



# The consul vanishes? On using and not using Gregory the Great's *Register* in early medieval England

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*This article builds upon recent scholarship emphasizing the importance of Gregory the Great's Register as a key text of the Carolingian and post-Carolingian library, exploring by contrast its peculiarly limited reception in England. It first surveys what little evidence we have for its citation by English ecclesiastics (post-c.1000, mostly via Wulfstan); it then examines the single text in a pre-Conquest manuscript usually catalogued as a letter from the Register, showing that this has been reworked as an anonymous admonitio to judges (probably bishops). It concludes by reflecting on the implications of this limited reception for our understanding of the later Anglo-Saxon church – a community otherwise well-invested in Gregory's memory.*

Everybody knows that the Anglo-Saxons revered Pope Gregory the Great (590–604).<sup>1</sup> But which Gregory was this? The sheer breadth and diversity of the works authored by, attributed to, and written about Gregory

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<sup>1</sup> The best treatment is M. Gretsch, *Ælfric and the Cult of Saints in Late Anglo-Saxon England* (Cambridge, 2005), pp. 21–62; see also I. Wood, 'Gregory the Great', in M. Lapidge, J. Blair, S. Keynes and D. Scragg (eds), *The Wiley Blackwell Encyclopedia of Anglo-Saxon England*, 2nd edn (Oxford, 2014), pp. 225–6; and A. Thacker, 'Memorializing Gregory the Great: The Origin and Transmission of a Papal Cult in the Seventh and Eighth Centuries', *EME* 7 (1998), pp. 59–84.

portray a multifaceted thinker and actor, whose unity of purpose has eluded scholars until the last few decades.<sup>2</sup> There is Gregory the exegete and preacher, the theologian behind the huge corpus of *Homelia* and *Moralia*;<sup>3</sup> Gregory the theorist of pastoral care, whose *Regula pastoralis* had already begun its long history of translation within his own lifetime;<sup>4</sup> Gregory the hagiographer, whose *Dialogues* earned him his epithet among the Byzantines (*Gregorios ho dialogos*), while appearing sufficiently at odds with his other writings to be contested as forgeries throughout the modern era.<sup>5</sup> More dubiously, but critical to his medieval identity, there is Gregory the liturgist – genius of the ‘Gregorian Chant’ – thought the author of the *Sacramentary* in his name since the eighth century.<sup>6</sup> To these we may add Gregory the monastic founder;<sup>7</sup> the church father;<sup>8</sup> and of course the widely culted, miracle-working St Gregory, the subject of at least six *Lives* before the turn of the millennium<sup>9</sup> – as ‘apostle of the English’, fated

- <sup>2</sup> On historiographical divisions between ‘secularized’ and ‘spiritualized’ approaches to Gregory, see C. Leysers, *Authority and Asceticism from Augustine to Gregory the Great* (Oxford, 2000), pp. 140–1; an ‘integrated’ view is achieved by R.A. Markus, *Gregory the Great and His World* (Cambridge, 1997). For the corpus of Gregorian texts and their manuscript tradition, see now L. Castaldi, *La trasmissione dei testi latini del medioevo. Mediaeval Latin Texts and Their Transmission. Te. Tra. 5. Gregorius I Papa* (Florence, 2013); with F. Boccini and F.S. D’Imperio, *Bibliotheca Gregorii Magni manuscripta*, 4 vols so far (Florence, 2015–).
- <sup>3</sup> *Moralia in Iob*, ed. M. Adriaen, 3 vols (Turnhout, 1979–85); *Homelias in Euangelia*, ed. R. Étaix (Turnhout, 1999); *Homelias in Hiezchibelem prophetam*, ed. M. Adriaen (Turnhout, 1971); *Expositiones in Canticum canticorum et in Librum primum regum*, ed. P. Verbraken (Turnhout, 1963); for the availability of these and the following works in England, see Gretsch, *Ælfric*, pp. 46–9.
- <sup>4</sup> *Règle Pastorale*, ed. and trans. B. Judic, C. Morel and F. Rommel, 2 vols (Paris, 1992); *The Old English Pastoral Care*, ed. and trans. R.D. Fulk (Cambridge, MA and London, 2021); a Greek translation had reached Constantinople by 602: R. Lizzi, ‘La traduzione greca della opere di Gregorio Magno: dalla *Regula Pastoralis* a *Dialogi*’, in *Gregorio magno e il suo tempo*, 2 vols (Rome, 1991), vol. 2, pp. 41–57.
- <sup>5</sup> *Dialogues*, ed. and trans. A. de Vogüé, 3 vols (Paris, 1978–80); *Bischof Wærferth’s von Worcester Übersetzung der Dialoge Gregors des Grossen*, ed. H. Hecht (Darmstadt, 1965); see now M. Dal Santo, *Debating the Saints’ Cult in the Age of Gregory the Great* (Oxford, 2012).
- <sup>6</sup> *Le sacramentaire grégorien: ses principales formes d’après les plus anciens manuscrits. Tome premier. Le sacramentaire, le supplément d’Aniane*, ed. J. Deshusses (Fribourg, 1971).
- <sup>7</sup> *Le Liber pontificalis. Texte, introduction et commentaire*, ed. L. Duchesne, 3 vols (Paris, 1884–1957), vol. 1, p. 312.
- <sup>8</sup> M. Simonetti, ‘Gregorio magno l’ultimo di padri’, in L.G.G. Ricci (ed.), *Gregorio magno e l’invenzione del medioevo* (Florence, 2006), pp. 41–50.
- <sup>9</sup> *The Earliest Life of Gregory the Great by an Anonymous Monk of Whitby*, ed. and trans. B. Colgrave (Lawrence, 1969) (BHL 3637); H. Grisar, ‘Die Gregorbiographie des Paulus Diakonius in ihrer ursprünglichen Gestalt, nach italienischen Handschriften’, *Zeitschrift für katholische Theologie* 11 (1887), pp. 158–73 (BHL 3639); *Sancti Gregorii magni uita auctore Paulo diacono*, *Patrologia Latina* [PL] 75, cols 41–59 (BHL 3640); *Sancti Gregorii magni uita a Ioanne diacono scripta libris quatuor*, PL 75, cols 59–242 (BHL 3641); *Ælfric’s Catholic Homilies. The Second Series*, ed. M. Godden (Oxford, 1979), pp. 72–80; plus a lost, early Greek *Life*: Photius, *Bibliothèque*, ed. and trans. R. Henry, 9 vols (Paris, 1959–91), vol. 7, pp. 207–9.

to present the *Angli* before God Himself on Judgement Day.<sup>10</sup> And that is before we even get to the corpus of hundreds of letters known as the *Register*.

The *Register* still dominates historians' perceptions of Gregory's pontificate, and rightly so. It is a spectacular resource. For a period in which we are so often starved of detailed information, this collection of more than eight hundred letters, sent to recipients across Italy, Spain, Gaul, North Africa, Egypt, England, the Levant, the Balkans and the Byzantine heartland, illuminates its author's world to an exceptional degree. Church administration and discipline only counts for part of it; the collection also provides insights into late Roman landlordship, legal procedure, freedom and unfreedom, military organization, gift-giving, diplomacy, empire-wide networking and urban micro-management. It is central to our view of Gregory, but also our understandings about the capacity and sense of purpose of the papacy around the year 600. Rightly or wrongly, it is principally thanks to the *Register* that historians have imagined an early medieval papacy which resembles (in an older tradition: foreshadows) its high medieval counterpart, and it is through the *Register* that Gregory has emerged as a mover-and-shaker on the stage of European history, in a way palatable even to non-medievalists: a political figure of huge, extra-imperial standing, the 'Consul of God' of his epitaph.<sup>11</sup>

Significantly, this corpus of letters, and the image of Gregory it constructs, is not purely the work of modern editors. What we call the *Register* is a product of the eighth century. In the view of its current authority Bruno Judic, it is principally a 'Carolingian creation'.<sup>12</sup> Strictly speaking, the *Register* does not denote every letter Gregory ever composed (as archived in the long-lost papyral scrolls of the Lateran *scrinium*, perhaps already reduced to an unusable state by c.900); nor does it quite cover every piece of his correspondence which still survives (that is, the handful of loose *epistolae vagantes* with their own distinct, earlier manuscript traditions, including those letters known to Bede). The *Register* as an eighth-century invention is formed, rather, of

<sup>10</sup> *Earliest Life of Gregory*, pp. 82–3.

<sup>11</sup> *S. Gregorii Magni Registrum epistularum*, ed. D. Norberg, 2 vols (Turnhout, 1982); *Epitaphium sancti Gregorii*, in *Alcimi Aviti opera*, ed. R. Peiper, *Monumenta Germaniae Historica [MGH] Auctores Antiquissimi* VI.2 (Berlin, 1883), p. 190; recipients: Markus, Gregory, pp. 206–9.

<sup>12</sup> B. Judic, 'Le registre des lettres de Grégoire le Grand: une création carolingienne?', in J. Desmulliez, C. Hoët-van Cauwenberghé and J.-C. Jolivet (eds), *L'étude des correspondances dans le monde romain. De l'antiquité classique à l'antiquité tardive: permanences et mutations* (Lille, 2010), pp. 507–28.

three collections: the 686-letter *Registrum Hadrianum* (henceforward *R*), compiled under Hadrian I (772–95) for the court of Charlemagne; the 200-letter *Collectio Coloniensis* (henceforward *C*), in existence at Cologne by c.790 and possibly an attempt to expand a section of *R*; and the 53-letter *Collectio Pauli* (henceforward *P*), compiled by 782/6, with which *C* is almost always complemented in the manuscript tradition.<sup>13</sup> Although this corpus made only a modest impact in the central Carolingian period, its heyday would come in the later Carolingian decades and, from there, the post-imperial world of the ‘long tenth century’, when it became much copied and cited.<sup>14</sup> In a stimulating essay, Conrad Leyser has sketched out a history of this Carolingian *Register* as a text which played a critical role in ‘the making of Latin Europe’. The diversity and vast geographical range of its addresses lent it a ‘talismanic’ quality, mapping out a vision of an interconnected European church which transcended the boundaries of any single *regnum*. In its internal content, it blueprinted possibilities for cross-continental, clerical career mobility which overcame the more restrictive pronouncements of the ancient decretals. Moreover, the absorption of so many of its letters into the body of Latin canon law not only transformed the content of that corpus (‘in the period 800–1000, there was no other canonical resource like *R*’) but also rebooted the idea of what church law could be: by re-opening up a canon largely closed since the conciliar and decretal collections of Late Antiquity, it served as a catalyst for the wave of new canonical collections proliferating between the later Carolingian decades and the eleventh-century papal reform.<sup>15</sup> It surely also did much to re-centre the idea of the papacy, and of papal letters and legislation, in the minds of Latin churchmen, constructing an image of how a papal-dominated Europe might look. The two major collections of medieval papal

<sup>13</sup> P. Ewald, ‘Studien zur Ausgabe des Registers Gregors I’, *Neues Archiv* 3 (1878), pp. 429–625; D. Jasper and H. Fuhrmann, *Papal Letters in the Early Middle Ages* (Washington, DC, 2001), pp. 70–1; B. Judic, ‘La production et la diffusion du registre des lettres de Grégoire le Grand’, *Actes des congrès de la Société des historiens médiévistes de l’enseignement supérieur public* 32 (2001), pp. 71–87; *idem*, ‘Le registre’; *idem*, ‘Quelques réflexions sur le registre des lettres de Grégoire le Grand’, in B. Dumézil and L. Vissière (eds), *Épistolaire politique II. Authentiques et autographes* (Paris, 2016), pp. 101–14.

<sup>14</sup> Judic, ‘Le registre’, pp. 518 ff.

<sup>15</sup> C. Leyser, ‘The Memory of Gregory the Great and the Making of Latin Europe, 600–1000’, in K. Cooper and *idem* (eds), *Making Early Medieval Societies: Conflict and Belonging in the Latin West, 300–1200* (Cambridge, 2016), pp. 181–201, esp. pp. 188 ff.; for Gregory in canon law, see further H. Schneider, ‘Die Kanonisten und Gregor der Große. Von der *Collectio Vetus Gallica* bis zur *Anselmo dedicatā*’, in C. Leonardi (ed), *Gregorio Magno e le origini dell’Europa* (Florence, 2014), pp. 551–76.

correspondence of the pre-Innocent III age, those of John VIII (872–82) and Gregory VII (1073–85), almost certainly took the Carolingian *Register* as their model.<sup>16</sup>

In light of this revised view of Gregory's *Register* as one of the key texts of the later and post-Carolingian world, and of its significance to the development of canon law and ideas of papal authority, we need to reflect on an anomaly: that, for all of the interest shown in early medieval England in the works and cult of Gregory the Great, his Carolingian *Register* appears to have made very little impact there at all. This has tended to go overlooked. The exception comes in a useful survey of Gregory's reception in England by Mechthild Gretsch, where she notes 'reason for doubt with regard to the availability of Gregory's letters' in pre-Conquest England, the only witness being an excerpt of *Register* xi. 4 in Cambridge, Corpus Christi College (CCCC) 223.<sup>17</sup> As will be shown below, we may in fact have slightly more evidence for the at least indirect use of the *Register* in England than Gretsch allowed, and, paradoxically, also somewhat less – the CCCC 223 item is in fact not presented as a part of the Gregorian corpus, but lightly reworked as something resembling a micro-sermon on the conduct of judges, *Necessaria admonitio iudicantibus* ('A necessary admonition to those who sit in judgement'). The purpose of this article is therefore twofold. First, it provides a review of all instances where Gregory's *Register* may – or on closer reflection in most cases, may not – have been used in early medieval England, in the process giving the *Necessaria admonitio* the moment in the spotlight it deserves. Second, it considers the bigger implications of this lack of English engagement with the text in light of its popularity in late- and post-Carolingian Europe. As we will see, Gretsch's pessimistic stance on the use of the *Register* in England looks broadly correct. What we need to do further is reflect on its ramifications.

<sup>16</sup> *Registrum Iohannis VIII.*, ed. E. Caspar, *MGH Epistolae (in Quart Epp) [Epp.] VII* (Berlin, 1928), pp. 1–272; *Das Register Gregors VII.*, ed. E. Caspar, *MGH Epistolae selectum in usum scholarum [Epp. sel.] II*, 2 vols (Berlin, 1955). John VIII did much to promote Gregory's cult, including commissioning John Hymmonides' *Life*: C. Leyser, 'Charisma in the Archive: Roman Monasteries and the Memory of Gregory the Great, c. 870–c. 940', in F. de Rubeis and W. Pohl (eds), *Le scritture dei monasteri. Atti del II seminario internazionale di studio 'I monasteri nell'alto medioevo'*, Roma 9–10 maggio 2002 (Rome, 2003), pp. 207–26. In turn, the surviving redaction of John's correspondence was probably the brainchild of Desiderius of Montecassino, Gregory VII's cardinal-priest and successor (as Victor III), and plausibly a driving force also behind his *Register*: D. Lohrmann, *Das Register Papst Johannes' VIII. (872–882). Neue Studien zur Abschrift Reg. Vat. I, zum verlorenen Originalenregister und zum Diktat der Briefe* (Tübingen, 1968).

<sup>17</sup> Gretsch, *Ælfric*, pp. 47–8.

## Citations: the liturgical and legal evidence

Let's begin by establishing which sources do *not* provide witnesses for the use of the *Register* collections in England. We can say at the outset that we have no evidence from before *c.*1000. Bede's *Ecclesiastical History* (731/4) includes in its first book seven Gregorian letters, exclusively concerning the conversion of the English. These pre-date the eighth-century collections and were sourced both from originals retained in English archives and (so Bede claimed) copies made by the priest Nothelm from within the papal *scrinium* at Rome.<sup>18</sup> Whatever impression Bede's incorporation of these letters may have made on Continental audiences,<sup>19</sup> they do not appear to have had much of an impact upon later Anglo-Saxon authors, who did not cultivate any particular memory of Gregory as a letter-writer.<sup>20</sup> The letters are all but ignored by Ælfric in his *Life* of Gregory (990/4),<sup>21</sup> and cleanly edited out of Bede's account by the translator-redactor of the *Old English Ecclesiastical History* (883/930).<sup>22</sup> Gregory's so-called *Libellus responsionum* for Augustine of Canterbury, addressing eight (in some manuscripts, nine) points of uncertainty about the activities of the missionary church, at first glance looks like an exception. This was used by Bede, and

<sup>18</sup> *Bede's Ecclesiastical History of the English People*, ed. and trans. B. Colgrave and R.A.B. Mynors (Oxford, 1969), *praef.*, pp. 4–5; the letters are *ibid.*, i. 23, pp. 68–71 (P. Jaffé, *Regesta pontificum Romanorum ab condita ecclesia ad annum post Christum natum MCXCVIII*, 2nd edn, rev. W. Wattenbach, S. Loewenfeld, F. Kaltenbrunner and P. Ewald, 2 vols (Leipzig, 1885–8) [hereafter JE (documents dated 590–882) and JL (documents dated 882–1198)] 1434: Bede only), i. 24, pp. 70–3 (JE 1436: Bede's text differs from that later reproduced in *R*, JE 1435), i. 28, pp. 102–3 (JE 1836: *R* has a shorter version), i. 29, pp. 104–7 (JE 1829: *P* has a shorter version), i. 30, pp. 106–9 (JE 1848: *R* has a shorter version), i. 31, pp. 108–11 (JE 1826: longer text in *P* and *R*), i. 32, pp. 110–15 (JE 1827: *P* and *R* have a shorter version). For an introduction to Bede's use of papal letters see J. Story, 'Bede, Willibrord and the Letters of Pope Honorius I on the Genesis of the Archbishopric of York', *English Historical Review* 127 (2012), pp. 783–818 (at pp. 783–7, with n. 1 for older bibliography).

<sup>19</sup> Leysner, 'Memory', suggests that Bede's 'epistolary novel' may have influenced John Hymmonides.

<sup>20</sup> *Fontes Anglo-Saxonici* lists no uses of these or other letters of Gregory by Anglo-Saxon authors beyond Bede: <https://arts.st-andrews.ac.uk/fontes> [accessed 16 October 2022]; its entries for S 235, 1165 1171 – three seventh-century diplomas drafted by Bishop Earconwald of London – provide the closest thing to an exception, noting as a possible model the *arenga* of a charter issued by Gregory before becoming pope (*Gregorii I Papae Registrum Epistolarum*, ed. P. Ewald and L. Hartmann, *MGH Epp. I–II*, 2 vols (Berlin, 1891–9), vol. 2, pp. 437–9). However, this *arenga* was probably a standard diplomatic formula in early medieval Italy, introduced to England at some point in the seventh century: cf. P. Wormald, *Bede and the Conversion of England: The Charter Evidence* (Jarrow, 1984). It is extremely doubtful that this private charter was ever known in medieval England.

<sup>21</sup> The letters are not reproduced or paraphrased; there is only a passing reference to messengers bearing *gewritu*: *Ælfric's Catholic Homilies. Second Series*, p. 79.

<sup>22</sup> *The Old English Version of Bede's Ecclesiastical History of the English People*, ed. and trans. T. Miller, 2 vols (London, 1890–98), i. 16, vol. 1, pp. 90–1, only goes as far as referring to JE 1829 as a *gewrit*; on these later omissions see further S.M. Rowley, *The Old English Version of Bede's Historia Ecclesiastica* (Woodbridge, 2011), esp. pp. 104, 106.

well-known throughout the Anglo-Saxon period. However, the inclusion of the *Libellus* in modern editions of Gregory's correspondence is misleading, since the text was not treated as a letter per se in the early Middle Ages. It was not included in the contemporary corpus of the *Register*, and was instead transmitted – independently of Bede – across Europe as its own, stand-alone treatise, the *Rescriptum beati Gregorii*.<sup>23</sup> Other evidence for knowledge of, or interest in, Gregory's correspondence in post-Bedan England yields negative results. We learn that in the 740s the missionary Boniface, by then based between Fulda and Mainz, had requested that the Roman deacon Gemmulus transcribe for him certain Gregorian letters from the *scrinium*. Some of these he then sent (apparently, unsolicitedly) to Ecgbert of York, on the understanding that they were unknown in Britain. Just what, however, these items were, or what later became of them, is irrecoverable. They have left no trace in the Anglo-Saxon record; in any event these *exemplaria* were copied too early to have had a connection to the Carolingian *Register*.<sup>24</sup>

Instead, we have to wait until the turn of the millennium before we find evidence of even indirect readership of the *Register* among the Anglo-Saxons – that is, through the reception of John Hymmonides' *Life of Gregory* (c.872). This Roman 'documentary biography' includes excerpts from around two hundred letters found in the *R* collection of the *Register*. It was potentially an important medium through which English ecclesiastics could have encountered parts of the *Register* after all.<sup>25</sup> Nevertheless, it must be said that while John's *Life* enjoyed runaway success in the post-Carolingian world,<sup>26</sup> its uptake in England looks comparatively muted. Only one, eleventh-century manuscript is certainly Anglo-Saxon,<sup>27</sup> and the work was not known to Ælfric, who

<sup>23</sup> *Rescriptum beati Gregorii papae ad Augustinum episcopum quem Saxoniam praedicatione direxerat seu Libellus responsum*, ed. V. Mattaloni (Florence, 2017) (JE 1843). Bede's version is *Ecclesiastical History*, i. 27, pp. 79–103; interestingly, *The Old English Version of Bede's Ecclesiastical History* includes this item, but does not treat it as part of Bede's narrative of Gregory, instead inserting it out of sequence between Books 2 and 3.

<sup>24</sup> *Die Briefe des Heiligen Bonifatius und Lullus*, ed. M. Tangl, *MGH Epp. sel. I* (Berlin, 1955), pp. 96–7, 158. Older theories that Boniface's activities explain the origins of the *C* or *P* collections of the *Register*, while 'seductive', are no longer seriously accepted; Judic prefers a date within the reign of Charlemagne: 'Le registre', pp. 512–15; see also Jasper and Fuhrmann, *Papal Letters*, pp. 72–3.

<sup>25</sup> Above, n. 9; 'documentary biography': W. Berschin, *Biographie und Epochenstil im lateinischen Mittelalter III. Karolingische Biographie, 750–920 n. Chr.* (Stuttgart, 1991), pp. 372–87.

<sup>26</sup> Leyser, 'Memory', p. 192.

<sup>27</sup> London, British Library, Royal 6. A. vii (Worcester, s. xi<sup>in</sup>; note that this provenance indicates that this MS could have had a connection to Wulfstan of Worcester and York: see discussion immediately below); a second MS, Oxford, Bodleian Library, Bodley 381 (s. x), may be the work of an English-trained scribe on the Continent: H. Gneuss and M. Lapidge, *Anglo-Saxon Manuscripts: A Bibliographical Handlist of Manuscripts and Manuscript Fragments Written or Owned in England up to 1100* (Toronto, 2014), p. 450.

took his cues from Paul the Deacon's eighth-century *Life*, supplemented by Bede and Gregory of Tours;<sup>28</sup> further afield, the *Fontes Anglo-Saxonici* database does not record any citations from the text among pre-Conquest authors.<sup>29</sup> The legal sources do, however, reveal slightly more influence than *Fontes* allows. A single manuscript incorporating the *Collectio Wigorniensis* canon law compilation (Corpus Christi College 190: identified by Michael Elliot as the *Coll. Wig. O* recension) and other texts associated with Archbishop Wulfstan of York (1002–23; also bishop of Worcester, 1002–16; previously bishop of London, 996–1002), includes a pair of excerpts from Gregory's letter to four bishops of Gaul concerning clerical advancement (*Register*, ix. 219), also found in John's *Life*.<sup>30</sup> For the first of these excerpts, CCC 190 actually uses a liturgical source, rather than John. This short passage, known as the *Capitulum sancti Gregorii*, had featured in Gallic liturgical handbooks immediately before the rite for the ordination of subdeacons since at least the mid-seventh century, where it seems to have derived from a Gallic copy of Gregory's original document, transmitted independently of the Carolingian *Register*. It is found in the English pontifical tradition from

<sup>28</sup> Gretsches, *Ælfric*, pp. 51–2.

<sup>29</sup> As above, n. 20.

<sup>30</sup> *S. Gregorii Magni Registrum*, ix. 219, vol. 2, pp. 782–90 (JE 1747); *Sancti Gregorii magni uita a Ioanne*, iii. 2, col. 129; CCC 190, pp. 101–2, 105–6; M.D. Elliot, 'Canon Law Collections in England ca 600–1066: The Manuscript Evidence', Ph.D. thesis, University of Toronto (2013), pp. 1066–7, 1069. Elliot's thesis is now indispensable for navigating the *Wigorniensis* (also known variously as the *Excerptiones Ecgberhti*, *Excerptiones de libris canonicis*, and 'Wulfstan's Canon Law Collection'), a collection surviving in multiple recensions, and transmitted within manuscripts of Wulfstan miscellanies (his so-called 'Commonplace Book(s)'), whose stages of authorship, compilation and redaction are complex: see *ibid.*, pp. 169–88 (discussion), and 809–III (transcriptions), with further resources at <http://individual.utoronto.ca/michaellliot/> [accessed 13 July 2023]. Elliot departs from previous scholarship on the *Wigorniensis* in seeing it *inter alia* as (1) having come together in its original core form (perhaps at the turn of the eleventh century) prior to any intervention by Wulfstan, and then subsequently reworked, probably by the archbishop and/or under his auspices at Worcester; (2) transmitted through at least five (as opposed to two) distinct recensions, one for each manuscript in which it now survives; and (3) incorporating in these different recensions a broader range of materials than previous, narrower definitions of the *Wigorniensis* have permitted, including items traditionally treated as separate miscellanea. Compare, by contrast, *Wulfstan's Canon Law Collection*, ed. J.E. Cross and A. Hamer (Cambridge, 1999); the older overview of L. Kéry, *Canonical Collections of the Early Middle Ages (ca. 400–1140): A Bibliographical Guide to the Manuscripts and Literature* (Washington, DC, 1999), pp. 238–9; and, on the wider miscellanies, H. Sauer, 'The Transmission and Structure of Archbishop Wulfstan's "Commonplace Book"', in P.E. Szarmach (ed.), *Old English Prose: The Basic Readings* (New York and London, 2000), pp. 339–93. For a description of CCC 190, a Worcester MS (s. xi<sup>1</sup>) which later moved to Exeter, where it was further augmented (s. xi med.–s. xi<sup>2</sup>: cf. below, n. 41), see Gneuss and Lapidge, *Anglo-Saxon Manuscripts*, pp. 71–5, with J. Hill, 'Two Anglo-Saxon Bishops at Work: Wulfstan, Leofric and Cambridge, Corpus Christi College MS 190', in L. Körntgen and D. Waßenhoven (eds), *Patterns of Episcopal Power: Bishops in Tenth- and Eleventh-Century Western Europe* (Berlin, 2011), pp. 145–61.



c.1000.<sup>31</sup> CCCC 190's second excerpt of the same letter appears, however, to come from John Hymmonides. Presumably, the first liturgical citation inspired the second, hagiographical extract. Other manuscripts of the *Collectio Wigorniensis* provide between them additional evidence of an interest in John's *Life* in millennial England, although this testimony still amounts to no more than a few scattered fragments. One recension (in Corpus Christi College 265; Elliot's *Coll. Wig. C*) includes, unattributed and unrubricated, the one-sentence *arenga* of Gregory's letter to the patriarchs of Alexandria and Antioch (*Register*, v. 41) in the same form as it is quoted by John Hymmonides.<sup>32</sup> Several recensions (Elliot's *Coll. Wig. C, D, I, O*) meanwhile excerpt a spurious Gregorian letter addressed to Felix of Messina, also transmitted by John. Quite possibly a product of the same ninth-century Frankish workshop that crafted the famous Pseudo-Isidorian forgeries, this letter functioned as a companion piece to the *Libellus responsionum*, retracting its controversial stance on legitimate degrees of consanguinity in marriage.<sup>33</sup> Altogether, it is difficult to tell how far these scraps reflect an engagement with John Hymmonides that go beyond just Wulfstan, and we must acknowledge that these are slim pickings indeed when compared to the riches of what else survives of the archbishop's writings, collections and annotations. But we can at least say that John's *Life* did not go completely ignored in early eleventh-century England.

One recension of the *Collectio Wigorniensis* does, however, also feature a single item which might reveal the direct access of Wulfstan or his circle to a version of the Gregorian *Register* in England. Yet even here the

<sup>31</sup> *Liber sacramentorum Romanae ecclesiae ordinis anni circuli* (*Cod. Vat. Reg. lat. 316/Paris Bibl. Nat. 7193, 41/56*) (*Sacramentarium Gelasianum*), ed. L.C. Mohlberg (Rome, 1960), p. 26; *Le sacramentaire grégorien*, p. 603; *Le pontificale romano-germanique du dixième siècle*, ed. C. Vogel and R. Elze, 3 vols (Vatican City, 1963–72), vol. 1, p. 10. It appears in England in the 'Egbert' (c.1000) and 'Lanaler' Pontificals (c.1000/45): *Two Anglo-Saxon Pontificals*, ed. H.M. J. Banting (London, 1989), p. 16; *Pontificale lanalatense* (*Bibliothèque de la ville de Rouen A. 27. cat. 368*): *A Pontifical Formerly in Use at St. Germans, Cornwall*, ed. G.H. Doble (London, 1937), p. 52. The original letter had a distinct manuscript tradition, separate from and apparently pre-dating the *Register*, and was transmitted with some copies of the seventh-century *Vetus Gallica* canon law collection: H. Mordek, *Kirchenrecht und Reform im Frankenreich. Die Collectio Vetus Gallica, die älteste systematische Kanonensammlung des fränkischen Gallien. Studien und Edition* (Berlin and New York, 1975), pp. 221, 276–7, 279–80, 281–3, 292–3; on this tradition as probably going back to copies of the original made in southern Gaul: Judic, 'Quelques réflexions', p. 111.

<sup>32</sup> *S. Gregorii Magni Registrum*, v. 41, vol. 1, pp. 320–5 (JE 1354); *Sancti Gregorii magni uita a Ioanne*, iv. 1, cols 171–2; CCCC 265, p. 150 (this section Worcester, s. xi<sup>med.</sup>–xi<sup>l</sup>4); Elliot, 'Canon Law Collections', p. 892.

<sup>33</sup> *Sancti Gregorii magni uita a Ioanne*, ii. 38, cols 101–2 (JE †1334); CCCC 265, pp. 68–9; Oxford, Bodleian Library, Barlow 37, fol. 25 (s. xii) (Elliot's *Coll. Wig. D*); London, British Library, Cotton Nero A. 1, fols 146–8 (this section Worcester or York, 1003/23) (Elliot's *Coll. Wig. I*); CCCC 190, p. 110; Elliot, 'Canon Law Collections', pp. 845, 965–6, 1023–5, 1072. The Pseudo-Isidorian background is asserted by K. Ubl, *Inzestverbot und Gesetzgebung. Die Konstruktion eines Verbrechens (300–1100)* (Berlin and New York, 2008), pp. 337–40.

evidence is not unequivocal. Returning again to CCCC 190 (Elliot's *Coll. Wig. O*), we find that it incorporates an excerpt of Gregory's letter of August 603 to his *defensor* John, dispatching him to Byzantine Spain to intervene in a dispute over the dismissal of Januarius, bishop of Malaga (*Register*, xiii. 46).<sup>34</sup> This passage is not in John Hymmonides,<sup>35</sup> but the letter appears in full in the *R* collection of the *Register*. There, it comes at the head of a exceptional bundle of items with which the *defensor* armed himself as he left for *Spania*, including a formulaic diploma to issue once the case had been settled, and a weighty Roman Law dossier compiled from citations of the Justinianic Code, Novels and Digest.<sup>36</sup> What an English reader might have made of all this, we do not know, since CCCC 190 extracts only a few lines from the initial letter, reproducing Gregory's guidelines about what should be done with the bishop who had 'invaded' Januarius' see, together with the bishops who had performed the consecration or consented to it. For the English compiler, the importance of this letter appears to have centred around what these lines say about the possibility of episcopal excommunication and penance: the bishops' penalty is to go six months without communion of either kind, confined to a monastery, and with the hope of earlier reconciliation only in the danger of imminent death. If such an extract does reveal Wulfstan or his associates' access to the *Register*, then the use of *R* might not be wholly surprising: in mainland Europe, this was the most widely circulated of the three collections. Still: it may be noteworthy that the extract does not indicate the availability of the 'Cologne'-version of the *Register* (*C*), whose use as a canonical resource was, before the late eleventh century, restricted to clerics from north-east France and Lotharingia<sup>37</sup> – one might at least say that this *Collectio Wigorniensis* excerpt does not explicitly reveal influence from these zones. We cannot, however, even be quite sure that this quotation of this single missive to John the *defensor* guarantees familiarity with *R*. This particular letter presents something of a special case, since it was reproduced several times in its own right from the mid-ninth century: it appears, for example, in Hincmar of Laon's *Pittaciolus* of 869 (where it is one of the few items not otherwise drawn from Pseudo-Isidore),<sup>38</sup> and in the *Collectio Anselmo dedicata* (Milan, 882/96), whence it would

<sup>34</sup> *S. Gregorii Magni Registrum*, xiii. 46, vol. 2, pp. 1052–5 (JE 1912); CCCC 190, pp. 109–10; Elliot, 'Canon Law Collections', p. 1071.

<sup>35</sup> John cites a later section of the letter: *Sancti Gregorii magni uita a Ioanne*, iv. 28, cols 191–2.

<sup>36</sup> *S. Gregorii Magni Registrum*, xiii. 47–9, vol. 2, pp. 1056–64 (JE 1912–13).

<sup>37</sup> L. Fowler-Magerl, 'The Use of the Letters of Pope Gregory I in Northeastern France and Lorraine before 1100', in M. Ascheri et al. (eds), *Ins Wasser geworfen und Ozeane durchquert. Festschrift für Knut Wolfgang Nörr* (Cologne, 2003), pp. 237–60.

<sup>38</sup> *Die Streitschriften Hinkmars von Reims und Hinkmars von Laon, 869–871*, ed. R. Schieffer, *MGH Concilia IV Supplementum II* (Hanover, 2003), p. 95.

eventually become enshrined in the high medieval canonical tradition by Gratian.<sup>39</sup> That Wulfstan's circle knew those texts seems rather less probable than a knowledge of *R*. But the point remains that, with this letter, we cannot say with certainty that its isolated quotation attests to the availability of the wider *Register*. It may have been transmitted by other means.

That is as far as the evidence goes for citations of the *Register* in Anglo-Saxon England. With a single exception, to which we will turn presently, more substantial transcriptions from the *Register* only begin in the English manuscript tradition after the Norman Conquest.<sup>40</sup> Likewise, securely identifiable, direct citations from the *Register* only start from the second half of the eleventh century. This is true also of the *Collectio Wigorniensis* manuscripts discussed above, which include further citations from the *Register* – but only, however, in later hands. Here again CCC 190 is particularly interesting. At some point after this codex came from Worcester to the newly founded see of Exeter in the mid-eleventh century, a scribe added to one of its opening folios an excerpt from Gregory's letter to Januarius, bishop of Cagliari, forbidding the transfer of ecclesiastical property into secular ownership (*Register*, ix. 205, from *R*).<sup>41</sup> Elaine Drage identified this hand as belonging to Exeter Scribe 10, found elsewhere in manuscripts associated with the see c.1072.<sup>42</sup> Intriguingly, it is the very same scribe who inserted at the opening of Bishop Leofric of Exeter's pontifical (Oxford, Bodley 579) a copy of Leo IX's privilege establishing his see (1049/50). This privilege, and its accompanying narrative – also the work of the same scribe – is one of our earliest pieces of evidence for communications between the English churches and the 'reform papacy'. It is, moreover, the earliest reliably authentic papal privilege

<sup>39</sup> *Collectio Anselmo*: see *Clavis canonum: Selected Canon Law Collections Before 1140*, online at <https://data.mgh.de/ext/clavis/index.html> [accessed 22 September 2022] (DE02.319–20); there is no edition: Kéry, *Canonical Collections*, pp. 124–8. Gratian: C. 2 q. 1 c. 7: *Corpus iuris canonici*, ed. E. Friedberg, 2 vols (Leipzig, 1879–81), vol. 1, pp. 439–40.

<sup>40</sup> Gretsch, *Ælfric*, p. 48; Gneuss and Lapidge, *Anglo-Saxon Manuscripts*, p. 912. Note also that the *Quadripartitus*, a Rémois collection of 825/75, includes several decontextualized, short excerpts deriving from the *Register*: a copy survives in a tenth-century English penitential codex, Oxford, Bodleian Library, Bodley 718; those excerpts are not, however, cited in any extant Anglo-Saxon compositions or collections, and anyway do not indicate any familiarity with the *Register* on the part of the English copyists or readers: see further Elliot, 'Canon Law Collections', pp. 147–61, 729–808.

<sup>41</sup> *S. Gregorii Magni Registrum*, ix. 205, vol. 2, pp. 763–5 (JE 1731); CCC 190, p. xii; Elliot, 'Canon Law Collections', p. 1052; Gneuss and Lapidge, *Anglo-Saxon Manuscripts*, p. 71. See also the later additions to CCC 265, p. 198 (addition in s. xi<sup>2</sup> hand) (*S. Gregorii Magni Registrum*, iv. 11, vol. 1, pp. 228–30; JE 1282); and CCC 146 ('The Samson Pontifical'), p. 60 (addition in s. xi<sup>ex</sup>/xii<sup>th</sup> hand) (*S. Gregorii Magni Registrum*, i. 42, vol. 1, pp. 49–56; JE 1112).

<sup>42</sup> E.M. Drage, 'Bishop Leofric and Exeter Cathedral Chapter (1050–1072): A Reassessment of the Manuscript Evidence', D.Phil. thesis, University of Oxford (1978), pp. 162–7.

for England (excluding one letter of 960 concerning the pallium) from the post-Viking era.<sup>43</sup> Bishop Leofric's own background was Lotharingian, and the same may have been true of much of his community at Exeter.<sup>44</sup> That perhaps the first scribe in England to have certainly used the *Register* as a canonical resource did so only as late as the 1060s/70s – at a new bishopric whose history and personnel were not wholly English, and which was one of the first Anglo-Saxon institutions in centuries to be demonstrably invested in the legal protections of papal documents – does not seem insignificant.

### Reappropriation: 'A necessary admonition to those who sit in judgement'

The sole reproduction in Anglo-Saxon England of an extended passage known only from the Carolingian *Register* (again, collection *R*) is an addition to the back of a ninth-century Prudentius manuscript originally from Saint-Vaast, in a rough hand of c.1000, identified as English on account of its use of Insular abbreviations (Corpus Christi College 223). This codex had already been at an unidentified English location since the early tenth century, possibly an episcopal centre.<sup>45</sup> The passage derives from *Register* xi. 4, addressed to Leontius, honorary consul in Sicily (September 600).<sup>46</sup> While we cannot be certain that the scribe's exemplar came from a full volume of *R* (or perhaps an epitome, or a volume of only its later letters)<sup>47</sup> rather than an otherwise unknown indirect source, this passage of around five hundred words is nevertheless our best evidence for the *possible* availability of the *Register* in pre-Conquest England.

Even here, however, the use of this letter is not straightforward. In CCC 223 this passage is no longer presented as the correspondence of Gregory, becoming instead a different text altogether. In its original form, *Register* xi. 4 is a remarkable letter in which the pope delicately

<sup>43</sup> Oxford, Bodleian Library, Bodley 579, fol. 3v (this section Exeter, s. xi<sup>3/4</sup>); *The Leofric Missal*, ed. N. Orchard, 2 vols (London, 2002), vol. 2, pp. 4–5 (JL 4208); B. Savill, *England and the Papacy in the Early Middle Ages: Papal Privileges in European Perspective, c. 680–1073* (Oxford, 2023), pp. 84–103, 237–41.

<sup>44</sup> A. Bihrer, *Begegnungen zwischen dem ostfränkisch-deutschen Reich und England (850–1100). Kontakte–Konstellationen–Funktionalisierungen–Wirkungen* (Ostfildern, 2012), pp. 186–90.

<sup>45</sup> CCC 223, pp. 336–7. For a full description of the manuscript (s. ix<sup>3/4</sup> Saint-Vaast, prov. Saint-Bertin s. ix<sup>ex</sup>, prov. England s. x<sup>1</sup>), see G.R. Wieland, 'The Prudentius Manuscript CCC 223', *Manuscripta* 38 (1994), pp. 211–27 (English additions identified and discussed at pp. 213–21), with Gneuss and Lapidge, *Anglo-Saxon Manuscripts*, pp. 90–1.

<sup>46</sup> *S. Gregorii Magni Registrum*, xi. 4, vol. 2, pp. 862–5 (JE 1794); another part of the letter is cited in *Sancti Gregorii magni uita a Ioanne*, iii. 49, col. 156, but not the passage discussed here.

<sup>47</sup> *R* was usually transmitted as a two-volume collection (arranged chronologically, with vol. 2 beginning Sept. 598): Judic, 'Le registre', p. 512.

admonishes the consul, sent to Sicily by the Emperor Maurice to investigate fiscal corruption, following reports of his violent methods. Essentially the letter is about torture: that it is wrong to inflict it upon free citizens (here Gregory favourably compares Roman justice to that of the barbarian *gentes*); how, in restricting its use, one may please God (better, Gregory stresses, than pleasing the emperor); this being, however, supplemented by some musings on what one might call the late Roman version of the ‘Nuremberg defence’, with Gregory wavering on the problem as to whether or not imperial agents are wholly culpable for actions enacted on behalf of the *princeps*.<sup>48</sup> The document concerns secular procedure, and is only ‘ecclesiastical’ in the widest sense. All this context is thrown aside, however, in the CCCC 223 version of the letter, which extracts and lightly reworks its latter section, transforming it into something like a short sermon aimed at a *pastor*, urging him against exercising his fury in the pursuit of justice. All *dramatis personae* are airbrushed-out: a reference to the *serenissimus* emperor is reworded; Gregory’s authorship goes unacknowledged; the consul vanishes. It is less a letter of Gregory than a stand-alone text carved out of Gregory’s words.<sup>49</sup> Through a marginal note, it has something approximating a title: *Necessaria admonitio iudicantibus*. Since the text is catalogued as simply a fragment of the *Register*,<sup>50</sup> it has so far not attracted the attention of historians working on the currently fertile topics of late Anglo-Saxon law, episcopal office, *admonitio*, or the history of emotions. It should therefore prove worthwhile to reproduce it here.

### CCCC 223

(p. 336) <margin: [N]ecessaria admonitio / [iu]dicantibus> <sup>a</sup>In actione uob(is) co(m)missa gloriose pastor prius illu(m) habere studeas placatu(m) qu[i] conti]n(et) / om(ni)a ac deinde curiosissima sollicitudine subditoru(m) saluti sollerter inuig[iles] / <sup>b</sup>hominesq(ue) <superscript: eosque> p(ro)pt(er) iustitia(m) diligere . non aut(em) p(ro)pt(er) homines postponere<sup>b</sup> [sed qu]ia<sup>a</sup> / omnipotente d(e)o

<sup>48</sup> For Leontius see Markus, *Gregory*, pp. 90–1; J.P. Martindale, *The Prosopography of the Later Roman Empire. Volume III. A.D. 527–641* (Cambridge, 1992), s.v. ‘Leontius II’. On the problem of late Roman torture: J. Harries, *Law and Empire in Late Antiquity* (Cambridge, 1999), pp. 122 ff.

<sup>49</sup> Two helpful concepts for approaching this re-use of text, as developed elsewhere in the field, are those of *remploi* and *Umwidmung*: see S. Gioanni, ‘La *Vita Virgili* (BHL 8679): plagiat, réécriture ou remploi?’, in M. Goulet, M. Heinzlmann and C. Veyrard-Cosme (eds), *Éhagiographie mérovingienne à travers ses réécritures* (Ostfildern, 2010), pp. 125–59; C. Leyser, ‘Introduction: The Transformation of Law in the Late and Post-Roman World’, *EME* 27 (2019), pp. 5–11.

<sup>50</sup> Gneuss and Lapidge, *Anglo-Saxon Manuscripts*, p. 90.

largiente idonea est u(est)ra sapientia (et) rationes uigilant(er) ac subtilit(er) / exquirere (et) creatoris uob(is) iudiciu(m) per mansu(et) udine(m) placare . quotiens ira animu(m) / inuadit . mente(m) edoma . uince te ipsum . differ temp(us) furoris . Cum tranquill[a] / mens fuerit . quod plac(et) iudica . Ira eni(m) in uindicta mal(orum) . sequi debet ratio(nem) / animi non praecire . ut quasi ancilla iustitię postergu(m) ueniat (et) non lasciu[a] / ante facie(m) proru(m)pat . Aliquando uero ostendenda est (et) non exhibenda aliq[ua]ndo / exhibenda sed nunqua(m) sequenda . Quando enim in exsecutione iustitiae placata [m]ens<sup>c</sup> / irascit(ur) . iracundia(m) (et) non sequim(ur) (et) exhibem(us) . <*margin: [I]ra quae anima(m) p(er)t(ur)bat damnatur*> Ira eni(m) animu(m) perturbat . q(ua)nta / c(on)sideratione cauenda est . de qua scriptu(m) (est) Sit aute(m) [om]nis homo uelox ad audiendum / tard(us) aut(em) ad loquendu(m) (et) tard(us) ad iram . Ira eni(m) uiri iustitia(m) d(e)i non operat(ur) . Hinc / rursus<sup>d</sup> scriptu(m) (est) . Quis potest<sup>e</sup> habitare cu(m) homine cuius<sup>f</sup> facilis sp(iritus)<sup>f</sup> est ad irascendu(m) / (p. 337) Hinc iteru(m) dicit(ur) . Noli esse cu(m) homine iracundo neq(ue) ambules cu(m) uiro furioso . / ne forte discas semitas ei(us) (et) sumas scandalu(m) anime tuę . Contra hanc in laude / patientię scriptu(m) est . melior est qui uincit iram . qua(m) qui capit ciuitate(m) / magna(m) . Hinc d(au)id<sup>g</sup> in se persona(m)<sup>g</sup> infirmo(rum) sumeris . ait . Turbat(us) (est) pr(ae) ira / oculus meus <*added in top margin: Atque ex ipsa p(er)t(ur)batione q(ui)d sequat(ur) adiunxit . Inueteraui int(er) omnes inimicos meos*> Ex ira quippe cum turbat(us) fuerit ocul(us) cordis . inter inimicos / nostros ad uetustate(m) reducim(ur) quia int(er) malignos sp(iritu)s ad uetusti hominis simi/litudine(m) reuocam(ur) . Cu(m) igit(ur) ira(m) quę cor permouet sacra eloquia tot testi/moniis detestent(ur) . p(er)pendam(us) qua intentione debeam(us)<sup>h</sup> hoc uitium fugere . q(uo)d / d(e)o iudice in testimonio illius totiens reprobat(ur) . <*margin: Optima discretio irascendi*> Alia q(uo)q(ue) occurrit opinio / q(ua) alii p(ro) aliis grauam(ur) . (et) quibusda(m) quę ex principali iussione expensa sunt mi/nime reputant(ur) . Quod si uerum sit nescio . Si tamen est . hoc omnino facere / (et) pri<sup>i</sup> timore a (et)erni iudicii . (et) pro ipsius humane considerationis ratione / minime deb(et)is . Ecce gloriose . p(astor)<sup>j</sup> . amore d(e)i tuoq(ue) p(ro)uocat<sup>k</sup> . cuncta quę sensi / cuncta quae audiui breuit(er) indicaui . Sapientis aut(em) uiri est (et) breuit(er) audita / latius pensare . (et) quae<sup>l</sup> d(e)o displicent in celeritate corrigere om(ni)p(ote)ns d(e)us cae/lestis uos gratiae p(ro)tectione circumd(et) . ut hic uos (et) a prauis act(i)bus . (Et) a per/uersis hominib(us) tueat(ur) . (et) apud se postmodu(m) in a (eter)na patria pia remunerati/one la(et)ific(et) .

**Variants in *Registrum*, xi. 4:**

*a . . . a:* Ita ergo age, gloriose fili, ut in actione commissa prius illum habeas placatum, qui continet omnia, ac deinde serenissimi principis utilitatem cum omni sollicitudine impleas. Nam et in eius actione, a quo tibi commissa est, esse neglegentem non sine peccato existimo. Sed quia

*b . . . b:* [*inserted out of sequence: in Registrum this appears in an immediately preceding section of the letter*] quia ego homines propter iustitiam diligo, non autem iustitiam propter homines postpono.

*c:* mente

*d:* rursum [*but Norberg's MS R1 also reads rursus*]

*e:* potens [*but Norberg's MSS e3 and e4 also read potest*]

*f . . . f:* spiritus facilis

*g . . . g:* personam in se

*h:* debemus

*i:* pro

*j:* fili

*k:* prouocatus

*l:* quaeque

**Translation**

***A necessary admonition to those who sit in judgement.*** In the case entrusted to you, glorious pastor, you should first strive to please Him who maintains all things, and then, with a most painstaking solicitude, keep close watch over the well-being of those set under you [*a couple of words are lost through MS damage*] . . . and love men for the sake of justice, rather than neglect justice for the sake of men. But since, through the generosity of God Almighty, you have sufficient wisdom not only to enquire vigilantly and subtly into causes, but also to appease through your clemency the Judgement of the Creator, then whenever anger enters your heart, you must tame your mind, conquer yourself, and hold back the moment of fury. With a composed mind, you may then judge as is fitting. For in the prosecution of the wicked, anger ought to follow the rational soul, not take the lead: like a handmaid, it ought to follow behind the back of Justice, not wantonly rush in before her face. Sometimes, it should be threatened, but not used; others, it should be used, but never followed. For when, in the execution of justice, a peaceful mind becomes angry, we exhibit wrath, but we do not follow it. ***Anger, which disturbs the soul, is condemned.*** For anger disturbs the soul, and one must guard against this with such great

consideration. On which it is written: 'Let every man be swift to hear, slow to speak, slow to wrath; for the wrath of man worketh not the justice of God' (*James I.19–20*). And now here it is written: 'Who is able to live with a man, whose spirit is easily angered?' (*Proverbs XVIII.14*). And here again it is said: 'Be not with an angry man; and with a furious man thou shalt not go: lest thou learn his ways, and get a snare to thy soul' (*Proverbs XXII.24–5*). Against which, in praise of patience it is written: 'Better is he that ruleth his spirit than he that taketh a city' (*Proverbs XVI.32*). And here David, taking on the persona of the sick, says: 'Mine eye is consumed because of anger', to which he adds the following about that disorder: 'I have grown old amongst all mine enemies' (*Psalms VI.7*). For truly, when anger disturbs the mind's eye, we are reduced to old age amongst our enemies, because amongst evil spirits we are brought back to the semblance of an elderly man. Since, therefore, Holy Writ condemns with so many witnesses this anger which incites the heart, let us consider the fervour with which we should flee from this sin, which God the Judge has condemned so often by his testimony. ***That one should have foremost discretion when becoming angry.*** There is also another opinion: that, because some are burdened on behalf of others, and by those things which are determined on the order of the *princeps*, then they ought not to be held culpable. I do not know if this is true. Yet if this is so, you should nevertheless absolutely not proceed in such a way – both out of fear of the Eternal Judge, and by reason of human consideration. Behold, glorious pastor! Summoned by my love for God and yourself, I have given evidence on all that I have experienced, all that I have heard. For it befits the wise man to think more broadly on what he has heard briefly, and to correct in haste those things displeasing to God. May God Almighty surround you with the protection of his heavenly grace, defending you from depraved acts and perverse men; and may you rejoice hereafter in the pious reward of the eternal fatherland.

So rough is the presentation of this text on the back folios of CCCC 223 that it is impossible to reconstruct the intentions of the scribe, or the setting within which he or she wrote. We cannot even be sure if this is an original adaptation of Gregory's letter, or a copy of an earlier reworking; if the latter, the question of whether that original reworking was undertaken in England or on the Continent is likewise not easily answerable. The dating of this English transcription to c.1000 does, however, have some significance in light of what else we know of contemporary discourses about Anglo-Saxon legal procedure. There was



an audience for admonitory literature directed at judges around this time. The witnesses to our single extant Old English ‘mirror for judges’, the so-called *Iudex*, date to these years. In fact, *Iudex* – also addressing at one point the necessity of resisting anger when making judgements – is essentially an uncredited vernacularization of a passage of Alcuin’s *On Virtues and Vices*: that is, an anonymized re-employment of eighth-century material, analogous to CCCC 223.<sup>51</sup> Where the *Necessaria admonitio* goes beyond *Iudex* and offers something unique is in its address to a *gloriosus pastor* (a tiny but crucial divergence from Gregory’s composition, for a *gloriosus filius*). This probably meant an episcopal addressee. If so, the *Necessaria admonitio* may add further colour to our evidence of concerns about the role of bishops in the administration of justice in late Anglo-Saxon England. Bishops appear to have become more routinely involved in secular judgements in the English kingdom since at least the reign of Edgar (957/9–975). By the turn of the century, the writings of Wulfstan and Ælfric, supplemented by some gruesome scenes in contemporary *Vitae*, betray real anxieties about the suitability of episcopal involvement in judgements which might result in corporal punishment, bloodshed, mutilation, or loss of life.<sup>52</sup> There is a chance that CCCC 223 provides a fragmentary witness to a further intervention in this millennial debate: an *admonitio* (from one bishop to another? Or ‘upwards’ by a cleric of lower rank?) urging episcopal clemency and coolness of mind when acting as a judge, and warning against the excuse that one ‘ought not to be held culpable’ for cruel acts undertaken ‘on the order of the *princeps*’.

What such a short, decontextualized passage as this cannot reveal, however, is any sustained engagement with the corpus of the *Register* – least of all its argument for the scope of papal authority across a Continental Latin church. Nor can it reveal its richness as a resource for legal precedent. The treatment of the same letter in two manuscripts of the *Register*, both annotated in the archdiocese of Sens

<sup>51</sup> *Eine Altenglische Übersetzung von Alcuins De Virtutibus et vitiis, Kap. 20 (Liebermanns Iudex). Untersuchungen und Textausgabe*, ed. R. Torkar (Munich, 1981): Torkar is inconclusive about whether *Iudex* was composed in the ninth or tenth century, but – like the *Admonitio* – its earliest witnesses are c.1000, thereby at least giving us a date for its use. P. Wormald, *The Making of the English Law: King Alfred to the Tenth Century, I. Legislation and its Limits* (Oxford and Malden, 1999), pp. 382–3, believed there was ‘a case’ for dating its composition to the reign of Edgar, due to the interest in ‘judicial misbehaviour’ that it shared with his Andover law code.

<sup>52</sup> See esp. N. Marafioti, ‘Secular and Ecclesiastical Justice in Late Anglo-Saxon England’, *Speculum* 94 (2019), pp. 774–805; H.F. Forbes, *Heaven and Earth in Anglo-Saxon England: Theology and Society in an Age of Faith* (Farnham, 2013), pp. 129–200; for comparable Carolingian anxieties, see P.J. Geary, ‘Judicial Violence and Torture in the Carolingian Empire’, in R. Mazo Karras, J. Kaye and E.A. Matter (eds), *Law and the Illicit in Medieval Europe* (Philadelphia, 2008), pp. 79–88.

in the tenth century (now Bibliothèque nationale de France, Lat. 2278 and 2280) provide interesting, more-or-less contemporary *comparanda*. Lat. 2280's annotations mark out Gregory's rebuke to the consul for what it has to say about the distinctions between the loss of property versus loss of liberty (*Quod substantia cedenda sit non libertas*), or between the justice exercised by Roman imperial rather than 'barbarian' rulers (*Quod inter reges gentium distat et romanorum imperatorem*).<sup>53</sup> Lat. 2278 includes a similar annotation concerning the first of these points.<sup>54</sup> Such notes were probably not jotted down out of mere antiquarian interest. The canonical writings of Abbo of Fleury, produced in this same province in the late tenth century (with one extant treatise, moreover, sharing a close manuscript tradition to Lat. 2280), heavily incorporate *R*. They incidentally touch upon, *inter alia*, such themes as liberty and property, and the relationship between imperial and royal rulings.<sup>55</sup> Lat. 2278 was probably Abbo's own manuscript: the annotations, which throughout the codex hit upon topics found in his canonical writings, may be in his hand.<sup>56</sup> Scholars have shown how Abbo may have taken to Rome a *Register*-based dossier which he used to petition, and in turn draft, a new (and ultimately influential) papal privilege for the *substantia* and *libertas* of his monastery.<sup>57</sup> These manuscripts therefore offer a reminder of how readings of Gregory's *Register* around the year 1000 might help frame present-day interactions with the papacy, and perhaps even influence the composition of fresh papal rulings. CCCC 223 does not refute the possibility that Abbo's English contemporaries thought of the *Register* as having that same potentiality, but it provides no evidence to support it either. Indeed, by boiling down *Register* xi. 4 to the form it takes in the *Necessaria admonitio*, CCCC 223 presents a version of

<sup>53</sup> Paris, BnF, Lat. 2280, fols 78–9.

<sup>54</sup> Paris, BnF, Lat. 2278, fol. 68.

<sup>55</sup> *Sancti Abbonis Floriacensis abbatis Collectio Canonum*, PL 139, cols 473–508; *Epistola XIV*, *ibid.*, cols 440–60 (Kéry, *Canonical Collections*, pp. 199–201). For Abbo's use of the *Register*, see M. Mostert, *The Political Theology of Abbo of Fleury: A Study of Ideas about Society and Law of the Tenth-Century Monastic Reform Movement* (Hilversum, 1987), pp. 71–5. Abbo's *Epistola XIV* is now only known through London, British Library, Add. 10972, an s. xi<sup>th</sup> codex probably from Fleury, acquired in the sixteenth century by Pierre Pithou: F. Roumy, 'Une collection canonique méconnue: l'*Epistola XIV* d'Abbon de Fleury', in P. Erdő and Sz.A. Szurómi (eds), *Proceedings of the Thirteenth International Congress of Medieval Canon Law. Esztergom, 2–8 August 2008* (Vatican City, 2010), pp. 207–26; Lat. 2280 (s. x, origin unknown, prov. Auxerre) is from the same Pithou collection: F. Bibolet, '*Bibliotheca Pithoeana*. Les manuscrits des Pithou: une histoire de fraternité et d'amitié', in D. Nebbiai-Dalla Guarda and J.-F. Genest (eds), *Du copiste au collectionneur. Mélanges d'histoire des textes et des bibliothèques en l'honneur d'André Verret* (Turnhout, 1998), pp. 497–522.

<sup>56</sup> M. Mostert, *The Library of Fleury: A Provisional List of Manuscripts* (Hilversum, 1989), p. 202; this manuscript covered the second half of *R*: its companion first volume also survives as Paris, BnF, Lat. 11674 (*ibid.*, p. 229).

<sup>57</sup> Mostert, *Political Theology*, pp. 55–9, 66–75; L. Roach, *Forgery and Memory at the End of the First Millennium* (Princeton, 2021), pp. 173 ff.

Gregory that comes closest to that found in the *Moralia in Iob* (in its famous section on the seven deadly sins, anger among them) or the *Regula pastoralis* (in its guidelines on varying modes of admonition, and the need to temper wrath in rebuke).<sup>58</sup> But as an example of Gregorian correspondence or papal rule-making, it is almost unrecognizable.

### Implications

To summarize. For all the enthusiasm of the early medieval English towards the commemoration of Gregory the Great as their patron saint or ‘apostle’, and in his huge corpus of writings as the pre-eminent church Father, the evidence for the reception of his collected *Register* in England before the mid-eleventh century is negligible. Before c.1000, it is non-existent. Even from that date, we cannot say with certainty that English libraries had access to full volumes or epitomes of the Carolingian *Register*, as opposed to dispersed texts in other sources. Wulfstan and his circle at Worcester apparently knew two or three Gregorian letters from John Hymmonides’ *Life of Gregory* (never, it seems, in England an influential account of the pope’s life) but their use of these passages was piecemeal, inconsistent between the recensions of their *Collectio*, and not echoed in Wulfstan’s own writings.<sup>59</sup> Only two further excerpts point to the availability of *R* (or more precisely, its second volume) in England, c.1000, but their isolation means that even these may be copies of individual items transmitted independently; the longer of the two is, moreover, reworked and not attributed to Gregory. In the meantime, later Anglo-Saxon adaptations of Bede’s account of Gregory had edited out the pope’s correspondence. Solid evidence for the availability of the *Register* only begins from the post-Conquest period, although it is possible that some of the Anglo-Lotharingians prominent in the English church hierarchy in the 1040s–60s knew and used the corpus.

This may look like an overly negative summation of evidence. But the contrast with late and post-Carolingian Europe is significant, and there are constructive points to make. If recent scholarship is correct that Gregory’s *Register* played a critical role in constructing a post-imperial, European identity across the fragmented polities of the former Carolingian *regna*, then the unusual absence of evidence that the (otherwise avowedly pro-Gregorian) English engaged with this corpus

<sup>58</sup> *Moralia in Iob*, i. 53, v. 78–83, xxxi. 87–90, vol. 1, pp. 53, 275–80, vol. 3, 1610–12; *Règle Pastorale*, ii. 6, 9–10, iii. 1–40, vol. 1, pp. 202–19, 236–53, vol. 2, pp. 262 ff.; *Old English Pastoral Care*, cc. 17, 20–21, 23–64, pp. 116–35 157–77, 184 ff.

<sup>59</sup> For occasions where Wulfstan did recycle other materials: Sauer, ‘Transmission’, pp. 368–70.

of texts before the mid to late eleventh century is surely not insignificant. Likewise, if it is true that the availability of the *Register* opened up across the ninth to eleventh centuries the idea of a still-expanding corpus of pope-centred canon law, thereby encouraging further collections of papal letters, further documentary exchanges with the contemporary papacy, and indeed an increasing number of forgeries – then again, the lack of demonstrable, pre-Conquest English interest in Gregory's correspondence may well hint at a wider divergence in later Anglo-Saxon ecclesiastical culture. The extraordinary vision of an interconnected continent that unfolded before the eyes of any long-tenth-century reader flicking through the hundreds of letters of *R*, *C* and *P* may have only rarely come within the sights of the later Anglo-Saxon clergy. For them, Gregory could have remained a figure more essentially patristic and, in their own instance, apostolic – not, that is, what many in the post-Carolingian world may have increasingly recognized as Gregory the administrator, Gregory the networker, Gregory the lawyer, Gregory the *pope*.

These contrasts appear to be borne out in the wider body of long-tenth-century evidence on these themes. First: the corpus of Latin canon law. In his important survey of 2013, Michael Elliot laid out the evidence for a more thoroughgoing reception of late antique and earlier Carolingian canon law in England than had hitherto been acknowledged. This came, however, with an added, flip-side observation: that one sees very little sign of English receptivity to the new wave of late and post-Carolingian canon law collections of the mid-ninth century onwards. For the most part, the canon law of the new kingdom of the English was hyper-conservative, indeed patristic – rooted, even more than elsewhere, in the world of the late antique councils, and of the popes who had lived in the days of Ambrose, Augustine and Jerome. Scholars have long recognized that the hugely influential (and assertively papal-centric) Pseudo-Isidore collection had little to no reception in pre-Conquest England. This now looks to be just one example of a more pervasive lack of enthusiasm for new collections.<sup>60</sup> From the ninth century we can also see Carolingian scholars compiling the correspondence of more contemporary popes, especially from Leo IV (847–55) to Stephen V (885–91). At least some of these more recent papal letters were understood to have general legal validity, making it into new collections of Rome-orientated canon law.<sup>61</sup> Again, there is no sign of comparable

<sup>60</sup> Elliot, 'Canon Law Collections', esp. pp. 278–80. Pseudo-Isidore: Jasper and Fuhrmann, *Papal Letters*, p. 183; as with Gregory's *Register*, the evidence for the use of Pseudo-Isidore in England only picks up after the Norman Conquest: Z.N. Brooke, *The English Church and the Papacy from the Conquest to the Reign of John* (Cambridge, 1931), pp. 57–83.

<sup>61</sup> Jasper and Fuhrmann, *Papal Letters*, pp. 102–31.

activity in England. The apparent relative lack of interest in, and/or availability of, the Gregorian corpus of letters in later Anglo-Saxon England would seem to fall into this wider pattern.

Second, we may also observe a significant contrast between the long-tenth-century evidence for the successful petitioning and archiving (and in turn, forging) of papal privileges by ecclesiastics in the late and post-Carolingian *regna*, and that of their counterparts in the emergent Cerdicing kingdom of the English. Much simplified: in the Carolingian world from *c.*850, papal privileges increased exponentially in number, beginning a trend which would keep up its momentum right into the age of the mid-eleventh-century papal reform. In England, by contrast, the figure of reliably authentic privileges brought to England *drops* with the rise of West Saxon hegemony, only suddenly picking up momentum again from *c.*1050 (as we have already seen recorded at Anglo-Lotharingian Exeter).<sup>62</sup> This is not to say that there were no important interactions between Cerdicing England and papal Rome. As a number of publications have shown, we have a great deal of evidence for such contacts.<sup>63</sup> Yet these pilgrimages, monetary gifts and pallium expeditions were different in nature, and for the most part did not involve the implementation of *in perpetuum* papal legal interventions in English church and society.<sup>64</sup> Direct causal links between these tendencies and an interest in the Gregorian *Register* are difficult to

<sup>62</sup> L. Santifaller, *Liber Diurnus: Studien und Forschungen*, ed. H. Zimmermann (Stuttgart, 1976), pp. 93 ff.; *Papsturkunden 896–1046*, ed. H. Zimmermann, 3 vols (Vienna, 1984–9); J. Johrendt, *Papsttum und Landeskirchen im Spiegel der päpstlichen Urkunden (896–1046)* (Hanover, 2004); for England see above, n. 43.

<sup>63</sup> More recently: J. Story, *Carolingian Connections: Anglo-Saxon England and Carolingian Francia, c. 750–870* (Aldershot, 2003), pp. 213ff.; F. Tinti, ‘England and the Papacy in the Tenth Century’, in D. Rollason, C. Leyser and H. Williams (eds), *England and the Continent in the Tenth Century: Studies in Honour of Wilhelm Levison (1876–1947)* (Turnhout, 2010), pp. 163–84; *eadem* (ed.), *England and Rome in the Early Middle Ages: Pilgrimage, Art and Politics* (Turnhout, 2014); *eadem*, ‘The English Presence in Rome in the Later Anglo-Saxon Period: Change or Continuity?’, in S. DeGregorio and P. Kershaw (eds), *Cities, Saints and Communities in Early Medieval Europe: Essays in Honour of Alan Thacker* (Turnhout, 2020), pp. 345–73; R. Naismith and *eadem*, *The Forum Hoard of Anglo-Saxon Coins. Il ripostiglio dell’Atrium Vestae nel Foro Romano* (Rome, 2016); *isidem*, ‘The Origins of Peter’s Pence’, *English Historical Review* 134 (2019), pp. 521–52.

<sup>64</sup> Between the 810s and 1040s we only have reliable evidence for the acquisition of pallium privileges in England: these were granted to archbishops visiting Rome on embassy-pilgrimages and privileged only the archbishops as individuals, not their institutions; unlike other privileges, the grants were not made *in perpetuum*, their validity expiring upon the recipient’s death. Only one survives for England before the mid-eleventh century: *Papsturkunden*, no. 149 (JL 3687); see further Tinti, ‘England and the Papacy’, pp. 172–3. Another privilege, purportedly for the Old Minster Winchester (965/72?) is an unreliable text, and very possibly a twelfth-century forgery: *Papsturkunden*, no. 212 (JL 3573); J. Barrow, ‘English Cathedral Communities and Reform in the Late Tenth and the Eleventh Centuries’, in D. Rollason, M. Harvey and M. Prestwich (eds), *Anglo-Norman Durham 1093–1193* (Woodbridge, 1994), pp. 25–39, at pp. 37–8; B. Savill, *England and the Papacy*, pp. 83–90, 198–217 (but cf. Tinti, ‘England and the Papacy’, pp. 175–7).

reconstruct, although it is worth noting that *R* included exemplars of several such papal privileges, and, as has been shown elsewhere in the case of Abbo, it could serve as a resource for new petitions.<sup>65</sup> But even if we put the question of causality to one side, we might still detect here a bigger pattern. In the English kingdom, a long-tenth-century drop in engagement with contemporary papal documentary culture mirrored the polity's apparently muted enthusiasm for collections of papal letters and canons dating from Gregory I onwards. In both instances, this looks like a real departure from developments taking place in much of the late and post-Carolingian world.

It is true that arguments *about* silence can sometimes run the danger of becoming arguments *from* silence. Yet by the standards of the English pre-Conquest period at large, the tenth and earlier eleventh centuries are not poorly documented. Divergences in evidence between the Anglo-Saxon churches and their post-Carolingian counterparts need to be taken seriously, especially when they concern the memory of the pope celebrated as the 'apostle of the English', or the reception of a corpus of letters recently argued to have played a pivotal role in the 'making of Europe'. A later Anglo-Saxon lack of engagement with Gregory's *Register*, and with it the blueprint it laid out for an interconnected, trans-regnal Continental church, may well hint at wider differences in the intellectual world of the crystallising *regnum Anglorum*, its interests and priorities developing along lines distinct from those of many in the continental church hierarchy. Addressing the political structures of the realm in his *Formation of the English Kingdom*, George Molyneaux argued persuasively for the discarding of older typologies that have categorized the Cerdicing state as essentially 'Carolingian' or even 'post-Carolingian', highlighting the peculiarities that indicate the realm's transformation along its own, quite different path.<sup>66</sup> To these peculiarities we might now add the small, but not insignificant matter of later Anglo-Saxon attitudes to the Gregorian corpus, and with it, broader developments in canon law and the role of contemporary papal documentary culture. From what little we can discern of its approach to the papal past and present – and maybe even its possible futures – the pre-c.1050 *regnum Anglorum* does not look especially 'post-Carolingian' in character.

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<sup>65</sup> *S. Gregorii Magni Registrum*, vii. 12, ix. 217, xiii. 9–11, vol. 1, pp. 461–2, vol. 2, pp. 780–1, 1004–11 (JE 1457, 1745, 1875–7); for Abbo, see above, nn. 55–7.

<sup>66</sup> G. Molyneaux, *The Formation of the English Kingdom in the Tenth Century* (Oxford, 2015), pp. 237–45, citing in particular the decision to include S. Keynes, 'England, 900–1016', in T. Reuter (ed.), *The New Cambridge Medieval History, III c. 900–c. 1024* (Cambridge, 1999), pp. 456–84, within the 'Post-Carolingian Europe' rather than 'Non-Carolingian Europe' division of that volume.