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Mutating Monsters: Approaches to "Living Texts" of the Carolingian Era

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Abstract
Scholars of pre-modern legal history face interesting problems with the interpretation of their materials because the ideal of fixed written laws is compromised by the variability in handwritten transcription of the texts. The variability may lead to inadvertently peculiar readings of the law in specific instances, or may have resulted from deliberate manipulation of the texts to adapt them to particular interests or circumstances. While such textual evolution occurs in many professional fields (medicine, music, liturgy, etc.), it raises especially interesting questions in the field of legal studies because of the implications for the authority of the text and the threshold of "forgery." This paper investigates new methods for assessing the relationship between "standard" versions of legal texts and the degree and frequency of alteration in manuscript witnesses, using the Carolingian Canon Law project as one possible model for using a digital environment to study the histories of "living texts", that is, texts that potentially mutate in each manuscript representation.

Keywords
Carolingian Legal Manuscripts, Collectio Dionysio-Hadriana, Early Medieval Law

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Mutating Monsters: Approaches to "Living Texts" of the Carolingian Era

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Few early medieval canon law collections have been mythologised as extensively as the *Collectio Dionysio-Hadriana* (hereafter to be called the *Hadriana*). Indeed, it is perhaps the only canon law collection before Gratian's *Decretum* to have such fame that it is mentioned in books written for general readers.[1] Its value in the narrative of medieval history is that it serves as an emblem for large governmental changes made by Charlemagne. It has been taken to represent, first, the emperor's commitment to legal reform; second, his vision of Christian law as a tool for implementing cultural and religious reform; and, third, a new synthesis of papal authority and imperial guardianship in the construction of law. The *Hadriana* has been assigned a quite precise date of delivery, if not of composition, because of a prefatory poem that seems to indicate that it was bestowed as a gift from pope Hadrian I to Charlemagne.[2] Using the poem, historians have concluded that it must have been sent in 774, when the pope appealed to Charlemagne for protection against the encroaching Lombards, whom Charlemagne therefore dutifully conquered. An embellishment to the story is that the *Hadriana* was delivered in response to a request from Charlemagne for an authoritative collection that he could promulgate in his realms as part of a

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1. Janet L. Nelson, "Charlemagne the Man," in *Charlemagne: Empire and Society*, ed. Joanna Story (Manchester ; New York: Manchester University Press, 2005), 30: "Probably at some point during these crowded days [of the 774 visit to Rome] Hadrian presented Charlemagne with a copy of the just-revised classic canon law book of the sxith-century Dionysius Exiguus, hence called the Dionysio-Hadriana: a gift that would resonate in the Admonitio Generalis of 789". Judith Herrin, *The Formation of Christendom* (Princeton, N.J.: Princeton University Press, 1987), 432: "A further stimulus to ecclesiastical discipline was provided by pope Hadrian's gift of a collection of canon law, the so-called Dionysio-Hadriana, handed over to Charles in Rome in 774." Similarly, Donald F. Logan, *A History of the Church in the Middle Ages* (London ; New York: Routledge, 2002), 76, 360.

2. The poem was printed in Friedrich Maaßen, *Geschichte der Quellen und der Literatur des canonischen Rechts im Abendlande, erster Band: Die Rechtsammlungen bis zur Mitte des 9. Jahrhunderts* (Graz: Leuschner und Lubensky; repr. Akademische Druck, 1870), 965–67, and also with an apparatus criticus by Ernst Dümmler, ed., *Poetae Latini Aevi Carolini I*, Poetae Latini Medii Aevi, Antiquitates, Monumenta Germaniae Historica (Berlin: Weidmann, 1881), 90–91.

policy of reform, to counteract the legal disarray in his kingdoms.[3] By supplying a standard "code", it is stated, Charlemagne attempted to supplant the numerous and varied texts that modern scholars have understood to represent a chaotic, rather than rich, legal environment in ninth-century Europe.

Scholars have been somewhat puzzled that although the *Hadriana* is said to have been introduced into the Frankish kingdoms in 774, most manuscripts are of the mid-ninth century or later.[4] They have, however, taken comfort in the claim that Charlemagne drew upon the *Hadriana* when in 789 he compiled the monumental royal capitulary known as the *Admonitio Generalis*, which set forth a wide range of prescriptions for the conduct of life for both ecclesiastical personnel and the laity.[5] If still bothered by the continuing use and production of **other** works of canon law after 774 (or 789), scholars opine that Charlemagne's reforms did take a little time to implement.[6]

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3. Alessandro Barbero, *Charlemagne: Father of a Continent*, trans. Allan Cameron (Berkeley: University of California Press, 2004), 224 "The collection of canon law known as the Dionysio-Hadriana, which Pope Adrian had produced for Charles fifteen years before, was to constitute the main part of the text issued in 789. These regulations established over the centuries by a wide variety of popes and councils were gathered together under the direction of the papal court at the king's request." Rosamond McKitterick, *Charlemagne: The Formation of a European Identity* (Cambridge: Cambridge University Press, 2008), 369: "Similarly, versions of other books for the mass, the homiliary, hymnary, secular laws, and canon law, appear to have been produced or procured on the prompting of the king. Further, 'authentic' versions of texts, such as the Rule of Benedict or the *Dionysio-Hadriana* collection of canon law, were recommended." To the best of my knowledge, there is no record of such a request for an 'authentic' collection of canon law, or for its recommendation, from Charlemagne. McKitterick, *Charlemagne*, 308 also refers to "the royally approved *Dionysio-Hadriana* collection". The notion of royal recommendation or approval is usually based upon an overly constricted reading of a sentence in an account in the Annals of Lorsch (no other record exists) of a council at Aachen in 802: "Et mense Octimbrio congregavit [scil. Karolus imperator] universalem symodum in iam nominato loco et ibi fecit episcopos cum presbyteris seu diaconibus relegi universos canones, quas sancta synodus recepit, et decreta pontificum et pleniter iussit eos tradi coram omnibus episcopis, presbyteris, et diaconibus." Although the text refers only to types of canonistic material (conciliar decrees and papal decretals), and not to any particular codex or collection, or even to any particular selection, the MGH editors supplied the note, "De collectione quae dicitur Dionysio-Hadriana pro iuris norma recepta cf Maassen..." Albert Werminghoff, ed., *Concilia Aevi Karolini [742–842] Teil I*, Concilia, 2.1, Monumenta Germaniae Historica (Hannover: Hahn, 1906 (repr. 1997)), 230.
4. For a register of the manuscripts at present identified as containing the *Hadriana*, see Lotte Kéry, *Canonical Collections of the Early Middle Ages (Ca. 400–1140): A Bibliographical Guide to Manuscripts and Literature* (Washington, D.C.: The Catholic University of America Press, 1999), 13–18.
5. Cf., e.g., McKitterick, *Charlemagne*, 239–40. A new edition of the *Admonitio Generalis* is at present in preparation for publication by the Monumenta Germaniae Historica; at present, the existing edition is that of Alfred Boretius, "[Admonitio Generalis]," in *Capitularia Regum Francorum I*, Leges, Monumenta Germaniae Historica (Hannover: Hahn, 1883), 52–62.
6. Rosamond McKitterick, "Knowledge of Canon Law in the Frankish Kingdoms Before 789: The Manuscript Evidence," *Journal of Theological Studies* n.s. 36 (1985 (repr. 1994)): 97–117; more generally on the implementation of legal reforms in the Carolingian empire: Ennio Cortese, "Nostalgie di romanità: leggi e legislatori nell'alto Medioevo barbarico," in *Ideologie e pratiche del reimpiego nell'Alto Medioevo*, Settimane di studio del centro italiano di studi sull'Alto Medioevo, 46 (1999), 485–510; Steffen Patzold, "Die Veränderung frühmittelalterlichen Rechts im Spiegel der 'Leges'-Reformen Karls des Großen und Ludwigs des Frommen," in *Rechtsveränderung im politischen und sozialen Kontext*

Today I would like to begin to question that narrative. I shall propose that both the date and the historical context for the alleged introduction of the *Hadriana* into the Carolingian realms are problematic. And, in keeping with the theme of the symposium, I shall urge that we return to the manuscripts, which seem to tell a rather different story than the one we have somewhat thoughtlessly allowed to prevail.

The *Hadriana*, it will be recalled, is a slightly enlarged recension of collections compiled in Rome in the sixth century by Dionysius Exiguus, compilations usually cited collectively in scholarly literature as "the *Collectio Dionysiana*". The *Hadriana* places in a simple sequence two collections made by Dionysius: the first is a collection of conciliar decrees arranged in chronological order, and the second, a collection of papal decretals arranged in chronological order. To these, the *Hadriana* adds, albeit inconsistently, supplementary material. The great canon law scholar Friedrich Maaßen strove to identify features that might distinguish the *Hadriana* from the *Dionysiana*. He noted that in some manuscripts, there are what we might consider reader's tools*: tabula titulorum*, prefatory information and historical data.[7] The ideal (Platonic) form of the *Hadriana* is also distinguished from its Dionysian foundation by the addition of creeds, some decretals (from popes Zosimus, Leo, Hilary, Simplicius, Felix, Symmachus, Hormisdas) and 27 chapters from the Roman synod of 721 held under Gregory II.[8] But Maaßen's efforts to define the *Hadriana* were hampered by the unpredictable appearance of those features, which vary from manuscript to manuscript.[9] Further complicating the description of the *Hadriana* as a distinct text is the fact that the features that should have been unique to the *Hadriana* also appear in other modified versions of the *Dionysiana*.[10] In other words, there is a fluctuating and inconsistent set of possible modifications in the manuscripts that obscures clear differentiation between the *Hadriana* and the *Dionysiana.*

Let me return to the grand narrative and to the first pillar in the dating of the *Hadriana*, namely the putative use of the *Collectio Hadriana* in Charlemagne's *Admonitio Generalis*. The *Admonitio* has been an important element in the story of canon law and Carolingian reform because it served two purposes. Firstly, it appeared to confirm that the *Hadriana* had indeed been given to Charlemagne in 774 because it showed that the *Hadriana* was in royal use in 789, the generally accepted date for the composition of the *Admonitio Generalis*. Secondly, it showed

mittelalterlicher Rechtsvielfalt, ed. Stefan Esders and Christine Reinle, Neue Aspekte der europäischen Mittelalterforschung, 5 (Münster: LIT Verlag, 2005), 63–99.

7. Maaßen, *Geschichte*, 444–52.

8. ibid. On the synod of 721, see Wilfried Hartmann, *Die Synoden der Karolingerzeit im Frankenreich und in Italien*, Konziliengeschichte. (Paderborn: F. Schöningh, 1989), 38–40.

9. There is at present no modern critical edition of the *Dionysio-Hadriana*. A sequence of early modern imprints, listed by Maaßen (p. 444) followed the 1525 publication of [Johannes] [Cochlaeus, *Canones Apostolorvm. Vetervm Conciliorvm Constitvtiones. Decreta Pontificvm Antiqviora. De Primatv Romanæ Ecclesiæ. Ex Tribus Uetustiss. Exemplaribus Transcripta Omnia, Quorum Catalogum Proxima Pagina Indicat* (Mogvntiae [impressvm in aedibvs Ioan. Schoeffer, 1525). Images of C.H. Turner's copy of this work and searchable transcriptions of its content are available on the Carolingian Canon Law website: http://ccl.rch.uky.edu, on which transcriptions of Carolingian manuscripts are also accruing. Maaßen's reports of the features of the *Hadriana* are frequently qualified by comments such as, "Diese Dedication ist später in den meisten Handschrfiten fortgelassen"; "In einzelnen Exemplaren findet sich nur [variant reading]"; "In einzelnen Handschriften fehlt er ganz"; "[feature] is nur in wenigen Exemplaren enthalten"; etc.

10. See, for example, the transmission of the Synod of Rome in 721 in the "Bobienser Dionysiana." Maaßen, *Geschichte*, 306.

that Charlemagne cared about the *Hadriana*. It is, however, difficult to establish that the *Admonitio Generalis* drew upon the *Hadriana*, and it is rather easy to suggest that it did not.

To establish definitively that the *Admonitio Generalis* used a *Hadriana*, there would have to be a citation of one or more texts present in the *Hadriana* and not in the *Dionysiana*; otherwise, it would seem equally possible that the *Dionysiana* supplied the citations. Not only is there no such citation, but the selection of canons in the *Admonitio Generalis* shows peculiar patterns that do not clearly reveal a compiler working systematically through a single canonistic work, although they do not preclude such a possibility.

A first crucial piece of information is that the *Admonitio Generalis* falls into two distinct parts: the first sequence of 59 chapters is drawn from canon law; after (in some manuscripts) a sixtieth chapter that serves as a secondary preface, there follows a capitulary of secular law ornamented with biblical verses to provide Christian rationale or sanction to these statutes.[11] On the basis of this division of sources, Elisabeth Magnou-Nortier has suggested that the canonistic portion of the *Admonitio Generalis* represents a discrete canon law collection that became incorporated into the larger text.[12] At present, however, no collection that correlates to the canonistic component of the *Admonitio Generalis* has come to light.

A second crucial aspect of the canon law transmitted in the *Admonitio Generalis* is that the canons are not full citations, but brief paraphrases, often conveying quite selective or interpretative readings of the meaning of the represented canons. These paraphrases may have once been rubrics that would have stood above the full text of each canon, or they may be summations that were constructed with the specific intent of substituting for the full text. The latter possibility is corroborated to some extent by the unusually high degree of cross-referencing in each canon to other canons that present, to one degree or another, the same rule. For example, the first "canon" of the *Admonitio* is a declaration that there are persons who because of their guilt are excommunicated by their own bishop and [nonetheless] are presumptuously received into communion by other clergy or laity, a situation, notes the *Admonitio*, prohibited wholly by the council of Nicea, together with the council of Chalcedon, and even by the councils of Antioch and Sardica as well.[13] The MGH editor Boretius supplied references to Nicea canon 5, Antioch canons 2 and 6, and Sardica canon 16, but noted that there is no corresponding rule in the council of Chalcedon, although canon 8 of that council legislates deprivation of communion.[14] If the *Hadriana*, the putative standard for authenticity and correctness, were the

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11. A possibly fruitful line of investigation would be to examine closely the correlation of the specific biblical verses cited in the *Hadriana* with the register of biblical verses most frequently cited by the Pseudo-Isidorian compilers in Paulus Hinschius, *Decretales Pseudo-Isidorianae et Capitula Angilramni. Ad Fidem Librorum Manuscriptorum Recensuit, Fontes Indicavit, Commentationem de Collectione Pseudo-Isidori Praemisit* (Aalen: Scientia Verlag, 1963), cxvi-cxxii, to test the shared domain or *habitus* of juridical discourse.
12. Elisabeth Magnou-Nortier, "L'*Admonitio Generalis*. Étude critique," in *Jornades Internacionals d'Estudi sobre el Bisbe Feliu d'Urgell: La Seu d'Urgell, 28–30 de setembre de 1999. Crònica i estudis*, ed. Joseph Perarnau (Barcelona: Facultat de Teologia de catalunya, 2000), 203–4, 198, et passim.
13. Sunt enim aliqui, qui culpis exigentibus ab episcopo proprio excommunicantur et ab aliis ecclesiasticis vel laicis praesumptiose in communionem accipiuntur: quod omnino sanctum Nicenum concilium simul et Calcidonense necnon et Antiochenum atque Sardicense fieri prohibent. Boretius, "[Admonitio Generalis]," 54.
14. Boretius, "[Admonitio Generalis]," 54 n.4: Nihil hac de re in conc. Chalced.; Sangallensis collectio excerpit eiusdem concilii canonem 8, quo de communionis privatione statuitur.

source of the *Admonitio*, itself a monument of the Carolingian project to promote fully orthodox belief and practice, it is somewhat perplexing that the compiler misreported the content of a canon of Chalcedon, however innocently.

The pattern of presenting a distilled canonistic rule supported with references to councils that witness to such a rule suggests that some degree of legal research went into the construction of the *Admonitio*. Because the compiler did not provide references to the specific numbers of the canons cited, it is not possible to identify the *Hadriana*, or even the *Dionysiana*, as the source for that research. Some manuscripts of the *Dionysiana* and the *Hadriana* do contain a distinctive scheme for numbering the canons, a scheme that Dionysius Exiguus probably attempted to establish as a citation system, although it did not withstand the tests of practical use.[15] With neither direct verbal nor numerical correspondences between the chapters of the *Admonitio* and the *Hadriana*, the case for their relationship is not strong. All that remains as the basis for the relationship is the content.

Here, too, the patterns of citation are interesting. At first blush, the sequence of citations in the *Admonitio* appears to be, first, references to the councils of Nicea, Ancyra, Antioch, Laodicea, Gangra, Neocaesarea, Chalcedon, and Sardica, second, references to the councils of Carthage and "Africa", and finally, citations from papal decretals. It was likely this sequence that suggested to modern scholars that the *Hadriana* was the source, as it has such a sequence.[16] The situation is, however, rather more complex. As noted above, the sequence is perpetually disrupted by cross-references. Secondly, the materials cited in the *Admonitio* are all among the most widely circulated in early medieval collections.[17] It has recently been pointed out that the material could equally well have come from the *Collectio Hispana*, a large seventh-century compendia of late antique councils and papal decretals arranged in chronological order and used in the Carolingian kingdoms.[18] A text that does not appear in the *Hispana* and is cited at several points in the *Admonitio* is the apocryphal "Canons of the Apostles", but as it was a text widely circulated in early medieval manuscripts following its inclusion in the *Dionysiana*, it too does

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15. On the numbering system, see Maaßen, *Geschichte*, 430.
16. The canons from the councils of Carthage and Africa are cited in a single sequence at the end of the *Admonitio*'s canonistic section. On the complexities of the enumeration of the Carthaginian and African canons in various collections, see Charles Munier, *Concilia Africae a. 345-a. 525*, Corpus Christianorum. Series Latina (Turnholt: Brepols, 1974), 173–81.
17. Although the MGH edition does not supply specific references in the apparatus criticus, offering only notations such as "decret. Leon. c. 1" (p. 57 n. 76), it can be discerned that the decretals cited in the Admonitio are those of Siricius ad Himerium, "Directa ad decessorum" (JK 255; AG cap. 51, 52), Innocent ad Decentium, "Si instituta ecclesiastica" (JK 311; AG cap. 53, 54), Celestine ad episcopos per Apuliam et Calabriam "Nulli sacerdotum" (JK 371; AG cap. 55) Leo episcopis Campaniam, Picenam, Tuscanam et universis "Ut nobis gratulationem" (JK 402; AG cap. 56, 57, 58) and Gelasius ad episcopos per Lucaniam et Brutios et Siciliam "Necessaria rerum dispensatione", (JK 636; AG cap 59) , all of which are among the most widely-circulated decretals in the early middle ages. See Maaßen, *Geschichte*, 240–41, 246–47, 252–53, 257, 281 and the index references in Detlev Jasper and Horst Fuhrmann, *Papal Letters in the Early Middle Ages*, History of Medieval Canon Law (Washington, D.C.: Catholic University of America, 2001).
18. A. M. Mundó, cit. Magnou-Nortier, "L'*Admonitio* ," 203 n.31. See also the reference to an earlier effort to trace the *Hadriana* source to the collection in ms. Saint Gall 679 by W.E. Knischtky in 1876: Boretius, "[Admonitio Generalis]," 53.

not establish sufficiently that the *Hadriana* was the reference work consulted for the composition of the *Admonitio*.[19]

The Dedication Poem

A second pillar in the argument for the date of the *Hadriana* has entailed analysis of the rather torturous, short poem ostensibly dedicating the *Hadriana* as a gift sent by pope Hadrian to Charlemagne. Friedrich Maaßen proposed in 1870 that the poem established not only that Hadrian was the giver and Charlemagne the recipient of the *Hadriana* but also that the poem provided a precise date of 774 for the gift.[20] Ever since, both the transaction and the date have been enshrined in scholarly and general literature. Recently Florian Hartmann, in his marvelous biography of Hadrian, called those arguments into question. My own examination of the poem leads me to conclude that the evidence is ambiguous and tenuous. Although I see some reason to think that the poem might have been composed at the papal curia during Hadrian's reign, I see no compelling reason to date it to 774; nor do I see any compelling reason to attach it to the *Hadriana* as the specific gift it may or may not have accompanied.

[Slide 2]

The poem is in the acrostic form beloved by Carolingians: the first letters of each line, when read vertically, form the phrase, "To the most Excellent Son Lord Charles, the Great King, from Pope Hadrian".[21] The content is a general encomium of a virtuous, law-observing Christian ruler. It specifically approves Charlemagne's conquest of Lombardy and Erula in the service of St. Peter; it notes the protection of Saints Peter and Paul for Charles in the defeat of the criminous, perfidious king Desiderius; and it closes with the pious hope that Charlemagne will never stray from observing "these legal statutes." Scholars have parsed the poem's allusions to historical events to establish 774 as the precise date of the poem, and have added its transmission in some manuscripts of the *Hadriana* as confirmation that indeed, it was the *Hadriana* that was bestowed upon Charlemagne as the essential codex of late eighth-century canon law, as determined by the bishop of Rome.[22]

The evidence of the dedication poem is perhaps not as secure as one would wish. Three problems compromise its testimony: its limited and peculiar manuscript transmission; its vagueness with respect to both events and the gift; and its uncertain authenticity. Hartmann concludes that the poem is suspect on the grounds of its lamentable Latinity.[23] Given

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19. The Admonitio itself, Magnou-Nortier suggests, was a text that emerged processually: that is, it too may have been a mutating text. We eagerly await the new MGH edition.
20. Maaßen, *Geschichte*, 444–45 n.1.
21. Domino excell. filio Carolo Magno Regi Hadrianus Papa". Boretius, "[Admonitio Generalis]," 90–91.
22. On nineteenth century acceptance of Maaßen's date and the observation that the poem is transmitted in some manuscripts of the , see *Hadriana*, see Dümmler, *[Domino Excell.]*, 87. For the use of the word "codex" to describe the Hadriana, note especially the remarks of the Correctores Romani, the papal commission convened in 1566 to establish the text of the *Corpus iuris canonici*. in the excerpts reprinted by Emil Albert Friedberg, ed., *Corpus Iuris Canonici* (Graz: Akademische Druck- u. Verlagsanstalt, 1955), col. lxxxiii .
23. Florian Hartmann, *Hadrian I. (772–795): Frühmittelalterliches Adelspapsttum und die Lösung Roms Vom Byzantinischen Kaiser*, Päpste und Papsttum, vol. 34 (Stuttgart: Hiersemann, 2006), 267–72.

Carolingian predilection for retrospective construction of history, it is certainly advisable to examine anew all Carolingian testimonies to imperial accomplishments.

The poem is known today from only six manuscripts.[24] Oddly enough, it is not in a manuscript to be discussed shortly that claims in a full page, colored, majuscule inscription, to be an "authentic" copy of the codex sent by Hadrian to Charlemagne. Perhaps even more oddly, the poem tends to be in manuscripts reported as containing the "*Breviarium ad inquaerendum sententias infra*", an abbreviated summation of some form of the *Dionysiana*, although because this text has never been described in detail or published, it will require further investigation to determine its contents and relation to the *Dionysiana* or *Hadriana*.[25] The poem is thus rarely represented in the large number of manuscripts of the *Hadriana*, the current census of which hovers around sixty from the ninth century or earlier. The poem seems not to have impressed scribes of *Hadriana* manuscripts as a seal of special authority.

This is not to say that the *Hadriana* lacked papal associations. The first rubric of the text is an expanded rendition of the title for the Apostolic Canons (the first text of the *Dionysiana* and the *Hadriana*): "The ecclesiastical rules of the Apostles set forth through Clement, pope of the Roman Church", that is, the third pope in the first century.[26] This historical information might be problematic for modern scholars seeking to argue for the *Hadriana*'s legal "purity", for the reference to Clement moves it closer to the historical perspective of the Pseudo-Isidorian forgers, who referred to the first successors of Peter as the authors of legal texts usually rejected by modern scholars as scandalously inauthentic, and whose sequence of decretals indeed began with those of Clement. Somewhat reassuringly, however, the *Hadriana* expands the title to include an explicit disclaimer of Apostolic authorship, in phrases drawing upon Dionysius' observation that the Canons of the Apostles were likely inauthentic, but important.[27] It would seem that already in early manuscripts of the *Hadriana*, revered by many modern scholars as proof of Charlemagne's interest in promoting authentic and correct canon law, authenticity was contested, and a degree of inauthenticity accepted, in origin tales embedded in the very titles appended to the text.

The dedication poem itself does little to clarify anything about the perceived value, authority, or content of the book for which it served as a presentational inscription. Its only allusions to law or justice are vague exultations in the opening lines and peroration:

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24. Munich, Bayerische Staatsbibliothek, Clm 6355 and Clm 6242; Paris, Bibliothèque Nationale, 1452, 3182, 3844, 4278, and 11710. Of these, the earliest dated manuscript is Paris 11710: a. 805. The others are placed in the ninth century, except for Munich 6355 (saec. IX-X) and Paris 3182 and 3844, which are of the tenth century.
25. Manuscripts reported as containing both the poem and the "Breviarium" are Paris 11710, Paris 1452, and Paris 3844.
26. The inscription naming Clement was in part originally from Dionysius's title for the first text of his collection, the "Apostolic Canons". Maaßen, *Geschichte*, 445; see also the discussion of the Apostolic Constitutions in Jean Gaudemet, *Les sources du droit de l'Eglise en Occident du IIe au VIIe siècle*, Initiations au christianisme ancien ([Paris]: Editions du Cerf: Editions du C.N.R.S., 1985), 21–26.
27. As in Munich Clm 6244, a manuscript known to Maaßen: Incipiunt ecclesiasticae regulae sanctorum apostolorum prolatae per Clementem ecclesiae romanae pontificaem [sic-ae ligature] quae ex Grecis exemplaribus in ordine primo ponuntur, quibus quam plurimi quidem consensum non prebuere facile et tamen post ea quaedam constituta pontificum ex ipsis canonibus adsumpta esse videntur; cf. Maaßen, *Geschichte*, 445.

With divine doctrine the shining scepter of your kingdom excels,
Always this blessed lineage is the happy origin of kings,
We discern that the bulwark of law has the grace of honor,
In the just king arises the defender of Mother Church,
Never indeed can celestial discipline be vanquished...
Joyfully to worship God, always to love divine law,
To guard praiseworthy faith and to defend holy life...
you [saeptus] restore as a gift your kingdom of the Lombards ,
As promised sacred gifts to the hall/palace of keybearing Peter,
Giving to you further honor together with victory.
Through the ages to be governed now and in the future with your offspring
Never straying from the law, observing these statutes.

The MGH editor's reading and dating of the poem were already conditioned by the presumption that in 774, Hadrian "commanded to be offered to Charlemagne the king, who first visited him in Rome, a collection of canons, that is a *corpus iuris canonici*," although, he notes, it is a poem "barbarous in fashion and difficult to understand" (*carmen... sed admodum barbarum atque intellectu difficile*).[28] For the date of the poem, he relied upon the interpretation of Maaßen.[29] Maaßen had based his dating on the lines, "He restored the original gifts to his mother Church/ Great cities and their territories and various fortresses." This assertion of papal ownership of the Lombard-held properties Maaßen took to refer to the confirmation of the donation of Pippin, and so, he argued, 6 April 774 was the *terminus ante quem non*; his reading of the poem was that the capture of Pavia and arrest of Desiderius had not yet occurred, both of which events transpired on 5 June 774. Unfortunately, the verses referring to the conflict with Desiderius are among the textually most corrupt, and neither the lexicography nor tenses are certain, especially in view of the poet's efforts, however flawed, to attain scansion. Referring to the protective efforts of saints Peter and Paul, the lines in question read:

[slide 3]

They open wide [patunt for patent, in all mss; Maaßen emended to petunt, "beseech"][30]
the entrance of the city of Pavia for you to enter as victor.
You will trample on the criminal neck of the perfidious king Desiderius,
His men lying prostrate you plunge deep into the abyss
The surrounded [saeptus, m. nom.] treasure [an emendation: all manuscripts read "minus" rather than "munus"; the reading "munus" is from the early modern Sirmond edition] of your Lombard kingdom you restore as the sacred, promised gifts to the court of keybearing Peter...

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28. On the construction of the *Hadriana* as a "*corpus iuris canonici*" or "Codex", see note 23 above on the role of the Correctores Romani.
29. Dümmler, *[Domino Excell.]*, 89.
30. Maaßen, *Geschichte*, 967; Dümmler, *[Domino Excell.]*, 91. It is not clear why none of the six scribes corrected the errors in the Latin.

The verbs (*patunt* [sic], *mergis*, *reddis*) all seem to be used as historic present tenses to increase the vividness of the description (or to scan); the only future tense, "calcabis" seems acceptable as a prophetic present tense, embedded as it is in the description of the entry into Pavia; the reference to "*your* Lombard kingdom" suggests that the poet recognises Charlemagne as already king of the Lombards. However one construes the tenor (for the syntax does not construe) of the Latin, it seems clear that it cannot bear much weight in terms of historical analysis.

Although it could be unwise to assign a precise date to the poem, there are features in the poet's vocabulary that correspond to traits visible in late eighth-century papal epistolography, and so it would seem, however inexplicably barbarous and opaque the Latin, that the association of the poem with Hadrian may be well within the realm of possibility. The MGH edition of Hadrian's letters to Charlemagne show in the salutations the form "To the most excellent Lord Charles, the great king of the Franks and the Lombards, [from] Pope Hadrian]" as normal;[31] the poem's acrostic matches this precisely, once "of the Franks and the Lombards" is excised, an omission for which both the poet and readers may have been grateful. Also striking is the poet's predilection for referring to St. Peter as "*clavigerus*", "keybearing", a direct translation from the Greek "kleidophoros". Although the term would gain popularity in the later Middle Ages, it is rarely seen in the surviving texts, other than Aldhelm's, of the early Middle Ages. Of the 188 instances in the MGH corpus, almost half are in letters from Pope Hadrian, most of which are transmitted in the *Liber Carolinus*, the Carolingian compendium of papal letters to Carolingian rulers; the remaining cases are of the late ninth century or later.[32] Although one word is tenuous testimony, given its stark profile in usage, it could be proposed that the author of the dedication poem was either Hadrian, in Hadrian's chancellery, or very familiar with Hadrian's letters, most of which do dwell to one degree or another on his antipathy to the Lombards and his perception of Charlemagne as a divinely promised guardian of the Church.

[slide 4]

Setting aside the problematic issue of the poem's testimony, did pope Hadrian give or send a canon law collection to Charlemagne? As noted above, there does seem to have been some tradition that he did: a striking, even aggressive, inscription on fol. 1v in ms. Würzburg, Universitätsbibliothek, M.p.th.f.72, that reads, "ISTE CODEX EST SCRIPTUS DE ILLO AVTHENTICO QUEM DOMNUS ADRIANUS APOSTOLICUS DEDIT GLORIOSISSIMO CAROLO REGI FRANCORVM ET LANGOBARDORVM AC PATRICIO ROMANORUM QVANDO FVIT ROMAE." Although the script has a stiffness that seems unusual in early medieval rubrication, the ink does appear to match that of succeeding folia. It has been identified as a Fulda manuscript of the second-third of the ninth century. The manuscript has many early medieval binding strips, a number of leaves cut out, and different hands copying different quires, some of which have running headings identifying the councils and some not; it

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31. It should be noted that "magnus" likely modifies "king", rather than "Charles" in the 770s: see Carlrichard Brühl, "Herrscherbeinamen im frühen und hohen Mittelalter," in *Società, istituzioni, spiritualità: Studi in onore di Cinzio Violante*, vol. 1, ed. Girolamo Arnaldi, et al. (Spoleto: Centro italiano di studi sull'alto medioevo., 1994), 139–44; it should be recognised that literary, charter, annalistic, and epistolary evidence will have different conventions.

32. I shall be presenting in detail this data for publication elsewhere.

may have been assembled from simultaneously prepared sections, rather than being a continuous copy of a single exemplar. It is also incomplete, breaking off with fol. 71 in mid-word at the end of the ninth canon of the council of Sardica.[33]

The declaration that the manuscript is taken from an *authentic* copy of that sent by Hadrian to Charles is especially interesting in light of the fact that the transcribed collection seems not to display the additions to the *Dionysiana* that Maaßen proposed as features distinguishing the *Hadriana* from the *Dionysiana*. It is impossible to assess whether there were decretals following the councils, and whether they included Hadrianic additions to the Dionysian decretal collection cannot be determined. The surviving conciliar collection of the manuscript, however, does not include the "Hadrianic" rubric about the history and status of the Apostolic Canons: the text simply begins, "Incipiunt tituli canonum apostolorum" and, after the *tituli*, "Incipiunt canones apostolorum." The same simplicity characterizes the subsequent transcriptions of councils, as the catalogue notes, they are "ohne gesonderte Titelangabe."[34]

So, what collection did Hadrian give or send to Charlemagne, if he did? There has perhaps been a tendency to classify any Carolingian manuscript of some form of a Dionysian collection as a *Hadriana*.[35] Yet, as Maaßen made clear in each item of his list of traits distinguishing the *Dionysiana* from the *Hadriana*, no trait proves to be reliably present, or reliably distinctive, as it may well have been present in an earlier modification of the *Dionysiana*. The mutations, of which he listed eighteen, formed a variable set that lacked complete stability. As the most striking differences occur in the roster of decretals, any manuscript that does not contain the decretal collection remains especially ambiguous in its identity. And of the register of ninth-century or earlier manuscripts of the *Hadriana*, at least ten contain only the councils; it will not be surprising then to see that count rise as scholars examine the manuscripts more closely.

[slide 5]

That ambiguity is, moreover, not resolved when a manuscript does contain decretals. As Lotte Kéry's register of early medieval canon law manuscripts indicates, there are several known early medieval collections that at present are described as combinations of conciliar decrees and papal decretals, some seemingly based upon the *Dionysiana*. Any of these could possibly be a mutation that is, or resembles, the mutated form known as the *Hadriana*. There is the *Collectio Vaticana* ("Vat. lat. 1342 etc."), described as "partly a chronologically arranged collection of conciliar canons and decretals; used the *Collectio Dionysiana*".[36] The *Collectio Colbertina* is

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33. The manuscript is well described in Hans Thurn, comp. and ed., *Die Pergamenthandschriften der ehemaligen Dombibliothek*, Die Handschriften der Universitätsbibliothek Würzburg, Vol.3, Hälfte 1 (Wiesbaden: Harrassowitz, 1984), 60–61. I had the pleasure of examining it in 2009 *in situ*, and would like to thank the librarians for their exceptional assistance.
34. The catalogue prudently does not identify the text as either a *Dionysiana* or a *Hadriana*, but names the content as "Canones apostolorum et conciliorum." p. 60.
35. Further, it must be recalled that "the *Dionysiana*" is a term of convenience: Dionysius compiled a conciliar collection that appeared in two recension, and a later, separate collection of papal decretals; modifications of his work began before the Carolingian period.
36. Kéry, *Collections*, 25. The description of particular manuscripts shows the slipperiness of the textual content of this collection: "a previously unknown partial version, combined with the *Dionysio-Hadriana* version; it is more similar to [two other manuscripts] than to Vat. lat. 1342"; "contains a variant version of

described as containing "decretals and conciliar canons (esp. from the *Collectiones Sanblasiana* and *Quesnelliana*). In turn the *Collectio Sanblasiana* is described as a "chronologically arranged collection of conciliar canons and decretals; the author used the *Dionysiana*."[37] The *Collectio Quesnelliana*, of course, is described as a "chronologically arranged collection of conciliar canons and decretals; served as a source for later collections, and as used especially for the letters of Leo."[38] And then there is the *Collectio Mutinensis*, described as "a chronologically arranged collection of decretals, copied out of the *Dionysiana* (as well as the *Liber Pontificalis* and the Symmachian forgeries); closely related with the *Collectio Dionysiana Bobbiensis*."[39]

One could go on, but the point should be clear: at present our nomenclature and categories appear to be built on sand. We have been unable to place in clear patterns or in a coherent scheme the spectrum of mutations that affect these texts at the coarsest level of classification—their general content—and that is before we even begin to probe the issue of specific textual variants at the level of words and phrases. What makes a *Hadriana* a *Hadriana*? Does it have to have fins or feathers, or both? Until we know the exact content of each manuscript, and have good transcriptions, we cannot really distinguish between any of these collections.

[slide 6]

This is the sort of problem (among others) that the digital Carolingian Canon Law (CCL) project is intended to address. We are collecting full-text transcriptions of as many Carolingian canon law manuscripts as we can; ideally, some day the project would contain the entire "conceptual corpus" of Carolingian Canon Law. Using sophisticated digital tools that permit searching [slide 7] across all transcriptions, regardless of variant readings and altered phrasing, and that also permit users to compile and manipulate the data in new ways, we hope to set the study of these mutating and complex texts on a new footing. Only when we really know what the actual form and content of each manuscript representative is, and the degree of variation at all levels, can we begin to make intelligent assessments about the transmission, dissemination, alteration, reception, and application of canon law in the Carolingian empire.

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The project is intensively collaborative: we have an international roster of participants, and welcome contributions of all types from all qualified scholars. We are collecting not only transcriptions (which can be of only a single canon, or of an entire collection, or any portion the transcriber chooses to contribute), but also translations, manuscript descriptions, and commentaries and bibliographic annotations. We hope to serve students whose lack of Latin has until now caused much of the Carolingian canonistic corpus to be unavailable to them, and also, via translations, to stimulate discussion of how the Latin texts should indeed be understood. We hope to serve scholars struggling to edit these "living" (one might say writhing and squirming)

the text"; "erroneously identified as a *Concordia canonum* of Cresconius... [also] erroneously attributed to the Pseudo-Isidorian trandition."
37. Kéry, *Collections*, 29–30.
38. Kéry, *Collections*, 27.
39. Kéry, *Collections*, 22.

texts. And we hope to serve legal historians who would like to start integrating information about this important corpus in their studies of other areas of legal history and legal philosophy. We believe that the CCL has the potential to be for such scholars the enticing land Where the Wild Things -- those Mutating Monsters of canon law-- Are.[40]

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40. with apologies to Maurice Sendak!

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