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The Politics of Interpretation: The Bible and the Formation of Legal Authority in the Early Middle Ages

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The Bible and Law in the Early Middle Ages: Introduction

Rosamond McKitterick & Gerda Heydemann

The dedication poem by Audradus of Tours that forms a preface to the massive pandect (complete Bible) presented to the young king Charles the Bald in 845 urges him to learn, love and live the law contained in the book given to him.[1] It begins with the hope:

> O blessed king Charles may this Bible please you
> for it contains the two Testaments that should be read again and again.

> *Rex benedicte, tibi haec placeat bibliotheca, Carle/*
> *testamenta duo quod relegenda gerit.*

The way in which the Bible functioned as a Book of law as well as a single unit of revelation in the Old and New Testaments are, as Paul Dutton and Herbert Kessler have demonstrated, recurring themes in the verses Audradus added at particular points in this Bible.

> All things, O reader, in physics, logic and even morals
> Are in this [Bible] in summary form for you.
> […]
> And here is the precious law, for nothing more precious than that law
> either exists or flourishes, either ridicules or betrays the holy.
> It orders just things, prohibits the unjust, drives away all evils,
> and rules with nobility in all good things.
> Discord, madness, anger, sorrow, disagreement, quarrels,
> [all these] can with the counsel of this law cease.
> The law mistrusts the unlearned, making some equal to the wise,
> and so it imparts the teaching of salvation to all.
> It rains great things upon the small [and] lays small things upon the great;
> for both it is the mighty pen of justice.

> *In physicis, logicis, etiam moralibus istic*
> *omnia sunt, lector, in brevitate tibi.*
> […]

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1 The 'First Bible' of Charles the Bald sometimes described as the 'Vivian Bible', Paris, BnF lat.1, fols 1r–2v.

Hic et lex preciosa – nihil preciosius illa
Aut est aut viget, aut ridet oletve sacre –
Iusta iubens, iniusta vetans, mala cuncta repellens,
omnibus inque bonis nobilitate potens.
Discidium, furor, ira, dolus, discordia, rixa
consilio legis huius obire queunt.
Erudit indoctos, quosdam sapientibus aequans,
contribuit mediis dogma salutis ita.
Magna pluit, magnis disponit parvula, parvis,
est in utroque stilus iustitiae validus.[2]

For Audradus, the process of interpretation of the Bible, and the reading and re-reading of its text were aimed at the comprehension of God's law. He shared this particular understanding of the centrality of the Bible with many of his contemporaries as well as with pre-Carolingian scholars, not least those studied in the following chapters of this book.

Isidore of Seville, for example, traced the origins of law back to Moses and the biblical books of the Pentateuch in his Etymologies, which became the standard encyclopedia available in early medieval libraries. According to Isidore, Moses was the first to 'explain divine law in sacred scripture'. He was succeeded by Greek, Egyptian, and Roman lawgivers down to the Christian Roman emperors of late Antiquity.[3] Although Isidore clearly stated the divine source of biblical law, he carefully distinguished between divine law and the written form created through Moses as a human intermediary. This section of the Etymologies enjoyed a wide circulation apart from the Etymologies as a whole, and was integrated, for example, into the prefatory material of law codes.[4] In the following section, Isidore made a distinction between divine and human laws, associating the former with natural law, the latter with 'customs'. Whereas natural law is eternal and unchanging, human laws are subject to historical change; they may also vary from society to society, 'because different laws suit different peoples (*aliae aliis gentibus placent*)'. Isidore goes on to point out that human laws, therefore, not only potentially contradict each other; they may also be in conflict with divine law. The two kinds of law offer different criteria for evaluating social actions: whereas an action may be considered punishable according to human law, it may be acceptable from the point of view of divine law, and vice versa.[5]

Isidore's text raises the issue at the heart of this volume: how did divine law (which he sees expressed in the text of the Mosaic law books) relate to human

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2   Audoin, Dedicatory Verse I, lin. 1–2, 131–144, pp. 104–105 and 108–109 (trans. Dutton/Kessler).
3   Isidore of Seville, Etymologiae V, 1, 1: *Moyses gentis Hebrae primus omnium diuinas leges sacris litteris explicauit* (trans. by Barney, p. 117).
4   See Steinova, 'The Oldest Manuscript Tradition' and the manuscript database created by the project 'Innovating Knowledge': https://innovatingknowledge.nl/ (last viewed 5 May 2024); McKitterick, 'Some Carolingian Law-Books'; Esders, 'Moses als Gesetzgeber'.
5   Isidore of Seville, Etymologiae V, 2, 1–2 (trans. by Barney, p. 117).

law in its historical variety? In the Etymologies, the Bible is placed at the centre of a world characterized by legal pluralism, a world in which various legal traditions and bodies of norms coincided, and sometimes competed. To many Christian thinkers like Isidore, the Bible stood – in theory, at least – at the top of a hierarchy of laws, being assimilated to an unchanging divine origin of the legal order.

Hincmar of Reims, as Charles West reminds us in his contribution to this volume, saw the Bible at the beginning of a tradition of divine law that was carried on through Scripture down to the canons formulated by bishops at synods and councils. The framing of these canons, according to the bishop of Reims, shared the same inspiration by the Holy Spirit as Scripture. Secular (royal) law should at least in principle be consonant with divine law. To Hincmar, this did not necessarily entail the direct implementation of biblical norms through secular legislation, but it did imply congruence and consonance as ideals.[6]

In practice, biblical and secular norms coexisted in multiple ways: biblical norms functioned as the legitimizing origins of all lawgiving, as in Isidore's prologue; they could be mobilized to justify specific norms, either implicitly or explicitly; they could serve as precedents for the resolution of a given legal problem; they could be adduced as a moral standard against which to evaluate (and sometimes challenge) the secular legal order from a Christian perspective. Furthermore, as Isidore knew well, there existed areas in which biblical law stood in stark contradiction to existing legal rules, creating the need (and the space) to debate and resolve these contradictions.

Recent research on law and legal cultures in the early Middle Ages has taught us to appreciate legal pluralism, or multinormativity, as a core characteristic of the way in which early medieval societies resolved conflicts and negotiated social norms and their implementation.[7] For the barbarian law codes (*leges*), scholarly debates have centred on their relation to non-written forms of law and custom, as well as on their use and non-use in actual judicial practice as documented in charters.[8] As Karl Ubl has emphasized in his study of the *Lex Salica*, it would be anachronistic to treat the early medieval *leges* as instances of codification in the modern sense, that is, as a set of norms codified to be applied: rather, they represented a normative framework for negotiating individual disputes and cases. A cultural history of law in the early Middle Ages, therefore, needs to take into account not only the normative dimension but also

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6   See the contribution by Charles WEST in this volume; IDEM, 'Hincmar of Rheims'.

7   See most recently ESDERS/UBL (ed.), *Kollision und Interferenz normativer Ordnungen*, especially the introduction by the editors, with further references. Legal pluralism: BENDA-BECKMANN, 'Who's afraid of legal pluralism?'; OESTMANN, 'Rechtsvielfalt'; HUMFRESS, 'Thinking through Legal Pluralism'; multinormativity: DUVE, 'Was ist "Multinormativität"'?.

8   NEHLSEN, 'Zur Aktualität und Effektivität' and WORMALD, 'Lex Scripta', are fundamental; DAVIES/ FOURACRE (ed.), *Settlement of Disputes*; more recently: RIO (ed.), *Law, Custom and Justice*; ESDERS/ BOTHE/NIJDAM (ed.), *Wergild, Compensation and Penance*.

the multiple functions of law – cultural, social, ideological, symbolic – as well as the manuscript transmission and its contexts.[9]

In the course of such debates, it has become more and more obvious that the boundaries between different kinds of law and genres of legal texts are less clear-cut than the concepts inherited from previous generations of researchers suggest. What precisely constitutes 'canon law' in the early Middle Ages is a matter of ongoing debate.[10] Similar problems of definition and questions about the emergence of a distinct legal genre are being discussed for the so-called (royal) 'capitularies'. For the Carolingian period, the work of scholars such as Mayke de Jong and Steffen Patzold has defined a new interpretative frame-work that takes seriously contemporary conceptions of the *ecclesia* as a political and social space which included secular as well as ecclesiastical actors. From this conception of political space follows not only a religious definition of king-ship, but also a complex intertwining of 'religious' and 'secular' law.[11] Recent research has therefore emphasized a view of capitularies as documents emerging from a 'practice of rulership' and a circuit of political communication between the centre and the regional elites.[12] Here, as elsewhere, new approaches have been significantly influenced by an attempt to take seriously the implications and contexts of the manuscript transmission.[13] All these studies have explored the significance of capitularies for the conceptual and ideological foundations of the Carolingian state, and in particular have emphasized their strong religious dimension.[14]

The impact of the Bible on early medieval legal thought has often been acknowledged: biblical parallels, quotations and allusions are a familiar feature

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9   Ubl, *Sinnstiftungen eines Rechtsbuches*; see further Faulkner, *Law and Authority*; Wormald, *Making of English Law*; Andersen (ed.), *Law before Gratian*. An overview of early medieval legal manuscripts: Bibliotheca legum project, led by Karl Ubl, http://www.leges.uni-koeln.de/ (retrieved 5 Dec 2022); see, moreover the University College London's Volterra Project: https://www.ucl.ac.uk/volterra (retrieved 5 Dec 2022) and Formulae – Litterae – Chartae, led by Philippe Depreux, https://www.formulae.uni-hamburg.de (retrieved 5 Dec 2022).

10   Flechner, *Making Laws*; Reynolds, 'Normative texts and practices', pp. 25–50; Winroth/Wei (ed.), *The Cambridge History of Medieval Canon Law*.

11   De Jong, 'State of the Church'; eadem, *Penitential State*; Patzold, *Episcopus*; idem, *Presbyter*; idem, *Wie regierte Karl?*. On the the overlap between capitulary and conciliar legislation, see Felten, 'Konzilsakten'; Hartmann, 'Eliten auf Synoden'; Mordek, *Studien*, pp. 55–80; Mordek/Schmitz, 'Neue Kapitularien'. For the insular world: Flechner, *Making Laws*, pp. 68–88; Wormald, *Making of English Law*, esp. pp. 416–476.

12   Davis, *Practice of Empire*; Innes, 'Written Law'; Patzold, 'Normen im Buch'; Schmitz, 'Kapitularien'; Pössel, 'Authors and Recipients'.

13   See the website of the Capitularia Project, led by Karl Ubl: https://capitularia.uni-koeln.de/ (accessed 5 Dec 2022) and the new printed edition of the capitularies of Louis the Pious: Esders/Kaschke/Mischke/Patzold/Ubl (ed.), *Capitularia regum Francorum a. 814–a. 840*; Mordek, *Bibliotheca*, remains fundamental. For early medieval canon law, see Kéry, *Canonical Collections*, and the website of the Carolingian canon law project led by Abigail Firey: https://ccl.rch.uky.edu/ (accessed 5 Dec 2022).

14   Buck, *Admonitio et praedicatio*; McKitterick, *Charlemagne*, pp. 222–266; Patzold, *Episcopus*; Nelson, 'Law and its applications'; Ubl, 'Imaginäre Rechtsordnung'; Heydemann, 'People of God'.

of early medieval legislation, especially in some of the Carolingian capitularies and canon law collections.[15] Scripture formed an important (and sometimes alternative) source of law, and it deeply influenced Carolingian notions of justice.[16] Studies on incest and marriage regulations, usury and oath-taking, for example, have shown how biblical and exegetical viewpoints (and also diverse opinions about the salience and interpretation of Old Testament rules) influenced debates about the formation, modification and implementation of legal norms.[17] Abigail Firey has argued that in the ninth century, legal and pastoral approaches to crime and sin converged, suggesting a strong mutual influence of legal and exegetical modes of thought.[18] Work on sermon collections, moreover, has demonstrated that arguments developed from scriptural interpretation and propagated through preaching played a crucial role in the implementation of legal and political reforms in Carolingian Bavaria.[19]

Building on these approaches, the chapters in this volume aim to shed new light on the perception, significance, and use of the Bible within this pluralistic legal landscape. They investigate the perception of the Bible as (a source of) law and the social debates triggered by its integration into legal discourse. They consider similarities and differences between the interpretation of the Bible and the interpretation of other kinds of law. They question the normative quality ascribed to or inherent in exegetical texts such as Bible commentaries and sermons. Focussing on the biblical impact on early medieval legal culture can also help to bring into sharper focus the relationship and interaction between various bodies of law and normative traditions. We thus seek to understand how legal pluralism or multinormativity took shape in the early Medieval West.

We start from a deliberately broad conception of law and legal thought, which encompasses not only different kinds of norms from the *leges* to penitentials, but also discourses about the normative order which can be traced in sources beyond the traditional scope of legal history, such as political treatises, sermons, and biblical exegesis. In doing so, we move beyond traditional definitions that hinge on the problem of application and enforcement of law, and take

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15 Kottje, *Einfluss des Alten Testaments*; Gaudemet, 'La Bible dans les collections canoniques'; Basdevant-Gaudemet, 'La Bible dans les conciles merovingiens'; Bray, 'The Bible in Canon Law'; Wei, Theology and Theological Sources; Hartmann, 'Karolingische Reform'; Firey, 'Lawyers and Wisdom'; Meens, 'Old Testament'; De Jong (ed.), *The Power of the Word*. A guide to older literature and references in Hattenauer/Eckert (ed.), *Bibel und Recht*; Riché/Lobrichon (ed.), *Le Moyen Âge et la Bible*; Vernet (ed.), *La Bible au Moyen Âge*.

16 Fouracre, 'Carolingian Justice', McKitterick, 'Perceptions of Justice', and the other essays in the two Settimane volumes on this theme: *La giustizia nell'alto medioevo*; see also Stone, *Masculinity and Morality*, pp. 159–173.

17 Ubl, *Inzestverbot*; Reynolds, *Marriage*; Weber, 'Bibel als Norm'; Siems, *Handel und Wucher*; Prodi, *Das Sakrament der Herrschaft*. For the reception of patristic texts in canon law collections, see also the classic study by Munier, *Les sources patristiques*.

18 Firey, *A Contrite Heart*.

19 Diesenberger, *Predigt und Politik*.

into account contemporary perceptions and understandings of law and its multiple functions.[20]

The recourse to biblical models and authority, however, was not straightforward. The notion of the Bible as law, and the meanings of *lex divina*, were malleable and sometimes contested.[21] Scholars and exegetes used *lex* to refer to the legal parts of the Pentateuch, which they sometimes, though by no means always, qualified as *vetus*, out of date. Yet the term could also refer either more narrowly to the Decalogue, or more broadly to the Hebrew Bible as a whole, or indeed to the entire Bible, including the New Testament with its reformulation of biblical law. Which parts of this biblical law were to be normative for Christians remained a matter of debate into the early Middle Ages, a debate that was in no small part influenced by the contexts of anti-Jewish and anti-dualistic polemics.[22] As we have seen above, Isidore assimilated divine law to natural law, and already in the Roman world *lex* could also mean a way of life in the sense of a religious or philosophical life governed by a body of norms. Such a broad understanding is reflected in the ninth century in a commentary on Matthew by Paschasius Radbertus, who remarked that Muslims had blurred Jewish and Christian traditions to formulate their own *lex*.[23]

Questions of terminology aside, biblical sources often remained implicit and references to them vague. Contradictory proof texts existed or the meaning of a particular passage was contested. Early medieval authors noted that contemporary social practices were sometimes at odds with (some) biblical prescriptions. The application of biblical models to problems current in early medieval societies thus created tensions and the need for interpretation and translation, resulting in debates about the salience and authority of biblical law: they depended on the politics of interpretation.

In order fully to appreciate the place of the Bible within the legal culture of the early Middle Ages, we need to take into account a further set of factors in-

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20　One influential definition, often cited by legal historians, is that of Hart, *Concept of Law*, pp. 91–97; for a critique, see Ibbetson, 'Orientation', p. 1; Ubl, *Sinnstiftungen eines Rechtsbuches*, pp. 28–29.

21　The issue is addressed from the perspective of biblical studies in several recent volumes, which also cover the reception of biblical law in later Jewish and Christian traditions: Wells (ed.), *Companion on Law in the Hebrew Bible*; Barmash (ed.), *Handbook of Biblical Law*; Strawn (ed.), *Encyclopedia of the Bible and Law*.

22　On the semantic range of the term *lex*, see Reynolds, 'Normative Texts' pp. 6–9., on the attitudes of early Christians towards biblical law, see Blackburn, 'Law'; Kazen, 'Biblical Law and the New Testament'; Gregerman, 'Biblical law'; Averbeck, 'The Law and the Gospels'; Fredriksen, 'Origen and Augustine'; eadem, *Augustine and the Jews*, esp. pp. 235–259. The perception of the Pentateuch as a legal text in the early Middle Ages is evident, for example, in compilations such as the *Collatio legum* which juxtaposes Roman and biblical law and is entitled *Lex Dei* in the manuscripts, or the Irish *Liber ex lege Moysi*. On these texts, see Frakes, *Compiling the Collatio*; Meeder, '*Liber ex lege Moysi*'.

23　Paschasius Radbertus, In Matheo XI, lin. 449: *propriam sibi tam ex Veteri Testamento quam et ex Nouo condiderunt legem ac si sub unius Dei cultu nec tamen nobiscum nec cum Iudeis quippiam sentire uolentes omnia peruerterunt* ('[the Saracens] made their own law from the Old and the New Testament; and seemingly following the cult of the only God they refuse to agree with either us or the Jews and pervert everything).'

fluencing its perception and use as a source of law. First of all, the Bible in all its complexity and richness was not only a resource for scholars; its use in the liturgy made the text familiar to all those who participated in regular religious devotion, whether in the readings for the Divine Office or in services attended by the laity as well. This familiarity made the biblical text an intrinsic element of praise and thanksgiving, contrition and intercession, grief, joy and lamentation, anger, admonition, political aspiration and moral judgement, to the degree that biblical language was woven into everyday discourse in a way that is difficult for us now to disentangle, or even fully apprehend. For religious communities, in addition to the daily recitation of the Psalter and the enormous variety of chant text selection, the *Ordines romani* XIIIA, XIIIB and XIV spell out the distribution of Bible readings throughout the liturgical year according to the rhythm established in Rome in the later seventh and early eighth century and observed throughout Latin Europe in the early middle ages. These *ordines* moreover are to be found in a variety of early medieval manuscript contexts, such as the books Andrieu classified as 'rudimentary pontificals', Bibles or parts of Bibles, exegetical and didactic works designed for liturgical instruction, and miscellanies of patristic, canon law and liturgical texts.[24]

> In Springtime, that is, from the seven days before the beginning of Lent until the eighth day before Easter [i.e. from Quinquagesima Sunday to Passion (Palm) Sunday], the five books of Moses [Pentateuch], are read along with Joshua and Judges. For the seven days before Easter until the Passion of Christ, the Book of Isaiah and the Lamentations of Jeremiah. From Easter Day until Pentecost, the Epistles of the Apostles and Acts. From summertime until the middle of Autumn (that is, the fifteenth of the Kalends of November), Kings, Chronicles [Paralipomenon]. After that the Books of Solomon and the Books of Women [Esther, Judith and possibly Ruth], Maccabees and the Book of Tobit, until the Kalends of December. Then from before the Nativity of Our Lord until Epiphany [6th January], Isaiah, Jeremiah, Daniel. Afterwards Ezekiel and the Minor Prophets and Job, until the ides of February. Psalms and the Gospel at all times, and the Apostles. The treatises of Jerome and Ambrose and of the other fathers are read according to the demands of the season.[25]

To these readings of course we need to add the cycle of Old Testament, Gospel and Epistle readings during the Mass, for which guidance, largely reflecting

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24 ANDRIEU (ed.), *Les ordines romani* II, pp. 469–506 (*Ordo* XIIIA and *Ordo* XIIIB) and III (*Ordo* XIV), pp. 39–41. On the Carolingian manuscripts of these *ordines* see Andrieu, *Les ordines romani* I; compare his comments on the variety of manuscript contexts in which Ordo XIIIB in particular is to be found, *Les ordines romani* II, pp. 491–495, and Arthur WESTWELL, *Roman Liturgy and Frankish Creativity*.

25 Translation from *Ordo* XIV in VAN LIERE, *Introduction to the Medieval Bible*, p. 210 [my explanations in square brackets, RMcK]. See also DYER, 'The Bible in the Medieval Liturgy'. Many surveys reproduce this information; see for example the useful summaries BOYNTON, 'The Bible and the Liturgy', GANZ, 'Carolingian Bibles'.

Roman usage, was offered in the Lectionaries.[26] These comprised a selection of particular passages for particular days of the Christian year from Christmas onwards, for saints, special occasions in the life of a Christian such as baptism or ordination, and for special locations or events such as the consecration of a new church. The readings selected also echoed the exegetical tradition already referred to above, namely, of illuminating New Testament passages by reference to Old Testament passages. Lists of these readings are extant from the sixth century onwards. They survive in abundance from the late eighth and ninth centuries, whether as full texts or as lists of *incipits* and *explicits* arranged in liturgical order appended to Gospel Books and Bibles. An early Christian liturgical system prescribed three lessons, one from the Old Testament, one from the Apostle (that is, the Epistles of Paul but also Acts), and one from the Gospels. Even in more recent Lectionaries there are still three readings prescribed for some days, or sometimes Old Testament readings are included in the Epistle list.[27]

Because of the constant accessibility of the liturgy, exposition of particular biblical verses and the invocation of biblical examples by early medieval authors could rely on their audience's recognition of the texts, and even of their contexts. Let us take one example: many of the authors discussed in this book engage with one or more of the phrases in the passage in Mt 18.15–22. This entire passage from Matthew is the standard Gospel reading for the third day of the third week of Lent. In it, Jesus responded to His disciples' questions and referred to the importance of evidence being confirmed by two or three witnesses, adding the famous phrase about whatever shall be bound of earth shall be bound in heaven and whatever shall be loosed on earth shall be loosed in heaven. The passage concludes with the phrase 'where two or three are gathered in my name there am I in the midst of them'. The phrase concerning the two or three witnesses invoked by Jesus as reported by Matthew, moreover, is quoted from Dt 19.15 where it forms a comment on a single witness being insufficient to convict a person of any crime or wrongdoing; only on the evidence of two or three witnesses shall a charge be sustained.

Any consideration of the centrality of the Bible in early medieval culture nevertheless needs to take account of the variability of the available text itself. The various books of the Bible read and studied in all the regions of early medieval Europe can be listed in a general way, but neither the *Ordines* nor the lists of biblical books to be found at the beginning of the extant ninth-century library lists give any indication of the great variety in their contents. The library lists of such centres as Lorsch, Murbach, Reichenau, St Gallen or Saint Riquier do indicate, however, how many books of the Bible were copied into smaller groupings in volumes. Separate volumes are recorded, for example, of the Pentateuch, the History Books, Isaiah and Jeremiah, Ezekiel and Daniel, the 12 mi-

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26 The classic studies are those of Frere, *Studies in Early Roman liturgy*, André Wilmart, Germain Morin and Theodor Klauser, all usefully assessed and summarised by Vogel, *Medieval Liturgy*. See also Chavasse, *Les lectionnaires romains*.

27 See McKitterick/Pickwoad, 'A Carolingian Manuscript'.

nor prophets, Tobit, Judith, Esther and Job, Ezra and Nehemiah, the Psalter, Maccabees, the Gospels, Acts of the Apostles, the Epistles of Paul, the canonical (Catholic) Epistles and the Book of Revelation (Apocalypse).[28]

The variability of the early medieval Bible applied to the books actually included in the Bible (that is, the biblical canon), to the order in which the books were assembled (especially in complete Bibles), and to the Latin text. First of all, the canon of the biblical books accepted as part of the Bible (that is, rather than being regarded as apocryphal) was not entirely settled even in the Carolingian period. There had been many discussions in the early Christian period about what should be regarded as sufficiently authoritative to be counted as part of the biblical canon and what became classified as apocryphal. A definitive contribution was made by Eusebius in his *Historia ecclesiastica* in the fourth century, and updated by Rufinus in his Latin translation and continuation of Eusebius early in the fifth century.[29] The text commonly but erroneously known as the *Decretum Gelasianum*, probably compiled in Gaul in the sixth century, lists the books and accepted by then as part of the biblical canon under the following headings:

> THIS IS THE ORDER OF THE OLD TESTAMENT: Genesis, Exodus, Leviticus, Numbers, Deuteronomy, Joshua, Judges, Ruth, Kings, Chronicles, 150 Psalms, Three Books of Solomon, Proverbs, Ecclesiastes, Song of Songs, the same of Wisdom, Ecclesiasticus.
> LIKEWISE THE ORDER OF THE PROPHETS: Isaiah, Jeremiah with Lamentations., Ezekiel, Daniel, Hosea, Amos, Micah, Joel, Nahum, Obadiah, Jonah, Habakkuk, Zephaniah, Haggai, Zechariah, Malachi.
> LIKEWISE THE ORDER OF THE HISTORIES: Job, Tobit, Esdras, Esther, Judith, Maccabees.
> LIKEWISE THE ORDER OF THE SCRIPTURES OF THE NEW TESTAMENT which the holy and catholic Roman church upholds and is venerated: Four books of the Gospels according to Matthew, Mark, Luke, John. Acts, the letters of the apostle Paul, in number, fourteen to the Romans, Corinthians, Ephesians, Thessalonians, Galatians, Philippians, Colossians, Timothy, Titus, Philemon, Hebrews. The Apocalypse of John; the canonical epistles in number seven: Peter (2 letters), James, the apostle John, the other John, Judas the Zealot.[30]

In his *Institutiones*, a text widely circulated in western Europe in the early middle ages, Cassiodorus had also commended the patristic commentaries on Scripture. He integrated his appraisal of them into his summary of the sequence of books of the Bible before his lists of the 'division' of scripture according to

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28   See for example, St Gallen, Stiftsbibliothek csg 4, p. 4; Lehmann, *Mittelalterliche Bibliothekskataloge* I, pp. 71–72, Häse, *Mittelalterliche Bücherverzeichnisse*, pp. 136–137.

29   Eusebius-Rufinus, *Historia ecclesiastica* III,10; IV, 26, 12–14; VI, 24, 1-VI, 25, , pp. 222–227, 386–389, 570–579.

30   Decretum Gelasianum, in Dobschütz, *Das Decretum Gelasianum*, pp. 21–60.

Jerome, Augustine, and the Septuagint as he understood it, though modern editors have noted the elements of confusion Cassiodorus introduced.[31] Unsurprisingly, even in the ninth century, the arrangement of books as set out in the First Bible of Charles the Bald and the other Tours bibles was not the same as in Bibles produced elsewhere. In Tours Bibles, the Book of Revelation (Apocalypse) precedes the Pauline epistles. Some Bibles produced in other Carolingian scriptoria retained texts that had been categorized as apocryphal (including both Jewish and Christian texts) and thus were not accepted as part of the biblical canon.[32] The early ninth-century Bible of Saint Germain des Prés, for example (Paris BnF lat. 11553), included the apocryphal text known as the Shepherd of Hermas. This is one of many indications that the process of 'canonisation' was by no means complete even then. It was the commentaries by Hrabanus Maurus († 856), archbishop of Mainz and abbot of Fulda, on Judith, Esther and Maccabees, for example, that played a major part in the subsequent inclusion of these books in the biblical canon.[33]

In addition to the lack of uniformity of the canon and sequence of biblical books, different Latin translations were chosen by the scribes. These comprised not only Jerome's new Latin translation of many of the Old and New Testament books from the fifth century, and many later redactions of it, but also the so-called *Vetus Latina* (Old Latin), that is, the pre-Hieronymian texts of multiple origin that were in circulation before Jerome's great enterprise. Many Old Latin texts, moreover, were incorporated into the lectionaries and liturgical books already mentioned. Thus, the Roman Psalter (primarily an older Latin version) was the principal version drawn on for the Office and chant texts rather than Jerome's 'Gallican' version of the Psalter which he had made from the Greek Septuagint, or the Hebrew psalter which Jerome had translated from the original Hebrew. *Vetus Latina* texts of the Bible were still being copied in Ireland, England (such as, Codex Usserianus primus, Stockholm Codex Aureus, the Book of Mulling), Italy and Francia (such as The Bible of Saint Germain des Prés, St Gallen, Stiftsbibliothek csg 48) well into the ninth century. These comprised either the entire text or select books.[34]

The biblical quotations of early medieval authors, in papal as well as insular and Continental works, indicate that many *Vetus latina* versions of particular books remained the most familiar texts to which they resorted, sometimes no doubt simply from memory.[35] Richard Pollard's analysis of the biblical quota-

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31   Cassiodorus, *Institutiones* I, 12–14; with the comments by the translators in Vessey/Halporn (trans.), pp. 135–139; Gallagher/Meade, *The Biblical Canon Lists*.

32   Sparks, *The Apocryphal Old Testament*, Elliot (ed.), *The Apocryphal New Testament*; Rose, *Ritual Memory*.

33   See Savigni, 'Instanze ermeneutiche', de Jong, 'Old law and New-Found Power'.

34   See Bogaert, 'The Latin Bible', idem, 'The Latin Bible c. 600-c.900'; the extensive documentation on the *Vetus latina* website www.vetuslatina.org (last accessed 5 Dec 2022) and Houghton, *The Latin New Testament*, pp. 3–95.

35   See, for example, Burkitt, 'The Bible of Gildas'. Gildas mostly quoted from the Vulgate for the Old Testament, but for Chronicles, Ezekiel and the Minor Prophets as well as the Gospels he drew primarily on *Vetus Latina* texts, and possibly quoted from an Epistle lectionary (or from memory)

tions in the selection of papal letters assembled in the *Codex epistolaris carolinus* in 791, for example, has refined the valuable suggestions made by Thomas Noble.[36] Pollard notes that the papal letter writers generally used Jerome's Latin translation, but that quotations from the psalms are from the Roman Psalter, that is, the older Latin version of the Psalter, albeit probably revised by Jerome and used liturgically in Rome. Pollard highlights one quotation from a letter by Stephen II (Ps 76.11) which matches the text of the sixth-century Psalter of Saint Germain (Paris BnF lat. 11947) rather than either the Roman or the Gallican psalter. Of the quotations from Matthew in particular, Pollard identified eight which appear to come from the *Vetus Latina* tradition, notably the text about St Peter as the foundation of the catholic church (Mt 16.18–19: "you are Peter and upon this rock I shall build my church"). Pope Constantine II (767–768) uses a different text in his letters which may indicate varying resources or memories among the papal notaries. The source of biblical citations is an aspect of early medieval Bible use that needs further precise investigation.[37] It is also the case that some Old Latin phrases are easier to discern than others. In the passage from Matthew cited above, for example, the quotation from the Vulgate Dt 19.15: *ut in ore duorum vel trium testium stet omne verbum* is slightly different, with '*sed*' instead of '*ut*', '*aut*' instead of '*vel*' and '*stabit*' instead of '*stet*' in the *Vetus Latina* text in the early ninth-century Paris, BnF lat. 11553.

We need, therefore, to appreciate the diversity and lack of uniformity of biblical texts in the early medieval world, as well as the variety of forms in which it was made accessible. The continued copying and use of Old Latin versions alongside the Vulgate is apparent from both extant manuscripts and the quotations we find in early medieval texts.[38] Early medieval authors also encountered biblical quotations in the patristic authors they read, also from diverse sources of biblical texts in circulation in Italy, Gaul, Spain and north Africa. The wide transmission and everyday encounter through the liturgy ensured the recognizability of biblical proof texts. Yet the variety of versions and translations left room for interpretation, adaptation, and argumentation, as several contributors to this volume underline.[39]

As with so many other liturgical texts, furthermore, efforts were made in the Carolingian period to ensure the production of corrected versions of the lectionaries as well as systematization of the readings.[40] The St Amand scribe of the early ninth-century Lectionary in Paris, BnF lat. 9452, for example, claims in the Preface to the Appendix (fol. 126r) that the book he has copied is taken from the *comes* (that is, the Lectionary) as revised and corrected by Alcuin at the di-

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for the Epistles of Paul. See further the detailed documentation in O'Loughlin, *Gildas and the Scriptures*.

36   Noble, 'The Bible in the Codex Carolinus'. See also Bogaert, 'The Latin Bible c. 600-c. 900', pp. 79–80.

37   Pollard, 'The Biblical Citations'.

38   Houghton, *The Latin New Testament*.

39   See the chapters by Flechner, Jurasinski, and Harder in this volume.

40   Vogel, *Medieval Liturgy*, pp. 291–355. See also Leclercq, 'Evangiles'.

rection of Charlemagne: 'The perceptive reader shoud know that this book, which is called a *comes* by churchmen, has been copied from the exemplar that had been polished with the file of correctness and emended by the most erudite man Alcuin on the orders of the most wise emperor Charles.'[41] The great variety of Frankish Lectionaries has long been acknowledged, but work is still needed on this crucially formative period of Lectionaries in the eighth and ninth centuries, not least in relation to the various redactions of the biblical texts they record.[42]

The processes of correction and organisation of biblical texts, fully documented by Bonifatius Fischer in the middle of the last century, contributed still more variety.[43] Fischer stressed that the Alcuin Bible was part of a concerted effort among Frankish scholars to produce a correct text of the Bible.[44] It has been estimated that the scribes of Tours produced two copies per annum of Alcuin's corrected version of the Bible, to which his successors Fridugisus and Adalhard also contributed in the first half of the ninth century. The remarkable success of Tours' mass production and export of these Bibles, as well as the survival of so many of them, have tended to distract attention from the similar editorial enterprises conducted in many other centres in Francia and England.[45] The Bibles produced in such centres as Jarrow and Wearmouth, Metz, Micy, Argenteuil, Chelles, Corbie, Lorsch, Reichenau (for example Fulda, Landesbibliothek Aa 10–11), Murbach, Salzburg, and St Riquier (Paris, BnF lat. 45+93), indicate that the Biblical text copied and used in one place was far from being exactly the same text as that in another.[46] Although the Tours text was undoubtedly very influential, surviving copies of Theodulf of Orléans' redaction, as well as its later use in the twelfth century indicate that Theodulf's text also enjoyed considerable success.[47] Theodulf's Bible, moreover, was presented in its ninth-century copies in a format to aid study, augmented with four essential supplementary texts relating to biblical history, Hebrew and Greek words used in the bible, allegorical explanations of biblical vocabulary, and moral explanations of particular passages; these texts are all related to historical, allegorical, and tropological methods of biblical exegesis.[48]

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41   Paris, BnF lat. 9452, fol. 126r: *Hunc codicem qui ab ecclesiasticis viris Comes appellatur, tua lector noverit perspicacitas ab eo codice sumptum, quem constat ab Albino eruditissimo viro Karolo sapientissimo imperatore praecipiente lima rectitudinis esse politum atque emendatum.*

42   McKitterick/Pickwoad, 'A Carolingian Manuscript'.

43   The enormous range of variant editions is surveyed by Fischer, 'Bibeltext und Bibelreform'. See also McKitterick, 'Carolingian Bible Production'.

44   Fischer, 'Bibelausgaben des frühen Mittelalters'.

45   See the description by Ganz, 'Mass Production'.

46   In addition to Fischer's work cited above, see also Marsden, *The Text of the Old Testament*.

47   Dahlhaus Berg, *Nova antiquitas*, pp. 39–78. The biblical citations were analysed by Freeman in an appendix to her edition of the *Opus Caroli*, in MGH Conc. II, Suppl. 1, pp. 567–575; see most recently, Chevalier-Royet, 'Les revisions bibliques'; Tignolet, *Theodulfe d'Orléans*, pp. 125–129.

48   See Dahlhaus-Berg, *Nova antiquitas*, pp. 86–87 and, more generally on the importance of biblical studies as part of the Carolingian educational process, see the classic study by Contreni, 'Carolingian Biblical Studies'.

The royal court also promoted a court edition of the Gospels.[49] The close links between Bibles and rulers in western Europe persisted throughout the ninth century. It is reflected also in their association with particular biblical volumes, such as the First Bible of Charles the Bald already mentioned, as both donors and recipients.[50]

Yet passages from biblical books circulated separately as well, embedded in other types of text. There was of course the extensive recourse to the Bible in Carolingian theological treatises, but passages from biblical books also provided the essential textual skeleton to which exposition was added. Carolingian biblical exegesis constituted a massive project of commentary that provided, along with the work on the Bible text itself, the essential underpinning for the Carolingian discussions of law and political action as well as theology.[51] An early instance of this is Wigbod's 'encyclopaedic' commentary on Genesis, largely comprising a catena of extracts, that was part of his treatment of the Octateuch, commissioned by and dedicated to Charlemagne sometime between 775 and 800.[52] Wigbod in his turn drew on the work of many earlier exegetes, such as Ambrose, Augustine, Jerome, Hilary, Eucherius, Iunilius, Gregory the Great and, above all Isidore of Seville.[53] In one early ninth-century manuscript, Wigbod's commentaries on Genesis and the Gospels are transmitted alongside the *Admonitio generalis*.[54] Another manuscript and text associated with Charlemagne is the collection of sixty-nine *quaestiunculae* on the Book Daniel attributed to Peter of Pisa, extant in a Brussels collection of grammatical treatises from the late eighth century, that was either the original, or a copy of Peter's original text.[55] Charlemagne's daughters received biblical commentaries from Alcuin,[56] and many of Wigbod's and Alcuin's contemporaries, such as Theodulf of Orleans, contributed to this early corpus of biblical exegesis.[57] During the reigns of the emperor Louis the Pious and his sons, scholars were no less active. Claudius of Turin, for example, compiled commentaries on Genesis and some of the Pauline epistles (I and II Cor) at Louis's request,[58] as well as for other patrons.[59] A commentary on the Pauline epistles in a manuscript now in Paris (Paris, BnF lat. 11574), has been associated with the imperial chan-

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49   Koehler, *Die karolingischen Miniaturen* II and III; see also Embach/Moulin/Wolter-von dem Knesebeck (ed.), *Die Handschriften der Hofschule*.

50   On biblical commentaries for patrons, Contreni, 'Carolingian Biblical Studies', pp. 85–92.

51   See for example the study by Zanna, 'La bibia in Dungal'.

52   On Charlemagne as recipient of biblical commentaries, see Shimahara, 'Charlemagne'.

53   Gorman, 'The Encyclopaedic Commentary'.

54   Bruxelles, BR, MS 8654–72. See Mordek, *Bibliotheca*, pp. 85–90.

55   Bruxelles, BR, MS II 2572. See Lowe, *CLA* X, no. 1553. Compare Bischoff, 'Die Hofbibliothek', p. 154 note 24; English translation by Gorman, 'The Court Library', p. 61 n. 4. See also Gorman, 'Wigbod and Biblical Studies', pp. 46–48.

56   McKitterick, 'Les femmes', Guglielmetti, 'Il commento al Cantico'.

57   Dahlhaus-Berg, *Nova antiquitas*, pp. 39–91.

58   Claudius of Turin, Epistolae 6, p. 601, and see Gorman, 'The Commentary of Claudius of Turin'. Angelomus of Luxeuiil also contributed a commentary on Genesis: see Gorman, 'The Commentary on Genesis'.

59   Gorman, 'The Commentary on Kings'.

cellor Helisachar by Bischoff, who has suggested that it formed part of a concerted effort at court to create an authoritative commentary spanning the entire biblical canon.[60] Walahfrid Strabo and Haimo of Auxerre concentrated some of their energies on Deuteronomy.[61] Hrabanus Maurus prepared an *ad hoc* collection of biblical and patristic texts in 834 in relation to Louis the Pious's reinstatement,[62] a number of commentaries for the royal women,[63] and a commentary on Chronicles for Louis the German, intended specifically to assist him to 'practise the right form of government which is in accordance with Scripture'.[64] Work commissioned by Louis's son Lothar, moreover, is a striking instance, not only of the way the biblical readings deployed in the liturgy could be combined with commentary, but of Lothar's deep familiarity with scripture. Lothar asked Hrabanus Maurus for a compendium of homilies on the liturgical readings not only for Sundays and the standard feast days, but also for special needs, such as famine, poverty, military attack, floods, failing harvest, commemoration of the dead and special consecrations, and on particular passages and stories, such as Jacob's blessing of his sons.[65]

Such royal engagement with biblical texts appears to have been a distinctive characteristic of western and especially Frankish rulers.[66] Similarly, the emphasis on biblical exegesis in insular and Carolingian scholarship in the early middle ages appears to have been far greater in the west than in the eastern Mediterranean, though study of the latter has been relatively neglected until recently.[67]

As Roy Flechner has emphasized in his recent book, the circles of legal scholars and exegetes in early medieval Ireland closely overlapped, facilitating the transfer of methods and techniques of interpretation and argument between these areas of study.[68] It is essential to appreciate this interconnection between exegetical knowledge and the legal uses of the Bible. Distinguishing the multiple senses of Scripture was not only crucial to scholarly exegetes and

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60 Bischoff, *Mittelalterliche Studien* III, pp. 231–233; Fransen, 'Le dossier patristique'.

61 Edwards, 'Deuteronomy in the Ninth Century', pp. 97–11, and Shimahara, *Haymon d'Auxerre*.

62 de Jong, 'Hraban Maur as Mediator'.

63 de Jong, 'Exegesis for an Empress'; de Jong, 'Monastic Writing'.

64 Hrabanus Maurus, Epistolae 18, p. 423: *ritum regiminis secundum divinam scripturam habere et agere* and see de Jong, 'The Empire as *ecclesia*', with translation and discussion of Hraban's letter at pp. 204–205. See further Miller, 'The Political Significance'.

65 De Jong, 'The Empire as *ecclesia*'; Pollheimer, 'Hrabanus Maurus'.

66 Shimahara, 'Charlemagne'.

67 For the emphases of Byzantine scholarship see Kaldellis/Siniossoglou (ed.), *The Cambridge Intellectual History of Byzantium*. On the question of the uniformity of the Byzantine biblical text, see the summaries by Crostini, 'The Greek Christian Bible'; Parpulov, 'The Bibles of the Christian East' and on exegesis Kolbaba, 'Byzantine Orthodox Exegesis'; see also Layton, 'Catenae'; Cunningham, 'Byzantine Reception' and the contributions in Magdalino/Nelson (ed.), *The Old Testament in Byzantium*; Krueger/Nelson (ed.), *The New Testament in Byzantium*; Rapp/Külzer (ed.), *The Bible in Byzantium*; Crostini/Ceulemans (ed.), *Receptions of the Bible*

68 Flechner, *Making Laws*; see also his contribution to this volume. On the problem of Irish exegesis, see most recently Stansbury, 'Irish Biblical Exegesis'; MacNamara, *The Bible in the Early Irish Church*.

in schools, but also for the integration of the Bible into legal discourses and legislative texts. This integration and applicability of a biblical text rests on a set of interpretative decisions in favour of a normative interpretation. Such a normative understanding of scriptural verses is by no means always equivalent to a straightforwardly literal interpretation. Yet it could be criticised or deflected by pointing to figural exegesis as the only legitimate mode of interpretation, which was often geared towards different arguments, such as those focussed on Christology.[69] A literal interpretation of biblical (and especially Old Testament) verses generated exegetical debates: did the norms of the Old Testament have any claim to validity for Christians at all? If so, which parts of the Old Testament were invoked? How much weight should they be given in relation to corresponding, and sometimes contradictory passages from the New Testament? How should exegetes and legal scholars distinguish between these different levels of normative authority? In addition, attitudes towards biblical law continued to be inflected by the exigencies of anti-Jewish polemic.[70]

Such debates contributed to the formation of early Christian identities and attitudes towards Scripture; they continued to be preoccupations both in the Insular world and into the Carolingian period, and are addressed in several of the following chapters.[71] For example, scholars such as Agobard, Hrabanus Maurus and Jonas of Orléans all felt the need to emphasize the legal character of Old Testament stipulations on ecclesiastical property and on the tithe. In doing so, they tapped into the hermeneutical resources provided by the patristic tradition.[72] Indeed, as Silvia Cantelli has acutely observed, Carolingian exegesis, with its systematization and synthesis of patristic traditions, acquired a normative quality of its own, defining and delimiting the scope of acceptable interpretation.[73] That normative understanding, together with the moral, legal and political emphases of the ruling elites, were moreover communicated and transmitted to a wider audience through sermons and homilies. The Carolingian court's emphasis on the biblical foundations of law, then, set in motion an intellectual dynamic which we still have to explore in its complexity and implications.

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69 For a recent introduction to scriptural hermeneutics and the multiple senses, see VAN LIERE, *Introduction to the Medieval Bible*. For the patristic period, see TOOM (ed.), *Patristic Theories*; WISCHMEYER (ed.), *Bibelhermeneutiken*; YOUNG; *Biblical Exegesis*; IRVINE, *Making of Textual Culture*.

70 See for the patristic foundatons: BLACKBURN, 'Law'; for the Carolingians HEIL, *Juden in den Pauluskommentaren*, pp. 67–79.

71 FLECHNER, *Making Laws*, pp. 116–118; FIREY, 'Letter of the Law'; SMITH, *Ten Commandments*, treats the later medieval period. See also the contributions by FLECHNER, MEENS, JURASINSKI, and HEYDEMANN in this volume.

72 AGOBARD OF LYON, De dispensatione 7, pp. 124–125; and see the *florilegium* on church property compiled by Jonas of Orléans on behalf of the synod of Aachen in 836: Council of Aachen (a. 836), Libellus synodalis I, 33, in: MGH Conc. II, 2, p. 741; HRABANUS MAURUS, In libros Numerorum II, 22–23, PL 108, col. 695B–702C; see HEYDEMANN/REIMITZ, 'Novae et antiquae consuetudines', pp. 52–53. On Carolingian exegesis of the tithe: BAIN, 'La dîme'.

73 CANTELLI, *Rabano Mauro esegeta*, p. 123.

This book, therefore, seeks to understand the interplay between biblical knowledge and legal debates in the early middle ages, and to explore the ramifications of the entanglement of biblical and legal material in both the material evidence of the manuscripts and the intellectual engagement of the authors and compilers. Focussing on examples from Ireland, England, Spain, and Carolingian Francia, the chapters compare the use (and non-use) of the Bible in canon law, penitentials, *leges* and royal capitularies. They investigate the discussion of legal topics and concerns in biblical commentaries and sermons, both crucial for the communication of knowledge and particular values and social attitudes. It is self evident that older distinctions between 'secular' and 'ecclesiastical' or between particular textual 'genres' are unhelpful if not downright anachronistic. One important reason for that, too often overlooked, is the involvement in legal activities, administration and pastoral care as well as theological debate and biblical exegesis on the part of many of the early medieval writers considered in this book.

The first section of the book focusses on the uses of the Bible in Iberian and Irish canon law. Cornelia Scherer compares the frequency and function of biblical citations in the Visigothic councils, as represented in the 7th-century *Collectio Hispana*, both to the Visigothic *Liber Iudicorum* and to canonical traditions originating outside Spain. While both Visigothic compilations are distinctive in their relatively frequent use of biblical quotations, closer analysis reveals remarkable differences in approach. One example is the preference for New Testament texts in the *Collectio Hispana* and for Old Testament quotations in the *Liber iudiciorum*. Another is the way individual verses are used to make specific arguments. In both collections, however, biblical quotations serve to legitimize and explain norms rather than being used as legal prescriptions in a strict sense.

Apart from the *Hispana*, the pre-Carolingian canon law collection with the most biblical material is arguably the eighth-century *Collectio Hibernensis* discussed by Roy Flechner. In this Irish compilation, the Bible is not only among the most important sources, but even central to the conceptual framework. As Flechner's analysis demonstrates, the Bible was not simply an all-important source of authority and rules for the compilers: rather, its normative application in the *Hibernensis* presupposed an exegetical mindset. Applying biblical prescriptions to specific problems was by no means a straightforward enterprise; it involved a process of (selective) interpretation. Their familiarity with the method of biblical exegesis allowed the compilers to draw out the normative value of biblical rulings in a way that often differed from the standard exegesis contained in biblical commentary. It sometimes led to 'inventive exegesis' which creatively adapted or even fabricated biblical citations. The transfer of exegetical methods, such as the juxtaposition of contradictory statements, to the compilation of a legal collection shows how fluid the boundaries between law and biblical studies were in early medieval Ireland.

Overlap between canon law and exegesis is also highlighted by Sven Meeder in his chapter on two anonymous canonical collections (*Collectio 250 capitulorum* and *Collectio 400 capitulorum*) which are likewise associated with Irish circles even though they are extant in continental manuscripts. As Meeder points

out, the emergence of systematic (rather than chronological) collections of canon law allowed the compilers more leeway in introducing new material, such as biblical and patristic citations. Exploring the exegetical mindset of the compilers can also expose important processes of compilation: thus, the *Collectio 250 capitulorum* can be shown to reflect an early phase in the compilation of the *Hibernensis* (although its manuscript transmission is later). Taken together, both Flechner and Meeder impressively demonstrate that the impact of the Bible was not limited to the transfer of biblical citation into legal material, but involved, in a much more fundamental sense, the transfer of a model for the study of authoritative texts and its associated exegetical methods.

In the final paper in this section, Rob Meens focusses on the use of the Bible in five penitentials associated with the Carolingian *correctio* of penitential practice. Although the Bible was considered, alongside ancient canon law and ecclesiastical custom, to be among the few legitimate sources for penitential rulings by the Carolingian reformers, Meens reveals a striking variety in the use of biblical citations even within the group of 'reform penitentials'. Of the five texts discussed, only those by Hrabanus and Ps-Theodore drew extensively on the Bible to legitimize their penitential decisions. Interestingly, they did so in order to underline the sinful nature of an action, while ignoring the frequently harsh punishments assigned in the Bible. This contrasts neatly with the biblical *florilegium* contained in a Carolingian manuscript from the later 9th century, discussed by Karl Ubl in the chapter which introduces this book's second section, on the Bible between law and politics in the Carolingian and Anglo-Saxon world. In the *florilegium*, biblical prescriptions are used to argue for harsher punishments, including capital punishment, for criminal offences. This contradicts the traditional approach in Frankish law as represented by the *Lex Salica*, transmitted alongside the *florilegium* in the same manuscript. With regard to other matters, such as perjury and sodomy, however, the *florilegium* reinforces the legal material contained in the codex. Ubl therefore not only places the *florilegium* within a broader ninth-century debate about modes of punishment and the literal application of biblical law: he also demonstrates the fruitfulness of an approach to early medieval legal manuscripts as purposeful compilations. He thus brings out the interplay between texts that have too often been divided into different genres and studied separately in previous scholarship.

No treatment of the Bible and the Law in the Carolingian period can bypass one of the most imposing legal minds of the ninth century, Hincmar, archbishop of Reims. Charles West considers the place of the Bible at the top of a hierarchy of norms but within an emphatically pluralistic legal order in Hincmar's work. As West demonstrates, Hincmar saw the Bible as a gold standard against which to evaluate both secular legislation and canon law; he considered the latter to be divinely inspired in much the same way as Scripture. Hincmar thought that there should be congruence between the Bible and these different kinds of (human) law. Yet this did not necessarily presuppose the direct application of biblical norms based on a literal understanding of the text. Rather, it allowed for considerable flexibility and interpretative freedom. Three examples from Hincmar's treatise on the divorce of King Lothar II show how he

implemented this idea of the Bible as a yardstick for contemporary judicial problems in practice. Like Hincmar, the compilers of the Pseudo-Isidorian forgeries often took considerable liberties in citing and altering biblical passages. Clara Harder demonstrates the adaptation of Acts 25.16, in the Pseudo-Isidorian *Capitula Angilramni* in order to limit lawful accusations against clerics. As Harder shows, it is precisely the close analysis of similarities and differences in the use of biblical quotations which allow us to appreciate the intertextuality of the Pseudo-Isidorian material. In tracing instances of 'political exegesis' across the different parts of the forgeries, the *Capitula Angilramni* emerge as a crucial link between these different texts. Stefan Jurasinski in turn describes the 'adaptive translations' of a series of passages from Exodus with which the much-debated prologue of Alfred the Great's *Domboc* opens. This adaptive style serves to transpose Mosaic law into a distinctly Christian interpretative framework, a framework that becomes even more evident in the closing passages taken from Act 15 and Mt 22. Far from suggesting a literal observance of the Mosaic laws, or from constituting a straightforward evocation of biblical authority to be conferred upon the subsequent royal law, the prologue emphasizes that any valid reading of the Old Testament law had to take into account the fulfilment of the Law in the Gospel. As Jurasinski suggests, such an approach resembles that adopted in the *Admonitio generalis*, but is even closer to monastic rules such as the *Regula Benedicti.* This approach is also evident in other Carolingian texts such as Theodulf of Orléans' episcopal capitulary and may well have reached Alfred's circle through its connections with the Carolingian world.

The papers in the final section of this book approach the interrelation between the Bible and legal thought from a different direction, taking as their starting point not legal texts and compilations but rather biblical exegesis and sermons. Conor O'Brien investigates the changing conceptions of secular authority and its varied interpretations through the lens of one biblical verse, I Pt 2.13–14: 'Be subject for the Lord's sake to every human institution, whether it be to the emperor as supreme, or to governors as sent by him to punish those who do evil and to praise those who do good'. According to O'Brien, Bede's exegesis of this verse reveals an understanding of worldly power, after the model of Augustine, as essentially secular: Christians were supposed to be law-abiding subjects irrespective of the moral and religious qualities of their rulers. Later Carolingian readers, however, used Bede in a strikingly divergent manner. While Hrabanus Maurus drew on Bede's secularist interpretation of rulership to defend Louis the Pious in the aftermath of the rebellions of 833, Jonas of Orléans repurposed it in order to reinforce his message of Christian kingship as a *ministerium*.

The close connection between exegetical discourse and political thought also forms the underlying theme in Mayke de Jong's contribution on Paschasius Radbertus, another Carolingian exegete with a legal mind. De Jong focusses on the notion that three witnesses are needed to make a case lawfully, as stipulated in Mt 18.20 and II Cor 13.1. Tracing this notion through Radbert's writings in different genres enables her to highlight its rhetorical and argumen-

tative function in the *Epitaphium Arsenii*, a text written in two stages between c. 830 and c. 855, thus 'bookending' the political crisis of the Carolingian empire under Louis and his sons. In this text, Radbert brought biblical exegesis and forensic rhetoric together to reflect on matters of legal procedure, but also on justice and its social conditions in the ninth century. Gerda Heydemann uses Radbert's commentary on Matthew, written in two stages much like the *Epitaphium Arsenii*, to explore overlaps and relations between exegesis and legal discourse. Using two themes, namely, the problem of ecclesiastical property and of divorce and remarriage, both of which emerged as highly political issues during the reign of Lothar II, the paper demonstrates how biblical commentaries, conciliar records and capitularies could form part of the same conversation. Radbert used his commentary as a medium to reflect and comment on legal and political issues Conciliar records, such as those of Meaux-Paris from 845 or Aachen from 862, reveal how exegetical arguments and material influenced debates and decision-making.

In the Carolingian period, the boundaries between legal discourse and biblical scholarship were surprisingly permeable. This is emphasised by Maximilian Diesenberger in the final essay in this volume with regard to the rich material of Carolingian sermons. Diesenberger analyses how scriptural citations function as conceptual links between royal capitularies and sermons. He highlights the important role that scriptural quotations had in the communication and dissemination of royal policies, thereby contributing to the moral dimension of legal discourse. At the same time, Diesenberger uses this as a tool to trace a shifting balance between royal and ecclesiastical spheres across the Carolingian centuries.

Overall, the essays in this book demonstrate that early medieval political thought and action, law and legal culture were profoundly influenced by scripture. The Bible not only provided early medieval elites with the concepts, vocabulary and argumentative tools with which to write about and discuss social relations and their regulation. The Bible also sometimes even furnished specific cases and formulations of phrasing which were directly adapted into the law. Scripture was invoked to explain, justify but also criticise certain norms. As we argue, however, such direct deployment and evocation of Scripture, allusion to scriptural models, or even echoes of Scripture, were far from straightforward. Biblical sources often remained vague, indistinct, or implicit; they could be contradictory; the meaning of particular passages could be contested. As will be seen, some biblical scenarios were in conflict with contemporary social practice. Further, it is also evident that the application of biblical models to early medieval social problems could create tensions and the need for interpretation and translation. These led to debates about the salience and authority of the law.

We have not sought to be comprehensive in our coverage but rather to open up further perspectives and fields of enquiry, in both the intellectual and geographical senses, with our set of case studies. We hope, nevertheless, that the essays in this book will act as demonstrations of the different levels of awareness and knowledge that need to be taken into account, and how the Bible, with

its fundamental impact on legal understanding and moral conduct, acts as one possible lens to facilitate our study.

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