éçepicus. Exaudi nos christe; Tunc dexter chorus. kyrieleison. Sinisterque chorus; Christe eleison; Tunc omnes simul. kyrieleison. Pater noster. Preces pro peccatis; Iterum autem éçepicus residens. repetat bis canendo; Uenite. uenite; Et item diaconus cum pënitentibus Flectamus genua; Et alius diaconus cum eçepisco positus. Leuate; Et éçepicus. Exaudi nos christe; Tunc dexter chorus. kyrieleison. Sinisterque chorus. christe eleison; Tunc omnes simul. kyrieleison. Pater noster. Preces pro peccatis; Tunc residente éçepico. legat diaconus positus cum eçepico lectionem hanc; 24

Vere fratres karissimi. hoc debeat scire unde fuit inceptum [p. 254] hoc exemplum. ut éçepici peccatores homines eicerent de æcclesia in capite ieiunii. et iterum post completam

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24 A space has been left here where a rubric may have been intended.
Appendix XIII

dignam pœnitentiam. in censa domini recipierent ipsos peccatores in ecclesia; Nam quando dominus noster. qui est deus omnipotens fecit primum hominem adam: totum illum fecit sanctum et iustum et immortalem; Sanctitas autem et iustitia. et immortalitas. fecerunt adam habere imaginem et similitudinem dei; Et propterarum dixit deus. antequam crearet Adam; Faciamus hominem ad similitudinem nostram. {Gn 1:26} hoc est faciamus hominem sanctum. et iustum. et immortalam; Et istam suam imaginem nos commendat dominus habere. quando dixit in euangelio; Estote sancti. quia et ego sanctus sum; {Lv 11:44; 19:2; cf. 1 Pt 1:16} Ergo quia deus tam bonum et tam sanctum fecit Adam. propterarum legimus quia misit eum in paradiso. ut operaretur et custodiret illum; In ipso autem paradisio dedit ei dominus omnem gloriam; Ibi uidiebat angelos et loquebatur cum illis. et numquam moreretur si non peccasset; Ibi audiebat dominum secum loquentem et talem obediendum sibi commendatam. ut numquam comederet de ligno scientie boni et mali; In ipsa uero hora qua peccavit Adam. eiecit eum dominus. qui est episcopus episcoporum foras de paradiso. et dixit illi; In sudore uultu eius transirent ad cælestem patriam; Et certe sic facerent. si Adam non peccasset; Fratres ipsum exemplum domini nostri Iesus Christus tenemus nos sanctos in ecclesia; Peccatores uero tenent exemplum ade; Uerbi gratia; Sicut filius dei misit Adam. sanctum. et iustum in paradiso. similem nos et omnem sacerdotem. mittimus in ecclesiæ homines {p. 256} sanctificatos. et iustificantos in baptismo; Curt mittimus eos homines in ecclesiæ qui iam facti sunt sancti per baptismum. propter ipsam causam. pro qua misit dominum Adam in paradiso. ut in ipso paradyso nascerentur omnes electi. et operarentur uoluntatem dei. usque ad plenam senectutem et de illo transirent ad cælestem patriam; Et certe sic facerent. si Adam non peccasset; Fratres ipsum exemplum domini nostri Iesus Christus tenemus nos episcopos in ecclesiæ; Peccatores uero tenent exemplum ade; Uerbi gratia; Sicut filius dei misit Adam. sanctum. et iustum in paradiso. similem nos et omnem sacerdotem. mittimus in ecclesiæ homines}; {p. 256} sanctificatos. et iustificantos in baptismo; Curt mittimus eos homines in ecclesiæ qui iam facti sunt sancti per baptismum. propter ipsam causam. pro qua misit dominum Adam in paradiso. ut in operaretur et custodiret illum paradysos; Similiter et nos sacerdotes propterarum mittimus homines baptizatos in ecclesiæ. ut omni tempore operarentur in ea uoluntatem dei. et custodiant illam ecclesiæ. hoc est christianitatem; Deus omnipotens donauit Adam legis quam debuit observare per obedientiam; Qualem legem? ut non manducaret de arbore scientiæ boni et mali; Similiter et deus donat per nos uobis legem quam debetis servare in ecclesiæ; Quam legem uobis legem quam donatur per nostram admonitionem? non occides. non mecharis. non adulterabis. non furtun facies. non falsum testimonium dices. non perierabits; Diliges dominum deum tuum ex toto corde tuo. et diliges proximum tuum sicut te ipsum; {cf. Ex 20:13; Rm 13:9} Fratres ista omnia precepta uobis donant dominus per nos. ut custodiatis illa et operemini per obedientiam; Sed quid fecit dominus de Adam pro eo quod non custodiuit obedientiam? certe eiecit eum foras de paradyso plorantem et lugentem et inimis contristantem; Similiter et nos episcopi propterarum quia uos non custoditis obedientiam preceptorum dei. propterarum eicimus uos foras de ecclesiæ. et cantamus post uos hoc quod dominus cantavit post Adam {p. 257} quando expulit eum de paradysos; In sudore uultus tuui. et reliqua; {Gn 3:19} Sed quid fecit Adam postquum fuit ejectus de paradiso? certe et multam dignam pœnitentiam fecit Adam ut dignus esset quo deus recipieret eum in paradysos; Et uos
similariter fecisti penitentiam in ista quadragesima quo uos sitis intrare in ecclesiam. et communicare corpori et sanguini domini. et propitrea uos gaudenter recipit sancta mater ecclesia inter suos filios. qui sunt filii dei adoptiuis hoc est electi; Hoc tamen debetis scire. quia sicut beatus ambrosius dixit. nullus episcopus potest absolvere penitentes. nisi ipsa penitentia eorum fuerit digna de absolutione; Et propitrea uobis dicimus hoc. ut si non habetis adhuc illum penitentiam factam quæ deo placet. ex uesta uoluntate perficite illum; Et si non potestis ieiunare. uel elemosinam potestis facere. quæ liberet {sic} uestras animas de inferno; Et debetis hoc adtendere. ut uos unquam non faciantis plus de penitentia nisi quantum uobis fuerit commendatum; Sed de uesta uoluntate debetis plus facere sicut faciebant sancti. qui portabant cilitia et abstinebant a carne et a uino. et ieiunabant usque ad uesperam. propter desiderium uitae æterne; Fratres iam modo est adam receptus in ælesti paradoxy. propter multam et laboriosam penitentiam quam fecit; Et propter ipsam penitentiam meruit ac[p. 258]cipere societatem cum deu fidelibus redemptis de sanguine christi; Et uos deo gratias hodie propter penitentiam estis recepti in ecclesiis. quasi in padisum; {paradisum corr.} Et quia uos conuenistis in ista die ad recipiendam societatem sanctæ æclesiæ. et ad absolutiorem de uestris peccatis. et ideo uenistis cum toto desiderio ut uos possitis recipere tam magnum gaudium de pascod? ieiunantes usque ad uidam uoluntatem; quasi in padisum cum ipsis canens. UII pueri fuerint. et in loco designato ordinatim positi. tunc et ipse pontifex ingrediens prosternat se simul nitentibus suscipiens in ecclesiam. adiuuante qui uitit et regnat in ssa domini; Fratres commendatum a uobis absolutionem de uestris peccatis. beatus ambrosius dixit inter suos filios communicare corpori et sanguine christi; similiter communicatis de corpore et sanguine christi; frater commendatum adeo de uestris peccatis. beatus ambrosius dixit inter suos filios communicare corpori et sanguine christi; similiter communicatis de corpore et sanguine christi. sed humili quom possitis communicare de corpore et sanguine christi; frater commendatum adeo de uestris peccatis. beatus ambrosius dixit inter suos filios communicare corpori et sanguine christi; similiter communicatis de corpore et sanguine christi.

Post finem lectionis surgens episcopus faciat uerbum exortatorium ad ipsos penitentes de eadem lectione; Sequatur communis oratio pro penitentiibus; Hac expleta: coniungens se episcopus liminis æclesiæ uoce excelsiori repetit. pretitulatam antiphonam omnibus eam noratum modulantibus. Antiphona. Uenite. uenite. uenite filii audite me timorem domini uel plures diaconi. pre foribus basilic stantes. ex quorum manibus domnus pontifex ipsos docebo uos. sonoratim modulantibus. Antiphona. Uenite. uenite. uenite filii audite me timorem domini. in domino laudabitur. Magnificate; Præfati uero duo. uel plus minusue agentibus predictis {predictis corr.} duobus diaconibus letaniis; Christe audi nos. Sancta maria ora. Qua peracta. erigens se post finem ... ad propria

Note: neums have been added to portions of this text.

(partial ed. FEHR, Hirtenbriefe, Anh. 3.4.5–6; ‘vere fratres karissimi ... sæcula sæculorum AMEN’: ed. BETHVRVM, Homilies, Appendix I)

cf. 1181, which lacks ‘multi enim ... atque soluendi’ and which only references the Abbonian sermon that here comprises the second part; second part: 1174 and London, British Library, Cotton Vitellius A. vii, fol. 65v–68r, which abbreviates the same source differently; Copenhagen, Kongelige Bibliotek, Gl. Kgl. Sam. 1595 (4°), fols 26r–30r; 1181, which references this sermon; ‘et propitrea post apostolos ... plantes in domo domini’: D270, which adapts this passage; cf. the Old English translation in Corpus 190, pp. 353–59 (ed. BETHVRVM, Homilies, Appendix I) and Wulfstan’s Sermo 15. Note: the rubric for this text is similar to one found in the table of contents for Coll.Wig.B in A1, p. vii.

Source (secundum ... lectionem hanc)  
Source (vere fratres ... in sæcula sæculorum AMEN)  
Source (post finem ... ad propria)
Appendix XIII

Source (multi enim utile ... atque soluendi)  Coll. quad. 4.3 and 4.5, partial, adapted.; also in WYLFSTAN Sermo 10b (ed. Bethurum, 197, lines 86–90) and Sermo 10c (in MSS A3 and Cambridge, Corpus Christi College, MS 201 only [in MS A3 as part of marginal addition by Wulfstan]; ed. Bethurum, 206, note to line 115); ‘multi enim utile ...
absolutione soluatur’ also in O26

[O172] UERSVS IN CENA DOMINI QVANDO CRISMA DE SECRETARIO PORTATVR. HOC EST ANTEQUAM AD MISSAM DICATUR. PER QUEM HЄC OMNIA DOMINE SEMPER BONA CREAS. SANTIFICAS.
O redemptor summe {sume corr.} carmen temet concinentem; {concinentium corr.} Audi iudex mortuorum;
ET EA QUЄ SECUNTUR;
Note: neumes have been added to this text
(partial ed. FEHR, Hirtenbriefe, Anh. 3.47–8; coll. [partial, as Ek] WALPOLE, Early Latin hymns, 342)
first part: cf. 1182

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There follows in A1, pp. 264–91 Defensor’s Liber scintillarum 1.1–80.20 (with some abbreviation) and Adso’s De ortu et tempore Antichristi. The following three post-Conquest texts were added to A1, pp. 292–94 by a hand of s. xi and, perhaps under the direction of Bishop Leofric of Exeter; see Hill, ‘Two Anglo-Saxon bishops at work’, 154. O175 is possibly written by a different scribe than O173–74.

[O173] [p. 292] CELEBRATI CAPITULA CONCILII APUD UUINTONIAM.
(coll. [as ‘A’] BRETT–BROOKE, C&S, Ii, 575–76)
London, British Library, Cotton Tiberius C. i, fol. 202r–v (SPELMAN–DVGDAL, Concilia, II, 12); Montpellier, École de Médecine, MS 304, fol. 24r–v (eds LABBÉ–COSSART, Sacrosancta concilia, X, cols 311–12); Oxford, Bodleian Library, Junius 121, fols 2v–3r
Source CWIN.1070

[O174] CAPITULA CONCILII APUD UUINDLESORA CELEBRATI IN PENTECOSTEN.
De introitu episcoporum et abbatum per symoniaacam heresim. De ordinationibus passim factis et per pretium. De uita et conuersatione corundem. Quod episcopi bis concilia. [**] {[*]*} ras.
Appendix XIII

[0175] DE PÆNITENTIA IN BELLO HOMINES OCCIDENTIUM.

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25 pæneat] corr. to pæneat?
Appendix XIII


Source

Text on the bottom half of A1, p. 294 has been erased and over it has been added by a hand of s. xvi the Latin preface to Ælfric’s Letter to Bishop Wulfsige (ed. Fehr, Hirtenbriefe, 1). The Old English text of this letter begins on the following page (p. 295), which is the beginning of Part B of Corpus 190.