

A Previously Unidentified Text in Beinecke MS 413

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The focus of my dissertation research is on the early development of Gratian's *Decretum*; I am not a Carolingianist. But because I work daily with the raw materials of the canonical tradition, I am naturally very interested in where those raw materials come from. So what I am going to talk about today is the birth of two canons in a previously unidentified text in Beinecke MS 413.

Beinecke 413 is a 210-page codex manuscript of the *Collectio capitularium* of Ansegis, plus 6 capitularies of Charles the Bald. It was definitely written after 873 – the date of the last capitulary – and was probably written before 877 – the date of the death of Charles the Bald. Throughout this presentation, I'm going to refer to that – the collection of Ansegis plus the capitularies of Charles the Bald – as "the basic manuscript".¹ Over time, several texts unrelated to the capitulary collection were added. The official Beinecke Library manuscript description for one of the added texts, which spans 3 pages and appears under the title *Sententia domni gregorii papae*, indicates that it is "unidentified". I have identified the text – although I'm going to put off talking about exactly how that happened until the end of the talk – and it contains 2 non-contiguous passages from Book 3, Chapter 1 of the *Vita Gregorii I (Primi) Papae* written by John the Deacon (probably) between 873 and 876.² Each of the 2 passages contains text from John's *Vita* followed by a quotation incorporated by John into the *Vita* from one of the letters of Gregory.³

The intent of John's *Vita* was hagiographical. John was writing a saint's life, not a canonical collection. He presumably did not intend the selections from Gregory's letters that he incorporated into the *Vita* to be used as canons. But both selections did end up as part of the canonical tradition, with starting and ending boundaries that were the product of John's editorial decisions.

¹ Articles 3-17, 19 and 22.

² *AASS*, March 2.159-60 and *AASS*, March 2.161-62; *PL* 75.125B-127B and *PL* 75.131D-132A.

³ 9.213 in Hartmann's MGH edition, 9.214 in Norberg's CCSL edition; 12.9 in both MGH and CCSL editions.

The subject matter of both selections is one of the perennial concerns of canon law, simony. The first and longer selection is from a letter (9.214) that Gregory wrote to the Frankish Queen Brunhilde, and it deals with laymen who, for reasons of worldly ambition and by means of simony, get themselves consecrated bishops. Such bishops can neither set a good example for their flocks, nor can they edify them with their learning. The second and shorter excerpt is from a letter (12.9) that Gregory wrote to Victor, Primate of Numidia, asking him to investigate the simoniacal practices of a neighboring bishop. If John, then, was *not* interested in the canonical uses to which these selections could be harnessed, it's not altogether surprising that other people *were*.

In Beinecke 413, we're seeing passages from John's *Vita* being used as if it were a canonical source, probably less than 10 years after John wrote it. In other words, what we're seeing is an extremely early, if not the first, use of these texts as canons.

I'm going to argue that the person who had these 3 pages from John's *Vita* copied into Beinecke 413 was Archbishop Hincmar of Reims, and that he did so between 877 and 882, that is, after the death of Charles the Bald but before Hincmar himself was driven out of his see by Viking raids. The evidence is circumstantial, and depends on consideration of the manuscript as a physical artifact as well as of its content.

Beinecke 413 is a *luxury* manuscript with 11 large, very high quality, decorated initials – the largest spanning 13 vertical lines – closely related in style to the decorated initials of the San Paolo Bible. Furthermore, the style of Scribe 2, the 2nd of the 2 scribes who worked on the basic manuscript, is very similar to that of Ingobert, the scribe who worked on the San Paolo Bible. (At one point Bernhard Bischoff actually identified Scribe 2 *as* Ingobert, although he later withdrew that identification). All of this points to Reims in the 870s as the place and date of origin of the manuscript.

As I mentioned in my introduction, Beinecke 413 contains the *Collectio capitularium* of Ansegis plus 6 capitularies of Charles the Bald. Ansegis, lay abbot of St-Wandrille, compiled a collection of the capitularies of Charlemagne and Louis the Pious into 4 books: Books 1 and 2 contain ecclesiastical legislation of Charlemagne and Louis

respectively, and Books 3 and 4 contain their secular legislation. Ansegis finished the *Collectio* in 827 and died around 833 or 834. The 6 capitularies of Charles the Bald that follow the *Collectio* in Beinecke 413 were apparently chosen because they cite from the *Collectio*: the phrase “sicut in capitulari avi et patris nostri continetur” – “just as it is contained in the capitulary of our grandfather and father” – comes up over and over again. 4 of the 6 capitularies also have some connection to Hincmar. The manuscript is an ideological statement, portraying Charles as a worthy successor to the law-giving tradition of the Carolingian dynasty, and, not coincidentally, highlighting Hincmar’s role as a pillar of Charles’s regime.

The quality, date (after 873), place (Reims), and content of the manuscript all point to Hincmar as the patron and to Charles as the intended recipient of the manuscript. This was a period during which Hincmar and Charles, who had cooperated fairly effectively for most of 30 years, were experiencing serious friction in their working relationship for the first time. Charles mounted an expedition into Italy at the end of 875 to secure the imperial coronation. Shortly afterwards, Pope John VIII, at Charles’s request, conferred legatine and primatial power over Gaul and Germany on Archbishop Ansegis of Sens, who had played a key role in the negotiations leading to Charles’s coronation. Hincmar vehemently objected to all of this. Seen in this political context, a luxury manuscript like Beinecke 413 was probably intended as a high-value gift at a time when strains in Hincmar’s relationship with Charles would have made such a gift politically prudent. As originally commissioned, the manuscript probably included the *Collectio* of Ansegis and the 6 capitularies of Charles the Bald – what I’ve been calling the basic manuscript – as well as full page miniatures or drawings – possibly a throne portrait of Charles – on the inside of the first and last leaves. There *are* no professionally executed miniatures or drawings on the first and last leaves, and their absence suggests very strongly – to me at least – that Charles died before the project, as Hincmar conceived it, could be completed.

If I’m right, when Charles the Bald died in 877, the basic manuscript was either done or so close to being done that there would have been no reason *not* to finish it. There would, however, have no longer been any reason *to* carry out whatever decorative program had been planned for the insides of the first and last leaves. And there would have been a lot

of blank space left in the last several quires, because Scribe 2 had a marked preference for starting capitularies on quire boundaries. (Scribe 2, remember, is the 2nd of the 2 scribes who worked on the basic manuscript, and is the one whose script so closely resembled that of Ingobert.)

The *Sententia domni gregorii papae* was copied starting at the bottom of the last page of the 2nd to last capitulary. And it is *very* similar in script to the basic manuscript. But there are detectable differences: Scribe 2 spells ‘ecclesia’ conventionally. The *Sententia* scribe consistently spells the word ‘aecclesia’. The *Sententia* scribe uses the –tur abbreviation far more frequently than Scribe 2 does. There are 70 words in the last capitulary (the *Capitulare carisiacense*) that have the 3rd person singular passive –tur ending. Scribe 2 spells out the ending 60 times (86%) and abbreviates the ending 10 times (14%). There are 16 words in the shorter *Sententia* with the –tur ending. The *Sententia* scribe spells out the ending 7 times (44%) and abbreviates it 9 times (56%). So I think it’s clear that we are dealing with a scribe working in the same scriptorium as Scribe 2, but not the same scribe. This in turn makes me fairly confident that the *Sententia* text was added to Beinecke 413 no later than 882. If Hincmar himself ended that year (and his life) as a refugee from Viking raids, it seems unlikely to me that his scriptorium was carrying on business as usual.

Another distinctive feature of the *Sententia* is that it doesn’t have a decorated initial. It has a beautiful but quite austere pen initial ‘b’ (incipit: *beatus papa gregorius*) that’s unique in the manuscript. This is another argument for dating the addition of the text from John the Deacon’s *Vita* to the period after the death of Charles but while the manuscript was still in Hincmar’s possession. The pen initial tells the same story as the absence of whatever decorative program was planned for the insides of the first and last leaves. Decorated initials and miniated throne portraits don’t come cheap and once the manuscript lost its value as a potential gift for Charles, Hincmar doesn’t seem to have been willing to spend more resources on it.

I promised in my introduction that I’d talk in a bit more detail about *how* I identified this text as part of John's *Vita*. I made an effort to identify the text in June 2011 using the

In Principio database and *Clavis Canonum*. I got nowhere with that, for reasons that only became apparent *after* I had identified the text. First, the *Vita* scribe rewrote the first 2 sentences of Book 3 in such a way that it could not be identified using an incipit index. That, I believe, was the reason the text was not identified in the official Beinecke Library manuscript description. Second, because of an undocumented feature in *Clavis Canonum* that I wasn't aware of at the time (you have to enter the 3 words of the explicit in reserve order), I didn't get any matches for the explicit. And even if I had, they would only have given me the canon derived from letter 12.9 in Gregory's register, and wouldn't have told me anything about its contextualization in the passages from John's *Vita*. After spending a few days on the effort, I redirected my attention to extracting what information I could from the paleographic features without knowing where the text came from (i.e. proving that the *Vita* scribe was not the same as Scribe 2). In October 2011, I spent 2 days working with MS 413 at the Beinecke Library at Yale. And having the manuscript right in front of me gave me the push, not really expecting much to come of it, to take the first 3 words of the 4th line of the text ("sub libello confessos") and to use them as a search term in Google Books. The results led me to a footnote in F. Homes Dudden's 1905 biography *Gregory the Great: His Place in History and Thought* that attributed the quote to John the Deacon's *Vita* 3.1. I then accessed the PL database for a quick confirmation that I had the right text, and it only took a few minutes to find the internal boundaries between the 2 passages. Although I had been put off by *PL*'s reputation as low-quality source, in the end, that's probably where I should have started.

John the Deacon's *Life* of Gregory is not usually thought of as a canonical source. But John's editorial practice, probably without any such intent on his part, did make these selections from Gregory's letters available for incorporation into the canonical tradition. The use of these texts in this manuscript gives us a view of a moment (probably one of several such moments) at which these bodies of text were repurposed. If my reconstruction of the history of Beinecke 413 is correct, what we're seeing is John's selection from Gregory's letters (along with some of John's own narrative text) being copied into a legal manuscript at the direction of an ecclesiastical patron, Hincmar, with the intent that the selections are to be read as canons. When I submitted my proposal for

this conference, I wasn't sure how well it fit with the theme of "bodies." But among the things they do, bodies are born, and bodies grow. In John's *Vita* we see these selections from Gregory's letters born as distinct texts. In Beinecke 413 we see them grow into canons.