

ALCUIN AND ALFRED: TWO ANGLO-SAXON LEGAL REFORMERS

BRYAN CARELLA

A dissertation submitted to the faculty of the University of North Carolina at Chapel Hill in partial fulfillment of the requirements for the degree of Doctor of Philosophy in the Department of English.

Chapel Hill
2006

Approved by:

Advisor: Patrick P. O'Neill

Reader: Theodore H. Leinbaugh

Reader: H. Craig Melchert

Reader: Richard W. Pfaff

Reader: Joseph Wittig

© 2006
Bryan Carella
ALL RIGHTS RESERVED

ABSTRACT

BRYAN CARELLA: Alcuin and Alfred: Two Anglo-Saxon Legal Reformers
(Under the direction of Patrick P. O'Neill)

In this dissertation, I examine the use of scripture in the legal documents composed by two early Anglo-Saxon intellectual figures, Alcuin of York and king Alfred of Wessex. In my introductory chapter, I begin with some general background on the topic, including the relationship between secular and ecclesiastical law, and I explain my methodology.

In chapter two, I consider the Legatine Capitulary of 786, a collection of twenty canons produced by a legation sent to England by pope Hadrian to address certain abuses. This document was composed during Alcuin's first return visit to York after he left for Charlemagne's royal court, and there has been ongoing debate about the extent of his role in drafting it. By comparing the scriptural passages quoted in this text with parallel quotations in the remainder of Alcuin's work, I show that he had significant influence on these canons.

Next, in chapter three, I consider the debate over the source of Alfred's extended translation from Exodus that serves as an introduction to his law code. While Fournier argued almost a century ago that Alfred used a Hiberno-Latin tract known as the *Liber ex lege Moysi*, his thesis has remained unproven. I construct a working edition of the *Liber* and compare it to Alfred's Prologue. My analysis not only upholds Fournier's thesis, but

also shows that Alfred was using the *Liber* in a way consistent with the ideology of the Irish Church of the time.

In my final chapter, I draw some general conclusions about the use of scripture in Anglo-Saxon law. Specifically, I look at (1) the implications of using Latin or the vernacular for a law code, (2) the way Anglo-Saxon legalists perceived the relationship between the Old and New Testaments, and (3) how scripture could be used to justify legal reform. Finally, I end with some thoughts about future research in this area.

TABLE OF CONTENTS

List of Abbreviations.....	vi
Chapter	
I. INTRODUCTION.....	1
II. ALCUIN AND THE LEGATINE CAPITULARY OF 786.....	17
III. THE SOURCE FOR THE PROLOGUE TO THE LAWS OF ALFRED.....	54
IV. CONCLUSIONS.....	87
APPENDICES.....	99
I. Translation of the Legatine Capitulary of 786.....	99
II. Transcription of the portion of the <i>Liber ex lege Moysi</i> that corresponds to the Prologue to the Laws of Alfred.....	120
IIIa. Reconstructing a Lost Homily on Ecclesiasticus 5.8.....	128
IIIb. Translations of Homiletic Works in Appendix IIIa.....	157
BIBLIOGRAPHY.....	165

LIST OF ABBREVIATIONS

Certain abbreviations specific to individual chapters are listed at the end of that chapter (see, in particular, the list of sigla referring to biblical MSS and the list of abbreviations for Alcuin's works at the end of chapter two). Below, I have included abbreviations for common works I have used throughout the dissertation.

- CCSL *Corpus Christianorum, Series Latina.*
- CLA E.A. Lowe. *Codices Latini Antiquiores*, 11 vols. and supplement. Oxford: Clarendon Press, 1934-71.
- CMA *Gallia* M.-H. Jullien and Françoise Perelman. *Clavis Scriptorum Latinorum Medii Aevi: Auctores Galliae, 735-987*. Turnhout: Brepols, 1994-.
- CPL E. Dekkers, and E. Gaar. *Clavis Patrum Latinorum*, 3rd ed. Turnhout: Brepols, 1995.
- CPPM J. Machielson. *Clavis Patristica Pseudepigraphorum Medii Aevi*. Turnhout: Brepols, 1990-.
- MGH Capit. *Monumenta Germaniae Historica, Capitularia Regum Francorum.*
- MGH Epp. *Monumenta Germaniae Historica, Epistolae.*
- MGH LL *Monumenta Germaniae Historica, Leges*
- MGH SS rer. Merov. *Monumenta Germaniae Historica, Scriptores rerum Merovingicarum.*
- PL *Patrologiae Cursus Completus, Series Latina*

CHAPTER 1

INTRODUCTION

I. Scope and Purpose

At the outset, my intent in this project was to examine the use of biblical quotations in Anglo-Saxon law, beginning with the Laws of Æðelberht and continuing until just after the Conquest, roughly from 600 to 1100. I had planned to include not only the secular laws, but also ecclesiastical works, such as those by Theodore and Wulfstan. My goal was not simply to create a catalog of scriptural citations in these documents (though that would be my starting point), but to analyze the function of these quotations as well. After doing so, I hoped to arrive at some general conclusions about the use of scripture by Anglo-Saxon jurists throughout the Old English period: what text(s) of the bible they were using, how secular law related to ecclesiastical law, and what their choice of biblical quotations might reveal about their sources.

Very early on, I realized this goal was well beyond the scope of a single dissertation. Several issues led me to this conclusion. My first problem had to do with my data set. While there are very few scriptural quotations in the vernacular laws, my definition of “law” includes ecclesiastical codes in Latin as well; and these documents are often replete with biblical quotations. Thus, it was either feast or famine when it came to scriptural quotations in Anglo-Saxon legal documents, and I came to understand that merely cataloging them would not provide the kind of data I needed to answer the sort of questions I outlined above.

Before going any farther, it is necessary for me to explain a bit more about my definition of “law,” since the one I use differs from others in the field. The late Patrick Wormald, for example, whose scholarship has set the groundwork for Anglo-Saxon legal studies in recent decades, defined law as “written decrees by secular authority with ostensibly general application.”¹ Ruling out ecclesiastical law in this way, however, seemed, to me, an artificial gesture, especially for the kind of project I was conducting. To me, it seemed more fruitful an approach to look for connections between the two bodies of law rather than assert their differences. For this reason, the definition of “law” I use in this study expands fundamentally upon Wormald’s. Mine removes the word “secular,” from his definition, thus including the relatively large body of ecclesiastical documents which existed alongside, and, to a certain extent, operated in tandem with the secular codes.

For a host of reasons, I felt that narrowing my project by ruling out ecclesiastical texts, even if I were to widen the body of secular documents I included in my study, would not provide the kind of data I hoped to gather. First of all, Anglo-Saxon laws, whether secular or ecclesiastical, were usually enacted in the presence of and with the sanction of both lay and spiritual authorities; and to imagine that the legal codes produced by either of these groups could have remained uninfluenced by the interests of the other seems, to me, naïve. Secondly, the very use of the word “written” to describe law (referring here again to Wormald’s definition above) almost certainly implies the involvement of the Church. Unless one wishes to argue for the existence of a literate class of lay jurists, educated and working outside the ecclesiastical sphere of influence,

¹ Patrick Wormald, “*Lex Scripta and Verbum Regis*: Legislation and Germanic Kingship From Euric To Cnut,” in *Early Medieval Kingship*, ed. P.H. Sawyer and I.N. Wood (Leeds: The editors, 1977), 107.

and with enough wealth to produce vellum on a large scale, it seems impossible that any substantial body of documents, written and preserved in Anglo-Saxon England, could have been drafted without the active participation of churchmen. Overall, then, my choice to focus on scriptural quotations as a means of approaching these texts seemed likely to reveal more about how the ecclesiastical and secular realms overlapped than where they diverged.

I decided, therefore, that any reduction in the scope of my project would not depart from this inclusive definition of law: I would not exclude legal documents from my study based on the classifications “secular” or “ecclesiastical.” And so, the most logical way of narrowing the scope of my project, it seemed at the time, was to reduce its chronological bounds. Provisionally, then, I decided to end my inquiry after the Laws of Alfred, thus focusing on the period roughly from 600 to 900.

I spent by far the greater amount of time working under these chronologically limited parameters than the longer period I initially proposed. Nonetheless, I came to realize that even this reduction in scope was insufficient. Almost immediately, I ran into several problems, related both to my method, and to the history of scholarship on my topic. Taking these problems in order: First of all, I soon learned that in order to understand the function of scriptural quotations within a single legal code, I almost always had to consider their context, not only of individual quotations within a particular text, but often in closely related documents as well. Thus, for example, I found it impossible to separate the Laws of Alfred from their Prologue, which quotes scripture extensively, and which (I will argue) reframes traditional, vernacular, Anglo-Saxon law within a highly intellectualized, ecclesiastical worldview. Similarly, I found that

understanding the scriptural passages in the Legatine Capitulary of 786 required me to undertake a thoroughgoing investigation of similar quotations by Alcuin, their probable author (as I will argue), throughout the entire corpus of his work. Time and time again, I found it difficult to follow any line of inquiry without quickly extending beyond (sometimes far beyond) the parameters that I had laid down for the project, both textually and, sometimes, chronologically.

Reflecting on this difficulty led me to understand the second problem I was facing, which, again, related to my method. The kind of scriptural analysis I apply to the texts in my study is a precision tool, best designed to address specific details of a text (which I will discuss in the “tools and methods” section of this introduction). The tools at my disposal, therefore, were best suited to focused (perhaps even hyper-focused) inquiry of a single text, and less well-adapted to unearthing the data I would need to generalize about the use of scripture in Anglo-Saxon law as a whole. Adding to this difficulty, previous scholarship, with few exceptions, was not helpful in providing a context for the work I was doing. While biblical quotations are usually (if often inaccurately and incompletely) identified in the standard editions of the texts I examined, there has been precious little discussion of the broader function of these quotations in legal texts generally. Hence my third problem: There has been virtually no scholarship addressing the use of the biblical text in Anglo-Saxon law overall, whether secular or ecclesiastical, which might provide a context for my own work. I found myself, therefore, gathering an ever-growing quantity of details which, however interesting they were in and of themselves, failed to lead me to the broader issues I hoped to address.

Given these problems, I realized that thoroughly investigating the kinds of questions I wished to answer would again take me far beyond the scope of a single dissertation. The project I concluded on, therefore, is a compromise solution, recognizing the problems I have just explained, and laying the groundwork for further work on the topic. I decided not to attempt a complete survey of Anglo-Saxon laws within specifically defined chronological boundaries.² As it stands, my dissertation focuses on two texts, a vernacular document traditionally classified as “secular,” the Prologue to the Laws of Alfred, and a Latin text traditionally considered to be “ecclesiastical,” the so-called Legatine Capitulary of 786. I chose these two documents because, of all the texts I surveyed, they contain, by far, the most scriptural quotations; and, for that reason, they lend themselves particularly well to the method of analysis that unifies my project. While I realize that excluding the works of such important Anglo-Saxon legal writers as Theodore and Wulfstan limits the extent to which I can draw firm conclusions about the use of scripture in Anglo-Saxon law overall, I hope that the current project will set the direction for further studies of this kind.

Although superficially quite different, several commonalities link the two documents I chose for this study. First of all, both were composed by major intellectual figures in Anglo-Saxon England who were interested in legal reform; and their use of scripture reflects this concern, as I will show. Secondly, both of these documents directly challenge the distinction, commonly held in modern scholarship, between secular and ecclesiastical law. While Alfred’s Prologue, written in the vernacular, frames what is essentially traditional, Anglo-Saxon, tribal law, his approach is primarily Christian and

² The documents I focus on do, however, fall within about a century of one another. The Legatine Capitulary was composed in 786, and the Prologue to Laws of Alfred, most probably in the 870s or 880s.

theological, relying on extensive quotation from the biblical text. Likewise, the Legatine Capitulary addresses both clergy and laity together, and was enacted by the joint authority of secular and ecclesiastical leaders. Furthermore, as the document tells us, it was translated from Latin into the vernacular “so that all might understand.”³ It may also have influenced Alfred’s code of traditional, secular laws.⁴

With these concerns in mind, my project has settled on a study of the use of scripture in these two documents, addressing specific questions about each of them, but with an eye toward broader trends. First, in chapter two, I argue that Alcuin was the author of the Legatine Capitulary of 786, based on a comparison of the biblical quotations in this document with similar quotations in the remaining body of his work. Next, in chapter three, I turn to the Prologue to the Laws of Alfred, and re-assess the century-old question of what source(s) Alfred used for the extended quotation from Exodus that constitutes the first part of his work. Lastly, in chapter four, I discuss the overall implications of my project and draw some general conclusions about the use of scripture in Anglo-Saxon law overall. Finally, with the hope of laying the groundwork for continued study in the field, I end with some desiderata for further research.

³ *Et in conspectu concilii clara voce singula capitula perlecta sunt et tam latine quam theodisce quo omnes intellegere potuissent...* “In the presence of the council, each individual capitulum was read through in a clear voice both in Latin and in the vernacular, by which all were able to understand...” All citations from the Legatine Capitulary are from *Alcuini Epistolae*, MGH Epp. 4, ed. Ernst Dümmler (Berlin: Weidmann, 1895), 19-29.

⁴ See Patrick Wormald, “In Search of King Offa’s ‘Law Code’,” in *People and Places in Northern Europe: Essays in Honour of Peter Sawyer*, ed. Ian Wood and Niels Lund (Woodbridge, Suffolk: Boydell Press, 1991), 25–45; repr. and rev. in Patrick Wormald, *Legal Culture in the Early Medieval West* (London: Hambledon Press, 1999), 201-23; and see also, Patrick Wormald, *The Making of English Law* (Oxford: Blackwell, 1999), 106-107.

II. General Background

The relationship between secular and ecclesiastical law presents a special problem in Anglo-Saxon England. Unlike most of early medieval Europe, the Anglo-Saxons had neither a separate body of canon law nor an independent system of ecclesiastical courts to deal with matters of particular concern to the Church. As a result, ecclesiastical interests figure prominently in the secular laws, and, to a certain degree, vice versa. By casting the relationship between Church and secular governance in this manner, however, I do not intend to suggest that the Anglo-Saxon clergy had no distinct conciliar tradition outside of royal prerogative. While it is true that the king and other secular authorities often attended Church synods, lay participation in ecclesiastical gatherings was common all over Europe during the same period and the presence of secular authorities at these assemblies does not necessarily indicate their domination of them. Quite often, it is clear that these synods pursued distinctly ecclesiastical agendas.⁵ On the other hand, it is possible to overemphasize this point as well. Secular concerns did, at times, play a significant role in these otherwise spiritual gatherings. When it comes to legislation in particular, the Anglo-Saxon Church never developed a separate collection of ecclesiastical law (such as the *Hispana*, the *Dionysiana*, or the *Collectio Canonum Hibernensis*), as did many of the other nations of medieval Europe.⁶ Thus, while I do not wish to imply that the Anglo-Saxon Church was merely a mechanism of royal authority (as some have), it seems clear that, at least where law-giving was concerned, the Anglo-

⁵ For a discussion of this issue, see especially Catherine Cubitt, *Anglo-Saxon Church Councils c.650-c.850* (London: Leicester University Press, 1995), 44-59. Hereafter, *Councils*.

⁶ There were shorter collections of canon law, notably those of Theodore of Tarsus (archbishop of Canterbury 669-690), including the *Iudicia Theodori*, and the so-called *Canones sancti Gregorii* (attributed to Theodore). Theodore's penitential should perhaps also be placed in this category, though it is not technically a collection of canon law.

Saxons did not view the interests of the Church to be quite as distinctly separate from those of secular government as did their counterparts in Ireland and on the Continent.

As for the secular laws, English churchmen played a substantial role in the drafting and administration of vernacular legislation right from the beginning. The earliest English law code, that of Æðelberht of Kent, possibly dates from 602-603, only a few years after the arrival of Augustine's mission. While the authenticity of Æðelberht's code has been called into question, those of his Kentish successors (the codes of Hlothhere and Eadric, and Wihtred) have not. Thus, regardless of whether the text of Æðelberht's laws is genuine, the fact remains that the beginning of Anglo-Saxon written law coincides closely, both in time and place, with the establishment of Roman Christianity in England.

The mark of ecclesiastical influence on the vernacular laws is apparent in later periods as well. Despite the fact that law codes were usually attached to individual kings, Loyn has pointed out that, whatever the impact of royal prerogative, "...nine times out of ten, the actual recording of the laws was left in a surprisingly casual way to ecclesiastics..."⁷ And, in fact, this statement can be made even more strongly: whenever we know anything for certain about the people who were involved in setting Anglo-Saxon law codes to writing, their names are without fail those of clerics. We know, for instance, that archbishop Berhtwald aided Wihtred of Kent, that Dunstan was deeply involved in the drafting of IV Edgar, that archbishop Wulfhelm greatly assisted Æðelstan, and that Wulfstan was personally responsible for composing much of Æðelræd's and Cnut's legislation.

⁷ H.R. Loyn, *The Governance of Anglo-Saxon England, 500-1087*, (Stanford, California: Stanford University Press, 1984), 108-109.

That written law in England can trace its beginnings to the arrival of Christianity should hardly be surprising, since the Church enjoyed a virtual monopoly on literacy. Bede, writing about the earliest English laws, those of king Æðelberht of Kent, tells us that they were set down *iuxta exempla Romanorum*,⁸ almost certainly referring to the fact that they were put to writing, not that they were modeled on Roman civil law. The Church's interest in written legislation was no doubt motivated not only by its immediate desire to establish a secure position for itself in Anglo-Saxon society, but also by its entirely different conceptualization of jurisprudence. Until the arrival of Christianity, Anglo-Saxon law, like pagan Germanic law in general, was presumably oral and traditional. Roman Christianity, however, brought with it an altogether new conception of legislation and judicial apparatus, based ultimately on Roman law and legal procedure, and relying heavily on written documents such as the diploma, the charter, and the written code. Elsewhere in Western Europe this system operated within the Church as the apparatus for enforcing canon law, where it exerted a powerful influence on the secular legislation of various nations. In England, as in other Germanic lands, this new mechanism of jurisprudence was gradually superimposed onto what was essentially a system of customary Germanic law. During this gradual process, not only the outward mechanism of justice, but also the content of the Anglo-Saxon laws themselves, became increasingly subject to Christian ideological influence.

The level of overt ecclesiastical impact on the secular laws varies from tract to tract. The high point of such influence is the Prologue to the Laws of Alfred, which consists of an extended translation of the Mosaic law, taken directly from Exodus 20

⁸ *Historia Ecclesiastica* II.5; see *Bede's Ecclesiastical History of the English People*, eds. and trans., Bertram Colgrave and R.A.B. Mynors (Oxford: Clarendon Press, 1969), 150–51.

through 23, followed by a statement of the Golden Rule, and an account of the Synod of Jerusalem translated from Acts 15. While such an openly theological approach to secular jurisprudence is not quite so apparent elsewhere, it is undisputed that a primary inspiration for legislation throughout the Anglo-Saxon period was Christian and biblical law.

Alongside the secular laws is the more copious body of ecclesiastical legislation, including both legal and quasi-legal materials which I will describe only briefly here. In the first category, I include the decisions of synods, including ecclesiastical decrees, canons, and dispute settlements. Here again, it must be emphasized that, far more than among the Germanic peoples of the Continent, the line between “canon” law and “secular” law in Anglo-Saxon England is difficult to draw. As a result, the evidence for Anglo-Saxon synodal decisions of a purely ecclesiastical nature is comparatively slight, especially for the early period which I focus on in this project. While such documents drafted on the Continent tended to be preserved in collections of canon law, in England there were no analogous collections to facilitate their preservation. Thus, for example, the highlight of early English ecclesiastical legislation, a collection of canons referred to as the “Legatine Capitulary of 786,” which is the topic of chapter two of the present study, survives not in any English collection of canon law, but only as an epistolary report to pope Hadrian about what his legation accomplished.

In the second category, I include quasi-legal documents such as monastic rules and penitentials. I regard these as quasi-legal in that, while they establish regulations and/or impose corrections for various offenses committed by members of the Christian community, they are either specifically restricted in their application (e.g., monastic

rules) or non-binding recommendations to confessors (e.g., penitentials). Nonetheless, I regard these documents as legislation, since they set out to regulate behavior and impose punitive measures in a systematic way. Since the various kinds of regulatory documents I have discussed thus far were composed by churchmen operating, we may presume, in scriptoria directly affiliated with the Church, it stands to reason that one might find connections between the use of scriptural quotations in legal documents drafted with either a formally secular or ecclesiastical agenda. Further, we might expect these connections to be all the more apparent in Anglo-Saxon England where the line distinguishing these two spheres of influence was significantly less clear than it was in most of the rest of early medieval Europe.

In the chapters that follow, I will focus on two legal documents, the Legatine Capitulary of 786, and the Prologue to Laws of Alfred, in order to lay the groundwork for further study of these issues. I will then conclude by making some general inferences about the use of scripture in Anglo-Saxon legal documents generally, in particular, concerning what they reveal about the broader connections between secular and ecclesiastical jurisprudence in early Anglo-Saxon England. For the reasons I outlined above, these general conclusions should be regarded as provisional, though I expect that future scholarship (some of which I plan to conduct) will support them with the weight of greater evidence.

III. Tools and Methods

Since there was no single version of the bible used during the Middle Ages, the form of individual, scriptural readings often differed, sometimes quite substantially. These differences are found not only in quotations by the Church Fathers, but also in

different biblical MSS themselves. At this point, it is necessary for me to briefly outline the history of the Latin bible in order to explain the method I employ in this study. I will limit myself to a general summary of the topic, leaving specific details to the chapters in which they are immediately relevant. To begin, the most widely used version of the bible during the period my project covers was the Vulgate. Pope Damasus ordered Jerome to make this translation in 382 or 383, to replace the widely varying and corrupt body of texts collectively known as the Old Latin or *Vetus Latina* version, which existed at least as early as the middle of the third century, and almost certainly earlier. The Vulgate eventually came to be widely accepted as a superior translation, though not immediately, and not without significant influence from the Old Latin version. This influence, in addition to the typical vagaries of textual transmission, soon meant that Jerome's original translation itself developed a large number of variants. By the late eighth century, the text of the Vulgate had become so corrupt that there were two separate enterprises to revise and standardize the text, an officially sponsored one by Alcuin (completed in 801), and another by archbishop Theodore of Orléans, conducted almost simultaneously. These separate, revised versions by Alcuin and Theodore were widely copied over the course of the next century, resulting in rapid corruption and yet more variants. Thus, in summary, the text of the Latin bible used in the century or so which my project encompasses—from 786 until the end of the ninth century—was marked by significant variation. Old Latin readings, while obsolescent, might still be found, as well as many different, variant traditions of the Vulgate.

The method I have used in this project is to identify biblical quotations and analyze them with the tools available (which I will discuss below) to answer one or all of

the following questions: what version of the biblical text does the quotation represent (i.e., the Old Latin, the Vulgate, or a mixed text)? What specific biblical MS or family of manuscripts does the quotation come from? What is the relative frequency of a given reading in biblical MSS and/or patristic writings? Is the reading unique to a particular author? Is it a “variant” reading (i.e., attested in reputable biblical MSS), or a “non-standard” reading (i.e., attested only in non-biblical writings, or in lesser quality biblical MSS)? As I will demonstrate in the chapters that follow, the answers to these questions can often shed light on various issues of the text in which the quotations are found, sometimes even revealing information beyond that strictly limited to scriptural matters.

Central to my method is the notion that the scriptural quotations used by a medieval author can, under certain circumstances, be used as a kind of “fingerprint” to identify a specific author, or, potentially, their sources. Provided the sample is large enough, one can identify patterns of usage based on (but not limited to) the following kinds of data: (1) the specific version, or variant family, of the biblical text the author used, (2) the geographical region from which the version(s) of the bible quoted by an author emanated, (3) an author’s tendency to trim or fuse individual quotations in a unique (or unusual) manner, (4) an author’s tendency to quote certain verses, or to quote from particular books of the bible, (5) an author’s tendency to group specific quotations in proximity to one another, in certain contexts (for example, at the end of a letter), or under the same topical rubric, (6) an author’s tendency to borrow biblical quotations from a particular, non-biblical source or group of sources, and, (7) less quantifiably, an author’s general approach to using scripture (for example, his apparent agenda, his respect for the text, etc.).

Not all of these items above are equally identifiable; it is often not possible, for example, to determine (1) and (2), conclusively. In every instance, however, it is necessary to build a case based on a data set sizeable enough to securely establish such patterns. Ideally, several kinds of evidence will support a common thesis. This method of analysis can be a very powerful instrument to identify relationships between texts, and between individual authors and texts.

My goal in this project, however, is not merely to analyze scriptural quotations in Anglo-Saxon legal documents and catalog the kinds of data I outlined above in items (1) through (7) as an end in itself. Rather, my intention is to utilize the data I have gathered to answer broader, literary and historical questions about these texts. For example, what can the use of scripture in these documents reveal about their sources or authorship? And, more generally, what patterns of scriptural usage, if any, can be identified over a series of texts that might provide a fruitful inquiry for further study? Thus, my purpose here is not simply to produce tables of raw information, but to apply the method described above in order to address specific questions about individual texts (in this case the Legatine Capitulary of 786 and the Prologue to the Laws of Alfred). Likewise, the general conclusions I propose in chapter four are not based on statistical analysis, but, ultimately, on my interpretation of the role of scripture in the documents under examination, informed by the data I have gathered.

To apply this method, I have made use of the following tools: For the text of the Vulgate, I have used *Biblia Sacra iuxta latinam vulgatam versionem ad codicum fidem* (Rome: Typis Polyglottis Vaticanis, 1926-), which I will refer to hereafter as the “Rome *Biblia Sacra*.” It includes an apparatus with Vulgate variants from the best MSS. For

those books of the bible that the Rome *Biblia Sacra* does not yet cover, I have used the following texts: For the New Testament, I have used *Nouum Testamentum Domini nostri Iesu Christi latine secundum editionem S. Hieronymi*, ed. John Wordsworth, H. J. White, and H. F. D. Sparks (Oxford: Clarendon Press, 1889-1954); hereafter, *Nouum Testamentum*. For the Old Testament, I have used either the Vulgate text included in *Vetus Latina; die Reste der altlateinischen Bibel*, ed. Bonifatius Fischer, et. al. (Freiburg: Herder, 1949), if the appropriate volume has been completed, (hereafter, the Freiburg *Vetus Latina*), or if not, I have used *Biblia sacra: iuxta Vulgatam versionem*, 4th rev. ed., ed. Robert Weber (Stuttgart: Deutsche Bibelgesellschaft, 1994); hereafter, the Stuttgart *Biblia Sacra*. In all cases, I have indicated in footnotes the text of the Vulgate I cite.

For the text of the Old Latin bible, I have used the Freiburg *Vetus Latina* wherever it covered the book in question. Where it did not, I used, for the New Testament: *Itala; das Neue Testament in altlateinischer Überlieferung*, 2 ed., ed. Adolf Jülicher, (Berlin: De Gruyter, 1972). In all other cases, I was forced to use *Bibliorum Sacrorum Latinae versiones antiquae*, eds. Peter Sabatier and Vincent de la Rue (Rheims: Reginaldus Florentain, 1743; repr. Turnhout: Brepols, 1976). Regrettably, I was unable to access the Beuron Institute's *Vetus Latina Database Online*, the most complete collection of Old Latin readings available, and—most conveniently—in electronically searchable format. However, since virtually all of the biblical quotations I deal with in this project are notably Vulgate readings, it is unlikely that access to the *Vetus Latina Database Online* would have altered my conclusions significantly.

I was able to search the wide corpus of patristic writings thanks primarily to two electronic search engines: the *CETEDOC Library of Christian Latin Texts* (CLCLT) on

CD-ROM, 5th edition, (Turnhout: Brepols, 1991-). *CLCLT* includes all the texts available in the *Corpus Christianorum, Series Latina*, including the *Continuatio Medievalis*, as well as selected texts from other series, including the *Acta Sanctorum*, *Analecta Bollandiana*, *Corpus Berolinense*, *Corpus Scriptorum Ecclesiasticorum Latinorum*, *Monumenta Germaniae Historica Scriptores* and *MGH Scriptores rerum Merovincarum*, *Migne's Patrologia Latina* and *Sources Chrétiennes*. I have also used the *Patrologia Latina Database*, an electronically searchable version of the Migne's *Patrologia Latina*, though, I have, of course, attempted to use more up-to-date editions whenever they exist.

CHAPTER 2

ALCUIN AND THE LEGATINE CAPITULARY OF 786

I. Introduction

Occasionally, even the most influential documents remain largely overlooked, and so end up in an altogether undeserved obscurity. Such has been the case with the so-called Legatine Capitulary of 786, a collection of twenty canons composed in Northumbria by a legation sent by pope Hadrian to deliver letters regarding certain, unspecified, statutory matters. Without question, this document stands out as the most prominent piece of legislation, secular or ecclesiastical, composed in England during the late eighth century. Yet, even though these decrees influenced lawmakers ranging from Alfred in the ninth century

⁹ to Archbishop Oda as late as the tenth,¹⁰ they have yet to be fully examined. An important discussion of these canons appears in Catherine Cubitt's *Anglo-Saxon Church Councils c.650-c.850*.¹¹ Here, she sets out to explore the Northumbrian background of the mission, and, in particular, to determine Alcuin's role in drafting these *capitula*.

⁹ Patrick Wormald, "In search of King Offa's Lost 'Law Code,'" in *People and Places in Northern Europe, 500-600: Essays in Honour of Peter Sawyer*, ed. Neils Lund and Ian Wood, (Woodbridge, Suffolk: Boydell Press, 1991), 25-45; repr. and rev. in Patrick Wormald, *Legal Culture in the Early Medieval West* (London: Hambledon Press, 1999), 201-23. Hereafter, *Offa's Lost Code*.

¹⁰ G. Schoebe, "The Chapters of Archbishop Oda (942/6) and the Canons of the Legatine Councils of 786," *Bulletin of the Institute of Historical Research* 35 (1962): 75-83.

¹¹ Catherine Cubitt, *Anglo-Saxon Church Councils c.650-c.850* (London: Leicester University Press, 1995), 153-190. Hereafter, *Councils*. See also D.A. Bullough's refutation of Cubitt's argument in *Alcuin: Achievement and Reputation* (Leiden: Brill, 2004), 350-56. Hereafter *Alcuin*.

Although the question of Alcuin's participation has been around for quite some time,¹² Cubitt is the first to address the matter in depth. While her arguments have not met with universal acceptance, she makes a strong case, based on a variety of evidence, that Alcuin exerted "significant influence" on these canons.¹³

Nonetheless, questions remain: What was the nature and extent of Alcuin's participation? Did he have an impact directly on the text of the document (e.g., its wording and specific content), or was his role limited to that of an advisor? Was the Legatine Capitulary based on a preliminary draft by Alcuin? In the present study, I will address these issues by conducting a thorough investigation of the biblical quotations in the text. While an examination of biblical quotations has played a supplementary role in previous discussions, an exhaustive study of this sort has never been carried out, and a great deal remains to be unearthed. My evidence will show that Alcuin's influence was not merely advisory, but extends to textual matters. Although Alcuin may not have been the sole author of the document, I will show that he was intimately involved in its composition.

¹² See Cubitt, *Councils*, 165-66, for discussion of the scholarship on this question.

¹³ Cubitt, *Councils*, 190.

II. Historical Background

In the year 786, as the Capitulary reports, Pope Hadrian commissioned a legation to go

*...trans mare in gentem Anglorum...ut si qua zizania messem optimo
semine satam quam beatus Gregorius papa per os sancti Augustini
seminavit, inritasset funditus eradicare quod noxium et fructum
saluberrimum stabilire summo conamine studuissemus.*¹⁴

The legation included an impressive group of scholars. The leader of the mission was Bishop George of Ostia, a diplomat in service for both the papacy and the Carolingian emperors since the mid 750s. Along with George, came Theophylact of Todi, one time head of the papal library, who served as papal legate several times into the 790s. The legation proper also included an abbot by the name of Wigbod, who was a Frank, or possibly an Anglo-Saxon.¹⁵

The mission began as the party arrived in Kent, where it was received by archbishop Jænberht of Canterbury. As the document tells us, Jænberht arranged a meeting between the legation and both king Offa of the Mercians and king Cynewulf of the West Saxons, together with the leading men of the two realms, both secular and ecclesiastical. A council was convened at an unspecified location, where the legation read out Pope Hadrian's admonishing letter. Afterwards, the mission split up. On one leg, Theophylact headed west into Mercia and the British-speaking parts of the island, after which he disappears from the record. On the other leg, George and Wigbod went

¹⁴ *Alcuini Epistolae*, ed. Ernst Dümmler, MGH Epp. 4 (Berlin: Weidmann, 1895), 20. Hereafter, *Alcuini Epistolae*. "...across the sea into the nation of the English...so that, if anywhere tares had afflicted the crop, sown with the best seed which the blessed Gregory planted through the mouth of St. Augustine, we might strive with the greatest effort to pull up from the roots that which might be harmful, and secure a most wholesome fruit." All translations, unless otherwise noted, are my own.

¹⁵ See Michael Gorman, "The Encyclopedic Commentary on Genesis Prepared for Charlemagne by Wigbod," *Recherches Augustiniennes* 17 (1982): 175.

north across the Humber to visit king Ælfwald and archbishop Eanbald of York. At this point, Alcuin joined the mission as did another man named Pyttel, a fellow Northumbrian and regular companion of Alcuin's. Although he is mentioned only briefly in the Legatine Capitulary, Alcuin's presence at this juncture of the mission is of great significance. He had already left Northumbria for Charlemagne's Court several years earlier, and this trip was almost certainly his first return to York since having left for the Continent. The record, however, is unclear whether Alcuin was an official part of the legation or not.

After the legation's arrival, king Ælfwald was delayed a while in the northern part of his kingdom, and had to be summoned by an envoy from the archbishop. Once the messengers reached him with news of the group's arrival, however, Ælfwald set the date for a council. During the intervening space of time, the legation had an opportunity to learn about local customs firsthand, and apparently witnessed a number of sinful practices—above and beyond those addressed in Pope Hadrian's letters—which, they decided, were in need of correction. As the report explains:

*...audientibus nobis relatum est, quod reliqua vicia non minima ibi necessaria erant ad corrigendum, quia, ut scitis, a tempore sancti Agustini pontificis sacerdos Romanus nullus illuc missus est nisi nos. Scripsimus namque capitulare de singulis rebus et per ordinem cuncta disserentes auribus illorum protulimus.*¹⁶

This document is the so-called Legatine Capitulary: a set of decrees written on site, in Northumbria, intended to address specific abuses which the legation learned about while they were there. The text survives in only one fragmentary manuscript and a complete,

¹⁶ Dümmler, *Alcuini Epistolae*, 21. "...it was related to us in our hearing that other vices, no less significant, were there in need of correction, since, as you know, no Roman priest has been sent there from the time of the holy bishop St. Augustine except ourselves. And so, we wrote a capitulary concerning each individual matter and, treating everything in order, set them forth in their hearing."

but slightly differing sixteenth century transcription,¹⁷ drafted in the form of a letter to Pope Hadrian reporting what the legation had accomplished.

After the Northumbrian synod, the legation returned south again to Offa's court, this time accompanied by the *lectores* Alcuin and Pyttel. Here, another council was convened, and the Capitulary composed in Northumbria was read out loud, both in Latin and the vernacular, so that all might understand. After the magnates of the land pledged their obedience, the mission came to an end.

III. Previous Scholarship

Studies of the Legatine Capitulary have focused primarily on two issues. Earlier scholarship centered on the Mercian context of the mission, concentrating on such issues as Offa's relationship with Charlemagne, the elevation of Lichfield to metropolitan status, and the anointing of Offa's son Ecgrifith. In this vein, Patrick Wormald argued that the Legatine Capitulary preserves for us a text of Offa's otherwise lost code of laws, a document whose existence is inferred from Alfred's reference to it in the introduction to his own law code.¹⁸ The second major point of debate, the Northumbrian context of the

¹⁷ See especially Cubitt, *Councils*, 270-71: The MS (Wolfenbüttel, Herzogliche Bibliothek, Cod. Helmstedt 454 (olim 148), fols. 113r-127r) preserves the Legatine Capitulary in two fragments, the first part from the beginning to the middle of canon VI, and the last part, from the middle of canon XX to the end. The entire text, however, was reproduced in full by the Magdenburg Centuriators in *Ecclesia historica* (Basle, 1561-74). D.A. Bullough, citing an unpublished lecture of H. J. Schuffels, points out that the MS comes from Hildesheim, dating from c. 1000 ("Albinus deliciosus Caroli regis," in *Institutionen, Kultur und Gesellschaft im Mittelalter: Festschrift für Josef Fleckenstein zu seinem 65. Geburtstag*, ed. Lutz Frenske, Werner Rösener, and Thomas Zotz [Sigmaringen: J Thorbecke, 1984], 80, note 24). The standard edition of the text is Ernst Dümmler's (based on the manuscript fragment and the transcription made by the Magdenburg Centuriators), included among Alcuin's letters as *Alcuini Epistola* no. 3, MGH Epp. 4 (Berlin: Weidmann, 1895), 19-29. As Wormald points out (*Offa's Lost Code*, 205, n.11), the text printed by A. W. Haddan and W. Stubbs eds. in *Councils and Ecclesiastical Documents Relating to Great Britain and Ireland*, 3 vols. (Oxford: Clarendon Press, 1871), vol. 3, 447-62, was reprinted solely from the text of the Magdenburg Centuriators despite Hermann Wasserschleben's discovery of the Wolfenbüttel MS, and thus is inferior to Dümmler's text.

¹⁸ See especially Patrick Wormald, *Offa's Lost Code*, 201-223, and his follow up discussion in *The Making of English Law: King Alfred to the Twelfth Century* (Oxford: Blackwell, 1999), 106-7. Hereafter, *English Law*.

mission, has received less scholarly attention. Recently, Catherine Cubitt devoted a full chapter to the Northumbrian background of the Legatine Capitulary in *Anglo-Saxon Church Councils c.650-c.850*. In particular, she addresses the possibility that Alcuin collaborated in its composition. Although D.A. Bullough has seen Alcuin's role in the legation as a minor one,¹⁹ Cubitt's study, in contrast, argues in favor of his active participation. She argues that Alcuin was deeply involved in drafting the Capitulary:

Although [the] self-acknowledged author [of the Legatine Capitulary] was the bishop of Ostia, he may have discussed their programme with Alcuin or have incorporated features of a draft made by him. Alcuin could perhaps have been the author of the account of abuses in need of correction read out before the Northumbrian assembly.²⁰

Although Dümmler included the Legatine Capitulary in his edition of Alcuin's letters,²¹ scholars since then have been less certain about the extent of his involvement.²²

Cubitt, however, marshals an impressive array of evidence in support of her thesis. In particular, she points to parallels between the Legatine Capitulary and some of Alcuin's later works, including his letters and, in particular, the *Admonitio Generalis* of 789,²³ portions of which show the mark of Alcuin's style.²⁴ I will have more to say about

¹⁹ See D.A. Bullough, "Alcuin and the Kingdom of Heaven: Liturgy Theology and the Carolingian Age" in *Carolingian Renewal: Sources and Heritage* (Manchester: Manchester University Press, 1991), 39 n. 88. Hereafter, *Kingdom of Heaven*. See also, Bullough, *Alcuin*, 350-56, where he refutes Cubitt directly.

²⁰ Cubitt, *Councils*, 165.

²¹ Dümmler, *Alcuini Epistolae*, 19-29.

²² See Cubitt, *Councils*, 165-67. Dümmler argued for Alcuin's authorship in "Zur Lebensgeschichte Alchuins," *Neues Archiv*, 17 (1892): 61-2. More recently, scholars such as D.A. Bullough have seen Alcuin's role in the mission as insignificant. See, for example, his comments in *Kingdom of Heaven*, 187 n. 91, and *Alcuin*, 350-56.

²³ *Capitularia Regum Francorum*, MGH Capit. I, ed. Alfred Boretius (Hannover: Impensis Bibliopolii Hahniani, 1883), 52-62.

²⁴ For a full discussion of the debate surrounding this question, see Cubitt, *Councils*, 164-165 and n. 43-46. See also Bullough, *Alcuin*, 351 and 379-84; also, on page 508 Bullough includes the *Admonitio Generalis* of 789 in his "Index of Alcuin's Writings."

the *Admonitio* below. The parallels Cubitt points out include everything from verbal and stylistic echoes to specific kinds of moral, political, and ideological concerns found throughout Alcuin's work. Of great relevance to the present study, she also compares a small group of scriptural citations in the Legatine Capitulary with corresponding passages in Alcuin's other writings. All in all, she builds a strong case that Alcuin played a substantial role in the composition of these *capitula*.

IV. Argument and Method

Although Cubitt presents a solid case for Alcuin's influence on the Legatine Capitulary, her arguments have failed to convince everyone. In particular, D.A. Bullough, responding directly to Cubitt's evidence, considers the case for Alcuin's involvement "not proven."²⁵ However, as I will show, an in-depth comparison of the biblical citations in the Legatine Capitulary with Alcuin's other writings can shed more light on the question of his influence on this document.

As Cubitt points out, "our ignorance of what text of the Bible Alcuin would have known and used in the 780s prevents us from making detailed textual comparisons of the citations themselves, but their use can be illuminatingly compared with Alcuin's other writings."²⁶ Keeping Cubitt's cautionary statement in mind, my purpose here is to thoroughly examine these biblical citations, and determine what traces of Alcuin's influence on the Legatine Capitulary they can reveal. To do so, I will make two sets of comparisons. First, I will compare the scriptural quotations in the Legatine Capitulary with parallel quotations in the *Admonitio Generalis* of 789, the next major document,

²⁵ Bullough, *Alcuin*, 356.

²⁶ Cubitt, *Councils*, 181.

chronologically speaking, in the Alcuinian canon. Next, I will compare the scriptural quotations in the Legatine Capitulary with parallel quotations elsewhere in the entire corpus of Alcuin's works.²⁷

In both cases, I will compare these biblical citations against the main Vulgate text, in order to identify instances where the readings in the Legatine Capitulary and Alcuin's other works share some idiosyncrasy. A series of such correspondences would support the case for Alcuin's involvement with the Legatine Capitulary, and possibly reveal something about the nature and extent of his influence. Of course, there was no such thing as a standard version of the Vulgate in the eighth century. By that time, Jerome's text had accrued a large number of variants; and, as is well known, both Alcuin and his contemporary Theodulf of Orléans were actively engaged in separate endeavors to recover and revise the Vulgate text.²⁸ However, even though the Vulgate was not standardized until later, one can nonetheless usefully compare scriptural passages against it to identify unusual or otherwise idiosyncratic readings. Thus, while referring to an eighth century scriptural citation as "non-standard" is anachronistic (strictly speaking), I use the term here to describe readings markedly divergent from the biblical text generally current in the eighth century.

V. The Legatine Capitulary and the *Admonitio Generalis*

For a number of reasons, the so-called *Admonitio Generalis* of 789 is of special interest for this study. It was composed just three years after the Legatine Capitulary and

²⁷ I have included in my investigation all those works included in Richard Sharpe, *A Handlist of the Latin Writers of Great Britain and Ireland before 1540*, (Turnhout: Brepols, 1997), 36-45. I have excluded those works listed as "doubtful" or "spurious." Hereafter, *Handlist*.

²⁸ See Richard Marsden, *The Text of the Old Testament in Anglo-Saxon England*, (Cambridge: Cambridge University Press, 1995), 18-24.

is fundamentally the same kind of document. It addresses both laymen and clergy (rather unusual for canonical documents in this period), and lays down a set of moral precepts prescribing a wide-ranging program of social reform. While the *Admonitio* proposes a more ambitious agenda, the basic principles underlying both documents are essentially the same. I do not mean to suggest, however, that their similarity is limited merely to a common ideology. The two documents also have points of contact in stylistics and, occasionally, in content. For example, both documents legislate against certain offenses rarely treated in the canon law of this early period (such as usury²⁹ and the need for just use of weights and measures³⁰); and each, in places, shares nearly identical phrasing.³¹

Most scholars agree that the *Admonitio* shows the mark of Alcuin's pen, especially in the second half of the document, which bears the greatest resemblance to the Legatine Capitulary. D.A. Bullough, for instance, in his monumental volume entitled *Alcuin: Achievement and Reputation*, includes the *Admonitio* in his "Index of Alcuin's Writings."³² While the first section (chapters one through fifty-nine) consists mostly of short, very specific decrees derived from the Dionysio-Hadriana, the canons in the second part (chapters sixty to eighty-two) display the same homiletic tone of the Legatine

²⁹ While usury eventually comes to receive treatment in Carolingian legislation, as Cubitt points out: "Usury, while relatively more frequent as the subject of rulings in the fifth and sixth-century councils, is forbidden for the first time in Carolingian legislation by the *Admonitio*, and is not met with in early English laws and canons, although it is condemned in *Collectio Canonum Hibernensis*..." a Hiberno-Latin collection of canons dated to c. 700. *Councils*, 163.

³⁰ *Ibid.*, 163.

³¹ *Ibid.*, 162-63, for a discussion of both content and stylistic similarities between the Legatine Capitulary and the *Admonitio Generalis* on these points.

³² See, in particular, Bullough, *Alcuin*, 379-84. Likewise, Sharpe lists the Legatine Capitulary in his *Handlist*, 44, as work of Alcuin's, under the title *Synodus quae facta est in Anglorum Saxoniam*, and it is included in CMA *Gallia* II, ALC 4.

Capitulary, and rely primarily on scripture, rather than canon law, as support for their directives:

The homiletic character of the second part [of the *Admonitio*], more concerned with general moral principles than with the punishment of specific offences, and replete with biblical quotations, is unprecedented in Frankish legislation and is strongly reminiscent of the legatine decrees. Both the canons of the *Admonitio* and the legatine decrees frequently begin *capitula* with the enunciation of a moral precept, sometimes in the form of a scriptural quotation, and then proceed to elaborate upon this with a great weight of biblical citations.³³

What is more, the scriptural quotations found in the *Admonitio* are often cited in the same non-standard forms found elsewhere in the Alcuin's writings, and the text itself shares many stylistic similarities with Alcuin's letters.³⁴

Overall, the case for Alcuin's authorship of the second half of the *Admonitio Generalis* is fairly secure. Thus, its importance for a study like this one is clear: Since it was composed just three years after the Legatine Capitulary, and since the two texts are the same basic kind of document—both “sophisticated piece[s] of legislation, of the type that was becoming a Carolingian specialty”³⁵—a comparison between them is likely to be especially revealing. If one can point to textual links between the two documents (as I intend to do), it would strengthen the case that the same person was involved in drafting both. As Wormald himself points out, “The strong textual resemblances between the scriptural quotations of 786 and 789 are part of the evidence that Alcuin (and/or bishop George) were

³³ Cubitt, *Councils*, 161.

³⁴ For a discussion of the scholarship relating to Alcuin's authorship of the *Admonitio Generalis*, see Cubitt, *Councils*, 161-65, Bullough, *Alcuin*, 379-84, and two articles by F-C Scheibe, “Alcuin und die *Admonitio Generalis*,” *Deutsches Archiv*, 14 (1958): 221-29, and “Alcuin und die Briefe Karls des Großen,” *Deutsches Archiv* 15 (1959): 181-93.

³⁵ Wormald, *English Law*, 107.

involved in both.”³⁶ Since an exhaustive study of this type has never been carried out, I will begin with a close textual comparison of the non-standard scriptural passages shared by the *Admonitio* and the Legatine Capitulary.

One must be careful, however, about how much weight to accord this evidence standing alone. Even an exact correspondence between the biblical quotations in these two texts would not conclusively prove Alcuin’s influence. One can imagine alternative scenarios that would produce the same results. For example, other individuals in the legation, such as bishop George of Ostia or Wigbod, may have been involved in the drafting of both the *Admonitio* and the Legatine Capitulary; or Alcuin may simply have used the latter as a model when drafting the *Admonitio* three years later. Thus, the evidence I discuss in this first section (below) will merely establish a solid textual link between the Legatine Capitulary and the *Admonitio*. In the following sections, I will connect the Legatine Capitulary more securely with Alcuin by pointing out parallels between the scriptural quotations in the Legatine Capitulary and other such quotations throughout the accepted corpus of his writings.

Altogether, there are four scriptural quotations³⁷ shared by the Legatine Capitulary and the *Admonitio Generalis*—an unusually high number, given the relative brevity of these two documents. In the citations that follow, I will first provide the Vulgate reading (hereafter abbreviated “Vg”) followed by the version found in the Legatine Capitulary (LC) and the *Admonitio Generalis* (AG). I have highlighted in boldface those non-standard features shared by the Legatine Capitulary and the *Admonitio* that I wish to

³⁶ Wormald, *English Law*, 107 n. 374.

³⁷ The two texts have five passages in common, including John 13:35. However, since the passage from John is cited in the standard Vulgate form, it can provide no help as an indicator of authorship.

emphasize. My discussion will focus on these features in boldface, even though the quotations may contain other non-standard readings (which I have italicized).

(1) Proverbs 20.10³⁸

Vg pondus et pondus mensura et mensura utrumque abominabile est apud Deum

LC “pondus et pondus mensur**am** et mensur**am** **odit** *Deus*”

AG “pondus et pondus mensur**am** et mensur**am** **odit** *anima mea*”

This reading of Proverbs 20.10 is rare. In LC and AG, both instances of *mensura* occur in the accusative as objects of the verb *odit*. While Cubitt points out that LC and AG contain a nearly exact, non-standard readings of Proverbs 20.10,³⁹ a close examination of its frequency, either in biblical texts or commentaries, reveals just how unusual it is. In fact, this reading is not attested in any surviving Vulgate text. Moreover, it occurs only two other times in the *Patrologia Latina*. Of these two, one is a verbatim extract of chapter seventy-four of the *Admonitio* (the chapter in which this verse occurs), included by Benedict the Deacon in his well-known collection of forged capitularies composed in West Francia sometime between 847 and 850.⁴⁰ The other occurrence of this variant (“*Mensuram et mensuram odit Dominus*”) occurs in Regino of Prüm’s (c.845-915) collection of canons known as *De Ecclesiasticis Disciplinis et*

³⁸ For citations of the Old Testament, unless otherwise noted, I have used *Biblia Sacra iuxta latinam vulgatam versionem ad codicum fidem*, ed. Catholic Church: Commissione pontificia per la revisione ed emendazione della Volgata (Rome: Typis Polyglottis Vaticanis, 1926-), where it covers the citation in question. Hereafter, *Rome Biblia Sacra*. Where it does not, I have used *Biblia sacra: iuxta Vulgatam versionem*, 4th rev. ed., ed. Robert Weber (Stuttgart: Deutsche Bibelgesellschaft, 1994), hereafter *Stuttgart Biblia Sacra*, which here only applies in the case of Zacharias 1:3, below.

³⁹ Cubitt, *Councils*, 162.

⁴⁰ MGH LL II, pars II, 93.

Religione Christiana.⁴¹ Regino's collection resembles the *Admonitio* in content, and likely owes much to it, directly or indirectly.

Significantly, both of the two surviving parallels to the LC and AG reading of Proverbs 20.10 appear to have a direct textual connection with the *Admonitio Generalis*. The minor divergences between the two quotations in the portion of the verse following *odit* (LC “*Deus*,” AG “*anima mea*”) in no way diminishes the significance of this correspondence. It is understandable why a commentator might opt for the more specific reading *Deus* (as did the author of the Legatine Capitulary), or *Dominus* (as did Regino), since the reading *anima mea* (with God speaking directly) might leave doubt about the subject of *odit* when the verse was excerpted, if the antecedent of *mea* was not specifically designated.

Since the next two passages I will discuss contain rather common non-standard readings, I will consider them together. Beneath the quotations from LC and AG, I have included a catalog of every other occurrence of this reading in the corpus of Alcuin's writings. In these citations, I have followed the same conventions as above, highlighting in boldface the variant features these quotations share with the LC and AG readings, and italicizing minor, variant features I do not explicitly discuss.

(2) Ecclesiastes 5.4

Vg multoque melius est non vovere quam post votum promissa non complere

LC “melius est non vovere quam post votum [...] non **reddere**”

AG “melius est non vovere quam [...] non **reddere**”

Elsewhere:⁴² *Comm.Eccles*, PL 100:688C “multoque melius est non vovere quam post votum promissa non **reddere**”

⁴¹ PL 132:366A.

⁴² For explanations of these abbreviations, see section VIII.c.

In both LC and AG, one finds the variant reading *reddere* for Vulgate *conplere*, and a significantly abbreviated citation of the verse. In LC, initial *multoque* is excised, as is *promissa*. Likewise, AG is trimmed in nearly identical fashion (though more greatly), with initial *multoque* cut out, and the entire phrase *post votum promissa*. As might be expected of a scholar of his magnitude, Alcuin clearly felt comfortable paraphrasing and abbreviating the scripture he quoted. As with this quotation of Ecclesiastes 5.4., there is often correspondence between the quotations in the Legatine Capitulary and Alcuin's other works, not only in the positive readings themselves, but also in how these quotations have been truncated.

(3) Exodus 20.17

Vg non concupisces domum proximi tui nec desiderabis uxorem eius non servum non ancillam non bovem non asinum nec omnia quae illius sunt
 LC “non concupisces **rem** proximi tui nec desiderabis uxorem eius non *villam* non bovem non *ovem* non *agrum* nec omnia quae illius sunt”⁴³
 AG “non concupisces **rem** proximi tui”

Elsewhere: *Comm.Ioan*, PL 100:899C “non concupisces **rem** proximi tui”

The variant *rem*, found in both LC and AG for Vulgate *domum*, occurs in only one Vulgate MS (Σ^r),⁴⁴ but is common in patristic writings. Thus, both of the previous two quotations (Ecclesiastes 5.4 and Exodus 20.17) contain non-standard readings that are commonplace. However, while inconclusive by themselves, they provide supplementary evidence supporting a connection between the Legatine Capitulary and the *Admonitio Generalis*.

⁴³ The list of items one is forbidden to covet is excised in AG, and altered significantly in LC. LC does not include *servus*, *ancilla*, or *asinus* in the list, but opts instead for *villa*, *ovus*, and *ager*. The only item the two list have in common is *bos*. Might we imagine that the author of the Legatine Capitulary altered this list to more closely address the circumstances in England?

⁴⁴ For explanations of sigla referring to biblical texts, see below: “Explanations of Sigla,” Section VIII.a.

The last passage I will discuss in this section requires more extensive explanation. Since the quotation is from the Psalms, I provide the basic reading from each of three versions used during this period: the *Romanum*⁴⁵ (Jerome’s first translation, based on the Septuagint, and closest to the *Vetus Latina*), the *Gallicanum*⁴⁶ (Jerome’s second translation based on the *Hexapla*), and the *Hebraicum*⁴⁷ (Jerome’s final translation, based directly on the Hebrew).

(4) Psalm 57.2

Romanum ...iusta iudicate filii hominum
 Gallicanum ...recta iudicate filii hominum
 Hebraicum ...recta iudicate filii hominum
 LC “...**iuste** iudicate filii hominum”
 AG “...**iuste** iudicate filii hominum”

Elsewhere: *Liber.gen*, PL 100:730C “*Recte* iudicate filii hominum”

Like the reading from Proverbs discussed above, this fragmentary variant of Psalm 57.2 with adverbial *iuste*⁴⁸ as the first element, is particularly worthy of note. Each of the three Psalm traditions—the Roman, the Gallican, and the Hebrew—gathered their own distinctive set of variant readings. In this case, the reading *iuste*, attested in both the Legatine Capitulary and the *Admonitio Generalis*, is a Romanum variant of *iusta*. In fact, it is clear from the twelve Psalm passages quoted (including fifteen verses, full or fragmentary)⁴⁹ in the Legatine Capitulary, that the author was either using a Roman text,

⁴⁵ For citations of the Romanum, I have used *Le Psautier Romain et les autres anciens psautiers latins*, ed. Robert Weber (Rome: Abbaye Saint-Jérôme, 1953).

⁴⁶ For citations of the Gallicanum, I have used: *Rome Biblia Sacra*.

⁴⁷ For citations of the Hebraicum, I have used: *Stuttgart Biblia Sacra*.

⁴⁸ Adverbial *iuste*, as opposed to the neuter plural substantive *iusta*, is the *lectio faciliior*.

⁴⁹ Psalms quoted in the Legatine Capitulary: 2.12, 10.8, 14.1, 14.5, 57.2, 75.12-13, 81.4, 88.10, 88.20, 88.24, 98.4, 104.14-15, 115.12.

or a Gallican text considerably influenced by Roman readings.⁵⁰ During this time, the Romanum was regularly used only in two places: Italy and England. Not surprisingly, therefore, we find this particular variant reading attested in only seven surviving witness of the Romanum, three Italian **Q²UX**⁵¹ (all Rome, twelfth century), and four English **N²BCD** (all English, c. tenth-twelfth century). It is possible, therefore, that *iuste* represents a late Romanum variant from the Italian tradition; and we might, therefore, be tempted to see the hand of one of the Italian legates at work here, possibly George of Ostia. On the other hand, *iuste* might also reflect an early Romanum variant from the English tradition. Since this unusual reading occurs in the *Admonitio*, we should not rule out the possibility of Alcuin's influence. And in fact, there is additional evidence suggesting Alcuin may have known it. Even though this variant of Psalm 57.2 with *iuste* is unattested in Continental psalters outside Italy—there had been legislation requiring use of the Gallican text since the time of Pippin—it is occasionally cited by other Carolingian writers, some close to Alcuin. Though by no means in common use, this reading is cited, for example, once each by Rabanus Maurus (Alcuin's celebrated student), and Hincmar of Rheims.⁵² Besides these authors, it occurs in a number of *capitula* based on the *Admonitio*. Thus, even though both these men are writing after

⁵⁰ My analysis of the text of the psalms used in the Legatine Capitulary differs from Bullough's, who claims, "The Psalter citations are very mixed, including just one that seems to be from the 'Roman' version...and at least one that is unequivocally 'Gallican,'" *Alcuin*, 353. I have found no "unequivocally 'Gallican'" citations, and two that are Roman. As for the other ten citations, it is impossible to determine if they are Roman or Gallican, though there is nothing incompatible with a Romanum source.

⁵¹ Superscript "2" indicates a reading introduced by a second hand.

⁵² Rabanus Maurus, PL 112:847C, and Hincmar of Rheims, PL 125:1055B.

Alcuin, their use of this reading suggests it may have had some currency, however small, in Carolingian circles.⁵³

What could explain the appearance of this unusual variant reading of Psalm 57.2 in both the Legatine Canons and *Admonitio*? One possibility is that Alcuin used the Legatine text as a model when drafting the 789 document. On the other hand, as a native Englishman, Alcuin may have sought to use a version of the psalms familiar to his intended audience (the English, and in particular the Northumbrians), and so intentionally drew upon a Romanum version of the Psalter. Whatever the source of this reading of Psalm 57.2 in the Legatine Capitulary, its appearance in the *Admonitio Generalis* three years later indicates a strong link between the two texts. While the readings from Ecclesiastes and Exodus are common, and so can only provide supporting evidence of such a connection, the variant readings of Proverbs 20.10 and Psalm 57.2 are sufficiently distinctive, especially when taken together, to indicate a connection between these texts. While this evidence does not prove that Alcuin was the author of the 786 document, it does point to a direct textual link between the Legatine Capitulary and the *Admonitio Generalis*.

VI. The Legatine Capitulary and the Corpus of Alcuin's Writings

Is it possible to implicate Alcuin more directly in the composition of the Legatine Capitulary? In what follows, I will show that the biblical text in the Legatine Capitulary has parallels not only in the *Admonitio Generalis*, but throughout the accepted corpus of Alcuin's writings. This evidence will counter attempts to explain away the

⁵³ It is possible that Alcuin and his contemporaries might have known this reading of Psalm 57.2 with *iuste* from Arnobius' fifth century *Commentarii in Psalmos*. See: *Arnobii Iunioris: Commentarii in Psalmos*, CCSL 25, ed. Klaus-D. Daur (Turnhout: Brepols, 1990). Hereafter, *Commentarii*. I have no direct evidence that Arnobius was the source (*Commentarii*, 81, ll. 11-12).

correspondences between the Legatine Capitulary and the *Admonitio Generalis* as merely the result of Alcuin's purported reliance on the former as a model when he composed the 789 document.⁵⁴ Had Alcuin done so, one would expect the parallels between the Legatine Capitulary and the corpus Alcuin's writings to be rather limited. Perhaps we might find a few similarities outside the *Admonitio*, most likely in Alcuin's early works; but we would not expect to find extensive patterns of such parallels in works he composed throughout his career.

However, such patterns exist. Throughout the Legatine Capitulary, one finds scriptural readings Alcuin quoted throughout his career, strongly suggesting that he was intimately involved in drafting the 786 document. Below, I list every variant or non-standard scriptural reading in the Legatine Capitulary that has a corresponding (or nearly corresponding) parallel in the surviving corpus of Alcuin's writings.⁵⁵ First, I provide the accepted Vulgate reading alongside the version found in the Legatine Capitulary.⁵⁶ After that, I list all occurrences of the reading in the Alcuinian canon.⁵⁷ However, since my purpose is merely to establish Alcuin's influence on a particular text, and not to create an exhaustive catalog of biblical verses in his works, I have not included in this catalog: (1) Quotations that are cited in the accepted Vulgate form in the Legatine Capitulary, even if these verses occur elsewhere in Alcuin's writings, or (2) variant/non-standard readings

⁵⁴ Bullough, *Alcuin*, 356.

⁵⁵ I have included all the works not listed as doubtful or spurious in Sharpe's *Handlist*.

⁵⁶ As above, I have highlighted in boldface only those variants which correspond to the form in the Legatine Capitulary. I have put all other variant or non-standard readings in italics.

⁵⁷ I have not reproduced quotations that are identical, but merely cited the first occurrence in full, and then listed the remaining parallels after "likewise." I have, however, reproduced separately every quotation that shows any variant/non-standard feature differing from the others in my list, even if it is not the particular reading under discussion.

found in Alcuin's works which do not match the corresponding form in the Legatine Capitulary.

There are twelve such quotations in the Legatine Capitulary, which I have arranged in three groups. In the first group, I have included those comparisons which contain non-standard readings commonly attested in biblical MSS and/or patristic writings. While the quotations in this group strongly resemble the readings cited in the corpus of Alcuin's writings, they are commonplace and so can only provide supplementary evidence of his influence. In group two, I examine four non-standard quotations from the gospels. Like the previous group, most of these readings are commonplace; I treat them separately, however, since they raise the possibility that the author of the Legatine Capitulary relied on an Insular text of the gospels. Finally, in group three, I discuss two comparisons that, I will argue, show the distinct mark of Alcuin's influence.

VI.a. Group I: Supplementary Evidence

(1) Ezechiel 3.18-20⁵⁸

(Here, I have attempted to do nothing more than italicize that portion of Vg that corresponds to LC, since the latter has been so greatly reduced and rearranged. For this same reason, I have also made no attempt to identify variations in word order.)

Vg (18) *si dicente me ad impium morte morieris non adnuntiaveris ei neque locutus fueris ut avertatur a via sua impia et vivat ipse impius in iniquitate sua morietur sanguinem autem eius de manu tua requiram* (19) *si autem tu adnuntiaveris impio et ille non fuerit conversus ab impietate sua et via sua impia ipse quidem in iniquitate sua morietur tu autem animam tuam liberasti sed et si conversus iustus a iustitia sua fecerit iniquitatem ponam offendiculum coram eo ipse morietur quia non adnuntiasti ei in peccato suo morietur et non erunt in memoria iustitiae eius quas fecit sanguinem vero eius de manu tua requiram*

⁵⁸ See Cubitt, *Councils*, 181 and n. 110; also Bullough's objection in *Alcuin*, 353.

LC “si **non adnuntiaveris iniquo iniquitatem suam** sanguinem eius de manu tua requiram si autem adnuntiaveris et *non egerit poenitentiam* tu animam tuam liberasti *ipse* in peccato suo morietur”

Elsewhere:⁵⁹ *Epist*, p. 425, #267 “Si *enim non adnuntiaveris iniquo iniquitatem suam* et *ille* morietur in peccatis suis sanguinem eius de manu tua requiram”

The first portion of this greatly abbreviated, non-standard reading of Ezechiel 3.18, *non adnuntiaveris iniquo iniquitatem suam*, is found in both LC and AG. This phrase, usually followed in commentaries immediately (or nearly immediately) by *sanguinem eius de manu tua requiram*, is commonly found in patristic writings. For the rest of this verse, the readings in LC and AG disagree. I can find no parallel for the LC reading *non egerit poenitentiam* for Vg *non fuerit conversus*. However, this emphasis on penance in the LC reading imbues the passage with New Testament christian significance, and anticipates canon XX of the Legatine Capitulary, which specifically calls for the timely performance of penance. It would appear, therefore, that the citation of Ezechiel 3.18-20 in LC addresses a specific agenda voiced later in the Legatine Capitulary (the importance of penance), while Alcuin’s citation of the same verse in *Epistola #267* merely compresses the much longer passage without substantially altering its meaning. Thus, although there are differences between the two passages, the similar abbreviation of the readings in LC and Alcuin’s *Epistola #267* suggests a possible connection between the two quotations.

(2) Zacharias 1.3

Vg et dices ad eos haec dicit Dominus exercituum convertimini ad me ait Dominus exercituum et convertar ad vos dicit Dominus exercituum
LC “Convertimini ad me [...] et **ego** convertar ad vos”

⁵⁹ I have included only those scriptural quotations which match those in the Legatine Capitulary. This practice should not be taken to imply that every, or even most, of the occurrences of any given scriptural passage in the corpus of Alcuin’s work agree with the readings I have listed. Not unusually, several different readings of the same scriptural passage can be found in the body of Alcuin’s work.

Elsewhere: *Epist.*, p. 65, #23 “Covertimini ad me [...] et **ego** revertar ad vos dicit Dominus”

The readings of Zacharias 1.3 in both the LC and Alcuin’s *Epistola* #23 not only contain the same non-standard reading *ego*, but also abbreviate the verse in precisely the same way, cutting out all but the direct words of God.

(3) Romans 1.32 / Romans 2.3⁶⁰

Vg (1.32) qui cum iustitiam Dei cognovissent non intellexerunt quoniam qui talia agunt digni sunt morte *non solum ea faciunt sed et consentiunt facientibus*

Vg (2.3) existimas autem hoc o homo qui iudicas eos qui talia agunt et facis ea quia tu effugies iudicium Dei

LC “Non solum **qui** faciunt sed et **qui** consentiunt facientibus iudicium Dei non effugiunt”

Elsewhere: (a) *Virt.uit.*, PL 101:629A “‘non solum’ ut egregius mundi doctor ait ‘**qui** faciunt sed **qui** consentiunt facientibus *digni efficiuntur morte perpetua*’”

The quotations from the Legatine Capitulary and Alcuin’s *De virtutibus et vitiis* that I have highlighted here are based on a partial quotation of Romans 1.32 (which I have italicized in the Vulgate reading). In LC, the reading is actually a hybrid of Romans 1.32 and a paraphrased portion of Romans 2.3. In *De virtutibus et vitiis*, on the other hand, Alcuin’s reading of the verse is merely a rearrangement of Romans 1:32. Although the non-standard reading *qui...qui* highlighted above is common in patristic writings, the substantial truncation of all but the last phrase of this verse in both LC and *De virtutibus et vitiis* suggests a connection between the two quotations.

(4) I Corinthians 14.40

Vg omnia autem honeste et secundum ordinem fiant

LC “*Contendite ut omnia **vestra** honeste et secundum Dominum fiant*”

⁶⁰ For citations of the New Testament, I have used *Nouum Testamentum Domini nostri Iesu Christi latine secundum editionem S. Hieronymi*, ed. John Wordsworth, H. J. White, and H. F. D. Sparks (Oxford: Clarendon Press, 1889-1954). Hereafter, *Nouum Testamentum*.

Elsewhere: (a) *Epist*, p. 56, #19 “Omnia **vestra** honeste *cum* ordine fiant” likewise: (b) *Epist*, p. 168, #114 (c) *Epist*, p. 349, #209 (d) *Epist*, p. 158, #110 “Omnia **vestra** honesta *cum* ordine fiant” likewise: (e) *Vit. Vedast*, p. 419 (f) *Dial. Fran. Sax*, PL 101:853A (g) *Adu. Elipand*, PL 101:294A “Omnia **vestra** honesta’ dicit Apostolus ‘*cum* ordine facite”

The significant correspondence between these quotations is the addition of the variant reading *vestra* qualifying *omnia*, found in LC and several of Alcuin’s later writings. This variant appears only in two Vulgate MSS (**DS**), but is common in patristic writings. I can find no parallels in biblical texts or commentaries for the addition of *contendite ut* nor the substitution of *Dominum* for Vg *ordinem* in LC.

(5) Hebrews 13.17⁶¹

Vg Oboedite praepositis vestris et subiacete eis ipsi enim pervigilant quasi rationem pro animabus vestris reddituri ut cum gaudio hoc faciant et non gementes hoc enim non expedit vobis

LC “Obedite praepositis vestris *tanquam Domino* ipsi enim vigilant pro vobis, quasi pro animabus vestris **rationem reddituri**”

Elsewhere: *Epist*, p. 44, #16 “Oboedite sacerdotibus Dei illi enim habent **rationem reddituri**”

While the phrase *rationem reddituri* is common in patristic writings and biblical MSS, the specific word order of the final phrase of this verse in LC (...*pro animabus vestris rationem reddituri*) is unusual. The closest Vulgate parallel is in **L** (English, s. VIII), which reads ...*pro animabus vestris quasi rationem reddituri* (with the addition of *quasi*).

I can find no parallel for the LC reading *tanquam Domino* for Vg *et subiacete eis*.

(6) I John 1.8

Vg si dixerimus quoniam peccatum non habemus ipsi nos seducimus et veritas in nobis non est

LC “si dixerimus **quia** peccatum non habemus, ipsi nos seducimus et veritas in nobis non est”

Elsewhere: (a) *Epist*, p. 152, #105 “Si dixerimus **quia** peccatum non habemus *nosmet ipsos* seducimus” (b) *Epist*, p. 197, #131 “Si dixerimus **quia** peccatum non habemus nos

⁶¹ See Cubitt, *Councils*, 181.

ipsos seducimus et veritas in nobis non est” (c) *Epist*, p. 367, #223 “**quia** si dixerimus peccatum non habemus *nosmetipsos* seducimus et veritas in nobis non est” (d) *Epist*, p. 394, #245 “Si dixerimus **quia** peccatum non habemus *nosmetipsos* seducimus et veritas in nobis non est” (e) *Comm. Ioan*, PL 100:926A “Si dixerimus **quia** peccatum non habemus nos *ipsos decipimus* et veritas in nobis non est”

This variant, with *quia* for Vg *quoniam*, appears in only one Vulgate MS (Θ^M), one of Theodulf’s early texts, but is common in patristic writings. However, as the long list of parallel quotations from Alcuin’s later writings shows, this reading was clearly preferred by Alcuin.

The non-standard scriptural quotations discussed in this section are commonplace, and do not, by themselves, make the case for Alcuin’s influence. That said, there is a clear affinity between the scriptural quotations in the Legatine Capitulary and the rest of Alcuin’s corpus. While not sufficient to prove his involvement, this evidence does suggest that the biblical text in the Legatine Capitulary is consistent with the one known and used by Alcuin throughout in his career.

VI.b. Group II: Gospel Evidence

(7) Matthew 7.2

Vg in quo enim iudicio iudicaveritis iudicabimini et in qua mensura mensi fueritis metietur vobis

LC “In quo *etiam* iudicio iudicaveritis iudicabimini [...] mensura **qua** mensi fueritis metietur vobis”

Elsewhere: *Liber.gen*, PL 100:730C (paraphrase) “et quodcunque volumus, ut faciant nobis homines, faciamus et illis similiter, scientes quia mensura **qua** mensi fuerimus, remetietur nobis.”

This variant reading, found in both LC and Alcuin’s *Liber generationis Iesu Christi*, in which Vg *et in* is omitted, and *qua* (changed from an adjective to an indirect relative pronoun) is added after *mensura*, occurs in only one Vulgate MS (**E**), though it is commonly found in patristic writings.

(8) Matthew 25.21⁶²

Vg ait illi dominus eius euge bone serve et fidelis quia super pauca fuisti fidelis supra multa te constituam intra in gaudium domini tui

LC “Euge **serve bone** et fidelis [...] intra in gaudium Domini tui”

Elsewhere: (I) TRIMMED EXACTLY AS IN LC: (a) *Epist*, p. 118, #76 “Euge **serve bone** et fidelis [...] intra in gaudium domini tui” likewise: (b) *Epist*, p. 426, #267 (c) *Comm.Ioan*, PL 100:830B (d) *Epist*, p. 479, #310 “Euge **serve bone** et fidelis [...] intra in gaudium domini Dei tui” (II) SEVERELY TRIMMED: (e) *Epist*, p. 106, #63 “Euge **serve bone** et fidelis” (III) (NEARLY) FULL QUOTATION: (f) *Epist*, p. 36, #10 “Euge **serve bone** et fidelis quia in pauca fuisti fidelis *supra* multa te constituam intra in gaudium domini Dei tui” (g) *Epist*, p. 69, #27 “Euge **serve bone** et fidelis quia super pauca fuisti fidelis *supra* multa te constituam intra in gaudium Domini tui” likewise: (h) *Epist*, pp. 120-21, #79 (i) *Epist*, p. 160, #111 (j) *Epist*, p. 191, #128 “Euge **serve bone** et fidelis quia super pauca fuisti fidelis *supra* multa te constituam intra in gaudium domini Dei tui” likewise: (k) *Epist*, pp. 208-09, #136 (l) *Fid.trin*, PL 101:14C (m) *Epist*, p. 111, #67 “Euge **serve bone** et fidelis quia super pauca fuisti fidelis super multa te constituam intra in gaudium domini Dei tui” (n) *Vit.Vedast*, PL 101:680B “Euge **serve bone** et fidelis quia super pauca fuisti fidelis super multa te constituam intra in gaudium domini tui ” likewise: (o) *Vit.Richar.* p. 393 “Euge **serve bone** et fidelis quia *supra* pauca fuisti fidelis *supra* multa te constituam intra in gaudium Domini tui”

This non-standard reading of Matthew 25.21 in LC has two distinguishing characteristics:

the transposition of Vg *bone serve* so that the adjective follows the noun, and the

significant truncation of the verse. While this reading is a major variant, it is clearly the

one preferred by Alcuin.

(9) Matthew 25.34⁶³

Vg Tunc dicet rex his qui a dextris eius erunt. Venite benedicti Patris mei possidete paratum vobis regnum a constitutione mundi

LC “Venite benedicti [...] possidere paratum vobis regnum **ab origine** mundi”

Elsewhere: (a) *Epist*, p. 96, #51 “Venite benedicti patris mei percipite regnum quod vobis paratum est **ab origine** mundi” likewise: (b) *Epist*, p. 173, #117 (c) *Epist*, p. 391, #243 (d) *Epist*, p. 407, #251 (e) *Epist*, p. 441, #282 (f) *Epist*, p. 460, #302 (g) *Exp.psalms.poen*, PL 100:574C (h) *Exp.psalms.grad*, PL 100:628B (i) *Comm.Eccles*, PL 100:668B (j)

⁶² See Cubitt, *Councils*, 181.

⁶³ Note Bullough’s objection in *Alcuin*, 353. See also Cubitt, *Councils*, 181.

Comm.Tit.Phil.Hebr, PL 100:1084B (k) *Vit.Vedast*, PL 101:679A-B (l) *Epist*, p. 430, #271 “Venite benedicti patris mei percipite regnum quod vobis paratum **ab origine** mundi” (m) *Liber.gen.* PL 100:732C “Venite benedicti Patris mei percipite regnum quod vobis paratum est **a constitutione** mundi” (n) *Comm.Ioan*, PL 100:824C “Venite benedicti Patris mei percipite regnum quod vobis paratum est **ab initio** mundi”

In the LC reading of Matthew 25.34, *patris mei* is omitted and *ab origine* is substituted for Vg *a constitutione*. The omission of *patris mei* has no parallel in Alcuin’s later writings, and Alcuin’s substitution of *percipite* for Vg *possidete* is not paralleled in LC.

The variant *ab origine*, however, is clearly the reading Alcuin preferred. It occurs in only three Vulgate MSS (**DER**), though it is commonly found in patristic writings.

(10) John 10.11⁶⁴

Vg *ego sum pastor bonus bonus pastor animam suam dat pro ovibus*
LC “[...] Pastor *namque* bonus animam suam dat pro ovibus **suis**”

Elsewhere: (a) *Epist*, p. 189, #128 “[...] Bonus pastor animam suam dat pro ovibus **suis**” (b) *Adu.Fel*, PL 101:199A “...*Pastor bonus ponit* animam suam pro ovibus **suis**” (c) *Comm.Ioan*, PL 100:886B “Ego sum pastor bonus’ inquit ‘Pastor bonus animam suam *ponit* pro ovibus **suis**” (d) *Comm.Ioan*, PL 100:887B “Bonus pastor animam suam *ponit* pro ovibus **suis**”

The reading of John 10.11 in LC contains three non-standard features: (1) The truncation of the first part of the verse *ego sum pastor bonus*, (2) the addition of the connective *namque*, and (3) the addition of *suis* modifying *ovibus*. All of these readings, except the addition of *namque*, are common. While the inclusion of *namque* is not found in Alcuin’s writings, he seems to have preferred the other two readings. In two out of four later citations of this verse, Alcuin truncates the verse just as in LC, and in all cases he adds the possessive *suis*.

These gospel citations are of particular interest. Given the relatively small number of non-standard gospel quotations in the Legatine Capitulary that can be compared with

⁶⁴ See Cubitt, *Councils*, 181.

Alcuin's later writings,⁶⁵ and the probability that the author relied on commentaries as well as the bible itself, it is impossible to identify specifically which text of the Vulgate the author used. That said, the variant readings in the four gospel quotations discussed above are consistent with a certain Insular family of the gospels (**DELQR**).⁶⁶

Admittedly, the non-standard truncation of these verses as they appear in the Legatine Capitulary is not usually attested in this family of Vulgate texts. However, the rest of the variants I discussed, in all cases, are represented in one or more members of this Insular family of Vulgate texts, and sometimes only in this family.

Of these four variant gospel quotations, only one agrees with Vulgate texts of the Alcuinian family (in this case, **Φ^GΦ^V**),⁶⁷ the version of the bible resulting from Alcuin's massive revision, completed over two decades later. However, it stands to reason that, at this early point in his career, Alcuin would have drawn on a version he knew from his native Northumbria, which would almost certainly have been an Insular text. While this evidence, by itself, falls short of proving Alcuin's involvement in the drafting the Legatine Capitulary, it does suggest that whoever its author was knew a version of the gospels consistent with one available in eighth century Northumbria.

⁶⁵ There are fifteen citations from the gospels in the Legatine Capitulary, including the four I discuss in this section. Of the remaining eleven, nine either appear in the standard Vulgate form (or contain a major variant), are too greatly paraphrased, or too fragmentary to make identification with any particular biblical text (or family of texts) possible. These include: Matthew 4.1, Matthew 6.2, Matthew 10.8-9, Matthew 13.25-28, Matthew 18.5-6, Matthew 23.27, Luke 3.8, Luke 12.35-40, John 13.35. The other two quotations, Matthew 6.1 and Luke 10.16, contain readings that are unattested in any biblical text and which are extremely rare in patristic writings.

⁶⁶ See discussion in Wordsworth, *Nouum Testamentum*, pars I, x.

⁶⁷ I.e., the variant of John 10:11 *ovibus] + suis* (**Φ^GΦ^V**).

VI.c. Group III: Primary Evidence

The evidence provided thus far shows that there is a significant degree of correspondence between the biblical citations found in the Legatine Capitulary and the corpus of Alcuin's writings. These correspondences appear not only in the non-standard/variant readings themselves, but also in the way the biblical text is freely abbreviated and paraphrased. Nonetheless, since most of the readings I have discussed thus far are commonly found elsewhere, they are only of supplemental value in demonstrating Alcuin's possible role in drafting the Legatine Capitulary. In the two examples that follow, however, the full extent of Alcuin's influence can be more precisely detected.

(11) Ecclesiasticus 5.8

Vg non tardes converti ad Deum et ne differas de die in diem

LC “**Nolite tardare** converti ad **Dominum** nec differatis de die in diem”

Elsewhere: (a) *Epist*, p. 18, #1 “Ne tardes converti ad **dominum** Deum *quia nescis quid ventura pariat dies*” (b) *Epist*, pp. 76-77, #34 “**Noli tardare** converti ad Deum *quia nescis quid ventura pariat dies*” (c) *Epist*, p. 196, #131 ““Ne tardes de die in diem’ dicit scriptura ‘converti, *quia nescis quid superventura pariat dies*”” (d) *Epist*, p. 454, #295 “Sed tu **noli tardare** converti ad Deum *quia nescimus quid ventura pariat dies*” (e) *Exp.psalms.poen*, PL 100:589B “Sed **noli tardare** converti ad Dominum” (f) *Comm.Eccl*, PL 100:699C “Ne tardes converti ad **Dominum**” (g) *Virt.uit*, PL 101:623B “Fili ne tardes converti ad **Dominum** *quia nescis quid futura pariat dies*” (h) *Virt.uit*, PL 101:623D “Neque tardes converti ad **Dominum** et ne differas de die in diem”

Throughout his writings, Alcuin sometimes cites a non-standard reading of Ecclesiasticus 5.8 with the imperative of *nolo* + *tardare* (albeit the singular as opposed to the plural form found in LC) and sometimes the standard reading, Vg *non* + the jussive subjunctive of *tardare*. He does, however, seem to prefer the non-standard reading *ad Dominum*, as

in the Legatine Capitulary, instead of *Vg ad Deum*, though both of these readings are commonplace.⁶⁸

Of greater significance for the present argument is the context of this citation. In canon XX of the Legatine Capitulary, where this quotation appears, the text regulates against waiting to turn to God, stipulating that one should confess and perform all necessary penance as soon as possible. Alcuin's concern over the need for timely repentance is noted by Cubitt, who points out verbal parallels between canon XX and Alcuin's other works.⁶⁹ Most telling is the comparison between canon XX of the Legatine Capitulary and Alcuin's *De virtutibus et vitiis*, chapter xiv, "*De non tardando converti ad Deum*,"⁷⁰ where Alcuin addresses the same topic. Particularly noteworthy for the present argument is Alcuin's choice of scriptural citations in this chapter of *De virtutibus et vitiis*.⁷¹ Here, just as in the Legatine Capitulary, he cites Ecclesiasticus 5.8, along with the same fragment of Ecclesiasticus 14.12 cited in canon XX.⁷²

However, even more closely parallel to the Legatine Capitulary are the scriptural quotations in Alcuin's source for chapter xiv of *De virtutibus et vitiis*. For this chapter, Alcuin borrowed large portions nearly verbatim from a homily spuriously attributed to Bede (or perhaps an earlier work which Alcuin and Ps-Bede both reproduced word-for-

⁶⁸ Alcuin also seems to have preferred joining varying readings of the second portion of Proverbs 27.1 "*... quid superventura pariat dies*" with this verse.

⁶⁹ See Cubitt, *Councils*, 177, and n. 91.

⁷⁰ PL 101:623A-624A.

⁷¹ See Cubitt, *Councils*, 177-180.

⁷² This fragmentary citation of Ecclesiasticus 14:12 is not noted in Dümmler's edition, *Alcuini Epistolae*, 27.

word).⁷³ It is certainly no coincidence, therefore, that the scriptural citations in Ps-Bede's homily correspond with those in canon XX of the Legatine Capitulary. In this homily, Ps-Bede cites Ecclesiasticus 5.8 (with the non-standard reading *noli tardare* commonly found in Alcuin's writings), the same fragmentary citation of Ecclesiasticus 14.12 (truncated precisely as the LC), as well as Joel 2.12, all of which are also quoted in canon XX of the Legatine Capitulary. Given this evidence, it seems reasonable to suggest that Alcuin, who cited this homily word-for-word in *De virtutibus et vitiis*, was recalling the same work when composing canon XX of the Legatine Capitulary that he later relied on for chapter xiv of *De virtutibus et vitiis*.

As Bullough concedes, the case for Alcuin's influence on canon XX "has much in its favor,"⁷⁴ though he argues against Alcuin's influence overall. He points out that the first part of canon XX concludes with a non-standard (though commonplace) fragmentary citation of Luke 3.8, which is echoed elsewhere in Alcuin's writings:

The chapter's first half concludes with the words *et fructus dignos poenitentiae facite* (i.e. Lc 3.8 with a changed word-order), *fructuosa namque poenitentia est admissa deflere et fleta in postmodum non admittere*. The first clause, with *agere* in place of *facite*, recurs near the beginning of the letter to St. Martin's, where it is linked with a characterisation of penitential healing. When, in his last years, Alcuin wrote his *De virtutibus et vitiis* he 'glossed' those same words in the chapter on 'Penitence' [chapter 13]: *Fructus est dignus poenitentiae, transacta flere peccata, et eadem iterum non agere* and, a few clauses later, *qui praeterita plangit, et iterum flenda non admittit*.⁷⁵

Thus, in at least two separate instances in canon XX, the author of the Legatine Capitulary seems to have used the same sources that Alcuin relied on later in his career

⁷³ Homily 102, PL 94:503B-504B (= CPL 1368, CPM vol. I.b, no. 4075). The correspondence between these two works seems to have escaped notice. See Appendix III for a detailed examination of Alcuin's possible source.

⁷⁴ Bullough, *Alcuin*, 353.

⁷⁵ *Ibid.*, 354. See also Cubitt, *Councils*, 179-80.

for *De virtutibus et vitiis*. It is not impossible, of course, that these correspondences resulted from Alcuin's use of the 786 document as a model. However, that argument implies that Alcuin used not only the Legatine Capitulary itself, but drew on its sources as well. More plausible an explanation is that Alcuin was involved in drafting the Legatine Capitulary, and that he drew on the same sources in 786 that he drew on later, when he composed *De virtutibus et vitiis*.

(12) Ecclesiastes 10.20⁷⁶

Vg in cogitatione tua regi ne detrahas et in secreto cubiculi tui ne maledixeris diviti quia avis caeli portabit vocem tuam et qui habet pinnas adnuntiabit sententiam

LC “In **ore** tuo ne detraxeris regi et in **corde** tuo ne maledixeris **principi** quia **aves** caeli portant **illud** et qui habet pennas annuntiabit **verbum**”

Elsewhere: (a) *Comm.Eccles*, PL 100:711D “In cogitatione tua regi ne detrahas et in secreto cubilis tui ne maledixeris diviti quia **aves** caeli portabunt vocem tuam et qui habet pennas annuntiabit sententiam (b) *Comm.Eccles*, PL 100:711D “**Aves** caeli auferent vocem et habens pennas annuntiabit **verbum**”

This reading of Ecclesiastes 10.20 in LC is extremely rare. I have found no parallels for it either in Vulgate texts or patristic writings. However, strikingly similar language appears in the section of Alcuin's *Commentary on Ecclesiastes* where he discusses this verse. Below, I have highlighted the verbal parallels between the Legatine Capitulary and Alcuin's *Commentary*:

*In cogitatione tua regi ne detrahas et in secreto cubilis tui ne maledixeris diviti quia **aves** caeli portabunt vocem tuam et qui habet pennas annuntiabit sententiam.* Simplex praeceptum aedificat audientes ne ira et furore superati in maledictum et in detractionem regum et **principum** erumpamus quia contra spem interdum evenit ut si his quibus maledicimus nuntietur incurramus periculum in immoderatione linguae. Quod autem ait ***Aves** caeli auferent vocem, et habens pennas annuntiabit **verbum*** hyperbolice intelligendum est. Modo solemus dicere etiam ipsos parietes quibus consciis loquimur quae audierunt non celaturos sed melius est sic audire praeceptum ut sciamus esse nobis mandatum non solum contra Christum nihil temere loquendum verum etiam in arcanis **cordis** quamvis

⁷⁶ See Bullough, *Alcuin*, 348-49 n. 57.

variis coarctamur tribulationibus nihil blasphemum nihil impium sentiendum sit...⁷⁷

As is apparent, virtually all of the non-standard readings found in the LC quotation of this verse anticipate Alcuin's Commentary on Ecclesiastes: In the scriptural citation itself, non-standard *verbum* appears instead of Vg *sententiam*, and plural *aves* appears for Vg singular *avis*. Other parallels with LC are found in the comments themselves: Thus, *arcanis cordis* in Alcuin's Commentary parallels LC *corde* (for Vg *secreto cubiculi*), and *principum* in Alcuin's Commentary parallels LC *principi* (for Vg *diviti*). Whoever cited (or intentionally paraphrased) the reading of Ecclesiastes 10.20 that appears in the Legatine Capitulary was likely aware of the ideas expressed this commentary.

Significantly, Alcuin did not draft this portion of his *Commentary on Ecclesiastes* himself (i.e., his discussion of Ecclesiastes 10.20), but rather borrowed it verbatim from Jerome. Given the verbal parallels between the LC reading of this verse and Alcuin's *Commentary on Ecclesiastes*, it is plausible that Alcuin was recalling the same passage from Jerome for the Legatine Capitulary that he later borrowed verbatim for his *Commentary*. As with the previous example, it is not impossible, strictly speaking, that such similarities could be explained by Alcuin's use of the Legatine Capitulary as a model. Here, too, however, one would have to argue that Alcuin modeled his later work

⁷⁷ PL 100:711D-712A: "Do not detract from the king, not even in your thought, and do not speak evil of the rich man in your private chambers, because the birds of the air will carry your voice and the one that has wings will tell what you have said. This simple precept edifies those who hear it, so that we do not burst forth with exceeding anger or rage in disparaging speech of slander about the king or a dignitary; because sometimes it turns out despite our intent that, if it is reported to those people about whom we spoke evil, we run into danger on account of our immoderate language. However, what it says: the birds of the sky will carry your voice, and those having wings will speak your word, is to be understood hyperbolically. We are accustomed to speak with restraint; even those very walls within which we speak to confidants hear [what we say], but do not conceal it. Thus, it is better to obey this precept, since we know that it is commanded to us, not only that we should say nothing rashly against Christ, but also that we should not think anything blasphemous or impious in the secret regions of our heart, however much we might be oppressed by various tribulations." All translations of the bible from the Douay-Rheims version. I have modernized obvious archaisms, though sparingly.

not only on the Legatine Capitulary, but drew on its sources as well. More likely, Alcuin was using the same sources in 786 that drew on later in his career, in this case for his *Commentary on Ecclesiastes*.

VII. Conclusions

The evidence I present here indicates that Alcuin was not merely an advisor, but had a direct influence on the composition of the Legatine Capitulary. Although the document lacks some of the stylistic features typical of Alcuin's later works, it shares many of the concerns typical of his later writings, some quite distinctive. Furthermore, the scriptural citations in the Legatine Capitulary resemble those found throughout the corpus of Alcuin's work, not only the readings themselves, but in the way Alcuin tends to abbreviate scripture and paraphrase it freely. The closest parallels to the readings in the Legatine Capitulary appear in the *Admonitio Generalis* of 789, but can also be found throughout the corpus of his writings. Perhaps not surprisingly for a scholar who later undertook a massive project to revise the Vulgate, Alcuin's biblical citations, even those of the same verse, vary considerably. Nonetheless, the scriptural quotations in the Legatine Capitulary show a marked affinity with forms found in Alcuin's later works. While many of the non-standard readings in the Legatine Capitulary are commonplace, in several cases they show distinctive features that suggest Alcuin's influence: either the forms of the verses themselves parallel Alcuin's later usage, or they point to sources Alcuin drew on later in his career.

Of course, Bullough's cautionary statement about attributing similarities such as these too quickly to Alcuin's influence must be acknowledged:

The apparent reflections of parts of the [Legatine Capitulary] in what Alcuin wrote in *Francia* during the last eleven years of his life have, however, to be balanced against the substantial element which has no echoes in those writings and is indeed often contradicted by them; and the similarly contradictory character of the Biblical citations in the [Legatine Capitulary] and in the letters cannot be ignored.⁷⁸

My evidence demonstrates that these “contradictions” are not as significant as Bullough suggests. Nonetheless, despite the substantial case in favor of Alcuin's active role in composing the 786 decrees, there are problems with attributing the text solely to Alcuin. What, then, explains the similarities between this document and corpus of Alcuin's writings? Ultimately, there is no reason to doubt that George of Ostia was the author of the Legatine Capitulary in the form in which it survives, i.e., as a letter reporting the legation's accomplishments to Pope Hadrian. However, as the text tells us, when the legation arrived in Northumbria, they were made aware of certain abuses in need of correction. It may be that Alcuin had composed a text decrying these abuses prior to the legation's arrival, and that this document served as the basis for the Legatine Capitulary. I believe that the evidence can best be explained by this theory. At the very least, the evidence suggests that Alcuin worked closely with George during the composition of these decrees. Indeed, given Alcuin's well-known concern for his native people, his lack of participation in such an important event as the legation's visit (whether his role was an official one or not) is difficult to imagine.

In any case, Alcuin's role was not merely that of a counselor, nor was his influence over the text purely ideological: The mark of his pen is detectable down to the level of

⁷⁸ Bullough, *Alcuin*, 356.

minor details in the biblical text cited in the Capitulary, a fact which indicates that his involvement in drafting the 786 document was substantially more than that of a passive observer. While this evidence does not prove that Alcuin was the sole author of the Legatine Capitulary, it does indicate that his role in its composition was more than merely advisory: his influence extends to the level of textual matters.

VIII.a. Explanations of Sigla

The following sigla are used in the notes:

Old Testament (excluding the Psalms):

Σ^T Madrid, Biblioteca Nacional, Vit. 13-1 (Tol. 2-1), s. x^{med}

Psalms:

B London, British Library, MS. Add. 37517, saec. x^{ex}

C Cambridge, University Library, Ff. I. 23 (“Winchcombe Psalter”), s. xi

D Cambridge, Trinity College, R. 17. 1 (“Eadwine Psalter”) saec. xii

N New York, Pierpont Morgan Library, MS. M.776 (“Blickling Psalter” = ‘Morgan Psalter’), c. 730 (CLA XI, no. 1661)

Q Vatican, Urb. lat. 585, c. 1099-1105

U Vatican, Basilicanus D. 144, s. xii

X Vatican, Basilicanus, D. 156, s. xii

Gospels:

D Dublin, Trinity College 52 (“Book of Armagh”), c. 807, (CLA II, no. 270)

E London, British Library MS Egerton 609, s. ix

L Lichfield, Cathedral Library, s.n. (“Gospel of St. Chad”), s. viiiⁱⁿ, (CLA II, no. 159)

Q Dublin, Trinity College 58 (A. I. 6), (“Book of Kells”), s. viii-ix, (CLA II, no. 275)

R Oxford, Bodleian Auct. D II. 19 (olim Arch. Bodl. D. 24), (“Gospels of Mac Regol”), s. viii-ix, (CLA II, no. 231).

S Stonyhurst, College Library, s.n. (“Stonyhurst Gospel”), s. vii-viii, (CLA II, no. 260).

Θ^M Paris, Bibliothèque Nationale, lat. 9380 (“Mesmes Bible”), s. vii-ix, (CLA II, no. 576)

Φ^G London, British Library, Add. 10546 (“Moutier-Grandval Bible”), saec. ixⁱⁿ

Φ^V Rome, Biblioteca Vallicelliana, B. 6, saec. ix^{ex}

VIII.b. Explanation of Abbreviations for Scholarly Works

The following abbreviations are used in the notes:

CCSL *Corpus Christianorum, Series Latina.*

CLA E.A. Lowe, *Codices Latini Antiquiores*, 11 vols. and supplement (Oxford: Clarendon, 1934-71).

CMA *Gallia* M.-H. Jullien and Françoise Perelman. *Clavis Scriptorum Latinorum Medii Aevi: Auctores Galliae, 735-987*, (Turnhout: Brepols 1994-).

CPL E. Dekkers, and E. Gaar. *Clavis Patrum Latinorum*, 3rd. ed. (Turnhout: Brepols, 1995).

CPPM J. Machielson, *Clavis Patristica Pseudepigraphorum Medii Aevi*, (Turnhout: Brepols, 1990-).

MGH Capit. *Monumenta Germaniae Historica, Capitularia Regum Francorum.*

MGH Epp. *Monumenta Germaniae Historica, Epistolae.*

MGH LL *Monumenta Germaniae Historica, Leges*

MGH SS rer. Merov. *Monumenta Germaniae Historica, Scriptores rerum Merovingicarum.*

PL *Patrologiae Cursus Completus, Series Latina*

VIII.c. Explanation of Abbreviations referring to Alcuin’s Writings

The abbreviations I use to refer to Alcuin’s writings are based on the system used in Michael Lapidge, *Abbreviations for Sources and Specification of Standard Editions for*

Sources, (Binghamton, NY: Center for Medieval and Early Renaissance Studies, State University of New York at Binghamton, 1988), 43-44. Names of Alcuin's works correspond exactly to those given in Sharpe's *Handlist*, and I also have provided references to CMA *Gallia* II, the standard catalog of Alcuin's writings.

- Adu.Elipand.* *Aduersus Elipandum*, (CMA *Gallia* II, ALC 5), PL 101:231-300.
- Adu.Fel.* *Aduersus Felicem*, (CMA *Gallia* II, ALC 6), PL 101:119-230.
- Comm.Eccles.* *Commentary on Ecclesiastes*, (CMA *Gallia* II, ALC 50), PL 100:667-722.
- Comm.Ioan* *Commentary on John*, (CMA *Gallia* II, ALC 51), PL 100:737-1008.
- Comm.Tit.Phil.Hebr.* *Commentary on Titus, Philemon, Hebrews*, (CMA *Gallia* II, ALC 53, 54, 55), PL 100:1009-1084.
- Epist.* *Epistolae*, ed. Ernst Dümmler, MGH Epp. 4, pp. 1-493, (CMA *Gallia* II, ALC 45.1-318).
- Exp.psalms.poen.* *Enchiridion siue Expositio in Psalmos poenitentiales*, (CMA *Gallia* II, ALC 44), PL 100:570-96.
- Exp.psalms.grad.* *Enchiridion siue Expositio in graduales*, (CMA *Gallia* II, ALC 44), PL 100:619-38.
- Fid.trin.* *De fide sanctae et individuae trinitatis*, (CMA *Gallia* II, ALC 28), PL 101:11-58.
- Dial.Fran.Sax.* *Dialogus Franconis et Saxonis de octo partibus orationis*, (CMA *Gallia* II, ALC 40), PL 101:849-902.
- Liber.gen.* *Liber generationis Iesu Christi*, (CMA *Gallia* II, ALC 62), PL 100:725-34.
- Virt.uit.* *De virtutibus et vitiis ad Widonen comitem*, (CMA *Gallia* II, ALC 38), PL 101:613-38.
- Vit.Richar.* *Vita S. Richarii*, ed. Bruno Krusch, MGH SS rer. Merov. 4 (1896), pp. 381-401, (CMA *Gallia* II, ALC 90).

Vit. Vedast.

Vita S. Vedasti, ed. Bruno Krusch, MGH SS rer. Merov. 3 (1896), pp. 419-27, (CMA *Gallia* II, ALC 91); also, a sermon for his feast, PL 101:678-81.

CHAPTER 3

THE SOURCE FOR THE PROLOGUE TO THE LAWS OF ALFRED

I. Introduction

The reign of Alfred, king of Wessex 871-99, is notable as much for his intellectual achievements as for his military success against the Vikings. Most of all, his program to translate from Latin into Old English certain works he considered essential reading secured his reputation as one of the greatest figures of Anglo-Saxon literature. Among these works, his law code (along with the prologue that introduces it) is of particular importance. As the only one of his writings not merely “a reworking of classical or patristic sources,” it stands out as the best example of purely Alfredian thought.⁷⁹

The Prologue to Alfred’s legal code is unlike anything found in Anglo-Saxon law before or afterward. The work, which traces the history of legislation since Moses and explains its continued role in christian society, must be regarded as the most sophisticated jurisprudential treatise of its age, certainly in comparison with any such text attributed to a secular ruler. After an extended translation from Exodus 20.1-23.13 (*El.* 1-48⁸⁰), Alfred provides what I will refer to as an “explanatory bridge” (*El.* 49.1-10), outlining the relationship between Mosaic law (as expressed in Exodus) and christian law. This

⁷⁹ Allen Frantzen, *King Alfred* (Boston: Twayne Publishers, 1986), 11. Hereafter, *Alfred*.

⁸⁰ Paragraph numbers refer to *Die Gesetze der Angelsachsen*, Bd. 1, ed. Felix Liebermann (Halle: M. Niemeyer, 1903; repr. Aalen: Scientia, 1960), 26-46. Hereafter, *Gesetze*. Alfred’s Prologue consists of *El.* 1-49.10.

second portion of the Prologue explains the development of law from Moses to Alfred as the direct outcome of a tradition beginning in ancient Israel and continuing in ninth century England. My purpose here, however, is limited to an examination of what sources might underlie the first part of Alfred's Prologue.

This question has been a matter of controversy. Like so many issues related to the Alfredian corpus, especially when matters of source material are concerned, answers have proven elusive. Here, we must be leery of attempts to nail things down too securely. Alfred was anything but a slavish redactor; and—more than most medieval translators—freely injected thoughts and ideas solely his own into his work. His translation of Exodus is no exception. So, as we hunt for the materials he may have drawn upon, we must be sure to give Alfred credit for his achievement; and we should not be surprised if much of its content derives from no source in particular, but wholly from Alfred's own reflection.

There has been debate for some time over what texts may rightly be attributed to Alfred, and to what extent he (as opposed to his advisors) can be considered their author. Over the years, the size of the accepted Alfredian canon has steadily declined. While the Prologue to Alfred's laws is considered by most scholars to be genuinely his work,⁸¹ such questions are outside the scope of the present argument. My purpose here is to examine what source(s) were used for the translation of Exodus in the first part of this Prologue, regardless of authorship. My questions remain the same, therefore, whether the text was produced by Alfred himself or others connected with his royal court. For convenience only, I refer to the Prologue as Alfred's, fully aware that some may quibble with that

⁸¹See, for example, Frantzen, *Alfred*, 13-14 and Janet Bately, "King Alfred and the Old English Translation of Orosius," *Anglia* 88 (1970): 453.

attribution. With these caveats, I begin a discussion of the materials Alfred may have used as inspiration for his extensive translation from Mosaic law.

Of the material in Alfred's Prologue, his translation of Exodus has provoked the most discussion. Early on, attention was focused on a Hiberno-Latin text as a possible source, itself a series of excerpts from the pentateuch, known as the *Liber ex lege Moysi(s)*. In an often-cited article, Fournier, writing in 1909, demonstrated how, in certain cases, the content and order of Alfred's translation of the biblical text closely parallels corresponding Latin passages, including shared variant readings, in the *Liber*.⁸² Perhaps due to the lack of an edition, claims about potential relations between Alfred's Prologue and the *Liber* have remained limited to generalities. I will have a great deal more to say about the *Liber* below. First, however, I will address a more recent, alternative theory.

II. *Collatio legum Romanarum et Mosaicarum*

In *The Making of English Law*, Patrick Wormald concluded that Alfred was deeply influenced by the thought of Hincmar of Rheims. He suggests that

...Hincmar and Alfred had the same conception of the structure of human legal history. Both saw Mosaic law as basic. For both, Christ's advent and the Holy Spirit's descent on the Apostles and their successors preserved the essential continuity of God's legal revelation, by modifying and complementing its details.⁸³

Further, Wormald asserts that "[Alfred's] *domboc* could almost be seen as a primer of Hincmarian principles."⁸⁴ Wormald reminds us that Grimbold was sent to Alfred's court

⁸² Paul Fournier, "Le *Liber ex lege Moysi* et les tendances bibliques du droit canonique irlandais," *Revue Celtique* 30 (1909): 230-31.

⁸³ *The Making of English Law: King Alfred to the Twelfth Century* (Oxford: Blackwell, 1999), 425. Hereafter, *English Law*.

⁸⁴ Wormald, *English Law*, 425.

by archbishop Fulk—Hincmar’s successor—bearing a letter in which he quotes the same passage from Acts 15 that Alfred later cites in his Prologue. Wormald admits that “Hincmar’s idea of law is nowhere set out as a coherent thesis,” but claims that his ideas can “be reconstructed from scattered, if reiterated, observations in polemics with varied objectives.”⁸⁵ As evidence for this claim, Wormald points to biblical citations from works known to Hincmar which appear to have parallels in Alfred’s Prologue.

Although Wormald does not deny outright Alfred’s use of the *Liber* as a source, he merely lists it among several legal treatises emphasizing Mosaic law, some of which Alfred may have known. Included among these are Isidore’s *Etymologiae*, the eighth century Carolingian *Admonitio Generalis*, and the selections from the pentateuch appended to certain manuscripts of the *Ecloga* (a work associated with the Iconoclast Emperors).⁸⁶ In particular, Wormald points to a late Antique work known as the *Collatio legum Romanarum et Mosaicarum*, “compiled sometime in late Antiquity, [that] aligned excerpts from the Pentateuch with passages from Roman law.”⁸⁷ The text consists of sixteen *tituli* (chapter headings), which begin with a short excerpt from the pentateuch, usually no more than one or two verses in length, to which far more expansive citations from Roman legal codes, imperial decrees, and occasionally a bit of discussion are appended.

As a centerpiece of his argument, Wormald draws special attention to a number of readings in the *Collatio*’s text of Exodus 22.2-3, which Alfred’s translation appears to

⁸⁵ Ibid., 423.

⁸⁶ Ibid., 418-19.

⁸⁷ Ibid., 418.

echo.⁸⁸ At this point, it will be useful to reference the text in order to examine Wormald's argument in detail. For comparative purposes, I have provided the Vulgate⁸⁹ reading below, followed by corresponding excerpts from both the *Collatio*⁹⁰ and Alfred's Prologue.⁹¹ I have highlighted in boldface the readings Wormald discusses, both in the *Collatio* and Alfred's Prologue.

EXODUS 22.2-3

Vulgate

(2) si effringens fur domum sive suffodiens fuerit inventus et accepto vulnere mortuus fuerit percussor non erit reus sanguinis (3a)⁹² quod si orto sole hoc fecerit homicidium perpetravit et ipse morietur (3b) si non habuerit quod pro furto reddat venundabitur.

(2) If a thief be found breaking open a house or undermining it, and be wounded so as to die: he that slew him shall not be guilty of blood. (3a) But if he did this when the sun is risen, he has committed murder, and he shall die. (3b) If he does not have the wherewithal to make restitution for the theft, he will be sold.

Collatio legum Romanarum et Mosaicarum (tit. vii 1ff.)

Quod si duodecim tabularum **nocturnum** furem [quoquo modo, diurnum] autem **si se audeat telo defendere, interfici iubent**, scitote, iuris consulti, quia Moyses prius hoc statuit, sicut lectio manifestat. Moyses dicit: [2]⁹³ Si perfodiens **nocte** parietem inuentus fuerit fur et percusserit eum alius et mortuus fuerit hic, non est homicida is qui percusserit eum. [3a] si autem sol ortus fuerit super eum, reus est mortis percussor: et ipse morietur.

Now, the *Twelve Tables* concerning **nocturnal** thieves, [and, for that matter, diurnal]: **if he should dare to defend himself with a spear, they command that he should be killed**. Know, O counselors of law, that Moses first instituted this regulation, just as the verse [below] demonstrates. Moses says: [2] If a thief should be found breaking through a wall at night, and another man strike him and he should die, the man who struck him is not a murderer. [3a] If, however, the sun has risen above him, the one who struck him is guilty of murder, and he shall be killed.

⁸⁸ Ibid., 419-20.

⁸⁹ All citations from the Vulgate are from *Biblia sacra iuxta vulgatam versionem*, 4th rev. ed., ed. Robert Weber (Stuttgart: Deutsche Bibelgesellschaft, 1994); All translations of the scriptural text are from the Douay-Rheims version, unless otherwise noted. I have modernized certain anachronisms, though sparingly.

⁹⁰ All citations of the *Collatio* are from *Fragmenta Vaticana: Mosaicarum et Romanarum Legum Collatio*, eds. Theodor Mommsen and Paul Krueger (Berlin: Weidmann, 1890). All translations of the *Collatio*, unless otherwise noted, are from *Mosaicarum et Romanarum Legum Collatio*, ed. and trans. Moses Hyamson (London: Oxford University Press, 1913). Hereafter, *Mosaicarum*.

⁹¹ All citations of Alfred's Prologue are from Liebermann, *Gesetze*. I have used the E-text.

⁹² In several of the texts I discuss, Exodus 22.3 is split into two parts, which are then variously reordered. For convenience, I designate these two parts "3a" and "3b."

⁹³ For convenience of comparison, I have supplied verse numbers in square brackets corresponding to the Vulgate's versification in my citations (and translations) of the *Collatio*, Alfred's Prologue, and the *Liber*.

Alfred's Prologue (*El. 25*)

[2] Gif ðeof brece mannes hús **nihtes** ⁊ he weorðe þær ofslegen, ne sie he na mansleges scyldig [3a] Gif he siððan æfter sunnan upgonge þis deð, he bið mansleges scyldig ⁊ he ðonne self swelte, **buton he nieddæda wære**.

[2] If a thief should break into a man's house **at night** and be killed there, let him [i.e., the killer] not be guilty of homicide. [3a] If he [i.e., the killer] does this after the sun comes up, he is guilty of homicide, and he himself should die, **unless he acted in self-defense**.

There are two non-standard readings of relevance here. First, Alfred's version includes the word *nihtes* "at night, during the night" in verse 2, which seems to parallel *nocte* in the version found in the *Collatio* but absent in the Vulgate. Second, Alfred includes the phrase *...buton he nieddæda wære*, "...unless he acted in self-defense," added to the first part of verse 3. Nothing suggesting this sense of necessity exists in the Vulgate. Nor, is there anything in the *Collatio*'s reading of the scripture itself bearing this sense. Wormald points to the immediate context of the scriptural quotation in the *Collatio*, a short introduction which specifies that, according to the *Twelve Tables*, a thief, caught in the act of his crime, *si se audeat telo defendere, interfici iubent*, "if he should dare to defend himself with a spear [read "weapon"], they [i.e., the *Twelve Tables*] command that he should be killed."

Initially, Wormald's evidence seems compelling: both readings are rare. Could such a parallel occur by chance? As Wormald himself admits, both these readings "could be spontaneous glosses by Alfred, deduced from context and from West Saxon practice."⁹⁴ Certainly, the co-occurrence of two such non-standard readings in a single verse warrants notice. And, when combined with the fact that Hincmar knew and cited the *Collatio*, whose influence Wormald sees as pervasive throughout Alfred's Prologue, the chance of coincidental correspondence between the these two texts seems small.

⁹⁴ Wormald, *English Law*, 419-20.

Surely, Alfred must have known this text, via Grimbald or some other point of contact retraceable to Hincmar, and used it to modify his expression of the law of Moses. Or did he?

Deeper analysis raises serious questions with the theory that Alfred used the *Collatio* as a source. First of all, the statement that “Hincmarian themes...pervade the whole argument of [Alfred’s] preface” remains to be proven.⁹⁵ The strongest piece of evidence for Hincmar’s influence on Alfred is the translation from Acts 15, which Alfred quotes later in his Prologue. The significance of this passage was emphasized to Alfred in a letter which archbishop Fulk, Hincmar’s successor at Rheims, sent along with Grimbald when he arrived at Alfred’s court. Even if we accept Hincmar’s influence in this one instance, to argue that his thinking guided Alfred beyond this lone example, one must acknowledge that such influence could only have reached Alfred via a rather long and narrow route: i.e., through Hincmar’s successor Fulk and the scholar Grimbald, dispatched to the West Saxon royal court. In any case, even if Alfred’s citation of Acts 15 later in his Prologue derives from the quotation in archbishop Fulk’s letter, this fact in no way proves Hincmar’s influence on Alfred’s treatment of Mosaic law. Alfred was certainly capable of using more than a single source, as has been demonstrated elsewhere.

Since Wormald’s theory about Hincmarian influence on the entire Prologue depends primarily on two pieces of evidence (1) Alfred’s purported use of Fulk’s letter and (2) his non-standard citation of Ex 22.2-3, calling either of these identifications into question seriously weakens his hypothesis. In fact, close scrutiny of the non-standard reading of Ex 22.2-3 found in both Alfred’s Prologue and the *Collatio* casts doubt on the theory that the apparent parallelism between the two resulted from direct textual

⁹⁵ Ibid., 420.

borrowing. First of all, while *nocte* is absent in the Vulgate reading of Exodus 22.2, *si effringens fur domum sive suffodiens fuerit inventus et accepto vulnere mortuus fuerit percussor non erit reus sanguinis*, “if a thief be found breaking open a house or undermining it, and be wounded so as to die: he that slew him shall not be guilty of blood,” the condition of nighttime is clearly implied by the first clause of the following verse, Exodus 22.3: *quod si orto sole hoc fecerit homicidium perpetravit*, “if he did this after the sun has risen, he has committed murder.” Anyone familiar with this passage might reasonably add *nocte* (or, in Old English, *nihtes*) as clarification.⁹⁶ Certainly, Alfred can easily be imagined to have done so, especially if he was concerned about the actual application of this precept. Since darkness is the necessary condition for the justifiable killing of a thief, anyone wishing to emphasize the latter point (justifiable homicide), especially in a legal context, might well want to emphasize the former condition (darkness). At the very least, the addition of *nocte* in the *Collatio* and *nihtes* in Alfred’s Prologue merely serves to highlight a sense already present in the Vulgate text. It seems likely, therefore, that the authors of both texts supplied this condition independently.

It is even more difficult to connect the second non-standard reading Wormald identifies in this verse—the stipulation that a thief may be slain in self-defense—with the reading in the *Collatio*. Clearly, both Alfred and the author of the *Collatio* were concerned about the conditions under which a thief might be killed as a justifiable act of self-defense (an idea not expressed in the Vulgate), though it’s easy to overstate the parallelism here. Alfred inserts a succinct, additional condition about self-defense to the

⁹⁶ See also, Michael Treschow, “The Prologue to Alfred’s Law Code: Instruction in the Spirit of Mercy,” *Florilegium* 13 (1994): 93. Hereafter, *Prologue*.

scriptural text itself, which otherwise prohibits the killing of a thief during daylight hours. Alfred adds the phrase *buton he nieddæda wære*, “unless he acted in self-defense,” allowing the victim to defend himself. The *Collatio*, on the other hand, does not alter or enhance the scriptural text itself, but rather adds this stipulation in a brief preface to the biblical text, citing the *Twelve Tables*: *si se audeat telo defendere, interfici iubent*, “if he [i.e., the thief] should dare to defend himself with a spear, they command that he should be killed.” This stipulation clearly specifies that the perpetrator must have used a weapon, and leaves unclear how the perpetrator should die if found culpable (for example, if it is permissible to kill him on the spot as an act of self-defense, or if he should be put to death after being judged guilty in a trial). Obviously, there are no significant verbal parallels between Alfred and the *Collatio* on this point: Alfred makes no mention of a weapon. His provision is somewhat vague, allowing for a great deal of room to interpret *nieddæda*. Here, too, it seems likely that Alfred, perhaps thinking as a legislator, added the aforementioned condition as a spontaneous adaptation.

The problems with Exodus 22.2-3 aside, there are additional reasons to doubt Alfred relied on the *Collatio*, especially for the kind of details Wormald suggests. If Alfred were borrowing from the *Collatio*, especially down to the level of individual words and phrases (as we have just seen)—either by direct reference to the text or via Grimbald’s advice—then we might expect to find such parallels elsewhere. At the very least, we might expect to see correspondence between those citations from the pentateuch which occur in both Alfred’s Prologue and the *Collatio*, if he were in fact using the latter as a source. Since Alfred’s translation of Exodus is based on the Vulgate, while the text of the *Collatio* is notably non-Vulgate (based on either an independent translation of the

Septuagint or, more likely, the *Vetus Latina*),⁹⁷ any scriptural readings Alfred borrowed will likely stand out. Moreover, the number of readings we have to compare is relatively sizeable. Not including Exodus 22.2-3 (which I have already discussed) Alfred's Prologue and the *Collatio* share eight scriptural quotations. What follows is a comparison of the scriptural quotations found in both Alfred's Prologue and the *Collatio*, with the Vulgate and *Liber ex lege Moysi*⁹⁸ readings alongside for comparison.

1. EXODUS 21.18-19

Collatio legum Romanarum et Mosaicarum (tit. ii 1ff.)

Moses dicit: [18] Si autem contenderint duo uiri et percusserit alter alterum lapide aut pugno et non fuerit mortuus, decubuerit autem in lectulo, [19] et si surgens ambulauerit homo foris in baculo, sine crimine erit ille, qui eum percusserat praeter ac cessationis eius mercedem dabit ei et medico impensas curationis.

Moses says: [18] If two men strive together and one strike the other with a stone or with the fist, and he die not but take to his bed; [19] And if the man arise and go about abroad on a staff, he who has struck him shall be guiltless, except that he shall recompense him for his enforced idleness, and pay the physician the cost of healing.

Alfred's Prologue (El. 16)

[18] Gif hwa slea his ðone nehstan mid stane oððe mid fyste, [19] ⁊ he þeah utgongan mæge bi stafe, begite him læce ⁊ wyrce his weorc ða hwile þe he self ne mæge.

[18] If anyone should strike his neighbor with a stone or with a fist, [19] and he is yet able to go out with a staff, let he [who struck the blow] obtain a physician for him [i.e., the injured party] and let him [who struck the blow] do his work while he himself cannot.

Vulgate

(18) si rixati fuerint viri et percusserit alter proximum suum lapide vel pugno et ille mortuus non fuerit sed iacuerit in lectulo (19) si surrexerit et ambulaverit foris super baculum suum innocens erit qui percussit ita tamen ut operas eius et impensas in medicos restituat.

(18) If men quarrel, and the one strike his neighbour with a stone or with his fist, and he die not, but keeps his bed: (19) If he rise again and walk abroad upon his staff, he that struck him shall be innocent, yet so that he make restitution for his work, and for his expenses upon the physicians.

Liber ex lege Moysi

⁹⁷ Hyamson, *Mosaicarum*, xxxiii.

⁹⁸ Unless otherwise noted, all readings from the *Liber* are taken from Orléans, Bibliothèque Municipale, MS 221, the text that Raymund Kottje has determined to be the oldest and most faithful witness, "Der *Liber ex lege Moysi*," in *Irland und die Christenheit: Bibelstudien und Mission / Ireland and Christendom: the Bible and the Missions*, eds. Próinséas Ní Chatháin and Michael Richter (Stuttgart: Klett-Cotta, 1987), 64. Hereafter, "*Der Liber*."

[18] si rixati fuerint uiri et percuserit alter proximum suum lapide vel pugno et ille mortuos non fuerit et iacuerit in lecto [19] si surrexerit et ambulauerit foris super baculum suum innocens erit qui percussit ita tamen ut opera eius et inpensa in medico restituet.

Comments: Alfred's version is much more compact than the Vulgate, the *Collatio*, or the *Liber*. Alfred omits the phrase specifically stating that the perpetrator will be innocent if the victim can walk with a cane (*Collatio*: *si surgens ambulauerit homo foris in baculo, sine crimine erit ille, qui eum percusserat*, "And if the man arise and go about abroad on a staff, he who has struck him shall be guiltless," similarly, in the Vulgate: *si surrexerit et ambulauerit foris super baculum suum innocens erit*, "If he rise again and walk abroad upon his staff, he that struck him shall be innocent"). Furthermore, Alfred says that the perpetrator must actually perform the victim's work (Alfred: *wyrce his weorc ða hwile þe he self ne mæge*, "let him [who struck the blow] do his work while he himself [i.e., he who was injured] cannot"),⁹⁹ not merely make compensation for it, as is specified in the *Collatio*, the Vulgate, and the *Liber*. Likewise, Alfred says that the perpetrator must actually obtain the services of the physician (Alfred: *begite him læce*, "let he [who struck the blow] obtain a physician for him"), not merely pay the expense, as required by the *Collatio*, the Vulgate, and the *Liber*. Nothing in the *Collatio* seems likely to have influenced Alfred's alterations of this verse.

2. EXODUS 21.20-21

Collatio legum Romanarum et Mosaicarum (tit. iii 1ff.)

Moyses dicit: [20] Si quis percusserit seruum aut ancillam uirga et mortuus fuerit in manibus eius, iudicio uindicetur. [21] quod si superuixerit die uno aut duobus, non uindicabitur, pretium enim ipsius est.

Moses says: [20] If anyone smite his manservant or his maidservant with a rod and he die under his hand, let him be avenged by process of law; [20] but if the slave survive one or two days, he shall not be avenged, for he is his master's money.

Alfred's Prologue (El. 17)

[20] Se ðe slea his agenne þeowne esne oððe his mennem, [21] ⁊ he ne sie idæges dead, ðeah he libbe twa niht oððe ðreo, ne bið he ealles swa scyldig, forþon þe hit wæs his agen fioh. Gif he ðonne sie idæges dead, ðonne sitte sio scyld on him.

[20] He who strikes his own male slave or female slave, [21] and he does not die on that day, but rather he lives two or three nights, he is not at all guilty, because it [i.e., the slave] was his own property. If he [i.e., the slave], then, should be dead that same day, then the guilt rests on him [who struck the blow].

Vulgate

(20) qui percusserit seruum suum vel ancillam uirga et mortui fuerint in manibus eius criminis reus erit (21) sin autem uno die supervixerit vel duobus non subiacebit poenae quia pecunia illius est.

(20) He who strikes his bondman or bondwoman with a rod, and they die under his hands, shall be guilty of the crime. (21) But if the party remain alive a day or two, he shall not be subject to the punishment, because it is his money.

Liber ex lege Moysi

[20] qui percuserit seruum suum vel ancillam uirga et mortui fuerint in manibus criminis erit reus. [21] sin autem uno die sin super uixerit uel duobus non subiacebit pene quia pecunia eius est.

⁹⁹ Cf. the Irish laws of sick-maintenance: D.A. Binchy, "Sick-maintenance in Irish Law," *Ériu* 12 (1938): 78-134; *Crith Gablach*, ed. D.A. Binchy (Dublin: Dublin Institute for Advanced Studies, 1979), 91-93; Fergus Kelly, *Guide to Early Irish Law* (Dublin: Dublin Institute for Advanced Studies, 1988), 130-31.

Comments: Alfred’s version differs from the *Collatio*, the Vulgate, and the *Liber* in significant ways: Alfred omits the stipulation that the blow must be dealt with a rod (*Collatio*, Vulgate, *Liber*: *virga* “with a rod”), perhaps to emphasize that a blow with any weapon constitutes a crime. Further, he adds a phrase specifically stating that the perpetrator is guilty only if the victim dies on the same day that the blow was struck (Alfred: *Gif he ðonne sie idæges dead, ðonne sitte sio scyld on him*, “If he [i.e., the slave], then, should be dead that same day, then the guilt rests on him [who struck the blow]”)—a requirement not made explicit in the other texts, which only imply it. Also, Alfred says that if the victim lives two or three days before dying, the perpetrator will not be guilty of a crime—all the other texts require only one or two days. Finally, Alfred’s relative construction with *Se ðe* parallels the Vulgate (and the *Liber*) relative *qui* more closely than *Collatio si quis*.

3. EXODUS 22.16-17

Collatio legum Romanarum et Mosaicarum (tit. iv 2ff.)

Moyses dicit...[16] quod si aliqui seduxerit uirginem non desponsatam et stuprauerit eam, dotabit eam sibi in uxorem. [17] quod si rennuerit pater eius et noluerit eam dare illi uxorem, pecuniam inferet patri, in quantum est dos uirginis.

Moses says...[16] If anyone seduce a virgin who is not betrothed and defile her, he shall endow her to be his wife. [17] If her father refuse, and will not give her up to him for a wife, he shall pay money to the father according to the dowry of the virgin.

Alfred’s Prologue (El. 29)

[16] Gif hwa fæmnan beswice unbeweddode 7 hire midslæpe, forgielde hie 7 hæbbe hi siððan him to wife. [17] Gif ðære fæmnan fæder hie ðonne sellan nelle, agife he ðæt feoh æfter þam weotuman.

[16] If anyone seduces an unbetrothed virgin, and sleeps with her, let him pay her and have her thereafter as a wife to him. [17] If the virgin’s father does not wish to give her up, let him [i.e., the seducer] pay money according to the dowry.

Vulgate

(16) si seduxerit quis uirginem necdum desponsatam et dormierit cum ea dotabit eam et habebit uxorem
(17) si pater uirginis dare noluerit reddet pecuniam iuxta modum dotis quam uirgines accipere consuerunt.

(16) If a man seduce a virgin not yet espoused, and lie with her: he shall endow her, and have her to wife.
(17) If the maid's father will not give her to him, he shall give money according to the dowry, which virgins are wont to receive.

Liber ex lege Moysi

[16] si seduxerit quis uirginem nec dum disponsatam uiro et dormieret cum ea dotauit eam et habebit eam uxorem [17] si pater uirginis dare noluerit reddet pecuniam iuxta modum dotis quia uirgines accipere consueuerunt

Comments: Although the wording of the *Collatio* differs significantly from the Vulgate (which, here, the *Liber* follows closely), there is little difference in sense. The only differences are these: neither the Vulgate (nor the *Liber*) nor Alfred specify, as does *Collatio*, that the dowry must be paid to the father (*Collatio*: *pecuniam inferet patri, in quantum est dos uirginis*, “he shall pay money to the father according to the dowry of the virgin”). The Vulgate, on the other hand, seems to state that the dowry must be paid to the virgin herself (Vulgate: *reddet pecuniam iuxta modum dotis quam uirgines accipere consuerunt*, “he shall give money according to the dowry, which virgins are wont to receive”). Alfred does not specify to whom the dowry should be paid (Alfred: *agife he ðæt feoh æfter þam weotuman*, “let him [i.e., the seducer] pay money according to the dowry”). So, the *Collatio* specifies the dowry is paid to the father, the Vulgate (and the *Liber*) specifies the dowry is paid to the virgin, and Alfred specifies only that the dowry must be paid, but does not mention to whom it must be paid.

4. EXODUS 20.16

Collatio legum Romanarum et Mosaicarum (tit. ix 1ff.)

Item Moyses: [16] Falsum testimonium non dabis aduersus proximum tuum.

Likewise, Moses: [16] Thou shalt not give false witness against thy neighbour.

Alfred's Prologue (El. 8)

[16] Ne sæge ðu lease gewitnesse.

[16] Do not speak false witness.

Vulgate

(16) non loqueris contra proximum tuum falsum testimonium.

(16) Do not speak false witness against your neighbour.

Liber ex lege Moysi

[16] non dices contra proximum tuum falsum testimonium.

Comments: Here, Alfred's seems to follow the Vulgate. OE *secgan* "say, speak" is much closer to the sense of Vulgate *loqui* (and *Liber dicere*) than *Collatio dare*: The *Collatio* specifies that one should not "give false testimony," whereas Alfred, the Vulgate, and the *Liber*, specify that one should not "speak false testimony." Also, Alfred omits the phrase explicitly prohibiting speaking false testimony against one's neighbor (*Collatio: aduersus proximum tuum*, "against your neighbour;" Vulgate, *Liber: contra proximum tuum*, "against your neighbour"); apparently, for Alfred, false testimony is forbidden regardless of whom it is spoken against.

5. EXODUS 22.7-8, 11

Collatio legum Romanarum et Mosaicarum (tit. x 1ff.)

Moyses dicit: [7] Si aliquis dabit proximo suo argentum aut uas seruare et furatum fuerit de domo hominis, si inuenitur qui furatus est, reddet duplum. [8,11] quod si non fuerit inuentus fur, accedet is qui commendatum susceperat ante dominum et iurabit nihil se nequiter egisse de omni re commendata proximi sui et liberabitur.

Moses says: [7] If a man shall give to his neighbor silver or a vessel to keep, and it shall have been stolen from the man's house, if the thief is found, he shall pay double; [8,11] if the thief shall not be found, then he who had undertaken the charge shall come nigh before the Lord, and shall swear that he has not acted iniquitously in respect of anything which his neighbor had entrusted him, and he shall be set free.

Alfred's Prologue (El. 28)

[7] Gif hwa oðfæste his friend fioh, gif he hit self stæle, forgyld be twyfealdum. [8] Gif he nyte, hwa hit stæle, geladige hine selfne, þæt he ðær nán facn ne gefremede. [...] ¹⁰⁰ [11] ⁊ he him ne getriewe, swerige he þonne.

[7] If anyone entrusts property to his friend, if he [i.e., the friend?] steals it, let him repay it twofold. [8] If he does not know who stole it, let him exculpate himself, that he committed no crime there...[11] and if he [i.e., the original owner] does not believe him, let him swear then.

¹⁰⁰ "[...]" signifies omitted text.

Vulgate

(7) si quis commendaverit amico pecuniam aut vas in custodiam et ab eo qui susceperat furto ablata fuerint si invenitur fur duplum reddet (8) si latet dominus domus applicabitur ad deos et iurabit quod non extenderit manum in rem proximi sui (11) iusiurandum erit in medio quod non extenderit manum ad rem proximi sui suscipietque dominus iuramentum et ille reddere non cogetur.

(7) If a man deliver money, or any vessel unto his friend to keep, and they be stolen away from him that received them: if the thief be found he shall restore double: (8) If the thief be not known, the master of the house shall be brought to the gods, and shall swear that he did not lay his hand upon his neighbour's goods [...] (11) There shall be an oath between them, that he did not put forth his hand to his neighbour's goods: and the owner shall accept the oath; and he shall not be compelled to make restitution.

Liber ex lege Moysi

[7] si quis commendauerit amico pecuniam suam aut uas in custodiam et ab eo qui susceperat furto et ablatum fuerit si inuenitur duplum reddet [8] si latet dominus domus applicabitur ad deos et iurabit quod non extenderit manum in rem proximi [...] [11] ius iurandum erit et ille reddere non cogitur

Comments: In verse 7, the *Collatio* specifies *argentum*. Alfred's *fioh* is closer to the Vulgate's (and *Liber*'s) *pecunia*. Also, Alfred's use of *oðfæstan*, "to entrust, commit" is much closer to the sense of the Vulgate's (and *Liber*'s) *commendare* than the *Collatio*'s *dare*. Most strikingly, Alfred drastically changes the sense of verse 7, envisioning the thief as the person to whom the goods were originally entrusted, instead of someone else entirely. In verse 8, the Vulgate (and the *Liber*) state that the person who received the goods, if he does not know who stole them, must be brought *ad deos* "to the gods" and swear to his innocence; in the *Collatio*, he must go *ante dominum* "before the Lord" or "before the lord." Alfred only specifies that he must exculpate himself (*geladian*), with no explicit instructions stating before whom it must be done. Also, all the versions handle verse 11 differently. Alfred greatly shortens it, omitting the stipulation included in the *Collatio* that, after an oath is made, the accused *liberabitur*, "will be set free." Finally, neither Alfred nor the *Liber* omits verses 9 and 10, as does the *Collatio*.

6. EXODUS 22.1, 3b

Collatio legum Romanarum et Mosaicarum (tit. xi 1ff.)

Moyses dicit [1] Si quis inuolauerit uitulum aut ouem et occiderit aut uendiderit, quinque uitulos restituet pro uitulo uno, quattuor oues pro oue una. [3b] quod si non habet unde reddat, uenundetur pro furto.

Moses says: [1] If anyone steal a calf or a sheep, and kills or sells it, he shall restore five calves for one calf, four sheep for one sheep. [3b] But if he have not the means to repay, he shall be sold for the theft.

Alfred's Prologue (El. 24).

[1] Gif hwa forstele oðres oxan ⁊ hine ófslea oððe bebycgge, selle twegen wið ⁊ feower sceap wið anum [3b] Gif he næbbe hwæt he selle, sie he self beboht wið þam fio.

[1] If anyone steals another's ox and kills it or sells it, let him pay two [oxen] for it, and four sheep for one [sheep]. [3b] If he does not have anything he might sell, let he himself be sold for that property.

Vulgate

(1) si quis furatus fuerit bovem aut ovem et occiderit vel vendiderit quinque boves pro uno bove restituet et quattuor oues pro una ove (3b) ...si non habuerit quod pro furto reddat venundabitur.

(1) If any man steal an ox or a sheep, and kill or sell it: he shall restore five oxen for one ox, and four sheep for one sheep. (3b) ... If he does not have the wherewithal to make restitution for the theft, he shall be sold.

Liber ex lege Moysi

[1] Si quis furatus fuerit bouem aut ouem et occiderit uel uenderit ·u· boues pro uno boue restituet et iiii oues pro una oue restituet [3b] si non habuerit quod pro furto redat uenundabitur.

Comments: Most importantly, the order in the *Collatio*, Alfred's Prologue, and the *Liber* is the same: the second half of verse 3 (=3b) follows immediately after verse 1, and preceding verse 2—In this case, Alfred would appear to follow the *Collatio*, separating verse 3 into two portions (3a and 3b), and rearranging their order (see below). However, this same non-Vulgate order occurs in the *Liber* as well. Since this reading occurs in both the *Collatio* and the *Liber*, it provides no help identifying which text Alfred used as a source. Below, I will have more to say about the non-standard order of these verses as well as Alfred's prescription of twofold restitution for stealing cattle (versus the fivefold restitution specified in all the other texts).

7. EXODUS 22.6

Collatio legum Romanarum et Mosaicarum (tit. xii 1ff.)

Moses dicit: [6] Si exierit ignis et inuenerit spinas et comprehenderit areas uel spicas aut campum, aestimationem restituet ille qui succendit ignem.

Moses says: [6] If a fire break out and come upon thorns and consume threshed-out corn, or standing corn, or a field, he who kindled the fire shall restore the value.

Alfred's Prologue (El. 27)

[6] Gif fyr sie ontended rýt to bærnanne, gebete þone æfwerdelsan se ðæt fyr ontent.

[6] If a fire be kindled to burn rubbish, let him make amends for the damage, he who kindled the fire.

Vulgate

(6) si egressus ignis invenerit spinas et comprehenderit acervos frugum sive stantes segetes in agris reddet dampnum qui ignem succenderit.

(6) If a fire breaking out light upon thorns, and catch stacks of corn, or corn standing in the fields, he that kindled the fire shall make good the loss.

Liber ex lege Moysi

[6] si egressus ignis inuenerit spinas et in cenderit aream aut segetem aut uineas aut campum vel comprehendent acervos frugum siue stanes segetes in agris reddet dampnum qui ignem succenderit.

Comments: Alfred's version is more compact than the others, and has some unique features. In particular, he specifies that the fire is set to burn *rýt* "rubbish." Also, Alfred omits the list of things damaged in the fire, which appears in all the other texts (and is particularly long in the *Liber*, adding the phrase *et in cenderit aream aut segetem aut uineas aut campum*, "burns an open space, or a cornfield, or vineyards, or a field").

8. EXODUS 21.16

Collatio legum Romanarum et Mosaicarum (tit. xiv 1ff.)

Moses dicit: [16] Quicumque plagauerit quemquam Israhel et uendiderit eum, morte moriatur.

Moses says: [16] Whosoever steals anyone in Israel and sells him, let him surely die.

Alfred's Prologue (El. 15)

[16] Se ðe frione forstele 7 he hine bebycgge, 7 hit onbestæled sie, þæt he hine bereccean ne mæge, swelte se deaðe.

[16] He who steals a freeman and sells him, and is convicted for it, such that he cannot justify himself, let him be put to death.

Vulgate

(16) qui furatus fuerit hominem et vendiderit eum convictus noxae morte moriatur.

(16) He who shall steal a man, and sell him, being convicted of guilt, shall be put to death.

Liber ex lege Moysi

[16] qui fraudatus fuerit hominem conuictus noxiæ morte moriatur.

Comments: Alfred's addition of the phrase *þæt he hine bereccean ne mæge*, "such that he cannot justify himself", depending on the sense of *breccean* "excuse, justify oneself," seems to suggest that there are times when, for Alfred, it is justifiable to abduct a freeman. Also, Alfred omits the *Collatio*'s "Israel," in line with his practice elsewhere of omitting specific, pre-Christian references, perhaps to emphasize that this precept applied in ninth century England.

Based on these comparisons, I have drawn the following conclusions: (1) that the biblical text in the *Collatio* shows a high frequency of non-Vulgate readings, many of these distinct enough to be identifiable if Alfred were relying on them as a source (2) That, with the possible exception of the (dubious) parallel suggested by Wormald in Exodus 22.2-3, Alfred's scriptural translations show no notable correspondences to the biblical text of the *Collatio*, even where these readings differ significantly from the Vulgate reading. In fact, where there is difference between the Vulgate text and the *Collatio*, Alfred usually follows the Vulgate, or does something unique entirely: never does he follow the *Collatio*. These comparisons show that, even if one believes Alfred relied on the *Collatio*'s reading of Exodus 22-2-3 (which I have argued he did not), then he used it only in one place, mining that verse, and that verse alone, carefully for specific details, and then disregarded the rest of the *Collatio* entirely—a hypothesis which seems unlikely.

Hincmar, when quoting the *Collatio*, usually substituted Vulgate readings for the *Vetus Latina* version he found in the original text.¹⁰¹ So, it's possible that the differences we see between the scriptural text cited in the usual version of the *Collatio* and Alfred's readings (since, as noted above, Alfred's translation appears closer to the Vulgate) resulted from his use of Hincmarian excerpts of the *Collatio*, with Vulgate readings substituted for Old Latin ones. Such an argument, however, would seem, at the very least, a strained attempt to defend the case for Hincmar's influence. Not to mention, also, if Alfred were relying on a text of the *Collatio* in which Hincmar had substituted Vulgate for Old Latin readings, then Alfred would not have seen the non-standard version of Exodus 22.2-3, which Wormald claims Alfred used.

Of course, to answer the question of whether Alfred used the *Collatio* as a source, we must also look beyond the evidence of scriptural citations to the rest of the work. As I mentioned above, the *Collatio* consists of sixteen *tituli* (chapter headings), each of which begins with a short scriptural citation to which expansive passages of Roman law are appended. Is there anything in these long passages of Roman law which might have influenced Alfred's translation? Here also, there is no evidence to suggest Alfred relied on the *Collatio*. The nine scriptural citations I compared above were taken from seven different *tituli* of the *Collatio*. So, clearly, there is substantial overlap in the kinds of topics that Alfred's Prologue and the *Collatio* cover. And yet, despite the large volume of Roman law surrounding these scriptural citations that might have sparked Alfred's imagination, I can find nothing that seems to have influenced him in any way.

The one possible exception is Alfred's non-standard reading of Exodus 22.1, in which he prescribes the payment of two oxen in recompense for every one stolen, in

¹⁰¹ Hyamson, *Mosaicarum*, xxxiii-iv.

contrast to the Vulgate's stipulated five (see comparison of Exodus 22.1, above).

Significantly, the scriptural citation quoted in the *Collatio* agrees with the Vulgate, recommending recompense in a five-to-one ratio (although with the substitution of *uitulus*, "calf" for Vulgate *bos*, "ox, cow"). Later in the same *titulus*, however, the *Collatio* stipulates:

Si ea pecora, de quibus quis litigauerat, abegerit, ad forum remittendus est atque ita conuictus, in duplum uel in triplum furis more damnatur,

If he drives off those cattle about which someone has sued, let him be sent to the secular court, and [if] so convicted he is sentenced in the manner of a thief [to repay] twofold or threefold.¹⁰²

One might argue that Alfred borrowed this provision from the *Collatio*, perhaps feeling that repaying five oxen for one was too severe a fine. However, even if we imagine he did, Alfred does not follow the text of the *Collatio* very closely, selecting the two-fold fine rather than the variable two- or threefold repayment found in his supposed exemplar.

More probable explanations for Alfred's reading emerge. It's possible that Alfred was attempting to reconcile the reading in Ex 22.1 with that of Ex 22.4, which specifies that recompense should be twofold, if the livestock has not been killed or sold.

Alternatively, Alfred may have misread "ii" for "u." Either suggestion provides a more plausible explanation for the reading in Alfred's Prologue than his use of the *Collatio*.

Finally, we must ask whether anything about the overall organization or intent of the *Collatio* could reasonably have inspired Alfred. Here again, the evidence indicates it did not. The *Collatio* consists of sixteen *tituli*, each beginning with a short quote from the pentateuch, presented with the formula "*Moses...dicit,*" and then followed by extensive citations from Roman law, imperial decrees, and, occasionally, some

¹⁰² This translation is my own.

discussion. While Mosaic law serves as a basis both for Alfred's Prologue and the *Collatio*, it functions differently in each. First of all, in the *Collatio*, single quotations, usually consisting of no more than one or two verses, begin each of the *tituli*. These excerpts serve merely as points of departure, to which far more extensive citations of Roman law are appended. Contrastingly, in Alfred's Prologue, the excerpts from the pentateuch are not cited as single quotes spread out among other legal passages, but *en masse*: there is nothing appended to Alfred's quotations. Furthermore, despite the fact that the Mosaic and Roman prescriptions in the *Collatio* often differ in significant details, there is little, if any, attempt to reconcile them. Alfred, on the other hand, lays down a theoretical paradigm explaining not only how Mosaic law remains relevant in christian society, but also how it relates to contemporary Anglo-Saxon law (what I refer to as his "explanatory bridge"). Lastly, nowhere in the *Collatio* does one get the impression that scripture has been altered to address the concerns of contemporary legal practice (or some other, theoretical purpose). Excerpts from Mosaic law are merely posited, and there is no real attempt to reconcile them with Roman legal provisions where the two disagree (as is often the case). As Hyamson points out:

The texts from the Pentateuch [excerpted in the *Collatio*] are placed first as being the expression of the Divine will. But there is no intention to give a detailed, exhaustive exposition of the whole of Mosaic legislation, or even its jurisprudence. Single texts only are given, and these are frequently not fully set out.¹⁰³

The *Collatio*'s author seems to have felt that Mosaic precepts should set a standard for Roman law,¹⁰⁴ but falls short of altering the scriptural text to further his aims, nor does he overtly develop a theory about the relationship between Mosaic and Roman legislation.

¹⁰³ Hyamson, *Mosaicarum*, xxxiv.

¹⁰⁴ *Ibid.*, xxxiv-v, xxxviii-i.

Numerous suggestions have been made as to the *Collatio*'s overall purpose, all of which are speculative.¹⁰⁵ Alfred, on the other hand, altered scripture freely, and with apparent ideological intent. As Michael Treschow has shown,

In his rendering of this longer excerpt from Exodus Alfred took considerable freedom with the text, just as he did in his other translations. It seems somewhat more arresting that he did so with the sacred page. But we must bear in mind that this portion of the prologue anticipates Christ's claim to have fulfilled the law. Alfred's translation shifts the thought of the text toward Christ's teaching. Furthermore, Alfred's purpose was to present this text to a Christian state. He adapted it to speak more directly to such a body. These adaptations then show Alfred to be in fact upholding the authority of this document. They show him to be rendering it as something "timely."¹⁰⁶

Thus, while the law of Moses provides the fundamental basis for both Alfred's Prologue and the *Collatio*, each presents it differently, and for markedly different purposes. For the author of the *Collatio*, it is the basic statement of law to which Roman legislation might aspire. For Alfred, it is also basic, but retains a continued relevance in christian society, both framing and directly impacting contemporary legislation and jurisprudence.

Once all the evidence is weighed, it seems unlikely that Alfred used the *Collatio legum Romanarum et Mosaicarum* as a source. The evidence for this thesis fails to hold up under close scrutiny. There is nothing to suggest Alfred knew or used the work: Neither the scriptural quotations they share, the context of these quotations, nor the overall plan of the *Collatio* indicates a direct relationship between these two texts. Whether one imagines that Alfred had the *Collatio* before him (or a series of Hincmar's quotations from it, now lost) when composing his Prologue, or that Grimbald was present, professing Hincmarian themes to him personally, it is difficult to see how any

¹⁰⁵ Ibid., xl-ii.

¹⁰⁶ Treschow, *Prologue*, 90.

such influence could have left so small a fingerprint. Given the evidence, therefore, it seems safe to conclude that Alfred did not use the *Collatio*.

III. *Liber ex lege Moysi*

The *Liber ex lege Moysi* consists of sixty-five excerpts from the pentateuch, beginning with the decalogue and continuing with quotations, in order, from the remainder of Exodus, Leviticus, Numbers, and Deuteronomy. Although the *Liber* cites scripture *en masse*, without any overt signs of formal organization (such as titles or chapter headings), the excerpts were not chosen randomly. Overall, the selections quoted would seem to have normative relevance in the time of the compiler, while those omitted generally pertain specifically to the pre-Christian era.¹⁰⁷ For these reasons, Kottje has suggested that the *Liber* has the character of a legal compilation, similar in many ways to the Irish penitentials.¹⁰⁸

The *Liber* survives in four manuscripts,¹⁰⁹ which have never been edited.¹¹⁰ Generally, the scriptural text in the *Liber* follows the Vulgate, with a distinct pattern of omissions and variant/non-standard readings. Although the work itself is ultimately of Irish origin, at least three of the manuscripts in which it survives emanated from Brittany. As to their date, the four manuscripts range from the beginning of the ninth century to the end of the tenth, though the work itself is significantly older. Based on internal evidence,

¹⁰⁷ Kottje, *Der Liber*, 60-61.

¹⁰⁸ *Ibid.*, 61.

¹⁰⁹ *Ibid.*, 62: (1) Orléans, Bibliothèque Municipale, MS 221, s. ixⁱⁿ (2) Cambridge, Corpus Christi College, MS 279, s. ix² (3) London, British Library, MS Cotton Otho E xiii, s. xⁱⁿ (4) Paris, Bibliothèque Nationale, lat. 3182, s. x².

¹¹⁰ I am grateful to Patrick O'Neill for providing me with a transcription of London, British Library, MS Cotton Otho E xiii.

Kottje has determined that the *Liber* was originally composed in Ireland circa 700,¹¹¹ during a period of intense legal activity in the Irish Church. How widely the *Liber* circulated after its composition is uncertain.

Though none of the surviving manuscripts was likely Alfred's exemplar, some version of the *Liber* could have been available to Alfred. It is possible that Alfred got the *Liber* directly from an Irish source. Asser, Alfred's advisor and biographer, reports that there were Irish visitors at the West-Saxon court, and some have further speculated that Irish learning may have reached Wessex by way of Mercian scholars connected with his royal circle. On at least one occasion, however, we know for certain that Alfred drew directly on Irish learning. Patrick O'Neill has shown that Alfred used typically Irish exegetical methods in his introductions to the Prose Psalms.¹¹² So, the suggestion that Alfred might have been exposed to Hiberno-Latin ecclesiastical thought, and regarded it favorably enough to have relied on it for source material, is by no means unlikely *a priori*.

From the outset, however, it is important to acknowledge that Fournier's claim that Alfred used the *Liber* as a source is limited to generalities. While these generalities might be compelling, more detailed evidence is required to prove the case once and for all. Is it possible, then, to identify textual evidence that Alfred's Prologue is based directly on the *Liber*? To examine this hypothesis, I have employed the following method: I have looked for places where the *Liber* and Alfred's Prologue agree with one another against the main Vulgate text, seeking to identify cases where both texts share

¹¹¹ Kottje, *Der Liber*, 66.

¹¹² *King Alfred's Old English Prose Translation of the First Fifty Psalms* (Cambridge, Mass: Medieval Academy of America, 2001), 24, 41-43.

some idiosyncrasy, i.e., either a distinctive, non-standard reading or a prominent omission from the scriptural text. If the *Liber* and Alfred's Prologue share even a handful of such readings, it would strongly suggest that Alfred did in fact use the *Liber* as a source for his Prologue.

However, this comparison failed to produce positive results. I can point to virtually no such correspondences that cannot better be explained as spontaneous adaptations. While the text of Exodus in both the *Liber* and Alfred's Prologue contains a considerable number of non-standard readings, several of which otherwise unattested, these readings are almost never paralleled in the other text. Let me provide a few examples. To begin with, much has been made of Alfred's omission of the entire second commandment (Exodus 20.4-6), and parts of the fourth (Exodus 20.8-11) and tenth (Exodus 20.17). And yet, the *Liber* includes all of the second commandment as well as complete versions of the fourth and the tenth:¹¹³

¹¹³ Since my purpose is to show how much more of the Vulgate text is omitted in Alfred's Prologue compared with the *Liber*, I have not provided translations.

<i>Vulgate (Exodus 20)</i>	<i>Liber ex lege Moysi</i>	<i>Alfred's Prologue</i>
<p>Second Commandment</p> <p>4 non facies tibi sculptile neque omnem similitudinem quae est in caelo desuper et quae in terra deorsum nec eorum quae sunt in aquis sub terra</p> <p>5 non adorabis ea neque coles ego sum Dominus Deus tuus fortis zelotes visitans iniquitatem patrum in filiis in tertiam et quartam generationem eorum qui oderunt me</p> <p>6 et faciens misericordiam in milia his qui diligunt me et custodiunt praecepta mea</p> <p>Fourth Commandment</p> <p>8 memento ut diem sabbati sanctifices</p> <p>9 sex diebus operaberis et facies omnia opera tua</p> <p>10 septimo autem die sabbati Domini Dei tui non facies omne opus tu et filius tuus et filia tua servus tuus et ancilla tua iumentum tuum et advena qui est intra portas tuas</p> <p>11 sex enim diebus fecit Dominus caelum et terram et mare et omnia quae in eis sunt et requievit in die septimo idcirco benedixit Dominus diei sabbati et sanctificavit eum</p> <p>Tenth Commandment</p> <p>17 non concupisces domum proximi tui nec desiderabis uxorem eius non servum non ancillam non bovem non asinum nec omnia quae illius sunt</p>	<p>4 non faciās tibi sculptile n*que omnem similitudinem que est in caelo desuper et que [...] ¹¹⁴ in terra deorsum neque eorum quae sunt in aquis sub terra</p> <p>5 non adorabis ea neque coles ego sum dominus deus tuus fortis et zelotis uis**ans iniquitatem patrum in filios in tertiam et quartam generationem eorum qui oderunt me</p> <p>6 et faciens misericordiam in milia his qui diligunt mea precepta</p> <p>8 memento diām sapatī et sanctifices</p> <p>9 ui diebus operaberis et facies omnia opera tua</p> <p>10 uii diā sapatī domini dei tui non facies omne opus tuum et filius tuus et filia tua et seruus tuus et ancilla tua et iumentum tuum et aduena qui est intra portas tuas</p> <p>11 ui enim diebus fecit deus caelum et terram et cuncta que in eis sunt et requiæuit in diā septimo idcirco benedixit dominus diem sabati et sanctificauit eum</p> <p>17 Non concupisces domum proximi tui non desiderabis uxorem eius non seruum non ancillam non bouem non assinum nec omnia que illius sunt</p>	<p>Gemyne þæt ðu gehalgige þone ræstedæg;</p> <p>wyrceað eow VI dagas</p> <p>ᵱ on þam siofoðan restað eow:</p> <p>forðam on VI dagum Crist geworhte heofonas ᵱ eorðan, sæs ᵱ ealle gesceafta þe on him sint, ᵱ hine gereste on þone siofoðan dæg, ᵱ forðon Dryhten hine gehalgode</p> <p>Ne wilna ðu þines nehstan ierfes mid unryhte</p>

¹¹⁴ The Orléans MS. is unreadable at this point. I have supplied the second half of verse 4 from the Cambridge MS.

While I will refrain from speculating at this time on Alfred's motivations for omitting the second commandment, his reasons for abbreviating the fourth and the tenth seem obvious enough. Throughout his Prologue, Alfred tends to omit long lists of examples in the biblical text. These lists are a well-known feature of Old Testament legal style: a general precept is often expressed by a long rendition of similar items. Thus, in the fourth commandment, Alfred translates only that portion proscribing work on the Sabbath, omitting the list of specific individuals so prohibited. Likewise, Alfred compresses the tenth commandment, maintaining the general prohibition against coveting one's neighbors possessions, but omitting the list of specific items. So, it would appear that Alfred's abbreviation of the fourth and tenth commandments are driven by a stylistic decision to avoid the long, tedious lists of examples so common in Old Testament law. And in fact, Alfred tends to abbreviate or omit such lists throughout his Prologue, just as he tends to omit narrative passages in favor of those containing pure law.¹¹⁵ No doubt, for someone interested in applying these laws, such a list of specific examples might seem to undercut their general application.

Another example is Exodus 22.1-4. As I discussed above, this passage deals with what should happen if a thief breaks into a house and the conditions under which he can be justifiably slain. The order of these verses is rearranged in both Alfred's Prologue and the *Liber*, presumably for clarity. However, while there is significant parallelism

¹¹⁵ For commentary on Alfred's possible motivations for altering specific provisions in Mosaic law, see Treschow, *Prologue*, 90-102.

between the order in Alfred's Prologue and the *Liber*, they are not the exactly the same:¹¹⁶

<i>Vulgate</i>	<i>Liber ex lege Moysi</i> (Orléans, Bibl. Munic., 221)	Alfred's Prologue
<p>Exodus 22.1-4</p> <p>1 si quis furatus fuerit bovem aut ovem et occiderit vel vendiderit quinque boves pro uno bove restituet et quattuor oves pro una ove</p> <p>2 si effringens fur domum sive suffodiens fuerit inventus et accepto vulnere mortuus fuerit percussor non erit reus sanguinis</p> <p>3a quod si orto sole hoc fecerit homicidium perpetravit et ipse morietur [3b] si non habuerit quod pro furto reddat venundabitur</p> <p>4 si inventum fuerit apud eum quod furatus est vivens sive bos sive asinus sive ovis duplum restituet</p>	<p>1 si quis furatus fuerit bouem aut ouem et occiderit uel uenderit ·u· boues pro uno boue restituet et iiii oues pro una oue restituet</p> <p>3b si non habuerit quod pro furto redat uenundabitur</p> <p>4 si inuentum fuerit apud eum quod furatus est uiuens siue bos siue assinus siue ouis duplum restituet</p> <p>2 si effringens fur domum siue soffodiens fuerit inuentus et accepto uulnere mortuus fuerit percusor non erit sanguis</p> <p>3a quod si ortu sole hoc fecerit homicidium perpetravit et in ipso morietur</p>	<p>1 Gif hwa forstele oðres oxan 7 hine ófslea oððe bebycgge, selle twegen wið 7 feower sceap wið anum</p> <p>3b Gif he næbbe hwæt he selle, sie he self beboht wið þam fio.</p> <p>2 Gif ðeof brece mannes hús nihtes 7 he weorðe þær ofslegen, ne sie he na mansleges scyldig</p> <p>3a Gif he siððan æfter sunnan upgonge þis deð, he bið mansleges scyldig 7 he ðonne self swelte, buton he nieddæda wære.</p> <p>4 Gif mid him cwicum sie funden þæt he ær stæl, be twyfealdum forgielde hit.</p>

Verses 1, 2, 3, and 4 represent the Vulgate sequence. Alfred splits up verse 3, putting the second part of verse 3 (=3b) after verse 1, then 2, then the first part of verse three (=3a), and finally 4. The *Liber* also splits up verse three, precisely as Alfred did, placing 3b

¹¹⁶ Since my purpose is to compare the non-standard order of Exodus 22.1-4 in Alfred's Prologue and the *Liber*, I have not provided translations.

immediately after verse 1. Next, however, the *Liber* has verse 4—in contradistinction to Alfred’s Prologue—then verse 2, and finally 3a. Thus, while there is some parallelism—perhaps some significant parallelism—in how Alfred and the *Liber* arrange these verses, they disagree on the placement of verse four, and so are not exactly the same.¹¹⁷

Beyond conspicuous examples such as these, I have compared the *Liber* against Alfred’s Prologue, looking for any correspondences in parallel readings. I found correspondence in only one place. Exodus 21.6 makes provision for cases in which a slave chooses to remain with his master after his prescribed term of service. If the slave chooses to stay, we are told, the master should take him “to the door and the posts” and have his ear pierced:

<i>Vulgate</i>	<i>Liber ex lege Moysi</i> (Cambridge, CCC MS 279)	Alfred’s <i>Prologue</i>
<u>Exodus 21.6</u>		
6 offeret eum dominus diis et adplicabitur ad ostium et postes perforabitque aurem eius subula et erit ei servus in saeculum	6 offeret eum dominus domino et adplicabitur ad hostium tabernaculi ¹¹⁸ et postes perforabitque ad aurem eius subula et erit seruus in <i>saeculum</i>	...brenge hine þonne his hlaford to ðære dura þæs temples 7 þurhþyrlige his eare mid æle, to tacute þæt he sie æfre siððan þeow

The Vulgate reads ...*ad ostium et postes*... “...to the door and the posts...” The *Liber* is a bit more specific, adding (in the Cambridge MS) the word *tabernaculi*, reading ...*ad hostium tabernaculi et postes*... “...to the door of the tabernacle, and the posts...”

Similarly, Alfred’s version reads: ...*to ðære dura þæs temples*... “to the door of the

¹¹⁷The *Collatio* also has a non-Vulgate arrangement of these verses (as we can deduce by comparing the *Collatio*’s citations of Ex 22.2-3a and 22.1,3b above); but, since the *Collatio*’s reading is based on two separate quotations, and since the *Collatio* does not cite verse 4, direct comparison is impossible. All that can be determined is that a similar non-Vulgate arrangement of Exodus 22.1-4 appears in Alfred’s Prologue and the *Liber*, and is partially attested in the *Collatio*.

¹¹⁸ *tabernaculi* is omitted in the other three witnesses.

temple.” One must be careful, however, not to make too much of this correspondence. The reading occurs in only one of the *Liber* manuscripts, Cambridge, Corpus Christi College, MS 279; and while it is uncommon as a reading of Exodus 21.6, the phrase *ostium tabernaculi* occurs frequently throughout the Old Testament. It is likely, therefore, that the word was supplied by a scribe recalling one of these passages, either haphazardly or intentionally for clarification.¹¹⁹

Finally, I examined the marginalia and glosses on that portion of the *Liber* which corresponds to Alfred’s Prologue, since these could have been copied from an earlier text to which Alfred had access. I found no evidence, however, that Alfred was influenced by them in any way. In short, there is no positive, textual evidence that Alfred relied on the *Liber ex lege Moysi* as a source. On the other hand, none of the evidence I have presented thus far precludes the possibility that Alfred used the *Liber*. All that can be said with confidence, at this point, is that there is no unambiguous, textual support for that thesis. However—very significantly—though Alfred omits more of the Vulgate text

¹¹⁹A similar passage occurs in Petrus Comestor’s *Historia Scholastica*:

Petrus Comestor <i>Historia Scholastica</i>	Alfred’s <i>Prologue</i>
...offeret eum dominus diis...et applicabitur ad ostium tabernaculi , et perforabit autem ejus subula in signum perpetuae servitutis.	...brenge hine þonne his hlaford to ðære dura þæs temples 7 þurhþyrlige his eare mid æle, to tæcne þæt he sie æfre siððan þeow.

Petrus’ citation is the only other occurrence of the reading *ostium tabernaculi* included as part of Exodus 21.6 in the *Patrologia Latina*. Interestingly, Petrus’ version shares another non-standard reading found in Alfred’s Prologue but not in the *Liber*. In Alfred’s text, the significance of the slave’s pierced ear is explained: the ear is pierced with an awl, *to tæcne þæt* “as a sign,” that the man will remain a slave ever after. Petrus’ text—which contains the reading *ostium tabernaculi*—also includes the reading *in signum* “as a sign” in precisely the same location that Alfred uses it. Although the phrase *to tæcne þæt* is commonly used by Alfred, the existence of two parallel, non-standard readings in the same verse is worthy of note. Peter is writing in the 1170’s, but it is well known that he used earlier sources. It is possible that he and Alfred might have relied on a common source, or independent sources which drew on a biblical text of the same tradition, now lost.

than the *Liber*, no single verse (nor any significant portion of a verse) omitted in the *Liber* occurs in Alfred's Prologue (save the introductory sentence, Exodus 20.1).¹²⁰ So, while one must concede the lack of positive, textual evidence proving Alfred's knowledge of the *Liber*, the similar pattern of omissions in these texts provides considerable reason to believe Alfred relied on it as a source. Future discussions of Alfred's Prologue will have to take these findings into account.

In the absence of unambiguous, textual evidence, other aspects worth investigation are the broader matters of organization, context, and plan. Is there evidence of this sort suggesting Alfred used the *Liber*? In fact, there are a number of other similarities between the two works, which strengthen the thesis that Alfred relied on the *Liber*. First of all, the *Liber* is—like Alfred's Prologue (and unlike the *Collatio*)—a continuous series of scriptural excerpts, from which substantial narrative portions and lists of illustrative examples have been excised. This bulk presentation of scripture in both texts presumably serves the same purpose, to emphasize their practical validity as living law.

Secondly, in a detailed paleographical and textual analysis, Raymund Kottje has shown that the *Liber* is associated with the A-recension of the early Irish collection of canon law known as the *Collectio Canonum Hibernensis* (also compiled c.700). This association is apparent, he argues, not only in the manuscript tradition, but also in the legal issues they address, and in certain variant readings the two works have in

¹²⁰ Kottje made a similar observation, leading him to conclude that Alfred knew the *Liber ex lege Moysi* (*Der Liber*, 67).

common.¹²¹ Kottje's observation upholds a similar claim, made over a hundred years ago by Henry Bradshaw:

The *Liber ex lege Moysi*...so far as I can ascertain, is only known to exist in the position in which we here find it...in three of the Brittany manuscripts in our list...it occurs prefixed to the A-text of the *Hibernensis*. In one of these...it follows immediately upon the general rubric or title of the *Hibernensis*, while in another...it follows immediately upon the introductory paragraphs *De synodis* and the *Index titulorum* at the beginning of the *Hibernensis*; facts which clearly point to some connexion between the two works, at least so far as their origin is concerned.¹²²

It seems reasonable to speculate, given this evidence, that the *Liber ex lege Moysi* functioned, in some manner, as prefatory material to the *Collectio Canonum Hibernensis*.

In addition to the paleographical evidence in support of this hypothesis, there is ample reason to think the Irish would have conceived the relationship between Mosaic law (here expressed in the *Liber*) and christian law (here expressed in the *Hibernensis*) in this way. It has long been established that the Old Testament was more important for the Irish Church than any other early medieval European culture, particularly in matters of law:

Scholars have frequently drawn attention to the intense interest of the early Irish clergy in the Old Testament and the extent of its influence on their ecclesiology and their legal thinking. One can, perhaps, go farther and suggest that a large party in the Irish Church in the seventh and eighth centuries consciously conceived of the mandarin caste of churchmen, scholars, jurists, canon lawyers, historians and poets, to which they belonged, as priests and levites in the strict Old Testament sense of these terms.¹²³

The enormous importance of the Old Testament in Irish jurisprudence hardly needs to be re-emphasized here. However, the belief, prevalent in the early Irish Church,

¹²¹ *Ibid.*, 63, 65-66.

¹²² *The Early Collection of Canons Known as the Hibernensis* (Cambridge: Cambridge University Press, 1893), 25.

¹²³ Donnchadh Ó Corráin, Liam Breatnach, and Aidan Breen, "The Laws of the Irish," *Peritia* 3 (1984): 394.

that the law of Moses existed in Ireland before christianity warrants mention. The Irish had a story explaining how Mosaic law made it to Ireland long before the conversion of the Island. The core of the story, which exists in several forms, maintains that a certain *Cai Cainbrethach* studied law under Moses himself, and returned to teach Mosaic law in Ireland.¹²⁴ What is more, the law laid down by these pre-christian Irish churchman was viewed as “natural law” in the biblical sense, and still held sway under the new dispensation, save only where it contradicted scripture. As Kim McCone pointed out (referring, in this instance, to the story of Dubthach maccu Lugair, but with broader application):

...[T]he Holy Spirit had been speaking and prophesying through Ireland’s most famous judges and poets from well before the coming of christianity. These righteous men of pre-christian times in Ireland are explicitly equated with the prophets and patriarchs of Israel in the Old Testament, and are said to have made pronouncements in accordance with *recht aicnid* “natural law,” which is contrasted but by no means incompatible with *recht litre*, the “law of scripture” introduced by Patrick himself.¹²⁵

What has become clear is that, for the early Irish Church, Old Testament law was basic; not only as a precursor to christian law, but also as the foundation for law in Ireland before the conversion. Viewed in this light, positing the *Liber* as prefatory material to the *Hibernensis* (if that is in fact what it is) would express this very relationship textually: i.e., representing the law of Moses as the foundation of jurisprudence upon which the law of Christ is built, perhaps even prefigured. Thus, Mosaic law remained in force, except

¹²⁴ Donchadh Ó Corráin, “Irish Vernacular Law and the Old Testament” in *Irland und die Christenheit: Bibelstudien und Mission / Ireland and Christendom: the Bible and the Missions*, eds. Próinséas Ní Chatháin and Michael Richter (Stuttgart: Klett-Cotta, 1987), 288-90.

¹²⁵ “Dubthach maccu Lugair and a Matter of Life and Death in the Pseudo-historical Prologue to the *Senchas Már*,” *Peritia* 5 (1986): 10-11.

where it was specifically contradicted (or expanded upon, or clarified) by citations from the New Testament, patristic writings, or synodal decisions compiled in the *Hibernensis*.

Alfred appears to use the Mosaic law in precisely the same way in the Prologue to his own laws. Just as the *Liber* provides an introduction to the *Collectio Canonum Hibernensis*, Alfred's Prologue provides an introduction to his own law code, albeit with an explanatory bridge outlining the relationship between the Mosaic law and christian law, and its continued relevance in contemporary Anglo-Saxon society. Could Alfred have been aware of the broader significance of using the Mosaic law in this way, that is, the broader significance from an Irish perspective? At the very least, it seems reasonable to suggest that, in whatever form Alfred came across the *Liber*, it was attached to the *Hibernensis*, and that—whatever significance their juxtaposition had for the Irish Church—Alfred *perceived* it as prefatory to the latter, and this perception provided the inspiration for his using it as an introduction to his own legal code. Certainly, the explanatory bridge that Alfred provides attests to his sophisticated conception of the relationship between christian and pre-christian lawgiving.

IV. Conclusions

These arguments lead to several conclusions. First of all, the evidence linking Alfred's Prologue to the *Collatio legum Romanarum et Mosaicarum* fails under close scrutiny to indicate any direct relationship between these texts. What parallels do exist are limited to similar, non-standard citations of Exodus 22.2-3, which, as I have shown, can be more plausibly explained as spontaneous adaptations rather than direct borrowing. Wormald's thesis that Alfred's thought was influenced by Hincmar of Rheims may well hold true for the latter portion of his Prologue, but does not explain his treatment of

Mosaic law. These incongruities become apparent not only from comparison of scriptural citations, but also from a deeper comparison of the content and organization of the *Collatio* with Alfred's text.

Similarly, textual analysis failed to turn up any positive, textual link between Alfred's Prologue and the *Liber ex lege Moysi*. However, none of this evidence speaks against a relationship between these texts. In fact, the pattern of omissions in Alfred's text suggest his reliance on the *Liber*: nothing omitted in the *Liber* occurs in Alfred's Prologue. The parallelisms Fournier identified nearly a century ago, though generalities, continue to invite the conclusion that Alfred used the *Liber* as a source (though Fournier's comparisons are often not as unambiguous as he implies). Additionally, there is reason to believe also that the *Liber* served as prefatory material for the *Collectio Canonum Hibernensis*. Whether its seventh-century Irish compilers intended it as an introduction or not, it is clear that the *Liber* and the *Hibernensis* were closely associated in the manuscript tradition. It seems plausible, at the very least, that Alfred (or one of his advisors) perceived it in this capacity, and used it in a similar manner.

After all the evidence is weighed, the most reasonable conclusion is that Alfred knew the *Liber ex lege Moysi*, and used it as a source for the Prologue to his own legal code. Certainly, no other candidate presents a viable alternative. Where Alfred found inspiration for the explanatory bridge that theorizes about the relationship between the law of Moses and West-Saxon law is another question entirely. His treatment of Mosaic law, however, owes a debt to Hiberno-Latin thought.

CHAPTER 4

CONCLUSIONS

I. Problems

As I discussed in my introduction, the two works I focus on in this study, the Legatine Capitulary of 786 and the Prologue to the Laws of Alfred, can hardly be taken as a representative sampling of Anglo-Saxon legal documents. I did not intend them to be so. In fact, I chose them not because they were in any way typical, but because they contained a relatively high number of scriptural citations, and so lent themselves particularly well to the method of analysis that unifies my project. Thus, at least in terms of their heavy reliance on the bible, these legal codes are, without question, atypical. How, then, is it possible to draw any general conclusions about the use of scripture in early English law based on a study of only two, admittedly uncharacteristic texts? Obviously, all such conclusions will have to be tentative; and I want to emphasize that the general claims I make in this chapter should be taken only in that light.

With this caveat, however, I do believe it is possible to identify several issues that arise in both these documents worthy of further investigation. And so, fully aware of these problems, I will point out some common trends I have noticed based on my investigation of the scriptural quotations in these texts. These include: (1) The choice to use Latin or the vernacular, and what this choice reveals about the relationship between secular and ecclesiastical law, (2) How the Anglo-Saxons viewed the relationship between the Old and New Testaments in a legal context, and (3) How the Bible was used

in early English legal documents aimed at reform. I will end this chapter with some desiderata for further research in this area.

II. The Use of Latin or the Vernacular

Both Alfred's Prologue and the Legatine Capitulary challenge commonly held notions about the use of Latin and the vernacular in Anglo-Saxon law. Based mostly on prima facie reasoning, established doctrine holds that Latin was the language of choice for codes with an ecclesiastical origin or orientation, while the vernacular was used for chiefly secular purposes. Neither of the texts I focus on in this project, however, neatly fits that model, raising a number of important questions. For example, who was the intended audience of these codes? And, more generally: what does their choice of language tell us about the relationship between the Church and secular authority in early Anglo-Saxon England? I will discuss both documents in turn.

Alfred's Prologue frames a set of statutes which, both in structure and content, has much in common with the legal codes of his royal predecessors.¹²⁶ For all intents and purposes, Alfred's laws can be described as traditional, Anglo-Saxon, and secular.¹²⁷ What stands out about Alfred's code, however, is his inclusion of a lengthy Prologue, a feature not found in any surviving, Anglo-Saxon law code prior to Alfred's. Here, relying on an extended quotation from Exodus and several excerpts from the New

¹²⁶ I do not mean to suggest that Alfred's laws lack innovation: Without a doubt, he changes many details. However, the overall form of his code, the kinds of matters it addresses, and the way in which these matters are addressed is, by and large, in line with earlier Anglo-Saxon codes.

¹²⁷ Alfred did, however, promote cooperation between ecclesiastical and secular authority in his law code, for example, by including provisions calling for the performance of confession or penance for certain kinds of crimes. See, for example, Thomas P. Oakley, *English Penitential Discipline and Anglo-Saxon Law in Their Joint Influence* (New York: Longmans, Green & Co., 1923; Clark, New Jersey: The Lawbook Exchange, Ltd., 2003), 141, 145, and 146 n. 4, and Thomas P. Oakley, "The Cooperation of Medieval Penance and Secular Law," *Speculum* 7 (1932): 517, and Allen Frantzen, *King Alfred* (Boston: Twayne Publishers, 1986), 15-17.

Testament, Alfred situates his otherwise traditional, secular code within the framework of biblical history. I will have more to say about this gesture in the next section. For now, the important point is that, in his Prologue, Alfred makes a highly intellectualized argument, based at least superficially on scripture, that seeks to contextualize Anglo-Saxon jurisprudence within the Church's synodal tradition. Essentially, Alfred asks his audience to view the Anglo-Saxon legal system as the direct outcome of a judicial tradition beginning with the Synod of Jerusalem as described in Acts 15. Whatever the subtleties of Alfred's argument, it is difficult to imagine that he was making his case to anyone other than ecclesiasts—the segment of society best equipped to understand his reasoning, and with whom it would carry the most significance.

Of course, Alfred's choice to use the vernacular may also have been motivated by the same problem of illiteracy among the English that he discussed explicitly in his introduction to the *Cura Pastoralis*:

Swæ clæne hio wæs oðfeallenu on Angelcynne ðæt swiðe feawa wæron behionan Humbre ðe hiora ðeninga cuðen understondan on Englisc oððe furðum an ærendgewrit of Lædene on Englisc areccean.

[Learning] had declined so completely in England that there were very few people on this side of the Humber who could understand the divine service in English, or translate even one letter from Latin into English.

Certainly, the collapse of education in war-ravaged England must have influenced Alfred's choice to use the vernacular for his legal code as well. We must assume that, at least in part, he was motivated by such concerns. However, later in the same introduction, Alfred explicitly discusses the translation of the Mosaic Law:

Ða gemunde ic hu sio æ wæs ærest on Ebriscgeðiode funden, ond eft, ða hie Creacas geliornodon, ða wendon hie on heora agen geðiode ealle...Ond eft Lædenware swæ same...

Then I remembered how to Law was first established in the Hebrew language, and afterwards, when the Greeks learned it, they translated all of it into their own language... And afterwards, the Romans did the same thing...

It is difficult to imagine that Alfred, mentioning the Mosaic Law here above all other parts of the Bible, was not thinking specifically about the translation he made (or planned to make) in the Prologue to his own law code. Perhaps, having translated the longest portion of the bible into a Germanic language since Wulfila, Alfred felt an explanation was necessary.¹²⁸ Clearly, thoughts of translating the Mosaic Law were on Alfred's mind.

Whatever his motivations for discussing this translation in his introduction to the *Cura Pastoralis*, Alfred's use of the vernacular for the Prologue to his law code is a striking choice. While the subtleties of his argument must have been aimed chiefly at clerics, he likely also wanted laymen to believe that his otherwise secular statutes were buttressed by the sanction of the ecclesiastical authority. By making a principally ecclesiastical argument not in Latin (as would be expected), but in the vernacular (the language of secular law), and—moreover—by addressing both clergy and laymen together, in a language all could understand, Alfred could reinforce the strength of Anglo-Saxon legal tradition with the authority of canon law. I believe this was Alfred's conscious intention by introducing his legal code with the Mosaic Law, and translating it into English.

Similar motivations are apparent in the choice of language for the Legatine Capitulary, though the matter is a bit more complex. Although the work survives only in

¹²⁸ Alfred's interest in biblical translation, and the Old Testament in particular, is likewise apparent in his decision to translate the first fifty psalms into Old English (presumably written after his legal code).

Latin (in the form of a epistolary report from bishop George of Ostia to Pope Hadrian, as I discuss in chapter two) we are told that:

...in conspectu concilii clara voce singula perlecta sunt et tam latine quam theodisce quo omnes intellegere potuissent.

...in the presence of the council, the individual [capitula] were read through in a clear voice both in Latin and in the vernacular, by which all were able to understand.

Although no written translation survives, it is clear that the Legatine Capitulary was read out loud at least two times, once in Latin and again in the vernacular (an appropriate choice, we may assume, since half of the canons are addressed specifically to secular officials). This dual language, oral presentation is striking, since it suggests that the legates were interested in addressing those members of their audience who were illiterate (hence reading it aloud) and who understood only the vernacular (presumably seculars).¹²⁹ While the text of the Legatine Capitulary is clearly ecclesiastical in perspective, and sometimes almost homiletic tone, the choice to present the text in two languages suggests the legates took their lay audience seriously, possibly as much as their ecclesiastical compeers. Given this degree of secular orientation, perhaps the Legatine Capitulary should not be taken as a purely ecclesiastical document, as it has been traditionally regarded.

As I argued in the case of Alfred's Prologue, it is likely that the legates chose the language of the document (in this case, two languages) not only because of the practical need to address different elements of their audience, but also to reinforce their view of the

¹²⁹ Presenting such documents before a council in two languages is not without precedent, however. Compare the translation of abbot Ceolfrid's letter to king Naitan (= Nectan) of the Picts into the vernacular (*Historia Ecclesiastica* V.21, see *Bede's Ecclesiastical History of the English People*, eds. and trans., Bertram Colgrave and R.A.B. Mynors, (Oxford: Clarendon Press, 1969), 553. There are Carolingian examples of this practice as well.

proper relationship between the Church and secular authority. To be certain, regulating this relationship is a primary concern of the document, recurring throughout the text.¹³⁰ By rendering the Capitulary in both Latin and the vernacular, the legates addressed not only clergy and laity together, but also implicitly drew sanction for their statutes from the two main centers of authority in Anglo-Saxon society simultaneously; and these magnates became signatories in symbolic order, first bishop, then king, then clergy, then secular magnates. Thus, as with Alfred's Prologue, the choice of language in the Legatine Capitulary was motivated not only by the practical concern of addressing the audience in a language they might understand, but also by a conscious intention to shape the audience's response to the code, and to expand the breadth of its authority.

III. The Relationship between the Old and New Testaments

Another similarity between Alfred's Prologue and the Legatine Capitulary is the way in which each explains the relationship between the Old Testament and New Testaments in a legal context. For Alfred, this relationship was of central importance.¹³¹ In his view, the Mosaic Law was basic and, with modifications, held contemporary legal force. New Testament Law added a dimension of mercy and forgiveness not implicitly present in the Old Law, but did not replace it.

¹³⁰ To mention a few examples: capitulum III (among other matters) admonishes bishops not to shrink from their spiritual duties on account of temporal matters; capitulum XI, that secular rulers should obey their bishops, and that priests cannot be judged by secular authority; capitulum XII that kings should be chosen by priests and secular elders together, and that the king reigns with divine authority as God's anointed; capitulum XIII that the Church should not be subject to taxes greater than permitted by Roman law, and that certain crimes of violence can be punished not only by secular law but also with excommunication.

¹³¹ Alfred's special interest in the Old Testament is apparent in the introductions to his translation of the first fifty psalms. Here, as Patrick O'Neill has shown, Alfred used a historical method of exegesis which is "...unusual in its application of the psalms to Old Testament figures and events other than David..." (*King Alfred's Old English Prose Translation of the First Fifty Psalms* [Cambridge, Mass: Medieval Academy of America, 2001], 23-25).

To explain this point, after his extended translation of Exodus, Alfred refers to Matthew 5.17, where Christ explains that:

...ðæt he ne come no ðas bebodu to breccanne ne to forbeodanne, ac mid eallum godum to ecanne [El. 49].

...that he did not come at all to break or repeal [the Mosaic] injunctions, but, with all goodness, to increase [fulfill?] them.

I suspect that Alfred's use of the verb *eacan*, "to increase," to translate Vulgate *adimplere*, "to fulfill," is especially significant, given Alfred's next point. Continuing, he describes the first synodal decision, made at the Synod of Jerusalem (Acts 15), and then he explains that:

Siððan ðæt þa gelamp, þæt monega ðeoda Cristes geleafan onfengon, þa wurdon monega seonoðas geond ealne middangeard gegaderode, ⁊ eac swa geond Angelcyn, siððan hie Cristes geleafan onfengon...Hie ða in monegum senoðum monegra meniscra misdæda bote gesetton, ⁊ on monega senoðbéc hie writan, hwær anne dom hwær oþerne [El. 49.7-8].

Thereafter it happened that many nations received belief in Christ. Then there were many synods convened throughout all the world, and, likewise, among the English after they received belief in Christ... Then, in many synods they set down compensation for many human crimes, and in many a synod-book they wrote down here one decision, there another.

Crucial to Alfred's reasoning is the idea that the Old Law is not replaced, but rather increased (hence the verb *eacan*)¹³²; and, in particular, it is increased by the procedure of ecclesiastical synods, of which he apparently considers traditional, Anglo-Saxon royal law to be a product. By casting his law code in this light, he infused his otherwise secular statutes with the added, spiritual sanction of canon law.

Thus, for Alfred, the relationship between the Old and New Testaments, legally speaking, is one in which the Old Law serves as a foundation upon which the New Law

¹³² I do not believe that Alfred viewed the relationship between the Old Law and the New Law as one of prefiguration, but rather as one in which the New Law expanded upon the groundwork laid by the Old Law.

builds: The New Law was first laid down by Christ, based upon the Law of Moses; but Christ's law, too, has since been added to—and continues to be increased—by the decisions of ecclesiastical synods. By contextualizing Anglo-Saxon jurisprudence within the synodal tradition in this way, Alfred sought to imbue his secular laws with religious significance.

Though mentioned only in passing, a similar argument is made in the Legatine Capitulary. Capitulum X refers to Exodus 20.26 in support of a regulation forbidding that anyone come to mass with exposed legs. Although the Legatine Capitulary frequently cites the Old Testament in support of its precepts (including three subsequent quotations from the Mosaic Law), here, at the first Mosaic citation in the Capitulary, an explanation is provided:

Scientes, quod si hoc in lege prohibitum est, nunc in sacramento Christi diligentius observari debet.

Since, given that we know this was prohibited in the Mosaic Law, it ought to be observed now all the more diligently in the sacrament of Christ.

Though less explicitly than Alfred, the legates apparently also considered the Old Law to remain in effect; and, like Alfred, explained its current sanction in terms of the New Testament, i.e., it must be observed “*in sacramento Christi*” (in the sacrament of Christ).

Both Alfred and the legates rely heavily on the Old Testament as support for their precepts. In the Legatine Capitulary (which relies on the Old Testament especially heavily), these quotations are not excerpted exclusively from the Mosaic Law, but are taken from the prophets, psalms, and historical books as well. Though Alfred provides much more detailed reasoning (which is unsurprising, given the different purposes of the two documents), both texts explain their rationale for citing the Old Law, and both justify

doing so by referring to the New Testament. Neither document, however, explains the New Law as the “fulfillment” of the Old Law, but rather as an expansion of it. In any case, such explanations were necessary, not only as a means of providing an ecclesiastical basis for contemporary Anglo-Saxon jurisprudence (as with Alfred), but also—we may presume—in order to avoid confusion about the proper application of the Old Law as well.¹³³

IV. The Bible and Legal Reform

As I suggested in my introduction, both the Legatine Capitulary and the Prologue to the Laws of Alfred were aimed at reform. In the case of the Legatine Capitulary, this intention is readily apparent. George himself explains in the opening portion of his epistolary report to pope Hadrian that the mission was dispatched so that

...si qua zizania messem optimo semine satam, quam beatus Gregorius papa per os sancti Augustini seminavit, inritasset, funditus eradicare quod noxium et fructum saluberrimum stabilire summo conamine studuissemus.

...if anywhere tares had spoiled the harvest, sown with the best seed [Matt 13:25-30], which the blessed Gregory sowed through the mouth of St. Augustine, we might strive with the greatest effort to root up from below anything which might be harmful, and secure a most wholesome fruit.

and later, he continues, stating that

...audientibus nobis relatum est, quod reliqua vicia non minima ibi necessaria erant ad corrigendum, quia, ut scitis, a tempore sancti Augustini pontificis sacerdos Romanus nullus illuc missus est nisi nos.

...it was related to us in our hearing that other vices no less serious were there in need of correction, because, as you know, no Roman priest has been sent there from the time of the holy bishop St. Augustine except ourselves.

Without a doubt, the legates were interested in reform of a fairly thoroughgoing nature.

¹³³ Even as late as Ælfric, some Anglo-Saxons apparently justified certain illicit behaviors on the basis of their legality in Mosaic Law, as we know from his *Preface to Genesis*.

Alfred's gesture toward reform, however, is much less overt; and the actual statutes in his legal code are, for the most part, in line with those of his predecessors. His Prologue, on the other hand, is unlike anything in early English law; and it is here that Alfred sets out to transform the ideology of English law. In his Prologue, Alfred situates Anglo-Saxon jurisprudence within the broader scheme of biblical history—equating secular English law with synodal decrees—and thus buttressing their authority with the force of canon law. In this sense Alfred's Prologue is a reform document, since it attempts to transform, ideologically, the way in which the English understood the history and mandate of their own, traditional legal system. In Alfred's view, the authority of his laws did not rest solely on his own royal prerogative, but, he would have us understand, they carry also the sanction of divine authority.

Understanding the Legatine Capitulary and the Prologue to the Laws of Alfred as reform documents may explain their heavy reliance on the Bible. Without question, of all the legal documents in early Anglo-Saxon England, secular or ecclesiastical, these two are the most firmly grounded in scripture. And so the question naturally arises: What does the use of scripture have to do with reform? Though ultimately we cannot be certain, it is in the nature of any reform movement to justify itself, as much as possible, with the outward appearance of orthodoxy. The most radical transformations, thus, seem less momentous when they are firmly grounded in an ideologically conservative view of history, and bolstered (truly or falsely) by the sanction of higher authority. In this light, the heavy use of scripture by both Alfred and the legates makes sense, since basing an argument on scriptural authority is a plainly conservative gesture. By supporting their reform-minded ideas with the biblical text, they can present their arguments not as radical

changes, but as corrective reinterpretations (e.g., of history, or law, etc.). Moreover, it allows them to appeal to an accepted, legitimate authority extending beyond any in England (i.e., the Church), without challenging royal power. It is no accident, therefore, that these two reform-oriented documents cite scripture the most heavily of all their contemporary counterparts. They cite scripture precisely because they are reform documents, as a way of concealing transformation in the outer garb of traditional, conservative, legitimacy.

V. Directions for Future Research and Some Desiderata

As the previous chapters have shown, a focused study of scriptural citations can elucidate a great deal more about a text than what version of the bible its author knew and used. Whenever the data set is large enough, the method I have applied in this project has the potential to identify not only authors and sources, but also to reveal a great deal about the relationship between these sources. The entire group of legal documents produced in Anglo-Saxon England would provide an interesting set of texts to examine in this manner. First, a complete catalog of all biblical quotations in these documents would have to be gathered and analyzed. Once such data was available, it would likely reveal a lot about the study and production of law in early Anglo Saxon England. For example, if legal codes, as a group, tended to cite scripture in a way distinct from other kinds of texts—for example, citing particular verses under certain topical rubrics, or with common variant/non-standard features—it might suggest that the study of law was unified in some way, perhaps in schools under the direction of certain religious institutions. On the other hand, such data might reveal stark ideological and theological differences between

individual documents, suggesting that Anglo-Saxon legal study was primarily a localized affair, without anything akin to a formal tradition.

At the very least, such a study could potentially reveal a great deal about the sources and influences available to Anglo-Saxon jurists, and possibly even expand our knowledge of the early English library. As I show in Appendix III, the relationship between these sources can, at times, be extremely complex: a citation from a particular sermon of Caesarius of Arles, for example, does not necessarily indicate that that specific sermon was known in Anglo-Saxon England unmediated through some other, secondary source. I suspect, in any case, that a thoroughgoing study, analyzing the entire body of scriptural citations in early English legal codes and comparing them systematically, would reveal interesting patterns of usage. Law, to be effective, requires as much authority as possible if it is to succeed in bringing order to society. In Anglo-Saxon England (as in many other societies) the primary fonts of such authority were time-honored tradition and the Church. For these reasons, law—in general—tends to be conservative and historically self-referential (actually or purportedly). I suspect, therefore, that Anglo-Saxon jurisprudence is more of a unified affair than currently realized, due, in part, to the overall sparsity and intermittent nature of the record. The method I apply in this project provides one method of examining this self-referentiality, and of understanding the relationship between Anglo-Saxon legal documents in all their various complexities, secular or ecclesiastical, Latin or vernacular, traditional or innovative; and I believe there is a great deal more to be learned.

Appendix I:

Translation of the Legatine Capitulary of 786

The Legatine Capitulary has been translated in its (virtual) entirety only once, by John Johnson in his mid eighteenth-century *Collection of the Laws and Canons of the Church of England from its First Foundations to the Conquest* (Oxford: J.H. Parker, 1850-51), 266-85, though short excerpts appear in *English Historical Documents*, vol. 1, no. 191. Since Johnson's translation is now antiquated, and the *EHD* version is incomplete, and—most of all—given the importance of this document for early English legal history, I have provided a complete, updated translation below.

For my base text, I have used *Alcuini Epistolae*, ed. Ernst Dümmler, MGH Epp. 4 (Berlin, 1895), 19-29. All translations from the Bible are based on the Douay-Rheims version, though I have updated obvious archaisms and, as much as possible, altered my translations to reflect instances where the scriptural reading found in the Legatine Capitulary is in a variant or non-standard form. Finally, whereas my primary concern was accuracy, I have also attempted to provide a clear, readable text by the standards of modern English usage. The highly elevated rhetoric of the Legatine Capitulary made achieving both goals in tandem often rather difficult; though I believe the translation that follows is, at least, both clear and correct.

Finally, I have italicized all scriptural quotations, so that they can be easily identified in the text.

THE LEGATINE CAPITULARY OF 786

The synod, which was held in England, in the time of the thrice blessed and co-angelical Lord Hadrian, supreme pontifex and universal pope, during the reign

of the most excellent Carolus, king of the Franks and Lombards and patrician of the Romans, in the eighteenth year of his reign, when George, bishop of Ostia and Theophylact, venerable bishop of the church of Todi had been sent by the Apostolic See--Our Lord Jesus Christ reigning forever, in the year of his incarnation, of our Lord, 786. The tenth indiction.

With divine compassion inspiring you, O excellent pastor, highest, holy, glorious, honorable, kind pontifex Hadrian, you sent to us via Theophylact, the venerable bishop of the holy church of Todi, letters containing the most wholesome statutes and the things necessary for every holy church, and at the same time urging our insignificance with fatherly piety how we had to travel across the sea to the land of the English, “*so that, if anywhere tares had spoiled the harvest, sown with the best seed*” [Matt 13:25-30], which the blessed Gregory sowed through the mouth of St. Augustine, we might strive with the greatest effort to root up from below anything which might be harmful, and secure a most wholesome fruit. Indeed, with your holy prayers favoring us, we set out, complying with your orders in a cheerful mood; but “*he who tempts*” [Matt. 4:1] hindered us with a contrary wind; nevertheless, “*He who calms the flood*” [Ps. 88:10] having heard your prayer, “calmed the blue straits” and brought us across to the door of safety, and although we were afflicted by many dangers, He brought us to the shores of the English unharmed.

Having been received, in the first place, by archbishop Jænberht of the holy church of Dorovernia, which in another parlance is called Kent, where St. Augustine rests in body, and residing therein, we advised them what things were necessary. Then, traveling, we came to the court of Offa, king of the Mercians. And he, with immense joy on account of his reverence for the blessed Peter and your apostolate, received both of us

and the sacred letters sent from the highest see. Then Offa, king of the Mercians, and Cynewulf, king of the West Saxons, to whom we also handed your holy writings, convened in one council. And they promised forthwith that they would be corrected concerning these vices. Then, having begun the council with the aforementioned kings, and bishops, and elders of the land, we, considering what remote regions of the world extend out far and wide, allowed Theophylact, the venerable bishop, to travel to the kingdom of the Mercians and the lands of the Britons.

I, however, having taken my helper with me, i.e., the abbot and priest Wigbod—a man of proven faith, whom your most excellent son, king Carolus, sent with us on account of his reverence for your apostolate—proceeded into the land of the Northumbrians, to king Ælfwald and archbishop Eanbald of the holy church of York. But, since the aforesaid king remained a long time in the North, the above mentioned archbishop sent his messengers to the king who, forthwith with great joy, set a day for the council, to which all the magnates of the land convened, both ecclesiastical and secular. But, it was related to us in our hearing that other vices no less serious were there in need of correction, because, as you know, no Roman priest has been sent there from the time of the holy bishop St. Augustine except ourselves. So, we wrote a capitulary concerning each individual matter and, treating everything in order, set them forth in their hearing. They, embracing both your admonition and our insignificance with humble subjection and clear willingness, promised to obey in all things. Then, calling them to witness that they uphold the holy decrees, both themselves and on behalf of their subjects, we delivered your letters to them to be read. Now, these are the capitula which we set down for them:

I. First of all, we admonished that the holy and inviolate faith of the Nicene Council should be held faithfully and firmly by all who are subject to holy observance, and that the priests of every church who must teach the people be examined most diligently concerning that faith every year in synods convened by bishops, so that they may profess, uphold, and preach the apostolic and universal faith of the six synods—having been approved by the Holy Spirit—as it was handed down to us by the Holy Roman Church, and, if the opportunity should present itself, that they should not fear to die for that faith; and that they should receive whoever the universal councils receive, and those whom they [i.e. the six universal councils] condemn, let them [i.e., the priests] condemn them also in their mouths and hearts.

II. In the second capitulum, we instructed that baptism should be carried out according to the canonical statutes and not at another time, except in a time of great necessity; and that all generally know the Creed and the Lord's Prayer. And those who take on the responsibility for little ones at the holy font, and who answer for infants, let them know that they are sureties [for their charges] to God on account of that agreement, [that they are responsible for their charge's] renunciation of Satan—his works and his pretensions—and [they are responsible for their charge's] believing the Faith—so that, until their charge should come to the fullness of age, they [i.e., the sponsors] should teach them [i.e., their charges], as stated above, the Lord's Prayer and the Creed; for if they [i.e., the sponsors] do not [do these things], that which was promised to God on behalf of these infants will be exacted from them [i.e., the sponsors] severely. Therefore, we instruct all people in general that this be memorized.

III. In the third commandment, we reprimanded [them] to the effect that two councils must be held every year according to the canonical principles; so that burgeoning spines might be cut off from the hearts of offenders by the root, just as good farmers do with a spade. And every bishop should go around his parish once every year, diligently setting up assemblies at convenient places where all might come together to hear the Word of God, lest anyone on account of the crime of the shepherd, going astray because of the transgression of some unknown thing, *“is attacked by the bites of the roaring lion; and let [the shepherd] with watchful care preach to and confirm the flock committed to him”* [I Pet 5:8]; let him separate the incestuous, let him imprison seers, soothsayers, diviners, witches, and readers of lots, and let him remove every sin. *“And let no one seek to feed the flock committed to him for the sake of shameful profit, but rather for the hope of eternal reward; and that which he has received for free, let him take zeal to give for free”* [Mt. 10:8-9], as the Apostle bears witness, saying: *“I charge you, before God and Jesus Christ, who will judge the living and the dead, by his coming, and his kingdom: Preach the word: be instant in season, out of season: reprove, entreat, rebuke in all patience and doctrine”* [II Tim. 4:1-2], as the prophet says, *“Get up on a high mountain, you who bring good tidings to Sion”* [Is. 40:9], that is to say, so that, in this way, he [i.e., every bishop] may excel in merit just as in rank; and, lest perhaps he should be restrained from teaching by fear, let him hear: *“Lift up your voice with strength, and do not fear”* [Is. 40:9]. Jeremiah also said: *“Gird up your loins, and arise, and speak to them; be not afraid at their presence: for I will make you not to fear their countenance”* [Jer 1:17]. Alas, for this sadness, and, as much, for this lamentable lukewarmness, as many men say, after consideration: because either you cling to love of secular affairs,

or—terrified to open the word of truth—you are confounded by some criminal act. If the prelates of the Church remain silent on account of fear or worldly friendship, then they do not correct sinners, such that, just as corrupt pastors with no concern for their sheep, they flee when they see a wolf: why are they not more afraid of the Prince of Princes, King of Kings, Lord of Lords, who rebukes the shepherds through the Prophet, saying: *“You all have not mounted up against the enemy, nor have you set up a wall, so that you may stand in battle on the day of the Lord”* [Ez.13:5]. Finally, just as the watchful shepherd is accustomed to guard the sheep against wild beasts, so also ought the priest of God be anxiously watchful over the flock of Christ, lest an enemy plunder [it], [or] a persecutor attack [it], or the covetousness of the more-powerful ravage the life of the poor, since the prophet says: *“If you do not declare the crime to the wicked, I will require his blood at your hand; if, however, you give warning and he does not do penance, you have delivered your soul, but he will die in his iniquity”* [Ez 3:18-20]. *“For the Good Shepherd gives his life for his sheep”* [Jon. 10:11]. When you reflect on these things my fathers and brothers, put forth effort, lest it be said about you as [it was] about the shepherds of Israel who *“feed themselves,”* etc. [Ex. 34:2]; but rather may you be deserving to hear: *“Well done, good and faithful servant, enter into the joy of you Lord”* [Mt. 25:21].

IV. The fourth commandment: that bishops watch with diligent care that all canons live by canon law and that monks and nuns abide by their rules, in diet and in dress and private property, so that there might be a distinction between a canon, a monk, and a secular person; and let them live in the habit which the Eastern monks live, and [let] canons [dress] by the Eastern example [also], and not in garments colored with Indian dyes, nor precious clothes. But, let bishops, abbots, and abbesses give good

example to their subjects in all things, as Peter said: “*Be made a pattern of the flock after God,*” etc. [I Pet. 5:3]. Therefore, we recommend concerning this matter that the synodal edicts of the six universal councils, along with the decrees of the Roman pontiffs be more frequently read and observed, and that the condition of the Church be reformed according to their example, so that nothing new may be permitted to be introduced by anyone, lest there be a schism in the Church of God.

V. The fifth chapter admonishes that if, as often happens, an abbot or abbess passes from this light [i.e., dies], then, with the advice of the bishop in whose parish the monastery is situated, let religious pastors of approved life according to God be elected from among themselves who may eagerly take on the care of the souls committed to them. If, however, in that monastery no such man is found at all, let such a man be sent to them from another monastery who is able to govern them according to God, so that they might concern themselves with fulfilling, in all humility and obedience, day and night, the vow which they vowed to God, “*prepared always, with their loins girt and with lamps burning, expecting the householder, so that when he finds them watching, he makes them participants, eternal table-companions*” [Luke. 12:35-40].

VI. The sixth decree: that no bishops should presume to ordain a priest or deacon unless he should be of an approved life and should be able to fulfill his duty properly; and let him continue in that grade to which he was consecrated, so that no-one might presume to receive a priest or deacon by the title of another without reasonable cause and a letter of recommendation.

VII. In the seventh capitulum, that all churches observe the course of canonical hours publicly with reverence.

VIII. In the eighth statute: that the ancient privilege given to churches by the Holy Roman See be preserved in every way. If, however, any have been granted contrary to canonical institutes, by the assent of wicked men, they must be removed.

VIII. In the ninth chapter: that no clergy should dare to consume food in secret, unless on account of great infirmity, because this is hypocrisy and [the way of the] Saracens. Therefore, we urge that we not be “*whited sepulchres outwardly, while within, however, we are full of dead men’s bodies*” [Matt. 23:27], especially, because our Savior said: “*Take heed that you do not perform your justice before men, to be seen by them: otherwise you will not have a reward from your Father who is in heaven*” [Matt 6:1]. Why it is pleasing to be gazed at, given that it is commanded that good works be done in secret, so that we may be rewarded by the same one in whose name we do these things? What results from this affair, namely, when we pretend to fast or abstain in the presence of men, [while] in truth we gulp down a cow or a horse in our solitary moments?

X. In the tenth capitulum: that no minister of the altar presume to come forth for celebrating mass with naked legs, lest his unsightliness should appear and God should be offended [Ex. 20:26]: since, given that we know this was prohibited in the Mosaic Law, it ought to be observed now all the more diligently in the sacrament of Christ. Also, let the offerings of the faithful be made, such that [the offering] might be bread, not crusts. We have also forbidden that the chalice or the paten used for sacrificing to God to be made of ox horns, because they are of blood. Also, we have seen there that bishops adjudicate secular matters in their councils, and so we prohibited them with the apostolic voice: “*No man, being a soldier to God, entangles himself with secular businesses; in order that he may fight for him to whom he has engaged himself*” [II Tim 2:4]. We also implored that

prayers be made assiduously for the Church of God, so that God and our Lord Jesus Christ may exalt, strengthen, protect, defend, and preserve the Church immaculate for the praise and glory of His name, for ever and ever. Amen.

XI. The eleventh commandment was to kings and princes, that they administer their royal authority with caution and discipline and judge with justice, as it is written: "*Embrace discipline, lest at any time the Lord be angry, and you perish,*" etc. [Ps. 2:12]. Further, as we directed to bishops above, that they speak the word of God to kings confidently with divine authority, and truthfully without fear or flattery, and [to speak it also] to princes and all dignitaries; never to shun the truth, to spare noone, to condemn noone unjustly, to excommunicate noone without cause, [and] to point out the way to salvation as much by words as by character. Likewise, we admonished kings and princes that they obey their bishops from the heart with great humility, because the keys of heaven have been given to them, and they have the power of binding and loosing, as it is written: "*Ask thy father, and he will declare it to you: ask your elders and they will tell you*" [Deut 32:7]; and elsewhere the Apostle: "*Obey your prelates just as the Lord, for they watch over you, to render an account for your souls*" [Hebr 13:17]. The Lord himself said to teachers: "*He who hears you, hears me, he who despises you, however, does not despise you, but him who sent you*" [Luke 10:16]. Likewise, through the prophet: "*The lips of the priest will keep knowledge, and they will seek the law at his mouth: because he is the angel of the Lord of Hosts*" [Mal 2:7]. Therefore, if priests are called angels, they cannot be judged by secular men, as the Apostle says: "*But to me it is a very small thing to be judged by you or by man's day; for he who judges me is the Lord*" [I Cor 4:3-4]. Likewise through the psalmist: "*And he reproveth kings for their*

sakes, saying: *Do not touch my anointed, and do no evil to my prophets*” [Ps. 104:14-15]. Likewise, the Apostle: *“Do you not know that we will judge angels? How much more things of this world?”* [I Cor. 6:3]. For, as kings preside over all dignitaries, so do bishops preside over those things which pertain to God. Therefore, we urge in all earnestness that all men should honor the Church of God, which is the bride of Christ, and not put onto her the yoke of unjust servitude. And do not become arrogant in the power of secular things, nor oppress others with force, as it is written: *“And the king’s honor loves judgment”* [Ps. 98:4]. Let everyone weigh carefully how he might wish for his bride to be honored by his subjects, and let him consider by this earthly example how much the bride of the King of Heaven ought to be revered, lest it be said of them (God forbid): *“They have reigned, but not by me; they have been princes and I knew not”* [Osee 8:4]. But may they [instead] deserve to hear: *“I have found a man according to my own heart who will do all my wishes”* [Acts 13:22]. Therefore, *“I have laid help on a powerful man, and those who hate him I will put to flight”* [Ps. 88:24]. So that [God] may give long life and happiness to his kingdom and his descendants, and grant the eternal glory of the kingdom come. And let kings have wise counselors, who fear God and have honest morals, so that the people—after they have been instructed and encouraged by the good examples of kings and princes—may profit by the praise and glory of the omnipotent God.

XII. We decreed in the twelfth command that in the ordination of kings, no one should permit anyone approved by wicked men to prevail, but rather let kings be chosen lawfully by the priests and elders of the people, and let them not be conceived in adultery or incest: for just as in our times—according to the canons—an adulterer cannot receive

the priesthood, so neither, then, is such a man able to be God's anointed and king of the whole kingdom, and inheritor of the country, he who was not born of a legitimate marriage, as the prophet says: "*Know that the Lord is ruler in the kingdom of men, and it is His kingdom: and He will give it to whomsoever He will*" [Daniel 4.14]. Therefore, we admonished all generally that they should ask the Lord with unanimous voice and heart that He who ordains him [i.e., the king] in the kingdom, that He also bestow upon him [i.e., the king] the guidance of His holy teaching for ruling his people. And therefore, let honor be paid to him by all, as the Apostle says: "*Honor the king*" etc. [I Petr 2.17], and elsewhere: "*whether it be to the king as one excelling, or to governors sent by him for the punishment of evildoers and for the praise of the good*" [I Petr 2.13-14]. Likewise the Apostle: "*Let every soul be subject to higher powers, for there is no power given except from God. Those that are, however, are ordained of God. Therefore, he who resists the power, resists the ordinance of God: and they who resist purchase damnation for themselves*" [Rom 13.1-2]. Let no-one detract from the king, as Solomon says: "*Do not detract from the king in your mouth, and do not curse the prince in your heart, because even the birds of the air will carry it, and he who has wings will tell your word*" [Eccles 10.20]. Let no one dare to conspire in the death of the king, because he is the Lord's anointed: and, if anyone consents to such a crime, if he is a bishop or any of the priestly grades, let him be thrust out from it and cast down from the holy inheritance, just as Judas was cast down from the apostolic order—and all who assent to such a sacrilege will perish in the bond of eternal anathema, and as a comrade of Judas the Traitor, will burn in eternal fire, as it is written: "*Not only they who do them, but they also who consent to those who do them*" [Rom 1.32] will not escape the judgment of God. For the two

eunuchs seeking to kill king Assuerus were hung on a gibbet [Esther 2.23]. Observe what David did to the overseer when God spoke to him: *“I will deliver Saul into your hands”* [I Reg 24:5]: When he [i.e., David] found him [i.e., Saul] sleeping and was urged by a soldier to kill him, [David] said: *“Let this sin be far from me,”* [I Reg 12.23] *“that I extend not my hand upon the Lord's anointed”* [I Reg 26:11]. He cut off the head of that soldier who, after his [i.e., Saul's] death, came declaring he had killed him [i.e., Saul]: *“and this was reputed to him unto justice,”* [Rom 4:3, 4:22, 4:23, James 2:23] *“for him and his seed after him”* [Gen 17.19, Ex. 28.43, Acts 7.5]. 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.

XIII. The thirteenth admonition was, that the powerful and the rich should decide cases with just judgments, that they should neither show favoritism to the dignity of the rich, nor despise the poor, nor deviate from rectitude of judgments, nor take bribes against innocent ones, but rather, as the prophet said in truth and justice, *“Judge justly, o sons of men”* [Ps 57.2]. Also, elsewhere, *“You will not do that which is iniquity, nor judge unjustly; you shall not stand against the blood of your neighbor”* [Lev 19.15-16]. Also, Isaiah said, *“Seek judgment, relieve the oppressed, judge for the fatherless, defend the widow, and then come and accuse me, says the Lord: if your sins be as scarlet, they will be made white as snow; if they be as red as crimson, they will be as white as wool”* [Is 1.17-18]. Also, elsewhere, *“Loose the knots of iniquity, undo the bundles that oppress: let them who are broken go free, and break asunder every burden. Then your light will break forth as the morning, and your health will speedily arise”* [Is 56.6, 8]. As the Lord

says in the Gospels: *“For with that judgment you judge, you will be judged, by that measure which you have measured, you will be measured”* [Matt 7.2]. Nor shall you by force take from another that which is his, as it is said, *“Do not covet the possessions of your neighbor, neither shall you desire his wife, nor his house, nor his cow, nor his sheep, nor his field, nor anything that is his”* [Ex 20.17]. For the prophet threatens, saying: *“Woe to you who join house to house and lay field to field, even to the end of the place: shall you alone dwell in the midst of the earth? These are the things in my ears, says the Lord of Hosts”* [Is 5.8-9]. Again, the prophet proclaims, saying: *“Rescue the poor and deliver the needy out of the hand of the sinner”* [Ps 81.4]. Remember what he deserves *“who scandalizes one of the little ones”* [Matt 18.6]. He, however, who receives one of these, receives Christ [Matt 18.5]; from which may you deserve to hear on judgment day: *“Come blessed ones, to possess the kingdom prepared for you from the beginning of the world”* [Matt 25.34].

XVIII. The fourteenth chapter: Let deception, violence, and robbery be forbidden, and let no unjust taxes be imposed on the Church of God greater than [is permitted in] by Roman law; and upheld by the ancient custom of emperors, kings, and princes; and let he who desires to remain in communion with the Holy Roman Church and with the Blessed Peter, the Prince of Apostles, endeavor to keep himself free from this vice of violence. Thus, let there be concord and unanimity everywhere between kings and bishops, clerics and laymen, and all Christian people, so that there may be unity everywhere in the churches of God and peace in the one Church, enduring in one faith, one hope, and one love [I Cor 13.13], having one head, which is Christ, whose members ought to help each other reciprocally and love each other with mutual charity, as He Himself said: *“By this*

shall all men know that you are my disciples: if you have love for one another" [Ioh 13.35].

XV. The fifteenth chapter: Let all unjust and incestuous marriages be forbidden, as much as among the handmaidens of God or other unlawful persons as with those who are related and of the same blood, or with foreign women. Let he who does such things be pierced through with the sword of anathema unless, having been set aright, he should repent from such evil presumption and, complying with his bishop, he corrects himself and returns to the standard of righteousness.

XVI. The sixteenth chapter: By decree, lawful inheritance is given up by the sons of whores. And, moreover, by Apostolic authority, we judge sons born in adultery or of nuns to be illegitimate and adulterous. For we do not hesitate to refer to a virgin—who has dedicated herself to God and has put on the garment, as it were, of the Holy Mary—as the bride of Christ. Therefore, it is manifest both in matters heavenly and earthly that he who takes a wife from a more powerful man and joins her to himself in matrimony will not escape unpunished: Whence also the Apostle says: *"If any man violates the temple of God, God will destroy him, for the temple of God is holy"* etc. [I Cor 3.17]. Likewise, the Apostle, *"For know this and understand, that no fornicator, or unclean person, or adulterer, or covetous person has inheritance in the kingdom of Christ and of God"* [Eph 5.5]. For consider whether the inheritance of the world is not cut off by the Apostle, as the Scripture says: *"For the son of a bondswoman will not be heir with the son of a free woman"* [Gal 4.30]. But some adulterer may say: "My whore is not a slave, but rather a free woman." We respond to these things with apostolic authority: *"Do you not know that you are slaves to him you yield yourself to obey, whether of sin unto death*

or of justice unto sanctification” [Rom 6.16]? Therefore, we have commanded with apostolic words that, *“for the purpose of avoiding fornication, let every layman have his own lawful wife, and let every woman have her own husband”* [I Cor 7.2], so that they may have lawful heirs in the Lord, and so that they may be made heirs of God and co-heirs of Christ. Furthermore, as it is written in canon law, and in evangelical doctrine, and in the decrees of apostolic teachings concerning lawful marriage and the appointed time for sex and for abstaining—to these decrees, we presume neither to add or subtract anything. *“But if any man seems to be contentious, we have no such custom, nor the church of God”* [I Cor. 11.16].

XVII. The seventeenth chapter: concerning giving tithes, thus in the Law it is written: *“The tenth part of all your produce or first fruits, bring them into the house of the Lord your God”* [Ex 22.29, Deut 14.22]. Again, by the prophet: *“Bring,”* he said, *“all the tithes into my storehouse, so that there may be food in my house, and examine me in this, if I do not open unto you the floodgates of heaven, and pour out a blessing even to abundance, and I will rebuke for your sakes the devourer who consumes and spoils the fruit of your land: and the vine in the field will also not be barren, says the Lord”* [Mich 3.10-11]. As a wise man says: *“No-one can justly give alms from those things which he possesses unless he has first separated for the Lord what from the beginning he had set aside to be paid to him. And it happens quite commonly in these situations, that he who does not give a tenth is himself reduced to a tenth”* [source unknown]. Wherefore also, we advise with earnest entreaty, that all should endeavor to pay a tenth from those things which they possess, because that in particular belongs to the Lord God, and from his nine parts let a man live and give alms. And we urge even more that alms be made in secret,

as it is written: *“When you give alms, do not sound a trumpet before you”* [Matt 6.2]. We also prohibited usury, as God said to David: *“He will be worthy to dwell in the tabernacle, he who has not put out his money to usury”* [Ps 14.1, 5]. Augustine also says: *“How can one have unjust profit without just loss? Where there is profit, there is loss: profit in the coffers, loss in the conscience.”* [Sermo VIII, de decem plagis et praeceptis, ch. 7] We also established that equal measures and equal weights should measure in all cases, as Solomon said: *“The Lord hates diverse weights and diverse measures”* [Prov 20.10]. That is, no-one who buys by one weight or measure should sell by another, *“For God everywhere loves justice, and his countenance beheld righteousness”* [Ps 10.8].

XVIII. The eighteenth chapter, concerning the vows of Christians, that they should fulfill them. For, in this way, the ancient patriarchs and prophets pleased God. For Abel, a just man, offered a vow from his fatlings with a faithful spirit: and they were more pleasing to God than his parricide's. Therefore, having accepted the offering, God consumed it with divine fire. On the other hand, he despised those [offerings] not offered with a good spirit, and therefore [Cain], condemned with a curse, deserved [divine] wrath. His younger brother, however, was crowned with blessed martyrdom. And remember Enoch, who fulfilled the vow which he had vowed and was translated living, in the body. Noah, a just man, also vowed a vow and fulfilled it; and he alone, of all men, along with seven of his relatives, was delivered from the Flood of the world. What should I say about Abraham, who vowed another vow and fulfilled it and gave his tithe to the priest Malchisedech? He triumphed over his enemies: therefore he deserved not only to worship the Lord in the Trinity, but also to receive him in hospitality and to have a promised son by a ninety-year-old woman: and he deserved to receive that promised son

(as God said: *“In Isaac will your seed be called”* [Gen 21:12] and *“In your seed all the nations of the earth will be blessed”* [Gen 22.18]), [and] he did not refuse to sacrifice that promised son, whom, no doubt, he trusted would survive, nonetheless. Therefore, faith cooperated with his works *“and it was reputed to him to justice, and he was called the friend of God”* [James 2.23]. For Jacob vowed a vow and repaid it. Remember Manoe, concerning his daughter, and his memory will be eternal. David the prophet, when he fulfilled his vow, advised us, saying: *“Vow and fulfill it to the Lord your God: all who are about him bring presents. To him who is terrible, even to him who takes away the spirit of princes: to the terrible with the kings of the earth”* [Ps 75.12-13]. Solomon also said: *“When you make a vow, hasten to fulfill it, lest, by chance, God should be angry with you”* [Eccles 5.3,5]. Likewise in the Scripture: *“Better it is not to vow than, after a vow, not to repay it”* [Eccles 5.4]. Wherefore, we entreat that everyone recall to his mind whatever he has vowed to God in prosperity or adversity, [and] not delay to fulfill it, lest by chance you find yourself again entangled in adversity, you deserve to hear: *“What was promised to me long ago was said falsely,”* [unknown source] *“to preserve your hardness and your impenitent heart, you treasured up wrath to yourself, against the day of wrath, and revelation of the just judgment of God”* [Rom 2.5]. *“Therefore, I will laugh at your destruction, and I will mock when that will come which you feared”* [Prov 1.26]. For we give or promise nothing except what [God] gave to us first. Wherefore, the prophet, feeling remorse, said *“What will I repay to the Lord for all those things he has given to me”* [Ps 115.12]? If anyone, indeed, has made a vow and has delayed to repay it, we are fearful that he will never escape unharmed, as it is said: *“It is a fearful thing to fall into the hands of the living God”* [Hebr 10.31].

XVIII. The nineteenth chapter: We enjoined that every faithful Christian take an example from catholic men; and if anything remains of pagan customs, let it be plucked out, condemned and rejected. For God created man beautiful in grace and comeliness; but pagans cover themselves all over with shameful scars, on account of [their] diabolical instinct, as Prudentius says: “He moistened the innocent earth with vile stains” [Diptychon, I.3]. For it is thought that he insults God, he who sullies and defiles his creation. Certainly, if anyone should undergo this offense of tattooing for God, he would receive a great reward from it. But anyone who does it on account of superstition as do the Gentiles, does not attain salvation for himself, anymore than the Jews do by the circumcision of the body without a believing heart. Also, you wear clothing according to the custom of the Gentiles whom your fathers, with God’s help, expelled by force of arms from the world. How wondrous and remarkable indeed that you should imitate the mannerisms of those you have always hated. Also, by shameful custom, you mutilate your horses, you slit their nostrils, you fasten their ears together—and, indeed, you render them deaf—and you cut off their tails. Since you have the ability to keep them unharmed, but do not wish to do so, you render yourselves entirely detestable. We have heard also that when you are engaged in a matter of controversy among yourselves, you cast lots according to the custom of the Gentiles, which is entirely considered to be a sacrilege in these times. And many among you also eat horseflesh, which is not done by Christians in the East. Shun that also. Strive, in any case, “*that all your affairs be done decently and according to the Lord*” [I Cor 14.40].

XX. The twentieth chapter: We announced to all generally that they should strive to act according to the prophetic voice, which says: “*Do not delay to repent before the*

Lord, and do not defer it from day to day” [Ecclus 5.8]. And elsewhere: “*Repent before me with all your heart, in fasting, and in weeping, and in mourning*” [Joel 2.12]. And elsewhere, “*Repent before me, and I will turn to you*” [Zach 1.3]. And, according to the Apostle, “*Confess your sins to one another and pray for one another so that you may be saved*” [James 5.16], lest ([God] forbid) a sudden death should find anyone unprepared. And receive the eucharist according to the judgment of priests and the degree of guilt, and make fruits worthy of penance, for it is a productive penance to weep over your misdeeds, and, having wept over them, not to commit them afterwards. If, however, anyone ([God] forbid) passes from this light without penance or confession, there should be no prayers for him. For none of us is without sin, not even an infant who is only a day old, as the Apostle says: “*If we say that we do not have sin, we deceive ourselves, and the truth is not in us*” [I Ioh 1.8]. Do penance, therefore, and repent, “*because death is not slow*” [Ecclus 14.12], so that your sins might be wiped away and so that you may deserve to enjoy that life with the holy angels enduring without end, forever and ever.

We put forth these decrees, most blessed pope Hadrian, in a public council in the presence of king Ælfwald and archbishop Eanbald, and all the bishops and abbots of the region, and members of the witangemot and the ealdormen, and the people of the land; and they, as we indicated above, vowed with full devotion of mind, that they, with the help of divine clemency, would observe all [these precepts] with all possible fortitude. They confirmed [their vows] before us with the sign of the Holy Cross in our hands; and afterwards, on the surface of this page, they carefully etched the sign of the Cross, infixing it thus:

I, Eanbaldus, by the grace of God archbishop of the Holy Church of York, have subscribed with the sign of the Holy Cross, to the pious and catholic assessment of this charter. I, Aelfuualdus, king of the nation beyond the Humber, consenting, subscribed with the sign of the Holy Cross. I, Tilberthus, praesul of the Church of Autun, rejoicing with the sign of the Holy Cross, subscribed. I, Hygbaldus, bishop of the Church of Lindisfarne, obeying, subscribed with the sign of the Cross. I, Aedilberthus, bishop of Hwyttern, kneeling, subscribed with the sign of the Cross. I, Alduulfus, bishop of the Church of Mayo, have subscribed with devout inclination. I, Aethiluuinus, bishop, have subscribed by means of legates. I, Sigha, patrician, with a calm spirit, have subscribed with the sign of the Cross.

To these most wholesome admonitions we too, priests, deacons of churches and abbots of monasteries, judges, magnates, and nobles, consent with one voice and subscribe:

I, Alrich, ealdorman, subscribed with the sign of the Cross. I, Siguulfus, ealdorman, subscribed with the sign of the Cross. I, Aldberth, abbot, subscribed with the sign of the Cross. I, Eghard, abbot, subscribed with the sign of the Cross.

When we finished these things and gave the benediction, we set out, taking the illustrious men with us—the legates of the king and the archbishop—the lectors Alcuin and Pyttel. They traveled with us, and brought the same decrees with them to the council of the Mercians, where the glorious king Offa had called together an assembly with the witangemot of the land, together with Jænberht, archbishop of the Holy Church of Canterbury, and the other bishops of the region. In the presence of the council, the individual capitula were read through in a clear voice and explained clearly both in Latin

and in the vernacular, by which all were able to understand. They all, then, thanking your Apostolate with unanimous voice and lively spirit, promised that they, with divine favor supporting them, would observe these statutes in all things with a most ready inclination, to the full extent of their power. They too, just as we set out above, both the king and his magnates, and the archbishop along with his colleagues, confirmed in our hand—in your lordship's place—the sign of the Holy Cross, and again ratified the present paper with the Holy Sign:

I, Ieanbrectus, archbishop of the Holy Church of Canterbury, as a suppliant, subscribed with the sign of the Cross. I, Offa, king of the Mercians, consenting to these statutes with eager will, subscribed with the sign of the Cross. I, Hugibrethus, bishop of the Church of Lichfield, subscribed with the sign of the Sacred Cross. I, Ceoluulfus, bishop of Lindsey, subscribed. I, Unuuona, bishop of Leicester, subscribed. I, Alchardus, bishop, subscribed. I, Eadberhtus, bishop, subscribed. I, Chunibrectus, bishop, subscribed. I, Harchelus, bishop, subscribed. I, Aeine, bishop, subscribed. I, Tota, bishop, subscribed. I, Uuaremundus, bishop, subscribed. I, Adalmondus, bishop, subscribed. I, Adoredus, bishop, subscribed. Edilhardus, abbot. Alcmundus, abbot. Boduinus, abbot. Utel, abbot. I, Brorda, ealdorman, subscribed with the sign of the Holy Cross. I, Eadbaldus, ealdorman, subscribed. I, Bertaoldus, ealdorman, subscribed. I, Ot baldus, ealdorman, subscribed.

Appendix II:

Transcription of the portion of the *Liber ex lege Moysi* that corresponds to the Prologue to the Laws of Alfred

As I discussed in chapter 2, no edition of the *Liber ex lege Moysi* has yet been published. While it was not possible to produce a proper edition of the work for this project (something I plan to do in the future), I was able, working from microfilm, to make the following transcription of that portion of the *Liber* which corresponds to the extended excerpt from the Mosaic Law in the Prologue to the Laws of Alfred, i.e., Exodus 20 (where both Alfred and the *Liber* begin) to Exodus 23.13.

My transcription is based on all four surviving MSS:

(O) Orléans, Bibliothèque Municipale, MS 221, s. ixⁱⁿ

(C) Cambridge, Corpus Christi College, MS 279, s. ix²

(E) London, British Library, MS Cotton Otho E xiii, s. xⁱⁿ

(B) Paris, Bibliothèque Nationale, lat. 3182, s. x².

As Kottje has established, none of these MS is based directly on any of the other three. However, of the four, **O** is not only the oldest, but the one that, for a variety of reasons, seems to have preserved most faithfully the original scope of the text.¹³⁴ Following Kottje, I have chosen **O** as the base text, providing all variants from the other three MSS, however minor, in the apparatus. I have only included readings (including corrections, etc.) in the main hand, since it was at times impossible, due to problems with the microfilm I was using, to read the relatively few glosses and marginalia that occur in the

¹³⁴ Kottje, Raymund, "Der *Liber ex lege Moysis*," in *Irland und die Christenheit: Bibelstudien und Mission / Ireland and Christendom: The Bible and the Missions*, ed. Próinséas Ní Chatháin and Michael Richter, (Stuttgart: Klett-Cotta, 1987), 64.

MSS. Thus, for the present transcription, I chose not to include them at all, rather than include them inconsistently. Finally, while I have noted even minor spelling variants, I have not indicated in the apparatus where a particular MS is unreadable. Also, I have in no case inserted my own emendations or corrections, even where such alterations seem obvious and straightforward.

I have used the following editorial conventions and abbreviations:

- * indicates a single missing character, ** two missing characters, etc.
- [...] indicates missing text, of an unknown number of characters.
- <> indicates text inserted from a MS other than **O** (indicated in a footnote).
-] follows a baseword in the apparatus.
- ~ stands for the baseword itself; thus, e.g., ‘~ + X’ means “(baseword) followed by X”
- om.* “omit”

Liber ex lege Moysi Exodus XX

- (2) ego sum *dominus deus* tuus qui eduxit te de terra *ægypti* de domo seruitutis
- (3) non habebis deos alienos coram me
- (4) non facies tibi sculptile n*que omnem similitudinem que est in cælo *desuper* et que [...]¹³⁵ <in terra deorsum neque eorum quae sunt in aquis sub terra
- (5) non adorabis ea neque coles>¹³⁶ ego sum *dominus deus* tuus fortis et zelotis uis**ans iniquitatem patrum in filios in tertiam et quartam generationem eorum qui oderunt me
- (6) et faciens misericordiam in milia his qui diligunt mea precepta
- (7) non adsummes nomen *domini dei* tui in uanum neque *enim* hodie habebit insontem *dominus* eum qui adsumpserit nomen *domini dei* frustra iuramento
- (8) memento diæm sapatu et *sanctifices*
- (9) ui diebus operaberis et facies omnia opera tua
- (10) uii diæ sapatu *domini dei* tui non facies omne opus tuum et filius tuus et filia tua et seruus tuus et ancilla tua et iumentum tuum et aduena qui est intra portas tuas
- (11) ui *enim* diebus fecit *deus* cælum et terram et cuncta que in eis sunt et requiæuit in diæ septimo idcirco benedixit *dominus* diem sabati et *sanctificauit* eum
- (12) honera patrem tuum et matrem tuam ut sis longeus super terram quam *dominus deus* tuus dabit
- (13) non occides
- (14) non mechaberis
- (15) non furtum facies
- (16) non dices contra *proximum* tuum falsum testimonium
- (17) non concupisces domum *proximi* tui non desiderabis uxorem eius non seruum non ancillam non bouem non assinum nec omnia que illius sunt
- (22) dixit quoque *dominus*
- (23) non faciætis uobis deos argenteos nec deos aureos facietis uobis

XX 2. ego] ~ + enim C | eduxit] eduxi CE | ægypti] egypti B; aegypti CE; + et C | seruitutis] ~ + dixit dominus moysi B **3.** habebis] habebitis B **4.** facies] facies BCE | sculptile] sculptile E | n*que] neque BC | que] quae BC | cælo] cello B; caelo C | que] quae BC **5.** ui**ans] uisitans BC **6.** et] om. C | misericordiam] misericordias C | diligunt mea pracepta] diligunt me et custodiunt precepta mea B **7.** adsummes] adsummen B; adsumes CE | nomen] om. B | habebit insontem] insontem habebit C | adsumpserit] assumpserit B; adsumerit C | domini] dei | B dei] om. E; + tui B; + sui C | iuramento] om. B **8.** memento] ~ + ut B | diæm] diem BCE | sapatu] sabbati BC | om. BC **9.** operaberis] operabiris C **10.** uii] + autem C | diæ] die BE; diem C | sapatu] s*bbati B; sabbati C; sabbatum E | seruus tuus] ~ tuis E | et] om. E | iumentum tuum et aduena] iumentum tuum aduena B; iumentum et aduena C **11.** ui] uij C | caelum] celum B | terram] ~ et mare B; mare C | que] **ae B; quae CE | requiæuit] requieuit BCE | sabati] sabbati BCE **12.** longeus] longeuus B | dabit] ~ + tibi BCE **14.** mechaberis] moechaberis CE **15.** furtum] furutum B **17.** assinum] asinum BCE | que] quae CE | illius] in eis C **23.** faciætis] facietis CE | uobis] om. E | nec] om. E | deos aureos] aureos deos C

¹³⁵ Continued in right margin, behind a separating line and in a separate hand (the end of verse four, and the beginning of verse 5): “in t...neq: eo...e s*n...aquis sub...Non adorabis ea neque.”

¹³⁶ I supply the end of verse four and the beginning of verse five from B.

(24) altare de terra faciatis mihi et offeretis *super eum* holocausta et pacifica *uestra* oves *uestras* et boues in omni loco in quo memoria fuerit nominis mei ueniam ad te et benedicam t[...]

(25) si altare lapideum feceritis nec ædificabitis illud de sectis lapidibus si *enim* leuaueris cultrum tuum *super eum* pulluetur

(26) non ascendes per gradus ad altare meum ne reueletur turpitude tua

Exodus XXI

(1) haec *sunt* iudicia que *propones* illis

(2) si *enim* emeris seruuum ebreum uii ****nis** seruiet in uii egredietur liber gratis

(3) *cum* quali ueste intrauerit *cum* tali exeat si habet uxorem et uxor egredietur simul

(4) si *autem* dominus eius dederit ei uxorem et peperit filios et filias mulier et liberi erunt domini sui ipsæ uero exhibit *cum* uestimento suo

(5) quod si dixerit seruus diligo *dominum* meum et uxorem ac liberos ne egrediar liber

(6) offeret eum *dominus* domino et adplicabitur ad hostium et ad postes perforauitque aurem eius sopula et erit seruus in *saeculum*

(7) si quis uendiderit filiam suam in famulam *non* egrediaetur *sicut* ancillae exiræ *consuerunt*

(8) si displicuerit oculis domini sui cui tradita fuerit dimittet eam populo alieno uendidi *non* habet potestatem si spreuerit eam

(9) si *autem* filio suo disponderit eam iuxta morem filiarum faciet illi

(10) si alteram ei acciperit *prouidebit* puellæ nuptias et uestimenta et *pretium* puditiæ *non* negabit

(11) si trea ista *non* fecerit egredietur gratis *absque* pecunia

(12) qui percusserit hominem uolens occidere eum morte moriatur

(13) qui *autem* *non* est insidiatur sed deus illum tradit in manu eius constituam tibi locum *co* fugere debeat

(14) si quis de industria occiderit *proximum* et per insidias ab altari meo euelles eum ut moriatur

(15) qui percuserit patrem suum et matrem suam morte moriatur

(16) qui fraudatus fuerit hominem conuictus noxiæ morte moriatur

24. faciatis] facietis BC | eum] illud B | fuerit nominis mei] nominis mei fuerit C 25. si] quod + ~ BC | feceritis] ~ + mihi C | nec] non C | ædificabitis] edificabi**s B; edificabitis C | leuaueris] lauaueris C | eum] illud BC | pullueter] polluetur B XXI 1. haec sunt iudicia que propones illis] om. B | que] quae CE 2. enim] om. BC | ebreum] hebreum BC; ~ + illis C | uii] ui BCE 3. cum quali] cumque tali C | intrauerit] introierit B | exeat] exiet C | habet] habens B | egredietur] egrediat B 4. sin] si B | eius] om. B | ei] illi B | liberi] ~ + eius B | ipsæ] ipse BCE | exhibit] exeat B | uestimento] uestitu B 5. dixerit seruus] seruus dixerit C | ne] non BCE 6. dominus] ~ + eius B | adplicabitur] applicabitur B | hostium] ~ + tabernaculi | perforauitque] perforabitque BCE | aurem] eius + ~ C | sopula] subula BC; subu[...] E | erit] ~ + ei B 7. egrediaetur] egredietur BCE | ancillae] ancillae BE; om. C | exiræ] exire BCE | consuerunt] consueuerunt BE; consueunt C 8. oculis] in + ~ C | populo] ~ + autem CE | uendidi] uendendi BCE | habet] habebit C | spreuerit] spreuit B 10. alteram] alterum B | acciperit] acceperit B | puellæ] puellae BCE | pretium] precium B; praetium E | puditiæ] pudicitiae BCE 11. trea] tria B | gratis] gratias CE 12. eum] om. C 13. insidiatur] insidiatus BE | illum traditit] tradidit illum B | co] quo BCE 14. proximum] ~ + suum BC | euelles] reuelles B 15. percuserit] percusserit B | et] aut B 16. fraudatus] furatus B; fradus C | hominem] ~ + et uendiderit eum BC | conuictus] conuinctus C | noxiæ] noxiae BC

- (17) *qui maledixerit patri suo uel matri morte moriatur*
 (18) *si rixati fuerint uiri et percuserit alter proximum suum lapide uel pugno et ille mortuos non fuerit et iacuerit in lecto*
 (19) *si surrexerit et ambulauerit foris super baculum suum innocens erit qui percussit ita tamen ut opera eius et inpensa in medico restituet*
 (20) *qui percuserit seruum suum uel ancillam uirga et mortui fuerint in manibus criminis erit reus*
 (21) *sin autem uno diæ sin superuixerit uel duobus non subiacebit pene quia pecunia eius est*
 (22) *si rixati fuerit uiri et percuserit quis mulierem et abortum fecerit sed illa uixerit subiacebit damno quantum expetiærit maritus mulieris et arbitri iudicauerint*
 (23) *sin autem mors subsequuta reddet animam pro anima*
 (24) *oculum pro oculo et dentem pro dente manum pro manu pedem pro pede*
 (25) *adustionem pro adussione uulnus pro uulnere liuorem pro liuore*
 (26) *si percuserit quispiam oculum serui sui aut ancillae et luscus eos fecerit dimittat eos liberos pro oculo quem eruit*
 (27) *dentem ergo si excuserit seruo uel ancille suae similiter dimittat eos liberos*
 (28) *si bos cornu percuserit uirum aut mulierem et mortui fuerint lapidibus obruatur et non comedentur carnes eius dominus autem bouis innocens erit*
 (29) *quod si bos cornupeta fuerit ab heri et nudus tertius et contestati sunt domino eius nec reclusus erit eum occideritque uirum aut mulierem et bos lapidibus obruatur et dominum illius occident*
 (30) *quod si pretium eius fuerit inpositum dabit pro anima sua quid quid fuerit postolatus*
 (31) *si cornu percuserit simili sententiae subiacebit filium quoque aut filiam*
 (32) *si seruum aut ancillam inuasserit xxx siclos argenti dabit domino et bos lapidibus obrua**
 (33) *si quis aperuerit cisternam et foderit et non operuerit eam cecideritque bos uel assinus in ea*
 (34) *dominus cisternae redet pretium iumentorum quod hoc est mortuum ipsius erit*

17. matri] matre BCE 18. percuserit] percusserit BCE | uel] aut B | mortuos] mortuus BCE | lecto] lectulo BCE 19. surrexerit] surrexit B | percussit] percusserit BC; percussit E | inpensa] inpensas BCE | medico] medicos B | restituet] restituat BCE 20. percuserit] percusserit BC; [...]sserit E | suum] om. E | manibus] ~ + eius BC | criminis] criminus B; creminis C | erit reus] reus erit BE 21. uno] una C | diæ] die BC; **e E | sin] om. BCE | superuixerit] superuixerint BC | non subiacebit] non qui percusserit iacebit C | pene] penae B; poenae C; damno E | eius] illius BCE 22. percuserit] percusserit BCE | mulierem] ~ + pregnantem B; prignantem CE | illa] ipsa CE | damno] dampno BC | expetiærit] expetierit B | arbitri] ab + ~ CE 23. mors] ~ + eius fuerit BE; ~ + fuerit C | subsequuta] subsequuta BE 25. uulnere] uulne C 26. percuserit] percusserit BCE | oculum] occulum C | ancillae] + suae B | dimittat] demittet C; dimittat E 27. dentem] et + ~ C | ergo] om. C; uero E | si] si percusserit seruo si C | excuserit] excusserit E | uel] aut C | ancille] ancillae BCE | dimittat] dimittat BE; dimittet C 28. percuserit] petierit C; percusserit E | obruatur] obruetur C | comedentur] commedentur B 29. et nudus] uel nudus | domino] dominum C | reclusus erit] recluserit BCE | occideritque] occiderit quod B | uirum et] uirum aut BCE | mulierem] mulierum CE | obruatur] obruetur CE 30. eius] om. B; ei C | fuerit inpositum] inpositum fuerit C | quid quid] quicquid C | fuerit] om. C | postolatus] postolatus BC 31. percuserit] percusserit C; [...]serit E | sententiae] sentiae E | filium quoque aut filiam] precedes initial 'si' BC 32. aut] uel C | inuasserit] inuaserit B | et] om. C | bos] ~ + uero C | obrua*] obruatur B; obruetur C; obru[...]rit E 33. uel] aut B | ea] eam C 34. redet] reddet BC | hoc] autem BC

- (35) si bos alienus bouem alterius uulnerauerit *et* ille mortuus fuerit uendent bouem uiuum *et* d[...]nt *pretium* eius cadauer *autem* mortui *inter* se disp[...]tient [...]
- (36) si *autem* sciebat quod bos cornupeta esset ab heri *et* nudus *tertius et* non custodiuit eum dominus suus redet bouum *pro* boue *et* cadauer integrum accipiet

Exodus XXII

- (1) si quis furatus fuerit bouem aut ouem *et* occiderit uel uenderit u boues *pro* uno boue restituet *et* iiii oues *pro* una oue restituet
- (3b) si non habuerit *quod pro* furto redat uenundabitur
- (4) si inuentum fuerit apud eum *quod* furatus est uiuens siue bos siue assinus siue ouis duplum restituet
- (2) si effringens fur domum siue soffodiens fuerit inuentum *et* accepto uulnere mortuus fuerit percussor *non* erit sanguis
- (3a) quod si ortu sole hoc fecerit homicidium *perpetrauit et* in ipso morietur
- (5) si leserit quispiam agrum *uel* uineam *et* dimiserit iumentum suum ut depastatur aliena quid quid optimum habuerit in agro suo *uel* in uinea *pro* damni estimatione restituet
- (6) si egressus ignis inuenerit spinas *et* incenderit aream aut segetem aut uineas aut campum *uel* comprehendent acruos frugum siue stanes segetes in agris reddet dampnum qui ignem succenderit
- (7) si quis commendauerit amico pecuniam suam aut uas in custodiam *et* ab eo qui susciperat furto *et* ablatum fuerit si inuenitur duplum reddet
- (8) si latet dominus domus applicabitur ad deos *et* iurabit *quod non* extenderit manum in rem proximi
- (9) ad *perpetrandum* fraudem tam in boue *quam* in assino *et* oue ac uestimento *et* quid quid dampnum inferre potest *et* ad deos utriusque causa *perueniet et* si illi iudicauerint dampnum restituet domino suo
- (10) si quis commendauerit proximo suo assinum bouem ouem *et* omne iumentum ad custodiam *et* mortuum fuerit aut debilitatum *uel* captum ab hostibus *et* nullus hoc uiderit
- (11) iusiurandum eri* *et* ille reddere non cogitur
- (12) quod si furto ablatum f[...]it restituet domino

35. bouem alterius uulnerauerit] bouem uulnerauerit alterius C | uiuum] unum C | d[...]nt] diuident BCE | pretium] praetium E | disp[...]tient] disperdent B; disperitat C; dispertient E 36. redet] reddet BCE | boue] boe XXII 1. bouem] boem B | uenderit] uendiderit BCE | boues] boes B | et iiii oues pro una oue restituet] om. E | restituet] om. C 3b. redat] reddat BE; reddet C 4. siue bos] si ~ C | assinus] asinus C 2. effringens] effringens C; effringens E | soffodiens] suffudens C; effodiens E | inuentum] inuentus BE; inuentis C | uulnere] om. C | percussor] percussor CE | sanguis] reus sanguinis BCE 5. leserit] lesserit BC; less[...] E | depastatur] depascatur BC | quid quid] quicquid C | optimum] optimum C | damni] dampni CE | estimatione] aestmatione CE | restituet] restituat E 6. segetem] segitem C | comprehendent] comprehenderit BC | segetes] segetis C | dampnum] damnum C | succenderit] incenderit C 7. commendauerit] comendauerit CE | et ablatum] om. + ~ BCE | inuenitur] ~ + fur BCE | reddet] restituet E 8. dominus] dominum CE | applicabitur] adplicabitur BC; adplica[...] E | manum] ~ + suam CE | proximi] ~ + sui BC 9. boue] boe B | assino] asino CE | quid quid] quicquid BCE | inferre] inferri B | potest et] ~ + om. BCE | dampnum] duplum BCE | domino] proximo C; p[...]imo E 10. commendauerit] comendauerit C | assinum] asinum CE | bouem ouem] aut ~ aut ~ E | ab hostibus] a bestiis B; ~ uel a besties C 11. et] om. C | eri*] erit BCE; ~ + in medio quod non extenderit manum in rem proximi sui et suscipiet dominus iuramentum C | cogitur] cogetur CE 12. *verse 13 precedes verse 12 in B* | f[...]t] ablatum] sublatum C | fuerit BCE | domino] om. B; dampnum domino C; domino damnum E

- (13) si comestum a bestia deferet ad eum quod occisum est *et non restituet*
 (14) qui a proximo suo quicquam horum mutuuum postulauerit *et debilitatum aut mortuum fuerit domino non presente reddere compell*ur*
 (15) quod si inpresente fuerit dominus non restituet maxime si conductum uenerat *pro mercede operis sui*
 (16) si seduxerit quis uirginem necdum disponsatam uiro *et dormieret cum ea dotauit eam et habebit eam uxorem*
 (17) si pater uirginis dare noluerit reddet pecuniam iuxta modum dotis quia uirgines accipere consueuerunt
 (18) maleficos non patieris uiuere
 (19) qui coierit *cum iumento* morte moriatur
 (20) qui immolat diis occidatur *preter soli domino*
 (21) aduenam non contristberis neque adfliges eum aduenae *et enim* fuistis in terra egipti
 (22) uiduam *et pupillum non* nocebitis
 (23) si *enim* lesseritis uociferabuntur ad me *et ego* audiam clamorem eorum
 (24) *et indignabitur furor meus percutiamque* uos gladio *et erunt uxores uestrae uiduae et filii uestri pupilli*
 (25) si pecuniam dederis mutuam populo meo pauperi qui habitat tecum non urges eum quasi exactor nec ussuriis obrimes
 (26) si pignus a proximo tuo acciperis uestimentum ante solis occassum redes
 (27) ipsum *enim est* solum quo operitur indumentum carnis eius nec habet aliud in quo dormiat si clamauerit ad me exaudiam eum *quia* misericors sum
 (28) diis non detrahes principem populi tui *non* maledices
 (29) decimas tuas *et primitias non* tardabis offerre primogenitum filiorum tuorum dabis mihi
 (30) de bobus quoque *et ouibus similiter* facies ui diebus sit cum matre sua die uii reddes illum mihi
 (31) uiri sancti eritis mihi carnem quae a bestiis fuerit pregustata non commedetis sed proieciatis canibus

Exodus XXXIII

- (1) non suscipies uocem mendacii nec iunges manum tuam ut *pro* impio dicas falsum testimonium

13. deferet] defert BE; deferat C | occisum] occisum B; om. E 14. a] om. C | mutuuum] motuum CE | et debilitatem aut mortuum fuerit] om. B | presente] praesente CE | compell*ur] compellitur B; compelletur CE 15. inpresente] inpraesente C; inpraesentia E | mercede] mercide C 16. quis] quispiam C; qui[...] E | dotauit] dotabit BCE 17. noluerit] uoluerit B | quia] quam BE; quod C | consueuerunt] consueuerunt C 18. patieris] patiris 20. preter] praeter B | soli domino] domino soli C 21. contristberis] contristaberis BC | adfliges] affliges B | aduenae] aduene C | egipti] aegypti BCE 23. enim] om. C | lesseritis] lesseritis BE | uociferabuntur] uociferentur B; uo[...]bun[...] E | audiam] exaudiam C 24. meus] ~ + et C | percutiamque] percutiam C | uos] eos B 25. om. verse 25 E | usseriis] useris C | obrimes] opprimes eum C 26. tuo] om. C | occassum] occasum BE | redes] reddes BE 27. enim] om. BC | operitur] operietur B | nec] non B 29. primitias] primitiuas BCE | non tardabis offerre] offere non tardabis B; non tardabus offerre E 30. bobus] bouibus E | ui diebus] diebus ui C | die] dies C 31. bestiis] bestis C | pregustata] praegustata CE | commedetis] comeditis C; commedetis E | proieciatis] proiecitis B; proicitis CE XXIII 1. mendacii] mendacis E | nec] non C

- (2) non sequeris turbam ad faciendum malum nec in iudicio plurimorum adquiesces
sententiae ut a uero deuies
- (3) pauperi quoque non misereberis in negotio
- (4) si occurreris boui inimici tui aut assino erranti reduces ad eum
- (5) si uideris assinum odientis te iacere sub honore non *pertransibis* eum sed leuabis *cum*
eo
- (6) *non* *declinabis* in iudicio pauperis
- (7) mendacium fugiens insontem *et* iustum non occides *quia* aduersator impium *est*
- (8) non accipies munera *quae* excaecant etiam prudentes *et* subuertunt uerba iustorum¹³⁷
- (9) peregrino molesti *non* eritis scitis *enim* aduenarum animas *quia et* ipsi fuistis peregrini
in terra egypti
- (10) ui annis seminabis terram tuam *et* congregabus fruges eius
- (11) anno *autem* uii *uel* dimites eam requiescere facies ut commodant pauperes populi tui
et quid quid reliqui fuerit *et* *dant bestiae agri ita facies in uinea *et* in oliueto tuo
- (12) ui diebus operaberis uii die cessabis ut requiescat bos *et* assinus tuus *et* refrigeratur
filius ancillae tuae *et* aduena
- (13) omnia que dixi uobis custodite *et* per nomen externorum deorum non iurabitis neque
audietur ex ore uestro

2. sequeris] sequaris C | sententiae] sententiae CE; ut a uero deuies] ut declines a uero C 3. quoque] ~ +
in negotio C | in negotio] om. B 4. boui] boi B; boiui C | assino] asino BCE 5. assinum] asinum BCE |
odientis] odientes C | honore] onore CE | eum] om. C | leuabis] leuibis B 6. declinabis] declines C; declinas
E 7. aduersator] aduersor BCE | impium] impius BC | est] om. C 8. excaecant] excecant B | prudentes]
oculos sapientium C | subuertunt uerba iustorum] uerba iustorum commotant 9. peregrino molesti]
peregrinum molestus C | eritis] eris C | egypti] aegypti C 10. E (*badly damaged at this point*) begins [...]ae
dixi uobis facite | et] om. C | congregabus] congregabis C | eius] tib** E 11. uel] om. C | dimites] dimittes C
| eam] ~ + et C | commodant] comedant CE | quid quid] quicquid CE | relequi] reliquuum E | *dant] edent C
| ita] ~ + ut C | in oliueto] oliueto CE 12. assinus] asinus C 13. que] quae C | ex] in C

¹³⁷ B is missing a page at this point

Appendix IIIa:

Reconstructing a Lost Homily on Ecclesiasticus 5.8

The relationship between chapter 14 of Alcuin's *De virtutibus et vitiis* and Ps-Bede's *Homily CII* is extremely complex. This appendix explains their relationship, positing an undiscovered, homiletic source for both of these works, canon XX of the Legatine Capitulary, and at least three other texts. In Appendix IV, I provide translations of three of these documents which have never before been translated into English, Chapter 14, "*De non tardando converti ad Deum*," of Alcuin's *De virtutibus et vitiis*, Ps-Bede's *Homily CII* "*Ad quamlibet diem*," and Ps-Augustine's *Ad fratres in eremo*, *Homily LXVI* "*De agenda paenitentia*."

I. Introduction

Occasionally, a study of the relationship between documents points to a lacuna in the written record. Postulating the existence of an unattested source to explain the connection between surviving works, however, warrants special caution: one must resist the temptation to supply material beyond what is specifically indicated by the positive, extant remains, lest, unwittingly, one arrive at conclusions that are a bit too tidy. Such care is all the more necessary when one sets out not merely to allege the existence of a lost text, but—further—to describe its contents, as I propose to do in the present article.

With these caveats, I will argue that the evidence I survey below clearly indicates the existence of a lost homily based on two sermons by Caesarius of Arles, *Sermo XVIII*¹³⁸ "*De bonis operibus*" and *Sermo XXXI* "*De elemosinis*."¹³⁹ In the lost text, these

¹³⁸ *Sancti Caesarii Arelatensis Sermones*, CCSL 103 and 104, ed. Germain Morin (Turnhout: Brepols, 1953), 82-86. Hereafter, *Sancti Caesarii*. CPL 1008.

¹³⁹ Morin, *Sancti Caesarii*, 134-38. CPL 1008.

two sermons were greatly reduced, joined together with some additional material, and presented as a homily on Ecclesiasticus 5.8, emphasizing the importance of timely penance. Although the homily itself does not survive, it was (directly or indirectly) the source for at least five witnesses.¹⁴⁰ These include:

- (1) Chapter fourteen “*De non tardando converti ad Deum*” of Alcuin’s *De virtutibus et vitiis*¹⁴¹
- (2) Homily LVI “*De non tardando converti a peccatis ad Deum*” by Hrabanus Maurus¹⁴²
- (3) Pseudo-Bede’s Homily CII “*Ad quamlibet diem*”¹⁴³
- (4) Pseudo-Augustine’s homily *Ad fratres in eremo*, Homily LXVI “*De agenda paenitentia*”¹⁴⁴

¹⁴⁰ Small portions of the homily (though not its overall structure) have parallels elsewhere. For example, the “*vox corvina*” motif (see “Comparison of Texts,” in section VI, ll. 229 ff.) is found several times in Augustine’s writings: (1) *Enarrationes in Psalmos*, “*In psalmum CII enarratio*,” chapter 16, ll. 22-29 (including a quotation of Ecclesiasticus 5.8), in *Sancti Avrelii Avgvstini Enarrationes in Psalmos CI-CL*, CCSL 40, ed. Eligius Dekkers and J. Fraipont (Turnhout: Brepols, 1956), 1467; also, (2) *Sermones de Scripturis*, “*Sermo LXXXII*,” chapter 11, in PL 38:512D; (3) *Sermones nouissimi*, “*Sermo sancti Augustini cum pagani ingrederentur*,” chapter 27, ll. 537, and 542-44, in *Vingt-six sermons au peuple d’Afrique*, ed. François Dolbeau (Paris: Institut d’études augustinienes, 1996), 267.

¹⁴¹ PL 101:623B-624A. CMA *Gallia* II ALC 38. See also CPPM 1198: Footnote “b” to Ps-Augustine’s *Sermo LXXI* (PL 40:1357B) links the work to chapter 12 (= chapter 14) of Alcuin’s *De virtutibus et vitiis*, but the text is not provided. Also, Luitpold Wallach first identified Caesarius *Sermo LVIII* as Alcuin’s source for chapter 14 of *De virtutibus et vitiis* in *Alcuin and Charlemagne* (Ithaca, NY: Cornell University Press, 1959; rev. 1968), 243-44. Hereafter, *Alcuin*.

¹⁴² PL 110:104A-105D.

¹⁴³ PL 94:503B-504B. CPL 1368, CPPM 4075. Ps-Bede’s Homily CII is part of a collection which Hermann Frede, in *Kirchenschriftsteller: Verzeichnis und Sigel* (Freiburg: Herder, 1995), 322 (hereafter, *Kirchenschriftsteller*), claims originated in the eighth or ninth century, and which he places in the region of Salzburg in the first decade of the ninth century. Similarly, D. LeClerq dates the collection itself to the twelfth or thirteenth century, composed of apocryphal works dating from the eighth and ninth centuries (“*Mediaevalia: 1. Le III^e livre des Homélie Bède le Vénéral*,” *Recherches de théologie ancienne et médiévale* 14 (1947): 218).

¹⁴⁴ PL 40:1352-53. CPPM 1193 notes the “*affinitas*” between this homily and Ps-Bede Homily CII but declines to identify either as the source for the other. Frede, *Kirchenschriftsteller*, 296, no. 63, claims that

(5) At least seven excerpts from chapter nine “*De penitentia*” of Defensor’s *Liber scintillarum*¹⁴⁵

Each of these texts treats its source differently, and none is based directly on any of the others (with the exception of the text by Hrabanus Maurus).¹⁴⁶ Though each independently adds or reduces material in a manner unparalleled in the other witnesses, the numerous, verbatim correspondences between these documents allows no other reasonable conclusion than that they derive from a common original. As I will show, the connection between these texts is in no way limited to vague, topical generalities, but can

this Ps-Augustinian text is merely a fragment of Caesarius *Sermo XXXI*. My analysis will show that the relationship between these two texts is more complex than the simple dependency Frede suggests.

¹⁴⁵ *Liber Scintillarum*, CCSL 117, ed. Henri Rochais (Turnhout: Brepols, 1957). Hereafter, *Liber Scintillarum*. CPL 1302. Rochais attempted to identify the sources of all 2505 passages in the *Liber scintillarum*, first in the apparatus to his 1957 edition of the work, listing unidentified passages in index III, “*excerpta non reperta*” (pages 255-56). Here, he was able to identify all but two-hundred and forty passages. Later, he published another edition of the work (with a French translation) in *Sources Chrétiennes*, vols. 77 and 86, entitled *Livre d’étincelles* (Paris: Editions du Cerf, 1961-62), in which he identified forty more passages (see: “Citations non localisées,” vol. 2, 343-44). Finally, in his 1983 article, “Apostilles à l’édition du *Liber Scintillarum* de Défensor de Ligugé,” *Revue Mabillon* 60 (1983): 267-93, Rochais was able to reduce the number of unidentified passages to one-hundred sixteen. Since then, several other contributions relating to Defensor’s sources have been made; for a good summary of the scholarship on this matter, see: CPPM vol. IIB, p. 743-44, and, in particular: Leslie S.B. MacCoull, “More Sources for the *Liber Scintillarum* of Defensor of Ligugé,” *Revue Bénédictine* 112 (2002): 291-300, (hereafter, *More Sources*). In this article, MacCoull, utilizing electronic search engines, was able to positively identify sixty-two previously unknown passages, and find close parallels for another forty-five. Of the seven passages from the *Liber scintillarum* I discuss in this article (chapter 9, nos. 7, 14, 29-30, 40-41, and 51), all but nos. 29-30 are identified in the apparatus to Rochais’ 1957 edition of Defensor’s work. Later, MacCoull (*More Sources*, 294), noticed the parallelism between nos. 29-30 and a passage from Alcuin’s *De virtutibus et vitiis*, chapter 14, leading her to identify the *Liber scintillarum* as Alcuin’s source. In the present article, however, I will argue that Alcuin was in fact not relying on Defensor, but rather that the parallelism between their two works instead results from their mutual reliance on a common source. I am grateful to Dom Bogaert for directing me to recent bibliography on Defensor’s sources.

¹⁴⁶ Hrabanus Maurus’ *Homily LVI* is derivative of Alcuin’s aforementioned chapter: See Wallach, *Alcuin*, 252-54. Wallach also disproves Rocais’ thesis that Alcuin relied on the *Liber scintillarum* for much of *De virtutibus et vitiis*, concluding that “...Defensor’s florilegium cannot have been Alcuin’s source, for Alcuin excerpted some of the writings also excerpted by Defensor, such as Isidore of Seville’s *florilegia* and pseudo-Augustinian homilies” (*Alcuin*, 243). On this topic, see especially: Wallach, *Alcuin*, 236-44, and two works by Henri Rocais: “Le Liber de virtutibus et vitiis d’Alcuin: Note pour l’étude des sources,” *Revue Mabillon* 41 (1951): 77-86, “Contribution à l’histoire des florilèges ascétiques du Haut Moyen Age Latin: Le Liber Scintillarum,” *Revue Bénédictine* 63 (1953): 289.

be established by copious exact (and near-exact) verbal correspondences. Below, I will reconstruct the contents of this homily based on the surviving witnesses.¹⁴⁷

II. Relationship between the Latin Texts

For convenience in the present discussion, all line numbers refer to the chart entitled “Comparison of Texts” in section VI, unless otherwise specified. As much as possible, I will refer to this chart rather than cite lengthy quotations, since, with seven texts, case-by-case citation would soon become unwieldy.

II.a Connections between the texts

As is apparent from even a quick glance at the chart entitled “Comparison of Texts” in section VI, the relationship between these documents is extremely complex. A basic outline of their connections can be more succinctly expressed, however, with the following chart:¹⁴⁸

¹⁴⁷ Of interest to Anglo-Saxonists will be the possibility that this lost text may be related to the source for one or all of a series of Old English homilies containing a motif in which a dead man addresses a living friend from the grave. On this motif in Old English, see J.E. Cross, “‘The Dry Bones Speak’—Theme in Old English Homilies,” *Journal of English and Germanic Philology* 56 (1957): 434-39. In this motif, the dry bones of a recently deceased man implore a living friend (visiting his grave) to reform his ways, lest he warns, the friend suffer the same torments he now endures in hell. This motif occurs in Vercelli homily XIII, Blickling homily X, and Irvine homily VII, for which Caesarius *Sermo XXXI* has long been identified as the ultimate source. See also *Old English Homilies from MS Bodley 343*, ed. Susan Irvine (Oxford: Oxford University Press, 1993), 183-186, and the notes to ll. 1-21 of the text of Homily VII, 197-98.

¹⁴⁸ I have left Hrabanus Maurus’ homily out of this comparison since it is derivative of Alcuin’s text. See note 9.

Alcuin	Ps-Bede	Ps-Augustine	<i>Liber scintillarum</i>
Ecclus 5.8 (ll. 39-43) ¹⁴⁹	incipit, etc. (ll. 1-18)	incipit, etc. (ll. 1-18)	Ecclus 5.8 (ll.39-43)
Caesarius <i>Sermo XVIII</i>	Ecclus 5.8 (ll. 39-45)	Ecclus 5.8 (ll. 39-44)	
(ll. 62-238)	Caesarius <i>Sermo XVIII</i>		
“ <i>si enim...non possit</i> ”	(ll. 62-238)		
(ll. 242-296)	“ <i>si enim...non</i>		“ <i>si enim...non possit</i> ”
	<i>potuerit</i> ” (ll. 242-296)		(ll. 242-296)
	Caesarius <i>Sermo XXXI</i>	Caesarius <i>Sermo XXXI</i>	
	(ll. 360-424)	(ll. 302-494)	

Looking at the relationship between the texts in this way allows a number of generalizations to be made. Concentrating, for the moment, on what the texts have in common, here is a general overview of their similarities: First of all, Ps-Bede’s homily—though it is an inferior text and omits far more than its counterparts at every stage—best preserves the overall structure of the putative original. At the beginning, Ps-Bede and Ps-Augustine (in contrast to Alcuin) share an incipit followed by similar (though not identical) quotations of Joel 2.12 and Ezechiel 18.23. Next, Ps-Bede, like all the other witnesses, quotes a version of Ecclesiasticus 5.8. This is the only point at which all texts agree. After this scriptural quotation, Ps-Bede and Alcuin follow part of Caesarius *Sermo XVIII* very closely, though both reduce it substantially (albeit in nearly identical fashion). On the other hand, Ps-Augustine and the *Liber scintillarum*¹⁵⁰ contain nothing from Caesarius *Sermo XVIII*. After Ps-Bede and Alcuin cease their reliance on Caesarius *Sermo XVIII*, both—and the *Liber scintillarum* as well—contain a series of corresponding passages on the importance of timely penance, for which I have found no single, attested source (ll. 242-296). After this section, Alcuin and the *Liber scintillarum* cease to agree

¹⁴⁹ The line numbers refer to the chart entitled “Comparison of Texts” in section VI.

¹⁵⁰ It is important to point out that the *Liber scintillarum* is a very different kind of text than the others. While the other witnesses are essentially homiletic, the *Liber scintillarum* is a florilegium, consisting of selected proverbs by various authors on particular topics. Given its nature, therefore, it is not surprising that the *Liber scintillarum* preserves only short excerpts compared with the other texts. That said, it is certainly significant that the order of these excerpts, in every instance, matches the order of corresponding passages in the other witnesses.

with the other witnesses. At this point, Ps-Bede (ll. 360-494) and Ps-Augustine (ll. 302-424) begin following part of Caesarius *Sermo XXXI* very closely (and nearly identically), though Ps-Bede reduces Caesarius' sermon to a much greater extent. Finally, all four witnesses disagree on the peroration.

Clearly, despite significant differences between these documents, substantial portions of each text match up almost exactly with portions of several of the other witnesses. As I will discuss in detail below, while these correspondences are nearly verbatim, they do not appear to result from direct borrowing between the surviving documents, since, taken together, they can in no case be explained simply as one text's borrowing from only one other witness. Moreover, it seems improbable that any one of the witnesses is based on some combination of the others, or, alternatively, one of the other witnesses and Caesarius directly, since two authors, working separately, would not likely excerpt from Caesarius' work in precisely the same way. The only reasonable conclusion, therefore, is that each witness derives independently from a common original.

II.b Independence of the documents

Having outlined the connections between the witnesses, it is now possible to assess the significance of the differences between them. With the exception of Hrabanus Maurus' homily (see note 9), none is directly reliant on any of the others. As I outlined above, each contains numerous, verbatim parallels to several, sometimes all, of the other witnesses. However—though any two of the above texts might agree on a given passage (or even a large proportion of passages)—it is always possible to find other instances where the same two texts disagree. In such cases, one of these disagreeing texts usually

matches one (or more) of the remaining witnesses instead.¹⁵¹ Thus—as the chart in section VI is intended to make clear—there is a web-like pattern of correspondences between all the texts, in which portions of each agree with portions of all the others, and no text agrees with only a single witness.

A couple examples will suffice to make the point. Though Ps-Bede and Alcuin match up fairly closely from ll. 56-296 (following, for the most part, Caesarius *Sermo XVIII*), the opening lines of Ps-Bede (ll. 1-18) instead parallel, almost exactly, the opening lines of Ps-Augustine (ll. 1-18). Alcuin lacks this portion entirely, beginning his chapter quite differently (ll. 20-35), perhaps in favor of a less homiletic opening to his chapter of *De virtutibus et vitiis*:

Alcuin, ll. 20-35
Legitur in litteris divinitus
inspiratis dictum...

Ps-Bede, ll. 1-18
Pius et misericors Dominus nos
per prophetam hortatur ad
compunctionem cordis, et
poenitentiam, dicens:
Convertimini ad me toto corde
vestro, in jejunio et fletu et
planctu, quia nolo mortem
peccatoris, sed magis ut
convertatur, et vivat...

Ps-Augustine, ll. 1-18
Pius et misericors Deus, fratres
charissimi, ad compunctionem et
poenitentiam nos hortatur,
dicens: Convertimini ad me in
toto corde vestro, in jejunio et
fletu et planctu; quia nolo
mortem peccatoris, sed ut
convertatur et vivat...

However, even if Alcuin's choice to omit (or alter?) the incipit (as seen in Ps-Bede and Ps-Augustine) was a purely stylistic one, it would not explain the disagreement of his reading of Ecclesiasticus 5.8 against the other texts. (Below, I supply the text of the Vulgate for comparison with the readings in the main witnesses. I have highlighted in italics those portions I discuss):

¹⁵¹ Of course, there is much less of the *Liber scintillarum* to compare against the other texts. Nonetheless, the minor, though frequent, differences in wording in the *Liber* compared to the other witnesses strongly suggests that it was not directly based on any of them.

Vulgate:¹⁵²

Ecclesiasticus 5.8: *non tardes* converti ad Deum et ne differas de die in diem

Proverbs 27.1: ne glories in crastinum ignorans quid *superventura pariat dies*

CAE 18, ll. 215ff <i>Ne tardes,</i> [<i>inquit</i>], ¹⁵³ converti ad Deum ¹⁵⁴ et ne differas de die in diem	Alcuin, ll. 39ff. <i>Fili, ne tardes</i> converti ad Dominum, <i>quia</i> <i>nescis, quid futura</i> <i>pariat dies</i>	Ps-Bede, ll. 39ff. <i>Noli tardare</i> converti ad Dominum; ne differas de die in diem, <i>quia</i> <i>nescis quid</i> <i>futura parat</i> <i>dies</i>	Ps-AUG, ll. 39ff. <i>Noli tardare,</i> <i>inquit propheta,</i> converti ad Dominum, et ne differas de die in diem	Liber Scint. ll. 39ff. <i>Ne tardis</i> ¹⁵⁵ conuerti ad Dominum, et ne differas de die in diem
---	--	--	---	--

None of the texts exactly parallels Caesarius's version. Alcuin's reading is actually a fusion of the first part of Ecclesiasticus 5.8 (with the portion after "*Deum*" excised) and the second portion of Proverbs 27.1.¹⁵⁶ Ps-Bede, like Alcuin, quotes a combination of these verses; and, also like Alcuin, includes the phrase "*quia nescis*" as a bridge between the two (neither of which occurs in Ps-Augustine). However, unlike Alcuin (but like Ps-Augustine), Ps-Bede includes a complete version of Ecclesiasticus 5.8, albeit a variant

¹⁵² For the Vulgate text of the Ecclesiasticus, I have used: *Vetus Latina: Die reste der altlateinischen Bibel* 11/2, ed. Walter Thiele, (Freiburg: Herder, 1987-). For the Vulgate text of Proverbs, I have used: *Biblia Sacra iuxta latinam vulgatam versionem ad codicum fidem*, (Rome: Typis Polyglottis Vaticanis, 1926-). For clarity, I have italicized those portions of the scriptural text I discuss. I am grateful to Dom Bogaert for directing me to Thiele's work.

¹⁵³ "*inquit*" is omitted in Caesarius' second quotation of Ecclesiasticus 5.8, which follows almost immediately after the first. See note 22.

¹⁵⁴ Several MSS. contain the reading "*Dominum*" instead of "*Deum*."

¹⁵⁵ Several MSS of the *Liber scintillarum* read "*tardes*."

¹⁵⁶ On four other occasions, Alcuin cites a combination of Ecclesiasticus 5.8 and various readings of the second portion of Proverbs 27.1: Epistle no. 1 (p. 18), no. 34 (p. 76-77), no. 131 (p. 196), and no. 295, (p. 454), in *Alcuini Epistolae*, ed. Ernst Dümmler, MGH Epp. 4 (Berlin: Weidmann, 1895), 1-493. Hereafter, *Alcuini Epistolae*. Alcuin apparently preferred this reading. Caesarius apparently liked this combination of verses as well: cf. *Sermo CIX*, sec. 2, ll. 28ff., (vol. 103, p. 452) and *Sermo CCIX*, sec. 1, ll. 3ff., (vol. 104, p. 834) in Morin, *Sancti Caesarii*.

reading with the imperative “*noli tardare*”¹⁵⁷ (instead of the primary Vulgate reading with the jussive subjunctive “*ne tardes*” as in Alcuin’s text). The *Liber scintillarum*, on the other hand, quotes Ecclesiasticus 5.8 in its entirety (without including a portion of Proverbs 27:1), but, disagreeing with all the others, reads “*ne tardis*” (in the indicative).¹⁵⁸ Finally, Alcuin begins his quotation of Ecclesiasticus 5.8 with the vocative “*Fili,*” and Ps-Augustine inserts the phrase “*inquit propheta,*” both of which are unparalleled in the other witnesses.

The quotation of Ecclesiasticus 5.8 is the only thing on which all of the main witnesses agree, and they include it prominently in the exordium independently of any known source: This quotation of Ecclesiasticus does not occur in Caesarius’ *Sermo LVIII* until much later in his text (ll. 215ff. in the chart entitled “Comparison of Texts,” below),¹⁵⁹ and he does not establish it as his base text for exposition, as do the later witnesses. However, while all the texts include Ecclesiasticus 5.8, they disagree in significant ways on the particular reading of the verse. Such variation between the texts—despite their overall similarity—is consistent with the theory that none of the witnesses derives immediately from any of the others, but rather from some common original, likely at more than one remove.

Further evidence for this theory can be found in the numerous, minor differences between otherwise corresponding portions of the texts. To cite one example: Between

¹⁵⁷ Attested in the D-text (see Teile, *altlateinischen Bibel*, 131-34, and 277).

¹⁵⁸ Here, *tardare* is treated as if it were a 3rd or 4th conjugation (instead of a 1st conjugation) verb. The reading of Ecclesiasticus 5.8 with *tardis* is apparently otherwise unattested in biblical texts.

¹⁵⁹ Caesarius twice again quotes Ecclesiasticus 5.8 in the lines immediately following, the first a fragment: “*Ne tardes, inquit, converti ad Dominum,*” and then a complete citation of Ecclesiasticus 5.8-9: “*Ne tardes converti ad deum, et ne differas de die in diem; subito enim venit ira eius, et in tempore vindictae disperdet te.*” This repeated quotation of the verse by Caesarius is not paralleled in any of the witnesses.

lines 411 and 447, Ps-Bede and Ps-Augustine contain three sets of corresponding passages, each of which parallels Caesarius *Sermo XXXI*. However, though these passages are near-verbatim matches, their order varies. I have shown this on the chart below by using the symbols “αα,” “ββ,” “γγ,” and “δδ” before corresponding passages in each column:

Ps-Bede, ll. 411-34	Caesarius, <i>Sermo XXI</i> , ll. 411-47	Ps-Augustine, ll. 415-47
αα Tunc clamavit ille mortuus de sepulchro:	αα clamat ad te mortuus de sepulchro:	
	ββ adtende ad me, et agnosce te; considera ossa mea, et vel sic tibi horreat luxuria vel avaritia tua.	ββ Attende ad me, et intellige; considera me, et vel sic tibi horreat luxuria tua vel avaritia tua.
δδ Vide, et agnosce pulverem meum, et relinque desiderium malum, ne mecum crucieris in inferno.		
γγ Quod tu es fui, quod ego sum tu eris.	γγ Quod tu es, ego fui; quod ego sum, tu eris. Si in me permansit vanitas, vel te non consumat iniquitas; si me luxuria corrumpit, vel te castitas ornet.	γγ Hoc quod tu es, ego fui: et quod ego sum modo, tu eris postea. Si in me permansit vanitas, te non consumat iniquitas; si me luxuria polluit, te exornet castitas.
	δδ Vide pulverem meum, et relinque desiderium malum.	δδ vide pulverem meum, et relinque desiderium tuum malum.

As is clear from the chart above, while Ps-Augustine generally follows Caesarius’ order (albeit omitting the phrase beginning “αα *clamat mortuus*”), Ps-Bede’s arrangement is markedly different, placing the phrase beginning with “δδ *vide...*” before the phrase beginning “γγ (*hoc*) *quod tu...*” in the other texts, and omitting the phrase beginning “ββ *attende ad me...*” entirely. One will also notice the numerous, mostly minor (though nonetheless significant) differences in wording between these corresponding passages, including a number of omissions, most conspicuously in Ps-Bede’s version.

The divergent wording and arrangement of these passages is just one example of many other such variations between the texts. While the overall pattern of correspondences between the witnesses undoubtedly points to a close relationship between them, no group of their differences can be explained simply as one text's direct reliance on any of the others. Taken together, the evidence indicates that none of the witnesses is based immediately on any of the others, but rather each derives, ultimately, from a common source via its own, unique textual history.

III. The Hypothetical Source

What can be said about this common source? Can its contents be reconstructed? Without overmuch speculation, one can draw a general outline of its contents. First of all, the exordium consisted of (1) the incipit found in Ps-Bede and Ps-Augustine ("*Pius et misericors...*"), along with (2) citations of Joel 2.12, Ezechiel 18.23, and Ecclesiasticus 5.8. Next, it contained (3) that portion of Alcuin and Ps-Bede's text immediately following these scriptural quotations (ll. 47-60), which introduced the main idea of the homily (just before they begin following Caesarius *Sermo LVIII* at line 62). This portion included a fragmentary quotation of Ecclesiasticus 14.12 "...*quia mors non tardat...*" (ll. 52-53). Finally, the quotation of Ecclesiasticus 5.8, which is attested in all the witnesses, likely served as the base text for exposition.

The main body of the putative homily was a fusion of excerpts from both Caesarius *Sermo LVIII* and *Sermo XXXI*. This hypothetical source first followed the portions of *Sermo LVIII* corresponding to those in Ps-Bede and Alcuin (ll. 62-238). It then included a transitional portion emphasizing the necessity of timely penance (ll. 242-

296) for which there is no known, single source,¹⁶⁰ but which is preserved in Ps-Bede, Alcuin, and the *Liber scintillarum*. After this segment, Alcuin and the *Liber scintillarum* broke off and the source began following those portions of Caesarius *Sermo XXXI* found in Ps-Bede and Ps-Augustine. Though ultimately not provable, it is likely that the purported source included the longer excerpt from Caesarius *Sermo XXXI* found in Ps-Augustine (beginning with line 302) than the more abbreviated version found in Ps-Bede (beginning at line 360), since, overall, Ps-Bede tended to reduce his source to a far greater extent than the other witnesses. Finally, since all the witnesses disagree on the peroration, and all of these differ starkly from the one in Caesarius, nothing can be said definitively about the ending of the hypothetical source.

In summary, the source contained the following elements:

Exordium: (1) incipit: *Pius et misericors...* etc.

(2) three scriptural quotations: Joel 2.12, Ezechiel 18.23, Ecclesiasticus 5.8

(3) main topic: ll. 47-60, and a fragment of Ecclesiasticus 14:12 (ll. 52-53)

Main Body: (1) Caesarius *Sermo LVIII* (ll. 62-238)

(2) transitional portion (ll. 242-296)

(3) Caesarius *Sermo XXXI* (ll. 302-505)

Peroration: not recoverable from the extant witnesses

¹⁶⁰ Although Rochais identifies the sources for all but two of the seven excerpts from the *Liber scintillarum* which I discuss in this paper (see note 8), none of these sources has more in common with the texts of Alcuin, Ps-Bede, or Ps-Augustine beyond the single passage Rochais points out. It seems likely, therefore, especially since the order of the passages in the *Liber scintillarum* parallels the order of corresponding passages in all the other witnesses, that Defensor did not rely directly on the individual sources themselves for his citations, but rather excerpted them from the putative homily I propose to reconstruct here.

IV. Date and Purpose

As to the date of the putative source, the life of Caesarius himself, c.470-543, provides a *terminus a quo*. Allowing time for his sermons to circulate in written form, it is unlikely that the conjectured homily could have been composed any earlier than the very end of the fifth century. On the other hand, the date of the earliest witness, the *Liber scintillarum*, (compiled c.700 or shortly thereafter) supplies a *terminus ad quem*. Thus, the lost work had to have been written sometime between the end of the fifth and the second half of the seventh century.

The homily was intended to emphasize the need for timely penance, calling on the audience to turn to God as soon as possible, lest they die before atonement. While this theme is hardly unusual, the argument of the homily is quite effective: it demonstrates how the commonly held reasons for delaying penance are flawed, and then vividly enumerates the post-mortem horrors of the damned soul who waited too long. The homilist's choice of scriptural quotations to support this argument suggests a thorough knowledge of the bible: while references to Ezechiel are not uncommon in patristic writings, neither Joel nor Ecclesiasticus are frequently cited books.¹⁶¹ Likewise, the careful fusion of the two extracts from Caesarius suggests the homilist was a well-read and experienced preacher who was a thoroughly practiced master of the genre.

¹⁶¹ Canon XX of the Legatine Capitulary of 786 (Dümmler, *Alcuini Epistolae* no. 3, 19-29), like the putative homily under discussion, also cites Joel 2.12, the same fragment of Ecclesiasticus 14.12 (see note 19), and Ecclesiasticus 5.8 in support of the topic of timely penance. Since Alcuin was present and most likely involved in the composition of the Legatine Capitulary (as I have argued elsewhere), it is possible that he was recalling this homily for the 786 document as well. In any case, he certainly knew of it by the time he composed *De virtutibus et vitiis*.

V. Abbreviations

I have used the following abbreviations in the notes:

- CCSL *Corpus Christianorum, Series Latina.*
- CMA *Gallia* M.-H. Jullien and Françoise Perelman. *Clavis Scriptorum Latinorum Medii Aevi: Auctores Galliae, 735-987*, (Turnhout, 1994-).
- CPL E. Dekkers, and E. Gaar. *Clavis Patrum Latinorum*, 3rd. ed. (Turnhout, 1995).
- CPPM J. Machielson, *Clavis Patristica Pseudoepigraphorum Medii Aevi*, (Turnhout, 1990-).
- MGH Epp. *Monumenta Germaniae Historica, Epistolae.*
- PL *Patrologiae Cursus Completus, Series Latina*

VI. Comparison of Texts

In the following chart, I have aligned equivalent passages of all seven texts in vertical columns, and highlighted in boldface all verbatim (and near-verbatim) correspondences shared by two or more witnesses. To conserve space, I have excised those portions of each text which do not verbally parallel any of the other witnesses, indicated by ellipses in square brackets, i.e., [...]. Finally, between ll. 411-53 I have used the symbols “αα,” “ββ,” “γγ,” and “δδ” to mark corresponding portions of different texts where the arrangement of equivalent passages varies.

5	Dum de bonis operibus... [...]	Pius et misericors Dominus nos per prophetam hortatur ad compunctionem cordis, et poenitentiam, dicens: Convertimini ad me toto corde vestro, in jejunio et fletu et planctu, quia nolo mortem peccatoris, sed magis ut convertatur, et vivat. Et iterum:	Satis et compuncta. De faciendis elemosinis... [...]	Pius et misericors Deus, fratres charissimi, ad compunctionem et poenitentiam nos hortatur, dicens: Convertimini ad me in toto corde vestro, in jejunio et fletu et planctu; quia nolo mortem peccatoris, sed ut convertatur et vivat: et iterum,	
10					
15					
20	Legimus ergo Apostolum, fratres charissimi, dicentem: Quaecunque scripta sunt, ad nostram doctrinam scripta sunt, ut per patientiam et consolationem Scripturarum spem habeamus. Ecce in litteris divinitus	Legitur			
25					
30					
					in litteris divinitus

35	inspiratis [...]	inspiratis dictum:			
40	Fili, ne tardes converti ad Dominum, quia nescis quid futura pariat dies;	Fili, ne tardes converti ad Dominum, quia nescis, quid futura pariat dies.	Noli tardare converti ad Dominum; ne differas de die in diem, quia nescis quid futura parat dies;	Noli tardare, inquit propheta, converti ad Dominum, et ne differas de die in diem:	(7) Ne tardis converti ad Dominum, et ne differas de die in diem
45	nam qui tardat converti,	Qui tardat converti,	cur tardas converti ad Dominum?	[...]	
50	periculum facit animae suae, quia mors non tardat;	periculum facit animae suae, quia mors non tardat .	scilicet, periculo animae tuae, quia mors non tardat		
55	quae si tardantem converti inveniat, ad tormenta deducit eum.	Quae si tardantem converti inveniet, ad tormenta deducit eum.	quod si invenerit te tardantem, ducet ad tormenta,		
60	Dissoluta, fratres, et periculosa paralytica cogitatio est, de crastina cogitare conversione, et hodie nam negligere.	Dissoluta et paralytica [Ms., periculosa] cogitatio est, de crastina cogitare conversione, et hodie nam negligere.			
65		dissoluta ac paralytica cogitatio, [...]			

70	Quid tu peccator, converti dissimulas, et non metuis ne tibi mors repentina subripiat	converti dissimulas, et non metuis ne tibi mors repentina subripiat?	Quid tu peccator [converti] dissimulas, et non metuis, ne tibi mors repentina subripiat	quia tu peccator converti dissimulas, et non metuis mortem, ne ipsa repentina subripiat tibi		
75	diem conversionis: nonne homines subito moriuntur?	converti dissimulas, et non metuis ne tibi mors repentina subripiat?	diem conversionis? Nonne homines subito moriuntur?	diem conversionis. Nonne homines subito moriuntur?		
80	diem conversionis: nonne homines subito moriuntur?	nonne homines subito rapiuntur et moriuntur? [...]	diem conversionis? Nonne homines subito moriuntur?	diem conversionis. Nonne homines subito moriuntur?		
85	nonne homines subito moriuntur?	nonne homines subito rapiuntur et moriuntur? [...]	Nonne homines subito moriuntur?	Nonne homines subito moriuntur?		
90	si bonum est peccata dimittere, et ad Deum converti,	Si bonum est, [...]	Si bonum est peccata dimittere, et ad Deum converti,	Si bonum est peccata dimittere, et ad Deum converti,		
95	cito fiat: Deus tibi promittit remissionem convertenti a peccatis, securitatem tibi	cito fiat. [...]	cito fiat. Deus tibi promittit remissionem convertenti a peccatis, securitatem tibi	fac cito. Deus promisit remissionem peccatorum, vivendi non promisit;		
100						

105	non promisit diu vivendi.	non promisit diu vivendi. [...]			
110	Ideo convertat se citius unusquisque ad Deum, et	Ideo convertat se citius unusquisque ad Deum, [...]	ideo convertatur unusquisque ad Deum citius, et		
115	cum invenerit eum,	et cum inveneritis eum, [...]	et cum invenerit eum,		
120	derelinquat impius viam suam, [...]	derelinquat impius viam suam, [...]	derelinquat impius viam suam		
125	Si ergo intraverit subito dies extremus, perit dilatio, et restat damnatio;	subito intrat illi dies extremus mortis: et perit dilatio, et restat damnatio. [...]	ubito; cum veniet dies ultima, peribit dilatio, et restabit damnatio.		
130	perire non vis,		Si perire non vis,		
135	redi ad Deum et vives;	redi et vive:	redi ad Deum, et vives.		

140	noli desperare de venia peccatorum, nec de vita longiore confidere. Convertere ergo et poenitentiam age. Cras, inquires, convertam; quare non hodie?	[...] nec de vita longiore confidas. Convertere ergo.	Noli desperare [Ms., peccando sperare] de venia peccatorum, nec de longa vita cogitare. Convertere ergo, ad poenitentiam age. Cras, inquires, convertam. Quare non hodie?	Noli desperare de venia peccatorum, nec de longa vita cogitare. Convertere ergo ad poenitentiam. Cras, inquires, convertam; quare non hodie?		
145						
150						
155	Dicis: Quid mali est si cras dicam? Respondeo: Quid mali, si hodie. Forte dicis: Longa erit vita mea.	et quid mali, si cras? immo quid mali, si hodie? ego scio quia longa erit vita mea. [...]	Quid mali, dicis, si cras dicam? Quid mali, si hodie? Forte dicis: Longa erit vita mea. Dicam, si longa sit [Ms., erit], bona sit; si brevis, et ipsa	Dices: Quid mali, si cras dicam. Quid mali, si hodie. Forte dicis: Longa erit vita mea. Dicam: Si longa est vita, sit bona; si brevis,		
160						
165						
170						

175	ipsa bona sit; sed quis ferat malum longum.	ipsa sit bona. Et quis ferat longum malum prandium?	bona sit. Quis ferat malum longum?	et ipsa sit bona.	
180	Prandium longum non vis habere malum, [...]	longum non vis habere malum prandium, [...]	Prandium longum non vis habere malum,	Non vis habere longum prandium et malum,	
185	et vitam longam vis habere malam?	et vitam longam vis habere malam? [...]	et vitam longam vis habere malam?	et vitam longam vis habere et malam.	
190	Villam emis, bonam desideras; uxorem vis ducere, bonam quaeris; filios nasci vis, bonos optas;	Villam emis, bonam quaeris; uxorem vis ducere, bonam eligis; filios tibi nasci vis, bonos optas. Ad extremum, ut etiam de rebus villissimis loquar,	Villam emis; bonam desideras. Uxorem vis ducere: bonam quaeris. Filios tibi nasci vis: bonos optas. Et ut etiam de rebus villissimis loquar,	Villam emis, bonam desideras. Uxorem vis ducere, bonam quaeris. Filios tuos vis nasci bonos, optimas	
195	et ut jam de rebus villissimis loquar, caligas emis, et non vis malas, et vitam amas malam? Quid te	caligas emis, et non vis malas. Et vitam amas	caligas emis, et non vis malas: et vitam amas	caligas emis, et non vis malas, et vitam vis malam!	
200					

205	offendit vita tua, quam solam vis malam, ut inter omnia bona tua solus sis malus?	malam? quid te offendit vita tua, quam solam vis malam, ut inter omnia bona tua solus sis malus? [...]	malam? Quid te offendit vita tua, quam solam vis malam, ut inter omnia bona [tua] solus sis malus?	Quid tibi prodest vita tua, quam solam vis malam, ut inter omnia bona tua malus sis?	
210					
215	Ne tardes converti ad Dominum, et ne differas de die in diem (Eccli. V, 8).	ne tardes, inquit, converti ad deum, et ne differas de die in diem.	Neque tardes converti ad Dominum, et ne differas de die in diem (Eccli. V, 8).	Ne tardes converti ad Dominum, et ne differas de die in diem. (Eccli 5:8)	
220	Verba Dei sunt, non mea: non a me haec audisti, sed ego tecum audio a Domino.	Verba dei sunt, non mea: non a me haec audistis, sed ego vobis cum audio:	Verba Dei sunt, non mea. Non a me haec audisti, sed ego tecum audio a Domino.	Verba Dei sunt haec, non mea; non a me audisti, sed ego tecum audio a Domino.	
225		[...]			
230	Forte respondes: Cras, cras. O vox corvina.	Tu vero respondes: cras, cras. O vox corvina!	Forte respondes: Cras, cras. O vox corvina!	Respondes forte: Cras convertam. O vox corvina.	
235	Corvus non redit ad arcam, columba redit.	[...] corvus ad arcam non rediit, columba rediit.	Corvus non redit ad arcam, columba redit.	Corvus non rediit ad arcam, columba rediit.	

240	Si ergo tunc vis poenitentiam agere quando peccare non potes, peccata te dimiserunt, non tu illa. Satis alienus a fide est, qui ad agendam poenitentiam tempus senectutis exspectat. Metuendum est ne, dum sperat misericordiam, incidat in iudicium.	[...] Amen.	Si enim tunc vis poenitentiam agere quando peccare non potes, peccata te dimiserunt, non tu illa. Satis alienus a fide est, qui ad agendam poenitentiam tempus senectutis exspectat. Metuendum est, ne dum sperat misericordiam, incidat in iudicium.	Si enim tunc vis agere poenitentiam, quando non potes, peccata dimiserunt te, tu autem non illa. Satis alienus est a fide, qui ad agendam poenitentiam tempus exspectat. Metuendum est ut dum sperat misericordiam, incidat in iudicium.	(14) Si enim tunc vis poenitentiam agere, quando peccare non potes, peccata te dimiserunt, non tu illa. (29) Satis alienus a fide est qui ad agendam poenitentiam tempore senectutis exspectat. (30) Metuendum est ne, dum sperat misericordiam, incidat in iudicium.
245					(40) Neque enim tunc veniam inuenit, qui modo aptum uenire tempus perdidit.
250					(41) Ibi iam a deo non potest mereri quod petit, qui hic noluit audire quod iussit.
255					
260					
265					
270					

275	Qui tempus poenitentiae datum negligit, frustra ante tribunal Christi preces effundit.	Qui tempus poenitentiae datum [sibi] negligit, frustra ante tribunal Christi preces effundit.	Qui tempus datum negligit, frustra		
280					
285	Festinare debet unusquisque nostrum, fratres, ad Deum convertendo dum potest, ne si dum potest	Festinare debet ad Deum convertendo unusquisque, dum potest, ne si, dum potest,	Festinet unusquisque ad Deum, dum potest, quia, dum potest,	(51) Festinare debet ad dominum penitendum unusquisque dum potest, ni, si dum potest	
290	noluerit, omnino	noluerit, omnino	[...]	noluerit omnino,	
295	cum intrare voluerit, non possit.	cum tarde voluerit, non possit.	cum tardare voluerit, non potuerit.	dum tarde uoluerit, non possit.	
300	[...] Amen.		[...]		
305					Frates dilectissimi, si laboramus pro carne nostra, laboremus et pro anima nostra: Si pro carne nostra laboramus, laboremus etiam pro anima nostra,

310				[...]	[...]	
315				quam post paucos annos aut forsitan dies vermes devoraturi sunt in sepulchro, quanto magis non debemus despicere animam, quae deo et angelis praesentatur in caelo?	quam post paucos annos vermes devorabunt in sepulcro: quanto magis despiciere non debemus animam, quae Deo et Angelis ejus praesentatur in caelo?	
320						
325				cogitemus, fratres, quia quando	Cogitate, fratres charissimi, quia abundantia pabuli luxuriam administrat; cum caro in tam copiosis deliciis satiatur,	
330				caro copiosis deliciis satiatur, [...]	[...]	
335				et esca vermium providetur. Rogo vos, fratres, aspicite ad sepulchra	providetur esca vermium. Iterum rogo vos, fratres, quoties juxta sepulturam divitiis	
340						

345			<p>divitum, et quotiens iuxta illa transitus, considerate et diligenter inspicite, ubi sunt illorum divitiarum, ubi ornamenta, ubi anuli vel inanes, ubi diademata pretiosa, ubi honorum vanitas, ubi luxoriae voluptas, ubi spectacula</p> <p>[...]</p>	<p>transitus, ut diligenter inspicatis ubi sint eorum divitiarum vel ornamenta, ubi gloria,</p> <p>ubi vanitas, ubi luxuria, ubi voluptas, vel ubi eorum sunt spectacula.</p>	
350					
355					
360			<p>Considerate diligentius et videte superbiorum sepulchra, et agnoscite, quia nihil in eis aliud remansit nisi fletus et fetor, et fimus vermium.</p>	<p>Considerate diligenter et videte et agnoscite, quia nihil aliud in eis est, nisi cinis et fetor et vermis.</p>	
365					
370			<p>O homo, considera vehementer</p>	<p>O homo, vide sepulchra mortuorum, et</p>	

375			sepulcra, et dic:		dic	
380		Vae mihi misero peccatori!	Vae mihi misero peccatori!	tibi, tu ipse loquere te cum:	tibi tu ipse, et loquens tecum [...]	
385		Iste dum vixit in hoc saeculo,	Iste dum vixit in hoc saeculo,	iste dum viveret in saeculo		
390		secutus est luxuriam et fornicationem, [...]	secutus est luxuriam et fornicationem, [...]	libidini serviebat;		
395		ex illo misero nihil remanet, nisi fetor amarus, et cum impiis cruciatur. Vae misero peccatori, timeo ne et mihi sic contingat.	ex illo misero nihil remanet, nisi fetor amarus, et cum impiis cruciatur. Vae misero peccatori, timeo ne et mihi sic contingat.	et ecce nunc nihil ex illo nisi foetidi et horribiles pulveres remanserunt.	Ecce nunc ex illo misero qui hic depositus fuit, nihil aliud nisi ossa et pulvis evenit. Et vere,	
400				Si velis, o homo, audire, ipsa tibi ossa arida poterint praedicare.	homo si ipsa ossa arida audire volueris, tibi praedicare poterunt	
405						

410			<p>ααTunc clamavit ille mortuus de sepulcro:</p>	<p>ααclamat ad te mortuus de sepulchro:</p>	[...]	
415				<p>ββAttende ad me, et agnosce te; considera ossa mea, et vel sic tibi horreat luxuria vel avaritia tua.</p>	<p>ββAttende ad me, et intellige; considera me, et vel sic tibi horreat luxuria tua vel avaritia tua.</p>	
420						
425			<p>δδVide, et agnosce pulverem meum, et relinque desiderium malum, ne mecum crucieris in inferno.</p>			
430			<p>γγQuod tu es fui, quod ego sum tu eris.</p>	<p>γγQuod tu es, ego fui; quod ego sum, tu eris. Si in me permansit vanitas, vel te non consumat iniquitas; si me luxuria corrumpit, vel te castitas ornet.</p>	<p>γγHoc quod tu es, ego fui: et quod ego sum modo, tu eris postea. Si in me permansit vanitas, te non consumat iniquitas; si me luxuria polluit, te exornet castitas;</p>	
435			[...]			
440						

445	<p>ððVide pulverem meum, et relinque desiderium tuum malum.</p> <p>[...]</p>	<p>ððVide pulverem meum, et relinque desiderium tuum malum, etc.</p>
450	<p>aaclamat mortuus de sepulchro.</p>	
455	<p>Et ideo quantum possumus auxiliante domino laboremus, ut aliorum vulnera nobis conferant sanitatem, et pereuntium mors nobis proficiat ad salutem. Sed hoc tunc optime fieri potest, si plus pro anima quam pro corpore solliciti sumus: ut cum caro nostra a vermibus devorari coeperit in sepulchro, anima ornata bonis operibus ab angelis elevetur in caelum.</p>	<p>Ideo quantum possumus, auxiliante Deo, laboremus, ut aliorum vulnera nobis conferant medicamenta, et aliorum mors ad vitam nobis proficiat: et hoc optime fieri potest, si plus erimus solliciti pro anima quam pro corpore: ut cum caro nostra fuerit in sepulchro posita, anima nostra bonis operibus in coelos elevetur ornata. anima,</p>
460		
465		
470		
475		

480						
485						
490						
495						
500						
505						

480

485

490

495

500

505

Nam si nos
deceperit

concupiscentia
carnis nostrae,
duplicem
ruinam animae
[...]

caro nostra
putrescat in
sepulcro, et
anima nostra
torquenda
tradatur in tartaro.

Ecce quales ad
nos
praedicationes
cotidie
mortuorum
cineres vel ossa
proclamant.
[...].

si nos deceperit
pulchritudo alienae
mulieris, aut

oncupiscentia
carnis, quae est
ruina animae,
[...]

caro nostra
putruerit in
sepulcro, anima
nostra torquenda
mergetur in inferni
barathro.

Ecce quales
praedicationes
ossa et cineres
mortuorum
quotidie
proclamant ad
Dominum.
[...] Amen.

Appendix IIIb:

Translations of Homiletic Works

Below, I provide translations of three documents I discuss in Appendix III that have never been translated into English: Chapter 14, “*De non tardando converti ad Deum*,” of Alcuin’s *De virtutibus et vitiis*, Ps-Bede’s *Homily CII “Ad quamlibet diem,”* and Ps-Augustine’s *Homily LXVI “De agenda paenitentia”* from *Ad fratres in eremo*. Since these works have been edited only in the *Patrologia Latina*, I have used the texts therein as my base, acknowledging that more up-to-date editions would be desirable. All translations from the Bible are based on the Douay-Rheims version, though I have updated obvious archaisms and, as much as possible, altered my translations to reflect instances where these quotations are in variant or non-standard form. As with my translation of the Legatine Capitulary in Appendix I, my primary goal was accuracy, though I have also striven to produce a clear, readable text by the standards of modern English usage.

I. Alcuin, from *On Virtues and Vices*

Chapter 14, “*On not Delaying Repentance before God*,” (PL 101:623A-624A)

This command is read in divinely inspired scripture: “O Sons, do not delay repentance before the Lord [Ecclus 5.8], because you do not know what the day to come will bring forth [Prov 27.1].” He who waits to repent causes danger to his soul, “because death is not slow [Ecclus 14:12],” and if it finds someone delaying to convert, it brings him down to torment. Such reasoning is profligate and dangerous, to plan on repentance tomorrow and to neglect it today. O sinner, how you neglect to repent, and how you fail to be duly fearful, lest sudden death snatch the day of repentance from you. Do not

people die suddenly? If it is good to renounce sins, and to repent before God, let it be done quickly. God promised you forgiveness in order to repent your sins, he did not promise you the security of a long life. Read the prophets, read the Apostle, and see if the hour or the day is promised to you. Therefore, let everyone repent himself most quickly before God, and when he has found Him, let the impious man give up his evil path. If the last day comes suddenly, procrastination goes to waste, and damnation remains. You do not wish to perish; return to God, and you will live. Do not despair concerning the forgiveness of sins, nor be assured of a long life. Repent, therefore, and do penance. “Tomorrow,” you will say, “I will repent.” Why not today? “What harm is there,” you ask, “if I say tomorrow?” What harm is there, then, if instead you repent today? Perhaps you say: “My life will be long.” I say, if it is long, it is good; if it is short, it is still good. Who would endure evil for a long time? You don’t wish a bad meal to last for a long time, but you want your evil life to last for a long time? You buy a house: you want a good one. You take a wife, you seek a good one. You wish to have sons: you wish for good ones. And, so that I may speak also concerning common things: You buy boots, and you do not want bad ones; and yet you love your evil life? How is it that your life displeases you so much, (which, of all things, alone you wish to be evil) such that, among all your good things, you alone are bad? “Do not delay repentance before the Lord, and do not defer it from day to day [Ecclus 5:8].” These are God’s words, not mine. You have not heard these things from me, but—with you—I hear these things from the Lord. Perhaps you respond: “Tomorrow, tomorrow.” O voice of the raven! The raven did not return to the Arc, the dove returned. For if you wish to do penance then, when you are unable to sin, your sins renounce you, you do not renounce them. He

is quite alien from faith, he who awaits the time of old age to do penance. It is to be feared, lest while he hopes for compassion, he falls under judgment. For he will not find forgiveness then, he who wasted the proper time of forgiveness. There, already, he is not able to obtain what he seeks from God, he who, when he was here in this world, did not wish to obey what God commanded. He who neglects the allotted time for penance pours forth prayers before the tribunal of Christ in vain. Everyone should hasten to repent before God while he can, lest, if he refuses while he is able, and he wishes to do so too slowly, it may not be possible.

II. Ps-Bede, *Homily 102 “Ad quamlibet diem,” (PL 94:503B-504B)*

The pious and compassionate Lord urges us through the prophet to compunction of the heart, and to penance, saying “Repent before me with all your heart, in fasting, and in weeping, and in mourning [Joel 2:12],” “because I do not wish the death of the sinner, but rather that he might repent, and live” [Ezekiel 18:23]. And again, “Do not wish to delay repentance before the Lord, and defer it not from day to day [Ecclus 5.8], because you do not know what the day to come brings forth [Prov 27.1].” Why do you delay repentance before the Lord? Of course, your delay brings danger to your soul, “because death is not slow [Ecclus 14:12];” and because, if death finds you delaying, it will lead you to torments, and because you—a sinner—neglect to repent and you do not fear death, that death might suddenly snatch away from you the day of repentance. Do not people die suddenly? If it is good to forgive sins, and to repent before God, do it quickly. God promises forgiveness of sins, he does not promise on-going life. Therefore, let everyone repent before God most quickly, and let the impious man give up his evil path immediately. When the last day comes, procrastination will go to waste, and damnation

will remain. If you do not wish to perish, return to God, and live. Do not despair concerning the forgiveness sins, nor look forward to a long life. Turn, therefore, to penance. “Tomorrow,” you say, “I will repent;” why not today? You say: “What harm is there if I say tomorrow?” What harm is there, then, if you repent today? Perhaps you say: “My life will be long.” I say: If your life is long, that is good; if it is brief it is still good. You do not wish to have a long meal that is bad, but you wish to have a long life that is bad. You buy a house, you desire a good one. You take a wife, you seek a good one. You wish your sons to be good, you wish to buy good boots and you do not want bad ones, but you desire an evil life! What does your life profit you, which alone is evil, such that among all your other good things you yourself are evil? “Do not delay to repent before the Lord, and defer it not from day to day [Ecclus 5:8].” These are God’s words, not mine; You have not heard it from me, but I—with you—hear it from the Lord. Perhaps you respond: “Tomorrow I will repent.” O voice of the raven! Who gave this security to you? He who promised the absolution of forgiveness did not promise that tomorrow would be a day of neglect. The raven did not return to the Arc, the dove returned. If, then, you wish to do penance, when you are no longer able to do so, your sins have renounced you, you, however, have not renounced them. He is quite alien from faith, he who waits for a later time to do penance. It is to be feared that while he hopes for compassion, he falls under judgment. He who neglects the allotted time pours forth prayers to God in vain. Let everyone hasten to God while he is able, because, while he is able, the prayer has efficacy, but when he wishes to do so too slowly, he will not be able. Watch, O Christian, subject to the compassion of God, the battle with the Devil, because you have the weapons of Christ with you. God, who orders you to fight, wants to give

you paradise, if you have fought well, where your riches are, where Christ and the angles and just men shining like the sun will see you, where there is no night, no hunger nor thirst, nor any sadness. What do you want, O Christian man, you who do not correct yourself? You do not know how much and what kind of things have been prepared in hell, where there is weeping, and gnashing of teeth, where the flames, lice, frogs, and worms do not die. The fire there is never extinguished; there is gloom and evil, there is no light, no consolation. There is a stench which no-one can endure. Consider most diligently the tombs of the arrogant dead, and understand, because nothing in them remains except weeping, and stench, and the dung of worms. O man, consider deeply these tombs, and say: Woe to me, miserable sinner! That one, while he lived in this world, followed luxury and fornication, and did not do penance. From that misery nothing remains, except a bitter stench, and he is tortured with evil ones. Woe to the miserable sinner, I fear, lest such things should befall me as well. Then that dead man calls out from the tomb: “See, and recognize my dust, and cease your evil desire, lest you suffer torture with me in hell. What you are, I was; what I am you will be.” O man, renounce perjury, luxury, homicide, theft, avarice, and other sins which are long to enumerate, so that you will not suffer torture in hell, but might have glory with God the Father, etc.

Ps-Augustine, from *Sermons to Brothers in the Wasteland*, (PL 40:1352-53)

Homily LXVI, “On doing penance”

Pious and compassionate God, o most beloved brothers, urges us to compunction and penance, saying “Repent before me with all your heart, in fasting, and in weeping, and in mourning [Joel 2:12];” “because I do not wish the death of a sinner, but rather that

he might repent and live [Ezech 18:23].” And again, “Do not wish to delay,” said the prophet, “repentance before the Lord, and do not defer it from day to day [Ecclus 5:8].” And again, “When, after having repented, you cry out, you will be saved [Ezech 18:27].” Repent, therefore, beloved ones, to our Lord God, as good servants before the faithful Lord. Let us humble ourselves in the face of God, and let us weep before God, who made us. Let us not refuse to do penance in this world, but rather seek forgiveness for our sins, so that we might evade hellish punishment, and attain eternal bliss. Let us correct ourselves, therefore, with fasting, and vigils, and other pious works, knowing that “the heart of contrition and humility does not spurn God [Ps 50:19].” So also the Apostle says, “I chastise my body, and bring it into subjection [I Cor 9:27].” If we labor for our flesh, let us labor also for our soul, which is more worthy. If we fret over the wretched bond of our flesh, which, after a few years in the tomb, worms will devour, how much more we ought not despise the soul, which is presented to God and his Angels in heaven? Consider, O beloved brothers, that the abundance of nourishment administers luxury; when the flesh is satisfied by copious delights, and the mind is appeased by such riches, food for worms is provided by the fat of your flesh. Again I ask you, O brothers, how often when you pass by the tomb of a rich man, do you diligently examine where his riches might be, or his ornaments, or where his glory is, where his vanity is, where his luxury is, where his delight is, or where his wonders are. Consider, most assiduously, and see and understand, because nothing else is in them, except ashes and stench and worms. O man, see the tombs of death, and address yourself; then, speaking with yourself, you are able to say: Behold, now, from that miserable man, who was deposited here, nothing else comes forth except bones and dust. And truly, o man, if you were able

to hear the dry bones themselves, they would be able to proclaim to you and say: “O wretch, how much do you scurry about for the desire of this world, and what unhappy necks do you submit to arrogance and luxury? How is it that you have attached yourself to serving the most cruel masters, vices, to be sure, and crimes? Pay attention to me, and understand: Consider me, and shudder thus, either on account of your extravagance, or your greed. This thing that you are, I was: and what I am now, you will be later. If vanity has remained in me, may iniquity not consume you; if luxury befouled me, may chastity adorn you; see my ashes, and give up your desire for evil,” etc. Therefore, to the extent we are able, with the help of God, let us labor so that the wounds of others might bring remedies to us, and the death of others might bring us to life: and this can best be accomplished if we are more anxious for the soul than for the body; so that, when our flesh is placed in a tomb, our soul may be raised into the heavens ornamented by good works. O soul, if the beauty of a strange woman deceives us, or the desire of the flesh (which is the ruin of the soul), know that the body—together with the soul—will suffer punishment. For when our flesh has putrefied in the tomb, our writhing soul will be plunged into the abyss of hell. Behold what kind of lamentations the bones and ashes of the dead proclaim to God every day. Truly I say, beloved brothers, whosoever, whether extravagant or neglectful, wishes to undertake those things which I say with great fear, and takes refuge in the remedies of penance, and departs from this life in penance, the joys of paradise will be possible. However, if he does not do it, and sudden death overtakes him, he will suffer torture, without any remedy from eternal punishment. Therefore, most beloved brothers, as much as we are able, with God’s help, let us fight

manfully against fleshly desires, so that with the pleasures of this world having been overcome, we might deserve to attain eternal reward for endless ages of ages. Amen.

BIBLIOGRAPHY

I. Manuscripts

Cambridge, Corpus Christi College, MS 279, s. ix².

London, British Library, MS Cotton Otho E xiii, s. xⁱⁿ.

Orléans, Bibliothèque Municipale, MS 221, s. ixⁱⁿ.

Paris, Bibliothèque Nationale, lat. 3182, s. x².

II. Primary Sources

Alcuini Epistolae, MGH Epp. 4. Edited by Ernst Dümmler. Berlin: Weidmann, 1895.

Arnobii Ivnioris: Commentarii in Psalmos, CCSL 25. Edited by Klaus-D. Daur.
Turnhout: Brepols, 1990.

Bede's Ecclesiastical History of the English People. Edited and translated by Bertram Colgrave and R.A.B. Mynors. Oxford: Clarendon Press, 1969.

Biblia sacra iuxta latinam vulgatam versionem ad codicum fidem. Catholic Church: Commissione pontificia per la revisione ed emendazione della Volgata. Rome: Typis Polyglottis Vaticanis, 1926-.

Biblia sacra: iuxta vulgatam versionem, 4th rev. ed. Edited by Robert Weber. Stuttgart: Deutsche Bibelgesellschaft, 1994.

Bibliorum sacrorum latinæ versiones antiquæ. Edited by Peter Sabatier and Vincent de la Rue. Rheims: Reginaldus Florentain, 1743; repr. Turnhout: Brepols, 1976.

Capitularia Regum Francorum, MGH Capit. I. Edited by Alfred Boretius. Hannover: Impensis Bibliopolii Hahniani, 1883.

Constitutiones et acta regum Germanicorum, capitularia spuria, canones ecclesiastici, MGH LL II, pars II. Edited by G. H. Pertz. Hannover: Impensis Bibliopolii Aulici Hahniani, 1872.

Críth Gablach. Edited by D.A. Binchy. Dublin: Dublin Institute for Advanced Studies, 1979.

Fragmenta Vaticana: Mosaicarum et Romanarum Legum Collatio. Edited by Theodor Mommsen and Paul Krueger. Berlin: Weidmann, 1890.

Die Gesetze der Angelsachsen. 4 vols. Edited by Felix Liebermann. Halle: M. Niemeyer, 1903; repr. Aalen: Scientia, 1960).

- Die Irische Kanonensammlung*, 2nd ed. Edited by Hermann Wasserschleben. Leipzig: Bernard Tauchnitz, 1885; repr. Aalen: Scientia-Verlag, 1966.
- Itala; das Neue Testament in altlateinischer Überlieferung*, 2nd ed. Edited by Adolf Jülicher. Berlin: De Gruyter, 1972.
- King Alfred's Old English Prose Translation of the First Fifty Psalms*. Edited by Patrick O'Neill. Cambridge, Mass: Medieval Academy of America, 2001.
- Liber Scintillarum*, CCSL 117. Edited by Henri Rochais. Turnhout: Brepols, 1957.
- Livre d'étincelles*. Edited by Henri Rochais. Paris: Editions du Cerf, 1961-62.
- Mosaicarum et Romanarum Legum Collatio*. Edited and translated by Moses Hyamson. London: Oxford University Press, 1913.
- Nouum Testamentum Domini nostri Iesu Christi latine secundum editionem S. Hieronymi*. Edited by John Wordsworth, H. J. White, and H. F. D. Sparks. Oxford: Clarendon Press, 1889-1954.
- Old English Homilies from MS Bodley 343*. Edited by Susan Irvine. Oxford: Oxford University Press, 1993.
- Passiones vitaeque sanctorum aevi Merovingici et antiquorum aliquot (I)*, MGH SS rer. Merov. 3. Edited by Bruno Krusch. Hannover: Impensis Bibliopolii Hahniani, 1896.
- Passiones vitaeque sanctorum aevi Merovingici et antiquorum aliquot (II)*, MGH SS rer. Merov. 4. Edited by Bruno Krusch. Hannover: Impensis Bibliopolii Hahniani, 1902.
- Patrologiae Cursus Completus, Series Latina*. Edited by J.-P. Migne. Paris: Migne, 1844-64.
- Le Psautier Romain et les autres anciens psautiers latins*. Edited by Robert Weber. Rome: Abbaye Saint-Jérôme, 1953.
- Sancti Avrelii Avgvstini Enarrationes in Psalmos CI-CL*, CCSL 40. Edited by E. Dekkers and J. Fraipont. Turnhout: Brepols, 1956.
- Sancti Caesarii Arelatensis Sermones*, CCSL 103 and 104. Edited by Germain Morin. Turnhout: Brepols, 1953.
- Vetus Latina; die Reste der altlateinischen Bibel*. Edited by Bonifatius Fischer, et. al. Freiburg: Herder, 1949-.

Vingt-six sermons au peuple d'Afrique. Edited by François Dolbeau. Paris: Institut d'études augustiniennes, 1996.

III. Secondary Sources

Bately, Janet. "King Alfred and the Old English Translation of Orosius." *Anglia* 88 (1970): 435-60.

Binchy, D.A. "Sick-maintenance in Irish Law." *Ériu* 12 (1938): 78-134.

Bradshaw, Henry. *The Early Collection of Canons Known as the Hibernensis*. Cambridge: Cambridge University Press, 1893.

Bullough, D.A. "Albinus deliciosus Caroli regis." In *Institutionen, Kultur und Gesellschaft im Mittelalter: Festschrift für Josef Fleckenstein zu seinem 65. Geburtstag*. Edited by Lutz Frenske, Werner Rösener, and Thomas Zotz, 73-92. Sigmaringen: J. Thorbecke, 1984.

---. *Alcuin: Achievement and Reputation*. Leiden: Brill, 2004.

---. *Carolingian Renewal: Sources and Heritage*. Manchester: Manchester University Press, 1991.

Cross, J.E. "'The Dry Bones Speak'—Theme in Old English Homilies." *Journal of English and Germanic Philology* 56 (1957): 434-39.

Cubitt, Catherine. *Anglo-Saxon Church Councils c.650-c.850*. London: Leicester University Press, 1995.

Dekkers, Eligius and Emil Gaar. *Clavis Patrum Latinorum*, 3rd ed. Turnhout: Brepols, 1995.

Dümmler, Ernst. "Zur Lebensgeschichte Alchuins." *Neues Archiv* 17 (1892): 53-70.

Fournier, Paul. "Le *Liber ex lege Moysi* et les tendances bibliques du droit canonique irlandais." *Revue Celtique* 30 (1909): 221-34.

Frantzen, Allen. *King Alfred*. Boston: Twayne Publishers, 1986.

Frede, Hermann. *Kirchenschriftsteller: Verzeichnis und Sigel*. Freiburg: Herder, 1995.

Gorman, Michael. "The Encyclopedic Commentary on Genesis Prepared for Charlemagne by Wigbod." *Recherches Augustiniennes* 17 (1982): 173-201.

- Johnson, John and Baron, John. *A Collection of the Laws and Canons of the Church of England: from its First Foundation to the Conquest, and from the Conquest to the Reign of King Henry VIII*. Oxford: J.H. Parker, 1850-51.
- Jullien, M.-H. and Françoise Perelman. *Clavis Scriptorum Latinorum Medii Aevi: Auctores Galliae, 735-987*. Turnhout: Brepols, 1994-.
- Kelly, Fergus. *Guide to Early Irish Law*. Dublin: Dublin Institute for Advanced Studies, 1988.
- Kottje, Raymund. "Der *Liber ex lege Moysis*." In *Irland und die Christenheit: Bibelstudien und Mission / Ireland and Christendom: the Bible and the Missions*, edited by Próinséas Ní Chatháin and Michael Richter, 59-69. Stuttgart: Klett-Cotta, 1987.
- Lapidge, Michael. *Abbreviations for Sources and Specification of Standard Editions for Sources*. Binghamton, NY: Center for Medieval and Early Renaissance Studies, State University of New York at Binghamton, 1988.
- LeClerq, D. "Mediaevalia: 1. Le III^e livre des Homélie de Bède le Vénéralle." *Recherches de théologie ancienne et médiévale* 14 (1947): 211-218.
- Lowe, E.A. *Codices Latini Antiquiores*, 11 vols. and supplement. Oxford: Clarendon Press, 1934-71.
- Loyn, H.R. *The Governance of Anglo-Saxon England, 500-1087*. Stanford, California: Stanford University Press, 1984.
- Machielsen, John. *Clavis Patristica Pseudepigraphorum Medii Aevi*, 3 vols. Turnhout: Brepols, 1990-.
- MacCoull, Leslie S.B. "More Sources for the *Liber Scintillarum* of Defensor of Ligugé." *Revue Bénédictine* 112 (2002): 291-300.
- Marsden, Richard. *The Text of the Old Testament in Anglo-Saxon England*. Cambridge: Cambridge University Press, 1995.
- McCone, Kim. "Dubthach maccu Lugair and a Matter of Life and Death in the Pseudo-historical Prologue to the *Senchas Már*." *Peritia* 5 (1986): 1-35.
- Oakley, Thomas P. "The Cooperation of Medieval Penance and Secular Law." *Speculum* 7 (1932): 515-24.
- . *English Penitential Discipline and Anglo-Saxon Law in Their Joint Influence*. New York: Longmans, Green & Co., 1923; repr. Clark, New Jersey: The Lawbook Exchange, Ltd., 2003.

- Ó Corráin, Donnchadh, Liam Breatnach, and Aidan Breen. "The Laws of the Irish." *Peritia* 3 (1984): 382-438.
- Ó Corráin, Donnchadh. "Irish Vernacular Law and the Old Testament." In *Irland und die Christenheit: Bibelstudien und Mission / Ireland and Christendom: the Bible and the Missions*, edited by Próinséas Ní Chatháin and Michael Richter, 284-307. Stuttgart: Klett-Cotta, 1987.
- Rochais, Henri. "Apostilles à l'édition du *Liber Scintillarum* de Défensor de Ligugé," *Revue Mabillon* 60 (1983): 267-93.
- . "Contribution à l'histoire des florilèges ascétiques du Haut Moyen Age latin: Le *Liber Scintillarum*." *Revue Bénédictine* 63 (1953): 246-91.
- . "Le *Liber de virtutibus et vitiis* d'Alcuin: Note pour l'étude des sources." *Revue Mabillon* 41 (1951): 77-86.
- Scheibe, F.-C. "Alcuin und die *Admonitio Generalis*." *Deutsches Archiv* 14 (1958): 221-29.
- . "Alcuin und die Briefe Karls des Großen." *Deutsches Archiv* 15 (1959): 181-93.
- Schoebe, G. "The Chapters of Archbishop Oda (942/6) and the Canons of the Legatine Councils of 786." *Bulletin of the Institute of Historical Research* 35 (1962): 75-83.
- Sharpe, Richard. *A Handlist of the Latin Writers of Great Britain and Ireland before 1540*. Turnhout: Brepols, 1997.
- Treschow, Michael. "The Prologue to Alfred's Law Code: Instruction in the Spirit of Mercy." *Florilegium* 13 (1994): 79-110.
- Wallach, Luitpold. *Alcuin and Charlemagne*. Ithaca, NY: Cornell University Press, 1959; Revised and reprinted, 1968.
- Wormald, Patrick. "In Search of King Offa's 'Law Code'." In *People and Places in Northern Europe*, edited by Ian Wood and Niels Lund, 24-45. Woodbridge, England: Boydell Press, 1991.
- . "*Lex Scripta* and *Verbum Regis*: Legislation and Germanic Kingship From Euric To Cnut." In *Early Medieval Kingship*, edited by P.H. Sawyer and I.N. Wood, 105-38. Leeds: The editors, 1977; Reprinted in Patrick Wormald, *Legal Culture in the Early Medieval West: Law as Text, Image and Experience*, 1-43. London: Hambledon Press, 1999.
- . *The Making of English Law*. Oxford: Blackwell, 1999.

IV. Electronic Databases

CETEDOC Library of Christian Latin Texts. 5th ed. Edited by Paul Tombeur and Universitas Catholica Lovaniensis Lovanii Novi. Turnhout: Brepols, 2002.

Patrologia Latina Database. Edited by J.-P. Migne and ProQuest Information and Learning Company. Alexandria, Virginia: Chadwick-Healey, 1996.